



G R E A T E R S A L T L A K E

Municipal Services District

MINUTES OF THE MEETING OF THE BOARD OF TRUSTEES GREATER SALT LAKE MUNICIPAL SERVICES DISTRICT

Held Wednesday, January 10 2024, at 6:00 p.m.
At 2001 South State Street
Room N2-800
Salt Lake City, UT 84190

Trustees Present:

Joe Smolka, Chair
Keith Zuspan, Vice-Chair (via WebEx)
Eric Barney
Paulina Flint
Laurie Stringham

Trustees Excused:

Kelly Bush
Sean Clayton

Staff Present:

Marla Howard, General Manager
Brian Hartsell, Associate General Manager
Stewart Okobia, Director of Finance
Tabitha Mecham, Executive Assistant
Trent Sorensen, Director of Planning and Development Services
Izabela Miller, Director of Information Technology (via WebEx)
Kirk Boyington, Chief Building Official (via WebEx)
Mark Anderson, Legal Counsel

Others Present:

Steve Kuhlmeier, Salt Lake County Public Works Engineering
Paul Ashton, Magna and White City Metro Townships Legal Counsel (via WebEx)
Rori Andreason, Magna and White City Metro Townships Administrator
Steve Calbert, formerly with the Justic Court
Al Peterson, Kearns Metro Township Council Member
Greg Shelton, White City Metro Township Council Member
David Brickly, Magna Metro Township Administrator
Jim Aikens, Granite Community Council Member
Vaughn Cox, Granite Community Council Chair
Bill Flint, White City Resident

1. Call to Order

Chair Smolka called the meeting to order at 6:00 p.m.

2. Pledge of Allegiance

The Pledge of Allegiance was recited.

Trustees

Joe Smolka Keith Zuspan Eric Barney Kelly Bush Sean Clayton Paulina Flint Laurie Stringham
Chair Vice Chair

11. Review of 2023 Accomplishments

A quorum not yet being present, agenda item 11, which did not require Board action, was considered out of order. Marla Howard presented an update regarding the accomplishments of the MSD during 2023.

3. Public Comments

Board Clerk Stewart Okobia swore in new Trustee Eric Barney, who is the Mayor of Magna, replacing Dan Peay, who has retired.

Vaughn Cox, the newly elected Chair of the Granite Community Council, introduced himself to the Board and discussed the draft copy of an “Unincorporated Area Bill” sponsored by Utah State Representative Jordan Teuscher. The Bill would require all unincorporated islands in Salt Lake County to incorporate as municipalities or be annexed into nearby cities within three years. Any existing unincorporated islands will then automatically be annexed into the city they border. This means that Sandy Hills will either have to become incorporated or be annexed into Sandy City. The Granite Community Council is preparing a newsletter to inform the residents of the Bill and of a Thursday, January 25, Town Hall to discuss the Bill.

4. Approve Board Meeting Minutes for November 8, 2023

Trustee Flint moved to approve the November 8, 2023 Board meeting minutes as presented. Trustee Zuspan seconded the motion. The motion carried with Trustees Smolka, Barney, Flint, Stringham and Zuspan each voting “aye”.

5. Approve Salt Lake Legal Defenders Association Contract

Brian Hartsell presented the Salt Lake Legal Defenders Association (SLLDA) contract and stated that most of the provisions in the contract are the same as in the current contract, as is the cost from 2023 to 2024. Brian stated that Mark Anderson reviewed the Contract and identified a couple of changes that should be made; and we are waiting for a response from SLLDA before finalizing the Contract. Brian indicated that, if the Trustees so desire, they could approve the Contract contingent upon those final changes being made. Trustee Barney stated that he did not feel comfortable approving a Contract that he has not read.

Trustee Flint moved to approve the SLLDA Contract pending Mark Anderson’s final review and amendments. Trustee Zuspan seconded the motion. Trustees Smolka, Flint, Stringham and Zuspan each voted “aye”. Trustee Barney voted “nay”. Due to the statutory weighted vote formula that is applicable to the MSD, the motion failed to pass.

6. Approve supplement to Federal Aid Agreement adding terms for the completion of an environmental assessment (EA) for the 2810 S 8000 W Realignment project, EFCMC230001. The supplement stipulates the EA will be 100% local agency cost. This supplement will replace a cooperative agreement with UDOT to complete the EA under at 100% local agency cost

Steve Kuhlmeier presented the Federal Aid Agreement and explained that it is a supplemental to an existing Agreement. Steve Kuhlmeier stated that this is merely a paperwork change, with no over-all cost changes.

Trustee Flint moved to approve the Supplement to an existing Federal Aid Agreement, adding terms for the completion of an environmental assessment (EA) for the 2810 South 8000 West Realignment Project, EFCMC230001. The supplement stipulates that the EA will be a 100% local agency (MSD) cost. This supplement will replace a Cooperative Agreement with UDOT to complete the EA, also at a 100% local agency cost. Trustee Barney seconded the motion. The motion carried with Trustees Smolka, Barney, Flint, Stringham and Zuspan each voting “aye”.

7. Approve agreement between GSLMSD and UDOT for \$160,000.00 of UDOT Railroad Safety Grant funds for the construction of sidewalk at the railroad crossing on 8400 W in Magna

Steve Kuhlmeier stated that this Agreement is for a \$160,000 grant that will go toward the cost of constructing a sidewalk in Magna. Brian Hartsell stated that the sidewalk project currently has a \$200,000 budget. The grant would add an additional \$160,000 for the project. The MSD would be reimbursed by the grant for a portion of the cost of the project.

Trustee Barney moved to approve the Agreement between the MSD and UDOT for \$160,000 of UDOT Railroad Safety Grant funds for the construction of a sidewalk at the railroad crossing on 8400 West in Magna. Trustee Flint seconded the motion. The motion carried with Trustees Smolka, Barney, Flint, Stringham and Zuspan each voting “aye”.

8. Approve the contract extension with Smith Hartvigsen for Land Use Legal Services

Brian Hartsell stated that the contract with Smith Hartvigsen will expire in February of 2024. Management staff recommended that the contract be extended for 5 years. Utah Code Ann. § 63G-6a-1204(7) declares: “A multiyear contract, including any renewal periods, may not exceed a period of five years, unless: (a) the procurement official determines, in writing, that: ... (iii) a longer period is in the best interest of the procurement unit; and (b) the written determination ... is included in the file relating to the procurement.”

The General Manager, as the MSD’s procurement official, has on file at the MSD’s office a written determination that an extension of the contract beyond five years is in the best interest of the District. Trustee Barney asked what costs are associated with the new contract. Trustee Flint stated that many issues have been arising on a day-to-day basis, that this contract is a good safety net, and that we need good attorneys to back up the employees at the MSD. Brian Hartsell added that the hourly rates in the original contract listed specific attorneys and clerks, but the new contract lists positions, rather than the names of specific attorneys. Additional discussion followed in response to questions posed by Trustee Barney.

Trustee Stringham moved to approve the Contract extension with Smith Hartvigsen for Land Use Legal Services. Trustee Flint seconded the motion. The motion carried with Trustees Smolka, Barney, Flint, Stringham and Zuspan each voting “aye”.

9. Approve the engagement letter from Squire to audit the 2023 fiscal year financial statements

Marla Howard presented the engagement letter from Squire to the Board, and stated that this isn't a new contract, just an engagement letter under an outstanding contract stating that Squire will perform the audit.

Trustee Flint moved to approve the engagement letter with Squire to audit the 2023 Fiscal Year Financial Statements. Trustee Stringham seconded the motion. The motion carried with Trustees Smolka, Barney, Flint, Stringham and Zuspan each voting "aye".

10. Discussion of impact of HB 35 on MSD activities

Marla Howard presented an update regarding work that will have to be completed in response to H.B. 35. Trustee Flint asked for a "boot camp" on how to become a city.

12. Review of 2023 Planning and Development accomplishments

Trent Sorenson presented an update on the great things that the MSD Planning and Development department accomplished during 2023.

13. Report on real estate/office space

Tabitha Mecham presented a brief update on the office space search. She stated that we have not received an acceptable response in terms of negotiations from the landlord of the building on Bearcat, so management has put out feelers with the agent we have been working with and have viewed two additional buildings. Management expects a response from the RFP (Request for Proposals) on Friday.

14. Legislation Overview

Mark Anderson presented an update on a number of legislation Bills that are under consideration that might impact the MSD.

15. General Manager report

Marla Howard presented the General Manager's report:

- Management has been completing second interviews for the Code Enforcement Agent position,
- Management has completed the second interviews for the Economic Development Director position.
- In 2023 the MSD achieved the lowest employee rate turnover, since the inception of the District.
- Management attended Privacy Policy state training.

16. Other Metro Township, Town, Unincorporated County, and Greater Salt Lake Municipal Services District business

Trustee Eric Barney introduced himself to the other Trustees and staff.

17. Discussion of future agenda items

No future agenda items were suggested.

18. Discussion of the character, professional competence, or physical or mental health of an individual (possible closed meeting pursuant to Utah Code Ann. § 52-4-205(1)(a))

There was no need to discuss this agenda item.

19. Discussion of pending or reasonably imminent litigation (possible closed meeting pursuant to Utah Code Ann. § 52-4-205(1)(c))

There was no need to discuss this agenda item.

20. Adjourn

There being no further business to come before the Board, Trustee Flint moved to adjourn the Board meeting. Trustee Stringham seconded the motion. The motion carried with Trustees Smolka, Barney, Flint, Stringham and Zuspan each voting “aye”.

Chair Smolka declared the meeting to be adjourned at 8:14 p.m.

Approved by the MSD Board of Trustees on the 24th day of January, 2024.

Joe Smolka, Chair

ATTEST:

Stewart Okobia, Clerk