

6400 North 5050 West Utah County, Utah

## Administrative Board

## Electronic Meeting Minutes

June 20, 2024

6:00 p.m.

### Conference Room/Electronic Meeting

## Board Members:

**Present:** Sullivan Love (Chair) Chandler Goodwin (Vice Chair) Blaine Thomas  
Brent Rummel David Bunker Brian Braithwaite  
Mack Straw

**Electronic:** Joel Thompson Mark Christensen Richard Nielson  
Chris Condie

**Excused:** Neal Winterton

**District Staff:** Richard Mickelsen, District Manager  
Shannon Hansen, Administrative Manager  
David Barlow, District Engineer  
Danette Smith, Board Secretary

**Others:** Mark Bell, Hayes Godfrey Bell  
Trevor Lindley, Brown and Caldwell  
Wade Stinson, Aqua Engineers  
Brandon Wyatt, Bowen Collins & Associates  
Ryan Bench, Carollo Engineers  
Mark Hansen, Brown and Caldwell  
Eric Alder, Alder Construction

## Call to Order

Sullivan Love, Board Chair, called the meeting to order 6:00 p.m.

## Public Comment

There was no public comment.

## Approval of Minutes

## 1. Approval of the May 16, 2024 Administrative Board Meeting Minutes

Chris Condie made a motion to approve the minutes of the May 16, 2024 Administrative Board Meeting. Ian Braithwaite seconded the motion. Those voting “Aye” – Sullivan Love, David Bunker, Mark Christensen,aine Thomas, Richard Nielson, Brian Braithwaite, Mack Straw, Chris Condie, Brent Rummler, Joel Thompson and Chandler Goodwin. Those voting “Nay” – None. The motion passed unanimously.

## Consent Calendar

## 1. TSSD Check Register

**2. EL-1 Switch Gear: COP Pay Request #14 (\$342,404.51) retainage (\$18,021.29)**

3. CL-N1 – 66-inch Parallel line: Sundt pay Request #20 (\$947,478.99) retainage (\$49,867.32)

4. CL-R1 – Replace & Upsize Lehi/AF outfall: Sundt pay Request #2 (\$917,175.26) retainage (\$48,272.38)

## 5. TP-4 - Clarifier Project: Archer Western pay Request #1 (\$537,878.60) retainage (\$28,309.40)

1        6. TSSD and US Department of Interior Bureau of Reclamation for Engineering and Technical Services

2        **Agreement**

3        7. Ratify Resolution 2024-04: Richard Mickelsen Adjunct Professor at UVU

4        8. Ratify Resolution 2024-05: TSSD Cash Reserve Policy

5        David Bunker made a motion to approve the consent calendar as presented. Mack Straw seconded the  
6 motion. Those voting "Aye" - Sullivan Love, David Bunker, Mark Christensen, Blaine Thomas, Richard Nielson,  
7 Brian Braithwaite, Mack Straw, Chris Condie, Brent Rummel, Joel Thompson and Chandler Goodwin. Those  
8 voting "Nay" - None. The motion passed unanimously.

9

10        **Financial Report**

11        The April financials were in the packet for review. There were no questions.

12

13        **Action Items**

14        1. **Real Property Exchange Agreement TSSD & Utah County**

15        Rich Mickelsen said the draft agreement for the Real Property Exchange Agreement between TSSD & Utah County  
16 is not finalized yet. This agreement is basically to exchange real property from Utah County as we conclude our  
17 engineering work for a trail along Utah Lake from American Fork Boat Harbor to Lindon Marina. The property has  
18 value to the District as we do the wetland mitigation for package B, which needs to start within the next few months.  
19 The county has approximately 26 acres that they will put towards this project, and we have another half-acre at boat  
20 harbor. Rich is asking the board to grant him the authority to represent the District to complete a draft agreement which  
21 will be brought back to the board and be presented to Utah County. Richard Nielson said he is the one at the county  
22 who will be dealing with Rich. Mark Christensen said this is a good deal and we appreciate the county working with us  
23 on this. Richard Nielson said it is a good deal for the county as well.

24        Chandler Goodwin made a motion to give Rich Mickelsen the authority to negotiate the drafting of the  
25 agreement for the Real Property exchange between TSSD and Utah County. David Bunker seconded the motion.  
26 Those voting "Aye" - Sullivan Love, David Bunker, Mark Christensen, Blaine Thomas, Richard Nielson, Brian  
27 Braithwaite, Mack Straw, Chris Condie, Brent Rummel, Joel Thompson and Chandler Goodwin. Those voting  
28 "Nay" - None. The motion passed unanimously.

29

30        2. **Award CMGC to Alder**

31            1.      7% CMGC Fee

32            2.      6% General Conditions Fee

33        3. **Award Package C – Preliminary Construction (\$1,396,520)**

34        Rich Mickelsen said the planning process for Package C was started four years ago and we discussed the IRA  
35 funding available at the September retreat. With the IRA funding, this had to be escalated and we needed to change  
36 from a hard bid package to a CMCG form of delivery. Our hope is to escalate the start of the project as well as reduce  
37 costs from change orders. There was an RFP in March, and a mandatory site visit April 10<sup>th</sup>. There was a draft  
38 agreement in the RFP, based on a template from the Water Collaborative Delivery Association. The District's legal  
39 counsel found a few items that needed to be addressed such as liquidated damages.

40        We received four proposals on May 14<sup>th</sup> and those were evaluated. Three of the four were within twenty points, and  
41 we interviewed those three. Rich said the board could see the scoring process and how each panned out. We had the  
42 non-price proposals, then went through the pricing schedule and there were two parts to that. The first part was the  
43 preconstruction services (attend all design meetings, review designs and specs, develop and maintain a cost model for  
44 pkg C, and come out with a guaranteed maximum price for the projects within pkg C). The second part is CM/CG Fee  
45 and General Conditions; 7% for CMGC and 6% for General Conditions fee.

46        We need to start by December 31, 2024, to comply with the IRA funding and DWQ has a 90-day review process.  
47 We are currently at 60% design which needs to be completed by September for DWQ to do their review. Rich said the  
48 incentives for them to get the construction started on time is liquidated damages. Rich presented an incentive of 5% of  
49 the 40% IRA funds, if those funds are received. Rich said the board needs to confirm if that incentive is doable, or if

1 they want other restrictions in place. In the draft agreement there are no dollars associated to the contingency estimates,  
2 they see that as 5% of the eligible 40% IRA funding. Rich asked if there were questions on what he would be  
3 negotiating if the board approved for him to negotiate and finalize an agreement with Alder. There were no questions.

4 Rich said there is a scope of work in the board packet for action item 3- package C preconstruction services  
5 \$1,396,520.00 for Alder. Rich said we currently have not presented a construction manager, but he has planned in the  
6 very near future for that to be Brown and Caldwell. The CM scope of work will include coordinating a team of  
7 construction inspectors to inspect the work and work for the compliance of the plans and specifications for all of the  
8 packages. Also, they will review submittals, progress for payment, contractors RFIs, change of condition requests. The  
9 General Contractor is recommended to be Alder through our RFP process. They will coordinate the labor and sub labor  
10 to construct the facilities, develop submittals, ensure quality, facilitate start up and commissioning, and direct the means  
11 and the methods. Rich said Eric Alder is present from Alder and Mark Hansen is present from Brown and Caldwell if  
12 there were any questions from the Board. Brian Braithwaite said he really liked the way the scoring was set up. David  
13 Bunker said they had a good discussion in the administrative committee meeting about the CMCG process and who  
14 would be the CM and who would be the CG. David is glad this has been clarified tonight; he agrees with Brown and  
15 Caldwell being our CM and getting everything ready to go for Alder to be the GC.

16 Eric Alder thanked the board for this opportunity. Eric said this is a big project with a lot going on, but they are  
17 dedicated to it. They have a lot of staff that live nearby that have been doing similar projects. Sullivan said he has  
18 toured the facility they are building for CUWCD and the timeline to get that under construction and operational is  
19 impressive. Eric said yes, that was part of this with the IRA funding to make sure they are able to hit the ground  
20 running.

21 **Chandler Goodwin made a motion to award the CMGC, the GC portion to Alder, at the rates presented, 7%**  
22 **for the CMGC Fee and 6% for the General Conditions Fee and Award Package C Preliminary Construction, not**  
23 **to exceed \$1,396,520.00, to Alder. Brian Braithwaite seconded the motion. Sullivan Love, Chair, took a roll call**  
24 **vote. Those voting "Aye" - Sullivan Love, David Bunker, Mark Christensen, Blaine Thomas, Richard Nielson,**  
25 **Brian Braithwaite, Mack Straw, Chris Condie, Brent Rummel, Joel Thompson and Chandler Goodwin. Those**  
26 **voting "Nay" – None. The motion passed unanimously.**

## 27                   **Communication**

### 28                   **1. Manager's Report**

29 Rich Mickelsen we are receiving a waste stream that is consistent comparing the monthly average to the ytd averages  
30 and the plant is running consistently. The one thing we are keeping an eye on is the total effluent phosphorus numbers,  
31 last month the number came in at .37 mg/L that leaves us with the YTD average of .58 as we did have that bump in  
32 February. It looks like we are still able to maintain that low phosphorus.

33 A couple of months back we had some issues with the blowers, which was part of the problem with the phosphorus  
34 in February. Rich said he met with the owner; they came out and extracted two blowers and took them back to their  
35 facility and did an extensive review of the problem. They narrowed the problem down to the oil we were using; it was  
36 causing the metal to be softened. He has had three entities come in to confirm that. He is going to take and replace the  
37 metal parts that have been damaged and repair those. That is going to take a bit of time, we are operational as we caught  
38 it early enough. They are going to repair that and start our ten-year warranty on that part again. They have stepped up to  
39 the plate and done a good job so far. We will send staff down to witness the reinstallation and the starting up of those  
40 blowers to make sure they are meeting our requirements. Once that is done, we will start the replacement process one at  
41 a time. We will no longer be using that oil and will be removing that completely from our system.

42 Brian Braithwaite said it is impressive that they stepped up. That is the way it should be and why we went with them  
43 in the first place because we spent a lot of time reviewing them and others. Sullivan said kudos to staff for keeping  
44 watching that close and catching the problem.

45

## 46                   **Closed Session**

47                   There was no closed meeting.

48

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1       **Adjourn:** David Bunker made a motion to adjourn. Mack Straw seconded the motion. All present "Aye."

2       **Meeting adjourned. 6:30 p.m.**

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