Timpanogos Special Service District
Administrative Board
Electronic Meeting Minutes
6400 North 5050 West Utah County, Utah

APPROVED

December 19, 2024 6:00 p.m. Conference Room/Electronic Meeting

Board Members:			
Present:	Sullivan Love - Chair	Brent Rummler	Richard Nielson
	Mark Christensen	David Bunker	Chandler Goodwin
	Brian Braithwaite	Mack Straw	Blaine Thomas
Electronic:	Joel Thompson	*Chris Condie	
Excused:	Neal Winterton		
District Staff:	Richard Mickelsen, District Manager	David Barlow, District Engineer	
	Danette Smith, Board Secretary	Joe Martin, CPA	
Others:	Mark Bell, Hayes Godfrey Bell	Wade Stinson, Aqua Engineers	
	Brandon Wyatt, Bowen Collins & Associates	Ryan Bench, Carollo Engineers	

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 November 21, 2024 Board Retreat Minutes**

Mack Straw made a motion to approve the minutes of the November 21, 2024 Board Meeting. Brent Rummler seconded the motion. Those voting "Aye" – Sullivan Love, Richard Nielson, Mack Straw, Blaine Thomas, Mark Christensen, Brian Braithwaite, David Bunker, Chandler Goodwin, Brent Rummler, and Joel Thompson. Those voting "Nay" – None. The motion passed unanimously.

Consent Calendar

1. **TSSD Check Register**
2. **CL-N1 – 66-inch Parallel line: Sundt pay Request #26 ($1,500,816.35) retainage ($78,990.33)**
3. **CL-R1 – Replace & Upsize Lehi/AF outfall: Sundt pay Request #8 ($1,469,099.27) retainage ($77,321.01)**
4. **EL-1 – Generator Switchgear: COP Pay request #15 ($47,295.94) retainage ($2,489.26)**
5. **GMP-1: Mobilization and Site Prep – Alder Construction pay Request #2 ($604,481.20) retainage ($31,814.80)**
6. **Bioreactor Safety Ladder Construction award: Alder Construction ($580,581.00)**
7. **EL-2 – Plant Control System PLC Replacement – IC Tech ($777,514.23)**

Chandler Goodwin made a motion to approve the Consent Calendar. Brian Braithwaite seconded the motion. Sullivan Love asked for a roll call vote. Those voting "Aye" – Sullivan Love, Richard Nielson, Mack Straw, Blaine Thomas, Mark Christensen, Brian Braithwaite, David Bunker, Chandler Goodwin, Brent Rummler, and Joel Thompson. Those voting "Nay" – None. The motion passed unanimously.

Finance

1. **Financial Report**

Joe Martin presented the financial report for October 2024.

Action Items

1. **2025 TSSD Board Meeting Schedule**

Rich said the April Board Meeting is scheduled for the second Thursday due to conflicts with conferences held in April. Rich said Neal Winterton had requested that board meetings be held at 5 p.m. instead of 6 p.m. The board discussed it and decided to leave the meetings at 6:00 p.m.

Mark Christensen made a motion to approve the 2025 Board Meeting Schedule as presented. Mack Straw seconded the motion. Those voting "Aye" – Sullivan Love, Richard Nielson, Mack Straw, Blaine Thomas, Mark Christensen, Brian Braithwaite, David Bunker, Chandler Goodwin, Brent Rummler, and Joel Thompson. Those voting "Nay" – None. The motion passed unanimously.

2. Ratify Quadrogen Actions:

   a. **Change order #1: Timeline change to meet IRA deadlines. Start PSA, VOC Vessel, Siloxane Vessels. ($1,044,126.00)**
   b. **Change order #2: Deloitte add provision in the agreement to meet IRA requirements. No price change.**

Rich said Quadrogen is the contract we went into that purifies and cleans the methane gas after it comes out of the digester. Change order 1 is for a timeline change to qualify for IRA money. When we initially started that contract, it was anticipated to start in March and we changed those timelines and also changed the timelines to match us pulling one particular item out of there so they could focus on and get started on that so we could have another item for qualifying for the IRA. Then according to the contract, we would pay $1,044,126.00. Rich has already executed that according to the agreement. For Change Order #2, once the agreement was signed with Quadrogen we sent it to our tax advisors, (Deloitte) for review. Deloitte said according to the IRA, language needed to be added. Rich said he is looking for the board to ratify the action that has already been taken.

Richard Nielson made a motion to approve Ratifying Quadrogen Actions as presented. Brian Braithwaite seconded the motion. Sullivan Love asked for a roll call vote. Those voting "Aye" – Sullivan Love, Richard Nielson, Mack Straw, Blaine Thomas, Mark Christensen, Brian Braithwaite, David Bunker, Chandler Goodwin, Brent Rummler, and Joel Thompson. Those voting "Nay" – None. The motion passed unanimously.

3. CL-R2 – Alpine/Highland Outfall design engineering award: Horrocks $250,913.35

Rich said this project was presented at the Board Retreat in September. This design engineering award to Horrocks will increase an 18" pipe to a 24" pipe. Rich said we initially discussed having additional work done, but after discussion with the engineering committee, it was decided to pull that until the information is put on the CFP. This is just for the CL-R2 portion.

Blaine Thomas made a motion to approve the CL-R2 Alpine/Highland Outfall Design Engineering Award to Horrocks for $250,913.35. Sullivan Love asked for a roll call vote. David Bunker seconded the motion. Those voting "Aye" – Sullivan Love, Richard Nielson, Mack Straw, Blaine Thomas, Mark Christensen, Brian Braithwaite, David Bunker, Chandler Goodwin, Brent Rummler, and Joel Thompson. Those voting "Nay" – None. The motion passed unanimously.

Communication

1. Manager's Report

Rich said we have run into a few struggles with the plant performance due to the weather change. The biology does not like the cold weather. We have also had some problems with airlines breaking. There have been some elevated numbers, but we are still within our permit levels.

Rich said with Pkg B that was awarded last month to Gerber, we now have a 404 permit (Clean Water Act) from the USACE. Rich wanted to give a shout out to Jacobs Engineering who were able to encourage the USACE to get our permit.

Rich said CL-R4 has been a development since last week. UTA Frontrunner is going to double the tracks and take that further north. In doing that, they will go over one of our metering stations, underneath Pioneer Crossing. As they are doing those tracks, they are going to bore underneath the overpass to move this line. In 2040, it is planned to upsize that line from a 24" to a 36" line. While they are doing that, we are going to upsize to the 36" so we do not need to pay the larger cost to do the boring in the future. David Bunker asked about participation from them. David Barlow said UTA will pay for the cost of the 24" line and the District will have to pay for the upsize to 36".

Rich said on the IRA project, it is vital it is documented and started before the end of the year. Rich took a three-prong approach, as he wanted to get one of these projects started so we would definitely qualify for the IRA. The first one was the groundbreaking for Pkg C. This took a lot of effort as we had to get DWQ to approve our programs, get an engineer, and move concrete. The groundbreaking took place on December 2, 2024. There is a photo from that day where mayors, staff and board members attended and participated. The second item we started was the Quadrogen PSA vessels. There is a narrative and photos with a start date of December 18, 2024. The third item was the Varec waste burners which have a start date of December 16, 2024. Rich said this is his three-prong approach so if the IRS throws out one, there are one or two more to rely on.

Rich said there was a water rights hearing on December 13, 2024 at the State Engineers office. Rich said TSSD legal Jeff Appel, presented the fundamental water rights with multiple cases supporting our claims. All municipal water rights are fully depleted, nothing to replace and all applications were filed prior to the November 1, 2023 deadline. We do not think there needs to be a replacement plan as that was what was discussed and negotiated with the bill. However, all applications were amended and submitted as required by the state engineer and were deemed as complete. Steve Jones, Hansen Allen and Luce, presented observations that water reuse is useful for the whole water mass balance to GSL, and is basically a betterment for the whole system. He made note that Nevada and California have figured this out and hopefully Utah will as well.

Those who protested the reuse presented their positions

Each member city had their own representation and made the case that each application should be its own standalone case. Some cities would need an exchange agreement with American Fork, and it was clearly stated that the agreement didn't have to be in place at this time but would be an avenue going forward if applicable. Rich said each city had something specific to say on behalf of their own city and Jeff Appel summarized.

Rich said John Shutes, legal representative, presented for Provo. Rich said John quoted from the 2023 legislative session. He basically said Representative Snyder, sponsor of the bill, said the intent of the bill was to give those who have been working on water reuse, time to finish their applications before the bill restrictions take effect.

Brian said there was a news story about St. George and how they have used this specifically and how it is really valuable to them, and they are almost 100% reuse. Brian said water rights in Utah are water rights and they tried changing those water rights in 2023 to stop advancement of that in Northern Utah. The rights for water are the same throughout the state prior to this change. David Bunker said Jeff Appel did an excellent job and represented the District well in those meetings. Rich said since that meeting, he has received an official retirement letter from Jeff Appel. His last day is December 20, 2024. We will need to address what we will do going forward. There was more discussion on reuse by the board. Sullivan asked if there was any timeline for when the state engineer would make a decision. Rich said no.

*Chris Condie arrived. 6:30 p.m.

Rich said he was notified last week that he would need to present at the Utah County Planning Commission. We have been working with Utah County to rezone the property we purchased in Elberta to put dried biosolids there to be dispersed on farmer's properties. Rich said there was a public hearing, where they presented the rezoning. It did not pass and was tabled. There were people complaining that our stuff would stink. Rich said he literally only had one day's notice to prepare, and he answered questions for about an hour. Rich will continue with this next month. They asked Rich to come prepared with nutrient levels, which we have been testing for two years. He will present that and share our raw material for them to smell. Sullivan asked if there would be any benefit at all to have any representatives from member cities show up to speak in favor. Rich said any positive comments would be beneficial. The County Planner was helpful in trying to rezone it so that it would not impede us from treating biosolids here. We need to make sure we are legally protected so we can continue to do the work we are doing here. Sullivan said to clarify none of the homeowners were present at the meeting, there were previous property owners defending the homeowners. The current zoning is Mining and Grazing-1and Agricultural-5. Rich said he understands their concerns and he needs to be prepared for next month.

Rich said the District is providing 72 hr. kits for Christmas. To make it more personable, Rich wanted to give a backpack and let staff/board members choose their own items to go in it with the ten tickets allotted.

Brian Braithwaite asked if there is resolution on Eagle Mountain paying July and August impact fees in the month of October and still have not paid September, October, and November payments. Rich said he will follow-up on that next month.

Closed Session

1. To discuss Litigation, Property Acquisition and Personnel

There was no closed session.

Adjourn:

David Bunker made a motion to adjourn. Mark Christensen seconded the motion. All present "Aye." Meeting adjourned. 6:47 p.m.