

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

APPROVED

June 19, 2025

6:00 p.m.

Conference Room/Electronic Meeting

Board Members

Present:	Sullivan Love - Chair Brian Braithwaite	Brent Rummler	Chandler Goodwin
Electronic:	Joel Thompson Blaine Thomas	David Bunker *Mark Christensen	Dave Norman
Excused:	Richard Nielson	Mack Straw	Neal Winterton
District Staff:	Richard Mickelsen, District Manager (electronic) Shannon Hansen, Administrative Manager Matt Ferguson, CFO Devin Langford, CTO		David Barlow, District Engineer Danette Smith, Board Secretary Jordan Eves, Risk Manager
Others:	Mark Bell, Hayes Godfrey Bell PC Ryan Bench, Carollo Engineers		Brandon Wyatt, Bowen Collins Brent Packer, Bowen Collins

Call to Order

Sullivan Love, Board Chair, called the meeting to order. 6:06 p.m.

Public Comment

There was no public comment.

Approval of Minutes

1. Approval of the May 15, 2025 Board Meeting Minutes
2. Approval of the May 29, 2025 Special Meeting Minutes

Brian Braithwaite made a motion to approve the minutes of the May 15, 2025 Board Meeting and the minutes of the May 29, 2025 Special Meeting. Chandler Goodwin seconded the motion. Those voting "Aye" – Sullivan Love, Brian Braithwaite, Chandler Goodwin, Brent Rummler, David Bunker, Dave Norman, Blaine Thomas, 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 #32 (\$20,100.00)
3. CL-R1 – Replace & Upsize Lehi/AF outfall: Sundt pay Request #14 (\$4,919,156.37) retainage (\$258,902.97)
4. TP-4/5 – Clarifier - East Clarifier: Archer Western pay Request #9 (\$100,700) retainage (\$5,300)
5. EL-1 – Final COP Pay Request #16 (\$124,786.72) interest (\$762.21)
6. Package B – Tertiary filtration and UV Disinfection
 - a. Gerber pay Request #4 (\$604,173.40) retainage (\$31,798.60)
 - b. Builders Risk: Olympus Insurance (\$695,012)
7. Package C – PCAD
 - a. GMP1 Mobilization and Site Prep – Alder Construction pay Request #8 (\$135,797.75) retainage (\$7,147.25)
 - b. GMP2 Earthwork and Shoring – Alder Construction pay Request #6 (\$413,300.51) retainage (\$21,752.66)
 - c. GMP3 digester Complex Piles and Deep Foundations – Alder Construction pay Request #4 (\$286,624.50) retainage (\$15,085.50)

- 1 d. Indense: Huber used strainer \$97,000.
2 8. Package E
3 a. Notice of Award side stream phosphorus – Ovivo (Elovac)

4 Brian Braithwaite made a motion to approve the Consent Calendar as presented. Brent Rummeler seconded
5 the motion. Sullivan Love, Chair, took a roll call vote. Those voting “Aye” – Sullivan Love, Brian Braithwaite,
6 Brent Rummeler, Chandler Goodwin, Joel Thompson, Blaine Thomas, Dave Norman, and David Bunker. Those
7 voting “Nay” – None. The motion passed unanimously.

8
9 **Finance**

10 **1. Financial Report**

11 The April financials were in the packet for review.

12
13 **Action Items**

14 **1. Award Financial Asset Management**

15 Rich said the finance committee has been working through the proposals on financial asset management. There is
16 still work to be done on that, so we will put this off until next month.

17
18 *Mark Christensen arrived. 6:15 p.m.

19
20 David Bunker made a motion to table action item 1, Award Financial Asset Management until the next
21 board meeting. Blaine Thomas seconded the motion. Those voting “Aye” – Sullivan Love, Brian Braithwaite,
22 Brent Rummeler, Chandler Goodwin, Joel Thompson, Blaine Thomas, Dave Norman, Mark Christensen and
23 David Bunker. Those voting “Nay” – None. The motion passed unanimously.

24
25 **2. CL-R1 Change Order No. 1 (\$329,675.69)**

26 Rich said there are three items on the change order; the first item is adding a new stainless gate in the headworks
27 for just over \$33,660.00 plus add five days to the contract, the second item is adding a manhole to provide service in
28 particular areas in American Fork, which adds five days and is \$89,700. The third item is for concerns that Rocky
29 Mountain Power (RMP) have that their power lines are too close to our collection line. Brent Packer, Bowen Collins &
30 Associates, said a significant portion of the pipeline project runs parallel to RMP powerlines and is near the power
31 poles. The manhole is about 10-12 ft from the power poles. Brent said they met with RMP early on in the design
32 process and met with two of their engineers in the field. We pointed out that we are removing and replacing existing
33 sewer line, and the proximity to the poles, they indicated not concerns. Brent said they also submitted 60% plan
34 drawings to RMP, and they reviewed those plans and responded in writing that they were ok with the alignment and to
35 proceed. As we progressed in the design process, we submitted final drawings to them, they didn't respond. We
36 reached out multiple times, and they were non-responsive. We sent an email saying that we were going to proceed
37 with the project and still had no response. Brent said this took place back in 2020 and now under construction, the
38 contractor reached out to RMP, let them know we are excavating and reviewing methods. That is when it came to our
39 attention that they had concerns with the proximity of the pipe to the power pole. Rather than the 10-12 feet away they
40 want us to be 20 feet away from the power poles, so the change reflected shifting that sewer line away from the power
41 pole.

42 Chandler said this was submitted to RMP in 2020, when did we get the 60% approval from them. Brent said in
43 2020. Chandler asked if they ever gave 90% approval. Brent said we continued sending them correspondence seeking
44 approval and they were just non-responsive. Brent said the staff that reviewed it in the field with the contractor are
45 different individuals, between 2020 and now. Chandler asked Mark Bell if there was any case for the District to pursue
46 an estoppel case, as there was approval given and we proceeded in good faith on that approval, and they pulled the rug
47 out from under us. Mark said there may be a claim to be made, but we are in a time crunch now. Mark cannot answer
48 with a solid yes or no without looking at the contract documents and seeing what they say in terms of any adjustments
49 at the time of construction. Without looking at the language it would be hard to give a good opinion, but Mark said he
50 would be happy to do that right away. Sullivan asked who was there first. RMP was there first, so the existing sewer
51 was approved for installation after RMP poles were already in. Brian said if they gave us approval before, and they
52 wanted to change their mind, they would have had ample time to make that change. Mark Bell said let's look at the
53 contract documents and let's send them a letter. Sullivan said we do not want to hold up construction. David Bunker
54 said we have documentation from RMP, and we would have designed it differently if they had said it was too close,
55 and then we would not bear the cost of this change order. Mark Bell asked how critical this is, can we just keep our
56 line where it was originally designed, are we truly impacting their towers? Sullivan said that being a large line, it
57 probably has a footing of 16 feet deep or more and digging an open trench beside that could possibly injure the

integrity of that structure. David Barlow said we could have put it back in the same alignment, but we would have had to support all the existing power poles along that alignment. David Bunker said we sent them the design up front and asked if they have any issues and they do not respond with any problems. It wasn't until we went to construction that they said there was a problem. Brent Packer said we have reached out more than twenty times, and they were non-responsive. The most response we got was when we were at 60%, and Brent believes there was a staff change that took place, so we were working with a different permit officer. Chandler said he does not want to delay the project, so he is comfortable approving the change order, but he would like to ask that we look into the easements and pursue RMP if there is responsibility on their part. David Bunker said he would feel more comfortable if we didn't approve CO - item 3 for the power line, as it helps us to show some urgency, and give RMP seven days to respond. Chandler said he sees where David is coming from and doesn't completely disagree, but he is curious if this will just set us back.

David Barlow said the work change directives (1-3) were given to the contractor and they have completed most of the work already. David Bunker asked if the change order is already done and we are approving this post-completion. David Barlow said we gave them the direction to move forward as holding them up would be around \$25,000/day. David Bunker said this CO is over \$300,000, why didn't this come to the board before we gave them the authorization to start. David Barlow said if we do not get this approved, we go back to the contractor and tell them it is not approved, but we cannot stop the contractor because of all their overhead and the cost involved. Mark Christensen asked the timeline to keep this thing moving forward. David said the minute we tell the contractor to stop work they charge us \$25,000/day. It is going to cost us more to sit and debate this than to tell them to move forward and move this a few feet. Mark Bell said by virtue of our actions we have already approved the realignment and construction of realignment, secondary to that will be a communication and demand on RMP based on their negligent review of their original drawings. David Barlow said yes, we approved the realignment, we did not approve of the cost. David Bunker asked if the work is done on this change order. David Barlow said yes, mostly. David Bunker said typically change orders this large in cost go to the board before we say go ahead and do the work.

Sullivan said when this came to light in the field what communication went to RMP office, did we just take direction from those out in the field or did we get in communication with the engineering office. Brent Packer said they responded with here is a list of requirements that need to be met in order for this pipeline to be installed next to the power lines. So, we complied. We revised it, and then we submitted plans indicating the change and they did not reply to that. That is how it has been with them. We did not fight them on it, we figured they changed their minds due to safety the proximity to those power lines, and we went ahead and followed their direction. Chandler said given the facts, he stands by his original statement, we approve and then move forward with contacting RMP in trying to recoup some of the costs. David Bunker agreed and said if we were in a different position, and work had not started and we could discuss it as a board before work was started, then we would maybe take a different course. David said our position is a lot weaker. David Barlow asked about future issues like this, does the board recommend we stop the work and bring it to a board meeting. Rich thought we had time for this, and the work had not been done. The Board has given Rich the \$50,000 limit. Rich said we can call an emergency meeting within the time frame, but David Barlow is making calls out in the field to make things move along and so we are not losing so much money/day. Rich is letting staff do their job, and this is now coming to his attention. He was aware they had been working on change orders, to work out the cost and direction, but he was not aware that it was already constructed. Chandler said he only sees two ways forward, either we come together as a board in an emergency meeting to authorize these change orders in a timely manner or increase the amount of discretion we give Rich to approve these types of change orders and trust in his judgement. The third option is just delay. Brian Braithwaite said there is a need for clarity on situations like this. We need to have a policy, internally, on how this works in a situation like this, because this will not be the last. David Bunker said to move forward tonight, we need to consider approval of all three items on CO 1. We can have more discussion later about the process and amounts and how we manage substantial change orders.

David Bunker made a motion to approve CL-R1 Change Order No. 1 with items 1, 2, and 3. Chandler Goodwin seconded the motion. Sullivan Love, Chair, took a roll call vote. Those voting "Aye" – Sullivan Love, Brian Braithwaite, Brent Rummler, Chandler Goodwin, Joel Thompson, Blaine Thomas, Dave Norman, Mark Christensen, and David Bunker. Those voting "Nay" – None. The motion passed unanimously.

3. TP-3 / NT-2: Bioreactor Improvements/BNR Zone/Redox Controls

a. Notice of Award (\$3,026,790 or \$6,503,167)

Rich said this is for the diffuser replacement. We went out for bids for these. We had two bids submitted, and one was deemed unresponsive. The cost for Schedule 80 PVC, for a total amount just over \$3 million. Rich had them put in an alternate for Stainless Steel which adds an additional \$3.5 million. Rich had them put in that option because we have had so many problems with the PVC from the previous vendor that is in our system now (eggshell). Rich was asked to clarify how many plants have stainless steel diffusers and there is one in the U.S. They have no problems and are very happy with it. But, after having more discussion with the engineers who have designed this, they are very

comfortable with the schedule 80 PVC, and they think it is well worth the investment. After discussion with the engineers, Rich's recommendation is to go with the schedule 80 PVC. Rich said we need to be aware of all the costs we are incurring on these projects going forward. Brian asked if we are comfortable with the durability of the PVC. Rich said yes, they have confidence in schedule 80 PVC, and it is in excess of what other plants are putting around here (schedule 40). Joel said he would put Schedule 80 in his plant, and he thinks it is easier to service and repair as discussed in the engineering committee.

Brian Braithwaite made a motion to approve the base bid from EDI for a total of \$3,026,790.00. Chandler Goodwin seconded the motion. Sullivan Love, Chair, took a roll call vote. Those voting "Aye" – Sullivan Love, Brian Braithwaite, Brent Rummler, Chandler Goodwin, Joel Thompson, Blaine Thomas, Dave Norman, Mark Christensen and David Bunker. Those voting "Nay" – None. The motion passed unanimously.

Communication

1. Manager's Report

a. New Risk Manager – Jordan Eves

Rich asked new hire, Jordan Eves, Risk Manager to introduce himself. Jordan said he has been working in the risk management for five year both in the private and corporate sector.

b. Letter of Intent received by WIFIA (Notification Letter)

A couple of years ago the board approved Rich to send a letter of intent to WIFIA for funding. WIFIA has sent us a notification letter inviting us to apply for WIFIA funds. This will go to the finance committee, and they will look at the pros and cons of the loan of \$535 million that we are eligible for. There will be several months of discussion by the finance committee and then it will be brought back to the board.

c. Utah Water Quality Board: Requesting WQB to authorize a cost benefit analysis before further nutrient regulation/implementation (video)

Rich said he has prepared a video which he will share with the Board. Rich is on Utah Water Quality Board Meeting Agenda for June 25, 2025. Rich is listed under public comment. Rich would like them to vote to stop doing any more numeric nutrient criteria. Rich said when he talked to the DWQ Director, he told Rich they do not have the authority to tell him to stop doing his studies. Rich is deferring to him, and it is apparent he will need to spend the next several meetings teaching the Water Quality Board what we are doing as POTWs behind the scenes. Rich said when you want to know how clean is clean then you should be monitoring for something specifically to know how well we have achieved that. There is also the point of having a 5-year review cycle, which is what POTWs have for their permits. Rich will come back to the TSSD Board in the next few months and give an update.

Video prepared by Rich:

https://drive.google.com/drive/folders/1k_CUyW6aYuvIGdp0ZJiEPGXQDRxXRrk?usp=sharing

d. Plant Performance

Rich said the effluent phosphorus is at .5 mg/L average YTD and .7 mg/L for the month of May and we are still performing well for our phosphorus removal. Rich noted that the TIN number is above 10 mg/L which is going to happen as our flow increases, but we are still within all our permit parameters.

Closed Session

1. To discuss Litigation, Property Acquisition and Personnel

There was no closed session.

Adjourn:

Chandler Goodwin made a motion to adjourn. Brian Braithwaite seconded the motion. All present "Aye."
Meeting adjourned. 7:07 p.m.