

**MINUTES OF THE BOARD OF TRUSTEES MEETING
GREATER SALT LAKE MUNICIPAL SERVICES DISTRICT
(MSD)**

Held Wednesday June 12, 2019, 6:00 p.m.
2001 South State Street, **Council Chambers N1-100**
Salt Lake City, Utah 84190

Trustees Present:

Joe Smolka, Chair
Paulina Flint, Vice-Chair
Kelly Bush
Dan Peay
Sean Clayton

Trustee Excused:

Max Burdick

Others Present:¹

Bart Barker, MSD General Manager
Lupita McClenning, Salt Lake County Director of Planning & Development
Cathy Jensen, MSD Chief Financial Officer
Ina Oviatt, MSD Office Coordinator & Records Officer
Mark Anderson, MSD Legal Counsel
Greg Baptist, Salt Lake County Stormwater Inspection Supervisor
Madeline Francisco-Galang, Salt Lake County Public Works Engineering
Crystal Hulbert, Salt Lake County Public Works Engineering
Suzi Albertson, Granite Community Council
Greg Shultz, Municipal Administrator for Magna and White City Metro Townships
Greg Schiffman, Resident
Giles Florence, Little Cottonwood Canyon resident
Scott Baird, Department Director, Salt Lake County Public Works and Municipal Services
Paul Ashton, Legal Counsel for Magna and White City Metro Townships

1. Call to Order

Chair Smolka called the meeting to order.

2. Public Comments

Suzie Albertson, from the Granite Community Council, shared her opinion that the Grit Mill Parking Lot Project will create a serious hazard. She doesn't feel that members of the public are being heard on the issue. She expressed opposition to rebuilding the Grit Mill parking lot. Save Our Canyons (a non-profit group) sent out an email in support of mass transit up the Canyon, arguing that parking could be located at the mouth of the Canyon, with public transit taking people into the Canyon.

¹ Other individuals may have been present who were not specifically recognized by the Chair.

Greg Shultz declared the Canyon to be a regional asset.

Greg Schiffman encouraged the MSD to get representation with UDOT (the Utah Department of Transportation). The Granite Community has had issues with UDOT regarding the plans of local political subdivisions. He asked that the Trustees seek a seat at the table with UDOT.

Giles Florence, a Little Cottonwood Canyon resident, stated that the area around the Grit Mill is already a hazard. The community has asked for hazard signs, but has seen nothing. The fears of the residents are not being listened to. He stated that parking is available above and below the site. The greatest risk is for the residents to get out of their properties onto the road.

3. Presentation on proposed stormwater maintenance agreements (Discussion and Possible Action)

Greg Baptist reported to the Board that the Stormwater Maintenance Agreements have been sent to the County's attorneys. When the attorneys have gone over the Agreements, they will be provided to the MSD.

4. Capital Projects

- a. Consideration of a contract with the Utah Governor's Office of Economic Development for a \$150,000 reimbursable Utah Outdoor Recreation Grant, and consideration of a budget adjustment to reflect the grant and a \$150,000 MSD match, for the Grit Mill Parking Lot and widening of SR-210 in Little Cottonwood Canyon (Discussion and Possible Action)

Madeline Francisco-Galang reported that a grant has been received and the work can go out to bid. The original project is a master plan project from the Forest Service. Public Works Engineering has been asked to be the steward of the project. Trustee Bush asked if Public Works Engineering conducted the study regarding the new parking lot, the location of which is 1/2 mile up Little Cottonwood Canyon. Trustee Bush asked that the residents be included in the process. Mr. Barker presented an aerial view of the Canyon on the screen to assist the Trustees in evaluating the information they were receiving. Ms. Francisco-Galang agreed to present the research on this project during a future MSD Board meeting. Trustee Clayton recused himself from voting on this project. Mr. Barker said that, if the project goes forward, it would be prudent for the MSD to match the grant amount. Trustee Clayton asked if we could separate the road project from the parking lot project. Mr. Barker responded that Public Works Operations has money in its budget that could fund the signage for this area to caution drivers and bicyclists. Chair Smolka declared that this item would be tabled for consideration as a future agenda item.

Mark Anderson pointed out that, even though a project is listed in the MSD Budget, that doesn't mean that the project must be funded. Work on the project, particularly an engineering contract and/or a construction contract, still must be approved by the Board before the work can move forward. He expressed an expectation that a project would come before the Board at least twice, in most instances, before proceeding.

Mr. Barker suggested that a check register be presented to the Trustees monthly, so they will be aware of expenditures as they are made.

- b. Review of proposed Cooperative Landscape Maintenance Agreement with UDOT for improvements on 5600 West, between 4700 South and 5415 South, in Kearns (Discussion and Possible Action)

Ms. Francisco-Galang explained that this agenda item is for landscaping and a panel wall. The project will not be in the roadway. She does not foresee that UDOT will have an issue with the project. It was moved by Trustee Clayton and seconded by Trustee Peay as follows:

That the cooperative landscape maintenance agreement with the Utah Department of Transportation for improvements on 5600 West, between 4700 South and 5415 South in Kearns, be approved as presented.

The motion carried by the affirmative vote of Trustee Smolka, Flint, Bush, Peay and Clayton.

- c. Consideration of a budget adjustment for the Mesa Drive sidewalk project (Discussion and Possible Action)

Ms. Francisco-Galang explained that three additional permits are required to move forward with the project. It was moved by Trustee Flint and seconded by Trustee Clayton as follows:

That the budget adjustment for the Mesa Drive sidewalk project be approved as presented.

The motion carried with Trustees Smolka, Flint, Bush, Peay and Clayton each voting “aye”.

- d. Consideration of an agreement with UDOT and a budget adjustment for Lodestone Avenue in Kearns (Discussion and Possible Action)

Ms. Francisco-Galang discussed the Loadstone Avenue project, which will involve the installation of a sidewalk on both sides of the road. The project will be funded by a reimbursable grant, meaning that the MSD will front the costs, after which reimbursement payments will be received from the grant. Public Works Operations will complete the project in the fall of 2019. It was moved by Trustee Peay and seconded by Trustee Flint as follows:

That the Agreement with the Utah Department of Transportation and the proposed budget adjustment for the Lodestone Avenue project in Kearns both be approved as presented.

The motion carried with Trustees Smolka, Flint, Bush, Peay and Clayton each voting “aye”.

- e. Consideration of agreements among UDOT, DH Group LLC and MSD for right-of-way and appraisal services for the Magna bridge replacements (Discussion and Possible Action)

Following a brief explanation by Crystal Hulbert, it was moved by Trustee Clayton and seconded by Trustee Bush as follows:

That the agreement among the Utah Department of Transportation, the MSD, and DH Group LLC covering right-of-way and appraisal services for the Magna Bridge Replacements Project be approved as presented.

The motion carried by the affirmative vote of Trustees Smolka, Flint, Bush, Peay and Clayton.

- f. Consideration of an agreement among UDOT, H W Lochner, Inc., and the MSD for design services for the Magna bridge replacements (Discussion and Possible Action)

Following Ms. Clayton's presentation, it was moved by Trustee Bush and seconded by Trustee Clayton as follows:

That the Agreement with the Utah Department of Transportation, MSD and HW Lochner, Inc. for design services for the Magna Bridge Replacements Project be approved as presented.

The motion carried with Trustees Smolka, Flint, Bush, Peay and Clayton each voting "aye".

5. Presentation of the Storm Water Fee Report, Policy Manual, and proposed ordinance (Decision and Possible Action)

Ms. Hulbert reported that the final committee meeting has been held and the Storm Water Fee Report and the Storm Water Policy Manual have been distributed. Mr. Barker explained that the proposed ordinances won't be considered by the Board, and that the report to the Trustees is informational only. In response to a question from Chair Smolka, Ms. Hulbert confirmed that the proposed \$8.00 monthly fee is included in the Report. Trustee Clayton noted that the preliminary estimate was \$8.00 to 10.00 per month, but the Report states \$10.00 to \$11.00, and asked why the Report is off so much? Ms. Hulbert responded that they were off on the estimate because they were including Millcreek in the estimate of the number of residents. Ms. Hulbert will send the Ordinance and the Executive Summary to the Trustees. She asked that the Metro Township attorneys and Councils review the information and get back to her with any desired changes and concerns. Trustee Flint agreed with Trustee Clayton's comments.

- a. Storm Water Fee informational flyers for citizens (Discussion and Possible Action)

Mr. Barker suggested that the flyers be mailed to each Rocky Mountain Power customer in the MSD. The mailings could be funded by the District or the Metro Townships. Trustee Bush expressed reservations about sending the Report to her Council due to the discrepancy in the recommended monthly payment amount. Ms. Hulbert agreed to correct the Report, so it will be more clear and will be consistent with the monthly charge recommended by the MSD Board. Paul Ashton, an attorney who represents the Magna and White City Metro Townships, suggested that the Report and the Executive Summaries first be presented to the Metro Township Councils, which can then decide if they want to send the information flyer to their constituents. Mr. Barker stated that the Executive Summary will explain what \$8.00 per month will pay for, which won't be as much as \$10.00 per month would cover but would be "perfectly acceptable and better than what we have". Ms. Hulbert agreed to wait for feedback from the Metro Townships before sending flyers and postcards to the Trustees' constituents.

6. Update on archiving project for Planning and Development files (Discussion)

Ina Oviatt, the MSD Records Officer, and Bart Barker are working to archive MSD records with Salt Lake County for the next couple of years to obtain continuity in the transition of County functions to the MSD. Mrs. Oviatt said that, so far, she has archived 295 boxes. She estimated that she has to archive at least 200 more boxes to complete the project. She is also delivering maps to our GIS Specialist so they can be digitized. She is keeping a log of the type of file, name, address, box number, and the date when each box is picked up by Salt Lake County Archives. This will ensure that we know where to locate a file, should the need arise.

7. Consideration of interlocal agreements with Salt Lake County regarding various services to facilitate the transition from County to MSD employment and operations (Discussion and Possible Action)

A handout was provided to the Trustees listing all of the contracts that MSD staff is currently working on and who is responsible for drafting each contract. Many of the agreements are currently referenced in the Master Interlocal Agreement. As we split activities off from the County, the drafters of the agreements may use contracts between the County and the Unified Police Department and the Wasatch Front Waste and Recycling District as models as the new contracts are generated. The goal is to have all of the agreements in place by the end of July so the Board, the Metro Township Councils and the County Council will have adequate time to act on them.

Mr. Anderson noted that Resolution 2019-06-01 is attached to the Interim Interlocal Agreement. Mr. Anderson explained that, when they were preparing to transition to direct MSD employment, members of MSD management staff were informed by Salt Lake County officials that they would have to turn over their access badges to the County and that, once they were no longer County employees, they would not have access to County property, including their offices and computers at the County Complex. The Interlocal Agreement will enable MSD management staff to continue to function after they transition to direct MSD employment and will allow Lupita McClenning to supervise County employees essentially as she has done as a County employee. In addition, the MSD may be able to hire additional employees who will also have the right to access their work space and equipment within the County Complex. Their access to some County documents will be limited, but that is not expected to hinder their work efficiency. Mr. Barker noted that the Interim Interlocal Agreement is a collaborative effort involving the MSD's management and attorney, the District Attorney's office, and Mayor's Finance. Ms. McClenning responded to a series of questions from Trustee Clayton and Chair Smolka respecting the management of County employees and the loss of County staff through attrition. Mrs. McClenning said that she conducted a hiring analysis when she first started employment with the County and has been actively recruiting. She is currently preparing a Request for Proposals for building inspectors. Scott Baird stated that the Agreement will give the MSD the power to hire people to fill vacancies, along with new employees. Mr. Anderson said that he recently attended a Utah League of Cities and Towns sponsored meeting and, in that discussion, cities reported experiencing rapid growth coupled with a difficulty in hiring and retaining experienced building inspectors.

It was moved by Trustee Flint and seconded by Trustee Bush as follows:

That Resolution 2019-06-01 be adopted, thereby approving the Interim Interlocal Agreement with Salt Lake County, conditioned upon

modifications to the Agreement that will specifically allow the employment of additional MSD employees and permit those employees to use County facilities.

The motion carried by the affirmative vote of Trustees Smolka, Flint, Bush, Peay and Clayton.

8. Consideration of a meeting attendance stipend for MSD Board members (Discussion and Possible Action)

Mr. Barker presented a stipend recommendation for the Boards' review. A stipend would be offered to the Trustees for attendance at meetings of the MSD Board. The Chair wasn't included in the recommendation because he already receives a stipend. Trustee Clayton recommended lowering the stipend from \$150 to \$100 per meeting. It was moved by Trustee Clayton and seconded by Trustee Bush as follows:

That each member of the Board receive a \$100 per meeting stipend, excluding the Chair, who will continue to receive a stipend as previously authorized, starting with the current Board meeting.

The motion carried with Trustees Smolka, Flint, Bush, Peay and Clayton each voting "aye".

9. Consideration of employee benefits and transition matters (Discussion and Possible Action)

The Trustees requested specific information concerning the cost of vacation benefits that may be offered to MSD employees, including all current County Planning Department employees who transition to the MSD. Cathy Jensen reviewed a matrix that was provided to the Employee & Evaluation Committee. In response to a question from Chair Smolka, Ms. Jensen confirmed that the list includes all current Planning Department employees and is calculated using current wages. Trustee Bush asked for clarification of a \$43,000 difference for 2022. Trustee Clayton responded that these are the vacation accrual rates for MSD employees as they come over from the County. In response to a question from Trustee Clayton, Ms. McClenning stated that rewarding performance is the best tool for recruiting and retention, noting that it sometimes is hard for younger employees to recognize the benefits of longevity. It was moved by Trustee Clayton and seconded by Trustee Bush as follows:

That the vacation accrual matrix be approved as presented.

The motion carried with Trustees Smolka, Flint, Bush, Peay and Clayton each voting "aye".

10. Other Metro Township, Unincorporated County Community Councils and Greater Salt Lake Municipal Services District business (Discussion)

Trustee Flint suggested that Emergency Management Personnel be added to the agenda.

Scott Baird asked the Board to keep in mind that County Planning and Zoning employees are having issues with the probationary period and how it will affect their vacations. From the County side, looking at the proposed contracts, it may be desirable to move the full transition date back to September, 2019.

Trustee Clayton added that, in his opinion, we are not ready for an August 31, 2019 transition. There may be benefits in moving the date for the rest of the employees to come over to the MSD in December, 2019. Cathy Jensen responded that insurance premiums may change if the transition is pushed out to the end of the year.

Adjourn

It was moved by Trustee Clayton and seconded by Trustee Bush that the meeting be adjourned. The motion carried unanimously and Chair Smolka declared the meeting to be adjourned.

Approved this 31st day of July, 2019.

Joe Smolka, Chair

ATTEST:

Cathy Jensen, Clerk

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