



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

Municipal Services District

GREATER SALT LAKE MUNICIPAL SERVICES DISTRICT (MSD)

MINUTES OF THE MEETING OF THE BOARD OF TRUSTEES

February 12, 2020 at 6:00 p.m.
2001 South State Street #N2-800
Salt Lake City, UT 84190

Trustees Present:

Chair Joe Smolka
Vice-Chair Paulina Flint
Dan Peay
Kelly Bush
Sean Clayton
Max Burdick
Keith Zuspan

Staff Present:

Bart Barker, General Manager
Brian Hartsell, Associate General Manager
Lupita McClenning, Director of Planning and Development
Mark Anderson, Legal Counsel
Izabela Miller, Operations Officer

Other Present:¹

Greg Shiffman, Granite Community Council
Norm Henderson, Granite Community Council
Ryan Perry, Salt Lake County Director of Regional Planning & Transportation
Paul Ashton, Legal Counsel, White City and Magna Metro Townships
Bruce Baird, Legal Counsel for the Olympia Hills Developer

1. Call to Order

Chair Smolka called the meeting to order.

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

2. Pledge of Allegiance

The Pledge of Allegiance was recited.

3. Public Comments

Norm Henderson, a Big Cottonwood Canyon property owner and member of the Granite Transportation Committee, explained his concerns with planning in the Wasatch Mountains, including that the General Plan process for the Mountainous Planning District was only for the unincorporated Wasatch Mountains, and didn't include the entire unincorporated area of the County.

It was noted that the Salt Lake County Mayor is working with the Wasatch Front Regional Council on the Regional Transportation Plan. In response to a question from Trustee Bush, Lupita McClenning said that Long-Range Planning staff members attended the Mountainous Planning Commission meeting and the Oquirrh West Bench Steering Committee meeting. There was an acknowledgement of the need to clarify the roles among the Mountainous Planning District, the Planning & Development Department and the MSD. Comments on the transportation aspects of the General Plan are being communicated to Salt Lake County. Bart Barker noted that the County handled the staffing for the General Plan through the Regional Transportation Office. Trustee Flint asked if the MSD is being invoiced by Regional Transportation for services rendered on those projects? Mr. Barker explained that the MSD's Interlocal Agreement with the County sets aside \$100,000 in the Budget to pay for a large portion of the planning. They have presented two or three times to the Granite Community Council and the Big Cottonwood Community Council and there has been significant community involvement. UDOT has also participated. Trustee Zuspan provided additional details about the Mountainous Planning District and regional transportation open houses and discussions. Chair Smolka asked Mr. Henderson to present his comments to Mr. Barker, who will get them to the right people. Trustee Clayton asked Mr. Barker to present a status update during the next Board meeting.

Ryan Perry stated how much he appreciates the assistance of MSD staff working on the Olympia Hills development. He acknowledged that there have been discussions about delaying the development until the Southwest Visioning Study is completed. He declared that the County is implementing much of the information that has been received thus far from the Visioning Study, which is setting a good precedent for working with the MSD going forward.

4. Approval of Meeting Minutes January 22, 2020

None of the Trustees having any corrections for the minutes, it was moved by Trustee Burdick and seconded by Trustee Peay as follows:

That the minutes of the January 22, 2020 Board meeting be approved as presented.

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

5. Discussion of services proposed for the Olympia Hills development

Trustee Clayton reviewed provisions in the Master Development Agreement (“MDA”) about which he had questions and concerns. Each provision was discussed in detail, with Bart Barker, Mark Anderson and others providing information for the Trustees to consider.

Trustee Burdick explained that the MSD isn't an essential party to the MDA, but has been involved in the process. The MSD is contractually obligated to provide services to the Olympia Hills development. The MSD and its legal counsel have been involved in drafting the MDA. Trustee Burdick concluded that the MDA protects the MSD.

Mark Anderson responded to a question from Trustee Bush concerning the inclusion of a bankruptcy clause in the MDA. Among other things, he explained executory contracts and how the MDA deals with funding shortfalls. Trustee Flint stressed that the MSD is a service provider.

Mark Anderson noted that the MSD lives on sales taxes. A population increase will strengthen the MSD’s sales tax base, but it must be a large enough number to create a critical mass. This development could add to the MSD’s base and increase its viability.

Bruce Baird declared that his client has learned from Daybreak. He said that the MDA includes more protections than may be found in any other development in the state, and addressed points of concern that had been expressed by the Trustees.

Trustee Clayton stated that he doesn't want his community to be saddled with subsidizing a development.

Ryan Perry clarified that the old MDA (from a year and a half ago) has been significantly updated. Trustee Clayton responded that he understands the default clause. Mr. Baird said that, until the developer receives approval of a Community Structure Plan (over which the MSD has a qualified veto) the developer won't be able to get a building permit.

After the County has made a decision on the MDA, it will will come before the MSD Board for consideration.

6. Consideration of the purchase of the Cityworks permitting, licensing, land use and enforcement system

Lupita McClenning reported that Cityworks will replace an E360 system that hasn't worked properly since day one. Izabela Miller's team will oversee the implementation of the software.

Izabela Miller noted that Cityworks (Azteca Systems, LLC), a local GIS company, can accommodate the needs of all of the departments (Business Licenses, Building Inspections, Planning & Development, Zoning, Building Review, and Code Enforcement). Cityworks has a mobile application for iphone and android devices. The software also works offline and it provides a live dashboard.

There was a detailed discussion of the personnel, from both Cityworks and the MSD, who will be assigned to the system; reports that will be provided by Cityworks; benefits of the new system,

including the ability to make data driven decisions, streamlining the pre-application process for general plans, and streamlining other MSD procedures; software implementation; and the sufficiency of the MSD's current hardware to run the new system. The Cityworks system is expected to enable MSD personnel to provide services more efficiently and effectively.

Staff recommended that the Trustees approve two contracts with Azteca Systems, LLC. The first contract was for license/maintenance, at a cost of \$45,000 for the first year, \$59,000 for the second year, and \$69,375 for the third year, for a total expenditure over three years of \$173,750. The second contract was for an implementation/services contract, with a not to exceed cost of \$160,000.

It was moved by Trustee Burdick and seconded by Trustee Clayton as follows:

That both the License/Maintenance Contract and the Implementation/Services Contract with Azteca Systems, LLC be approved as recommended.

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

7. Legislative update

Mark Anderson explained that the Utah Association of Special Districts has a full-time lobbying team at the Capital working for the MSD and other local and special service districts during the current session of the Utah Legislature. The Association was already following more than 115 Bills, a couple of which deal with amending sales and use tax laws. Mr. Anderson briefly reviewed a number of Bills that could impact the MSD, covering such issues as sales and use taxes, procurement, the local government limited purpose entity registry, employee sick leave, criminalization of unauthorized personal use of public property, storm water permitting amendments, public records transparency, etc. He also briefly reviewed an e-mail from Nathan Bracken, who represents two of the Metro Townships, concerning H.B. 273, which would change the role of the Private Property Ombudsman respecting municipal and county zoning decisions in a way that would adversely impact municipalities and counties.

Trustee Burdick suggested getting together with Cara Travino, who is with the County, for support on any Bills that will affect Salt Lake County and the Metro Townships.

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

That H.B. 273 be opposed.

The motion carried with Trustees Smolka, Flint, Burdick, Bush, Clayton, Peay and Zuspan each voting "aye". Bart Barker will draft a letter declaring the MSD's opposition to H.B. 273 and forward the letter to the Utah League of Cities and Towns and the Utah Association of Special Districts.

Trustee Flint noted that ski lift passes are sold in Colorado for use in Utah, with no sales tax being collected. Trustee Zuspan expressed his belief that sales taxes should be collected at the time the passes are used.

8. General Manager report

Due to the length of the meeting, Bart Barker offered to email his written report to the Trustees in lieu of presenting it during the meeting. The Trustees accepted his offer.

9. Other Metro Township, Unincorporated County Community Councils and Greater Salt Lake Municipal Services District business

There was no additional business to come before the Board.

10. Discussion of future agenda items

Moving addressing services from the County to the MSD will be a future agenda item.

11. Adjourn

After a motion to adjourn was made by Trustee Bush and seconded by Trustee Zuspan, Chair Smolka declared the Board meeting to be adjourned.

Approved by the Board of Trustees on the ____ day of April, 2020.

Joe Smolka, Chair

ATTEST:

Marla Howard, Clerk