



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

Municipal Services District

MINUTES OF THE MEETING OF THE BOARD OF TRUSTEES GREATER SALT LAKE MUNICIPAL SERVICES DISTRICT

Held Wednesday, **October 13, 2021**, at 6:00 p.m.
At 2001 South State Street
Room N2-800
Salt Lake City, UT 84190

Trustees Present:

Joe Smolka, Chair
Paulina Flint, Vice-Chair
Kelly Bush
Sean Clayton
Dan Peay
Keith Zuspan (Via Webex)
Lauri Stringham

Trustees Excused:

Staff Present:

Brian Hartsell, MSD Interim Manager
Marla Howard, MSD Chief Financial Officer and Records Officer
Lupita McClenning, MSD Director of Planning and Development Services (via Webex)
Izabela Miller, MSD Technology Manager (via Webex)
Mark Anderson, MSD Legal Counsel
Tabitha Mecham, MSD Administrative Coordinator

Others Present:

Crystal Hulbert, Salt Lake County Public Works Engineering
Madeline Francisco-Galang, Salt Lake County Public Works Engineering
Shane Ellis, Salt Lake County Public Works Engineering
Abby Evans, Salt Lake County Senior Policy Advisor (via Webex)
Lisa Hartman, Salt Lake County Associate Deputy Mayor (via Webex)
Paul Ashton, Magna and White City Metro Townships Legal Counsel
Rori Andreason, Magna and White City Metro Township Administrator (via Webex)
Nathan Bracken, Legal Counsel for Kearns Metro and Copperton Metro Townships
Corey Bullock, Salt Lake County Parks Maintenance (via Webex)
Kade Moncur, Salt Lake County Director of Public Works (via Webex)
Helen Peters, Salt Lake County Director of Regional Planning (via Webex)
Lance Kovel US Forest Service (USFS) (via Webex)
Rebecca Hotze, USFS (via Webex)
John Crandall, Stifel
Laynie Markisisch, Stifel
Samantha Thermos (via Webex)

Trustees

Joe Smolka **Paulina Flint** **Kelly Bush** **Sean Clayton** **Dan Peay** **Laurie Stringham** **Keith Zuspan**
Chair **Vice Chair**

1. Call to Order - Joe Smolka, Chair

Chair Smolka called the meeting to order at 6:00 pm.

2. Pledge of Allegiance

The Pledge of Allegiance was recited.

3. Public Comments (up to 3 minutes each)

There were no public comments.

4. Approval of Meeting Minutes for September 22, 2021

Trustee Flint moved to approve the minutes as presented. Trustee Peay seconded the motion. Chair Smolka and Trustees Bush, Clayton, Flint, Peay, Stringham, and Zuspan each voted “aye”.

5. Consideration of Federal Lands Access Program (FLAP) Funding

Helen Peters introduced Lance Kovel and Rebecca Hotze of the local US Forest Service district.

Rebecca Hotze spoke about the need for the FLAP grant for Millcreek Canyon Road widening and safety improvements above the winter gate, including pavement, restrooms, the trail, and widening of the road, especially at the top. The full project value is about \$19.6 million and they will require a match of approximately \$4.2 million from the local areas. The match will be required before the project can begin in 2024. Construction will take two seasons, 2024 and 2025.

Lance Kovel spoke more about the Federal Highways and Central Federal lands division. He spoke about the need to widen the road near the top 4-5 miles for safety and to assist with emergency vehicle access. He also said that they would do work that would improve the water quality in the area, work on parking management and add cell service towers to the top of the trail/road. He stated that having cell service at the top of the canyon would assist with parking issues before people even enter at the toll booth. He spoke about a need to install a 2-inch empty conduit pipe next to the road running the length of the canyon for future cable for services to top of trail/road.

Helen Peters asked us to consider an application for the lower portion, below the winter gate to the fee booth area, because FLAP grants only come available about every 4 years.

Mayor Clayton asked if any benefitting communities offered matching funds? Helen Peters said Salt Lake County and Millcreek Canyon Fee collection booth money will be contributive. The fee booth collects about \$1 million dollars annually and about 90% of that goes to the USFS for maintenance. The USFS uses fees to pay for tree cutting, education, enforcement, and bathroom maintenance.

Mayor Flint asked if Salt Lake County will be contributing annually towards the project over the next three years Helen Peters stated that she will be raising about \$5 million over that time period from various sources for use on the project. Laurie Stringham asked if conduit was in the budget for the lower portion. Crystal Hulbert said it is not in the budget currently.

6. Consideration of Bond and Disclosures Counsel

Brian Hartsell spoke about the process used to select the Bond and Disclosure Counsel. He stated the agreement was made to retain Brandon Johnson of Farnsworth Johnson.

The fees are: bond counsel fee is \$10,500 and disclosure counsel fee is \$7,500.

Trustee Clayton moved to ratify the selection of Bond and Disclosure Counsel. Trustee Bush seconded the motion. Chair Smolka and Trustees Bush, Flint, Clayton, Peay, Stringham and Zuspan each voted “aye”.

7. Consideration of Interlocal Agreement (ILA)

Mark Anderson stated that there are three different versions of the ILA. The one in the board packet is the oldest. Independently, Brandon Johnson and the County Attorney’s office made some changes to the version in the board packet without regard to the other’s changes. Zach Shaw said that his changes have been approved by the county. Brian created and shared with the board new table indicating projects to be funded by the bond. This latest table assigns some of the previous residual funds for projects in Copperton and Brighton.

Trustee Flint moved to approve the new bond project table that adds Brighton and Copperton. Trustee Stringham seconded the motion. Chair Smolka and Trustees Bush, Clayton, Flint, Peay, Stringham and Zuspan each voted “aye”.

Included in the ILA is a provision for delinquency, penalty for default. Salt Lake County is the only one who can default since they aren’t required to pay over their sales tax and class B&C road funds to the MSD by state law. A withdrawing member is required to continue paying. Some language needs to be adjusted, with a goal of having a finalized draft at next Meeting.

Closing on bonds in Early January is acceptable and doable if we follow the calendar. Pricing bonds over the holidays is difficult due to vacations and office closures.

8. Consideration of Bond Super Parameters Resolution

Brian Hartsell introduced John Crandall and Laney Markisich from Stifel and asked them to give an overview of the super parameters resolution. John Crandall reviewed the resolution and stated that it covers requirements of the State and the IRS. He

reviewed the key points. It sets forth the date of the public hearing and the designated officers and their duties. Brian Hartsell said that the designated officers in the draft version presented can be changed. The final resolution will be considered at the October 27 meeting. Trustee Clayton asked to discuss who should be the designated officer. John Crandall stated that it could be a committee, but all committee members would have to be available for pricing and other calls. Trustee Stringham volunteered, and Trustee Clayton was willing to participate. Chair Smolka was asked to be the third choice. Trustee Flint asked to be on the committee too.

Mark Anderson cautioned about the open public meetings act and that if this committee makes a decision, it must meet the open public meetings act requirement if a quorum is present. It is not the same if there is just one person. Nathan Bracken indicated that the resolution is written to allow for one person. The Board stated that the order of precedence for the designated officer be Trustee Stringham, then Trustee Clayton, then Chair Smolka, then Trustee Flint. John Crandall stated that to the participants in the bond pricing call will be Trustee Stringham, Brian Hartsell and Marla Howard. Trustee Flint wanted to ensure that the Board Chair will be the designated officer for closing. John Crandall stated that upon the circulation of bond documents, Chair Smolka would be the signer. He said that they will be back on October 27 for the final presentation to the Board.

Trustee Stringham asked for the source of the additional projects that were included in the project list. Trustee Clayton spoke about the need for the flood control project for Copperton. Mark Anderson indicated that since each Member will be paying for the bond, each Member should benefit from the bond proceeds.

Trustee Flint moved to ratify the proposed designated officers as Trustee Stringham first, Trustee Clayton second, Chair Smolka third and Trustee Flint final, for inclusion in the bond resolution. Trustee Stringham seconded the motion. Chair Smolka and Trustees Bush, Flint, Clayton, Peay, Stringham and Zuspan each voted “aye”.

Mark Anderson spoke about the process in case that there were delinquencies. He stated that statutorily, the Unincorporated is the only entity that could withhold funds since the State directly funds the MSD from the Member’s proceeds. The impact of a Member withdrawing was discussed, too. He stated that the withdrawal process is a little problematic and the wording needs to be addressed. Trustee Stringham spoke a little about the process.

Brian spoke about the hypothetical approval at the various Member’s council meetings. He stated that the public hearing for the bond issuance is targeted for November 10. He mentioned that pricing of the bonds during Christmas is difficult. He spoke about the timing of the first payment to UDOT and the various funding options. We are expecting the invoice from UDOT during between November and January..

9. Overview of the MSD 2022 Tentative Budget

Brian Hartsell and Marla Howard discussed the budget that had already been presented and Marla highlighted the changes that need to be made. The overall impact was minimal.

- Not all wages included a 2.5% COLA increase so an adjustment was made so all salaries and wages included this COLA amount.
- Health Benefits were anticipated to increase 10% but it will only be about 5%
- \$2,500 was added for Code Enforcement protective gear
- About an additional \$325,00 is needed for Kearns Piper Blvd. but will be paid from Kearns budget.
- Total change is about \$45,000

Chair Smolka pointed out that provision Beer funds for only 3 are listed. Marla Howard stated that traditionally only 3 of the Metro Townships get beer funds, but if others were to get the funds, the accounting treatment will be consistent.

Brian spoke about the \$3.5 million that was a placeholder for contracted Road Maintenance- but stated that that amount cannot be sustained in future years without additional sources of revenue. He shared that an updated five-year spreadsheet will be provided after the 2021 is closed. Trustee Flint mentioned that the Canal Trail is the only thing listed White City. Brian let her know all White City projects are on the carry over list, including White City Sandy Canal, Tulip Drive, sidewalk inventory, Sego Lily Drive on the bond list, Walk White City and HAWK Crossing at 10600 S.

Trustee Flint moved to open the meeting to a public hearing. Trustee Stringham seconded the motion. Chair Smolka and Trustees Bush, Flint, Clayton, Peay, Stringham and Zuspan each voted “aye”.

10. Public Hearing on the 2022 Tentative Budget

There were no comments from the public.

Trustee Flint moved to close the public meeting. Trustee Peay seconded the motion. Chair Smolka and Trustees Bush, Flint, Clayton, Peay, Stringham and Zuspan each voted “aye”.

11. Consideration and possible adoption of the 2022 Budget

Mayor Smolka made motion to approve budget for 2022, Trustee Stringham seconded the motion. Chair Smolka and Trustees Bush, Flint, Clayton, Peay, Stringham and Zuspan each voted “aye”.

12. Consideration of Amendment #2 Master Development Agreement for Olympia Hills

Brian Hartsell explained the resolution was to terminate the MDA for Olympia Hills. Mark Anderson spoke about termination of MDA in more detail, including the reimbursement of expenses. The MDA is conditioned upon the annexation of Olympia Hills into Herriman by 01-2022. We can still bill any costs incurred related to the MDA to Olympia Hills.

This will end the MSDs involvement with Olympia Hills. Brian Hartsell said we did receive a payment for legal fees incurred to date from Olympia Hills. To the best of our knowledge, we have been fully reimbursed

Trustee Flint moved to approve the approval of amendment #2 to the Master Development Agreement for Olympia Hills. Trustee Bush seconded the motion. Chair Smolka and Trustees Bush, Flint, Clayton, Peay, Stringham and Zuspan each voted “aye”.

13. General Manager report

Brian Hartsell explained that we have received extension for the ARPA reporting deadline until April 2022.

Brian Hartsell asked the Board if they would like a report on the revenue receipts or if they would like the report sent out. The board agreed to have the report sent out.

We are involved in interviews for Planning Manager, Planner II and Permit Technician, and Senior GIS Analyst.

14. Other Metro Township, Town, Unincorporated County, and Greater Salt Lake Municipal Services District business

There was no other business to be considered by the Board.

15. Discussion of future agenda items

There are no future agenda Items

16. Discussion of the character, professional competence, or physical or mental health of an individual (possible closed meeting pursuant to Utah Code Ann. § 52-5-205(1)(a))

Trustee Stringham made a motion to go into closed session. Trustee Peay seconded the motion. Chair Smolka and Trustees Bush, Clayton, Peay and Zuspan each voted “aye”. The meeting went into a closed session at 7:20 p.m.

The meeting moved to a closed session. Mark Anderson was the only non-Trustee in attendance. No action was taken during the closed portion of the meeting.

Trustee Clayton made a motion to end the close session and return to open meeting. Trustee Stringham seconded the motion. Chair Smolka and Trustees Bush, Flint, Clayton, Peay, Stringham and Zuspan each voted “aye”.

The Board returned to open session at 7:43 pm

- 17.** Discussion of imminently threatened lawsuits. (Possible closed meeting pursuant to Utah Code Ann. § 52-5-205(1)(c))

Mark Anderson informed the Board that there is no need for this topic at this meeting.

- 18.** Discussion of Personnel Items (Possible closed meeting pursuant to Utah Code Ann. § 52-5-205(1)(c))

Trustee Flint moved authorize the Chair and legal counsel to make a personnel offer as discussed in the closed session, Trustee Bush seconded the motion. Chair Smolka and Trustees, Clayton, Peay, Stringham and Zuspan each voted “aye”.

19. Adjourn

Trustee Flint moved to adjourn. Chair Smolka seconded the motion. Chair Smolka and Trustees Bush, Clayton, Flint, Peay, Stringham and Zuspan voted “aye”.

Meeting adjourned at 7:45 pm

APPROVED:

Joe Smolka, Chair

ATTEST:

Marla Howard, Clerk