

MINUTES OF THE REGULAR BOARD MEETING
OF THE BOARD OF TRUSTEES
COTTONWOOD IMPROVEMENT DISTRICT

DATE: January 19, 2022
PLACE : Cottonwood Improvement District Office
TIME: 3:00 P.M.

PRESENT:
Kim Galbraith, Chairman
Wesley Fisher, Trustee
Mark Katter, Trustee, Electronically
Greg Neff, General Manager/Engineer
Spencer Evans, Chief Financial Officer
Jeremy Cook, Attorney for the District
Jami Phillips, Board Secretary

Lonn Rasmussen, Assistant General Manager/Operation Supervisor was unable to attend.

Public in Attendance: None.

At 3:00 p.m., Chairman Kim Galbraith called the meeting to order.

AGENDA:

ITEM 1: APPROVE MINUTES OF THE DECEMBER 15, 2021 BOARD MEETING

No corrections were made to the minutes. A motion was made "to approve the minutes of the Board Meeting held on December 15, 2021."

MOTION BY: Wesley Fisher
SECOND BY: Mark Katter
FOR: Wesley Fisher, Mark Katter, Kim Galbraith
AGAINST: None

ITEM 2: PUBLIC COMMENT

None.

ITEM 3: FINANCIAL INFORMATION

(A) DISBURSEMENTS

The disbursement report was provided to the Board for their review, along with the District Manager's Wells Fargo credit card statement. There was some discussion on the District's 2021 Election expense of \$78,646. paid to the Salt Lake County Election Division. There was discussion on employee safety boot allowance and expenses. A motion was made "to approve and ratify the disbursements."

MOTION BY: Mark Katter
SECOND BY: Wesley Fisher
FOR: Mark Katter, Wesley Fisher, Kim Galbraith
AGAINST: None

(B) FINANCIAL STATEMENTS

Copies of the unaudited financial statements as of December 31, 2021 were provided to the Board for their review. However, Spencer Evans explained that there are still some year-end invoices for 2021 that need to be accrued. There was some discussion on the timing of accruing the final settlement for revenue received from property taxes.

ITEM 4: IMPACT FEE FACILITIES PLAN AND IMPACT FEE ANALYSIS

Greg Neff discussed the Bowen Collins & Associates (BC&A) Impact Fee Facilities Plan and the Impact Fee Analysis (IFA). The purpose of the IFA is to calculate the allowable impact fee that may be assessed to new development in accordance with Utah Code. The IFA is in conjunction with BC&A's analyzed Capital Facilities Plan study done for the District. This is done for both collection and treatment. Greg went over the calculated impact fees by component in the summarized Table 6. The recommended impact fee cost per ERU is \$2,945.70. The estimated 10-year ERU's to be served is 4,306. The District's current impact fee, from the last study done in 2010, is \$3,668.87. The main factor contributing to the impact fee decrease is the decrease in the value of an ERU from 7500 gal/min to approximately 5800 gal/min. A copy of the Impact Fee Facilities Plan and the Impact Fee Analysis is attached to and thereby made part of these minutes. It will be necessary to hold a public hearing to adopt the recommended impact fee from the study. There is a 90-day waiting period after the public hearing for the new adopted impact fee to take effect. Greg anticipates that BC&A will have the District's recommended rate study for the February 16, 2022 Board meeting. A motion was made "to set the public hearing date for February 16, 2022 at 3:00 p.m. to adopt the new impact fee."

MOTION BY: Wesley Fisher
SECOND BY: Mark Katter
FOR: Wesley Fisher, Mark Katter, Kim Galbraith
AGAINST: None

ITEM 5: CENTRAL VALLEY WATER RECLAMATION FACILITY UPDATE

Chairman Kim Galbraith reported on the following CVWRF matters: The meeting was held on December 16, 2021. A luncheon was held at noon followed by the meeting.

There was discussion and approval of the CVWRF's 2022 board meeting schedule.

An update was given on the Cytozyme's unlawful discharge into CVWRF. Cytozyme was fined and CVWRF garnered about \$16,000 to cover staff and legal expenses.

A \$1.9 million task order for engineering services was awarded to Brown and Coldwell.

A revised Resolution of CVWRF Local Limits and Pretreatment Rule was approved for submission to the Department of Water Quality.

CVWRF entered into an agreement with Capstone Strategies to help with legislative lobbying to assist with the awarding of any available federal funding.

The Capital Projects were updated; most projects are running on schedule for completion. The plant is scheduled to be operational on January 1, 2025. Chairman Galbraith referred to CVWRF's monthly project update chart and said that it is very informational.

There was a closed session to discuss CVWRF's lease of real property and to finalize CVWRF's General Manager's performance review. Following the closed session, the General Manager's salary was increased and an appreciation payment was awarded.

ITEM 6: UTAH OPEN MEETINGS ACT TRAINING – JEREMY COOK

Jeremy Cook did a review and summary of the Utah Code, Title 52, Chapter 4, Open and Public Meetings Act and provided the Board with the required annual training. The following are some highlights: The definition of "Meeting" means the convening of a public body, with a quorum present, including a workshop or an executive session, whether in person or by means of electronic communications. With a three-member board, anytime two members of the board are together discussing District business, it's considered a quorum and qualifies as a meeting. Annual training requirements of this chapter was mentioned. All meetings are open to the public unless it's a closed meeting, under the closed portion of the Act. Jeremy explained the difference between a public meeting and a public hearing. He discussed the notice requirements of emergency meetings; the requirements of the written minutes, which are the official record of the meeting. All meetings are to be recorded unless it's a closed meeting discussing the character, professional competence, or physical or mental health of an individual. The requirements and the purpose of a closed meeting and certain issues prohibited in a closed meeting was explained and emphasized, including closed meeting recordings. An anchor location requirement was reinstated under the Electronic Meetings Act. Under the Enforcement Act, Jeremy talked about the disruption of meetings and suit to void final action. There is a section of the Attorney General's Office specifically for the enforcement of this chapter with helpful resources. The criminal penalty for closed meeting violation is a class B misdemeanor. There was some discussion regarding motion/vote requirements to open and close a closed meeting and reconvene back into the open meeting; all noticed agenda item voting actions are required in an open meeting.

ITEM 7: MANAGEMENT REPORT

Greg Neff informed the Board that the District just recently hired two new employees: David Clements and Kasey Simpson.

ITEM 8: BOARD REPORT

There was some discussion regarding the invocation and the Pledge of Allegiance prior to future Board meetings.

ITEM 9: INFORMATION ITEMS

- (A) CENTRAL VALLEY ESTIMATED COSTS
- (B) PUBLIC UTILITY EASEMENT ENCROACHMENT BY PROPERTY OWNER – SEVEN OAKS SUBDIVISION, LOT 35 (9643 SOUTH 1700 EAST)
- (C) PUBLIC UTILITY EASEMENT ENCROACHMENT BY PROPERTY OWNER – WHITE CITY #33 SUBDIVISION, LOT 21 (1393 E. BLOSSOM DRIVE)
- (D) PUBLIC UTILITY EASEMENT ENCROACHMENT BY PROPERTY OWNER – GIVERNY AMENDED SUBDIVISION, LOT 301, (9257 S. REGATTA LANE)

At 4:39 p.m., a motion was made "to adjourn the regular Board meeting."

MOTION BY: Kim Galbraith
SECOND BY: Wesley Fisher
FOR: Kim Galbraith, Wesley Fisher, Mark Katter
AGAINST: None

PREPARED BY: Jami Phillips, Secretary