

**MINUTES OF THE TAYLORSVILLE-BENNION  
IMPROVEMENT DISTRICT BOARD MEETING HELD APRIL 20, 2011**

1. The regular monthly meeting of the Board of Trustees of the Taylorsville-Bennion Improvement District was held Wednesday, April 20, 2011. Present were Trustee Behunin, Trustee Swensen and Trustee Russell. Also present were General Manager, Keith Lord; Assistant Manager, Kevin Fenn; Attorney, Bill Gibbs; Engineer, Paul Hirst; and Secretary, Tami Fullmer. The prayer was offered by Trustee Swensen.

2. **Common Consent Items** The General Manager explained to the Board that the agenda material has been changed to group all the Common Consent items together. These items would not be discussed in length but the Board could ask for additional detail on any and all reports if necessary.

**Minutes** Upon review of the March 21, 2011 Board Meeting minutes motion was made by Trustee Russell seconded by Trustee Swensen and unanimously approved the January minutes. The motion passed with the following individuals voting in the affirmative: Trustees Behunin, Swensen and Russell.

**Monthly Calendar of Events** Chairman Behunin reminded the Board members that the next board meeting will be held Wednesday, May 18, 2011. All members plan to be in attendance. Trustee Swensen suggested that item #11, the Public Comment, be placed near the top of the agenda so that patrons attending could comment at the beginning of each meeting rather than wait until the end. The General Manager agreed to change the order on future agendas.

**Trustee Expense Report** The General Manager explained that the enclosed forms were for their review.

**Accounts Payable** Discussed: construction/operation and maintenance vouchers 23346 - 23447, for a total of 102 vouchers; with a dollar amount of \$759,911.47; payroll vouchers 2011135 - 2011161 and 2011162 - 2011188 for a total of 54 vouchers with a dollar amount of \$134,324.17. Motion was made by Trustee Russell seconded by Trustee Swensen and unanimously approved the accounts payable. The motion passed with the following individuals voting in the affirmative: Trustees Behunin, Swensen and Russell.

**Financial Report** Documents regarding the financial position of the District were reviewed and discussed for April, 2011. After a thorough review of the report as contained in the Board Book, it was directed to be appended to the minutes.

**Water Production, Water Cost and Water Usage Reports** The Board reviewed and discussed the reports and directed the schedules to be appended to the minutes.

3. **Approve Certification** The General Manager discussed the Certification amount for the month of April. Motion was made by Trustee Swensen seconded by Trustee Russell and unanimously approved the Certification amount of \$28,229.68. The motion passed with the following individuals voting in the affirmative: Trustees Behunin, Swensen and Russell.

4. **Legal Report** **Consider Sorenson Agreement** The Attorney will review the contract draft regarding an easement for the Valley Well between Sorenson Associates, L.L.C. and the District and will report at the May Board meeting.

5. **Manager's Report** **Consider Miles Kay Agreement and Easement** The General Manager explained that he and the Engineer met with Miles Kay, a property owner. They discussed and negotiated a price of \$10,000 that will secure an additional easement and extra property that the

District needs to complete the Valley Well. After much discussion motion was made by Trustee Swensen seconded by Trustee Russell and unanimously approved to execute the agreement between Miles Kay and the District. The motion was passed with the following individuals voting in the affirmative: Trustees Behunin, Swensen and Russell.

Rental Home Agreement The General Manager discussed with the Board that he met with two separate contractors that both agreed the rental home at 1844 West 4700 South could be salvaged, repaired and remodeled for approximately \$30,000.00. After much discussion motion was made by Trustee Swensen seconded by Trustee Russell and unanimously approved to allocate \$30,000.00 for the repairs and remodeling of the rental home. The motion was passed with the following individuals voting in the affirmative: Trustees Behunin, Swensen and Russell.

Real Property Management The General Manager explained that he investigated possible property managers and Real Property Management came highly recommended. He spoke to the manager, has received a contract from them and requested that the Attorney review the contract and subject to changes request permission from the Board for Real Property Management to manage the rental home. After much discussion motion was made by Trustee Russell seconded by Trustee Swensen and unanimously approved for Real Property Management to manage the home located at 1844 West 4700 South subject to the Attorney's review and changes on the contract. The motion was passed with the following individuals voting in the affirmative: Trustees Behunin, Swensen and Russell.

Rate Increase Hearing The General Manager asked that the Board consider changing the Public Hearing for a rate increase to November of each year. He explained that the Public Hearing for the budget would continue to be held in December, creating two public meetings. He suggested that the change be in place for the 2012 budget. The Board discussed the matter in length and agreed to hold Public Hearings in November and December.

6. **Construction and Operations Report** Sewer Back-up at Callaway Apartments Kevin Fenn discussed the progress and clean up of the apartment complex affected by the sewer back-up. The District seems to be in the middle of two insurance companies. The owners of the apartments, based in San Francisco, stopped all clean up operations and hired an industrial hygienist to test the affected areas. A disagreement regarding the test results stopped negotiations between Callaway owners and the District's insurance company. The owners are now pursuing legal action against the District's insurance. Mr. Fenn added that Utah Division of Water Quality sent the District notification that they were satisfied with the steps and actions taken by the District regarding the back up. The District received no fines or penalties.

Water line Replacement Mr. Fenn explained that the District is proceeding with the 2011 water line replacement. The weather has caused the only delays.

7. **Engineers Report** 3900 Sewer Lift Station The Engineer discussed that the District has received the pre-qualification packets on the construction work for the Lift Station. The plan is to approve the contractors and by the May Board meeting receive bids on the project. He explained that a bypass pump will be used for approximately one month while work on a manhole and lift station is performed.

5MG Reservoir The Engineer asked the Board to consider a change order that would involve moving some soil from the reservoir site to the Valley Well site where fill dirt is needed. The attorney agreed that the District can negotiate a price to move the dirt from one site to the other. The Engineer will negotiate a price with the reservoir's contractor. In addition, the Engineer explained that Salt Lake County has "red tagged" the reservoir job because the County has not been

able to issue the District a building permit. A letter of credit for a bond of \$25,000 is needed by the County from the District. The Engineer explained that the chain of events have caused a lot of frustration but plans to have the problem resolved by the end of the week.

8. **Report - Projects under construction** See items #6 and #7.

9. **Jordan Valley Water Conservancy District** Trustee Swensen discussed the Water Availability Study concepts that have been talked about for several months. Initially, the District recommended concepts #1 and #4. The General Manager of JWCD, Richard Bay, distilled all the concepts into two options that was presented to the member agencies. Taylorsville-Bennion's Board and staff feel that the new Option #2 is best for the District. Trustee Swensen desired that the Taylorsville-Bennion Board know that as member of the JWCD Board in the last board meeting he proposed that a vote be taken on the two options. His motion was not sustained because of the request to continue the study of the options. He also indicated that there was probably not enough support for Option #2 at the present time, as well. The JWCD Board proposed to delay the vote until the June Board meeting. He also reported that there will be a discussion concerning the overuse or exceeding the "buffer zone" of member agencies exceeding their contract water.

10. **Central Valley Water Reclamation Facility** Trustee Behunin discussed that Central Valley has joined a water coalition with Provo and several northern counties that study the water quality of the Jordan River. He suggested that Reed Fisher, General Manager of Central Valley, attend a District Board meeting and report on the study. The Board agreed that the information would be beneficial.

11. **Public Comment** No public was in attendance.

12. **Closed Session** Did not go into closed session.

13. **Adjourn** Motion was made by Trustee Russell seconded by Trustee Swensen to adjourn the April Board Meeting. The motion passed with the following individuals voting in the affirmative: Trustees Behunin, Swensen and Russell.

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## **ACTION ITEMS**

- Attorney to review the contract with Sorenson & Associates
- Attorney to review contract with Real Property Mgmt