

**POWDER MOUNTAIN WATER and SEWER IMPROVEMENT DISTRICT
PUBLIC MEETING May 21, 2018
MEETING MINUTES**

MINUTES OF THE PUBLIC MEETING OF THE POWDER MOUNTAIN WATER AND SEWER IMPROVEMENT DISTRICT held on Monday May 21, 2018 at 10:00 AM in the Weber County Commission Office Room #365, located at 2380 Washington Blvd., Ogden, Utah 84401.

Trustees Present:

James H. Harvey, Chair
Trustee Bob Behrendt (VIA PHONE)
Trustee Mark Schroetel
Trustee Gary Urdang (VIA PHONE)
Trustee Kerry Gibson

Staff Present:

Paul Hirst, Roy Watts
Carrie Zenger, Treasurer
Rachel Anderson, Attorney

A. Welcome – James H. Harvey, Chair

B. Public Comment

None

C. Consent Items

- 1) Request for approval of District bills to be paid
 - Warrants #374-394 in the amount of \$80,376.38.
- 2) Request for approval of the minutes held on March 26, 2018.
- 3) Request for the minutes held on April 23, 2018,

Motion was made by Trustee Behrendt to approve consent items 1,2 and 3; Trustee Schroetel second with all voting "aye".

D. Attorney-Rachel Anderson

Opinion of feasibility letter for developments in the District based on Summit's Developmental Agreement.

Rachel reviewed the Developmental Agreement the District has with SMHG, based on her opinion, the District is not in violation of the terms of the agreement and that they may issue the feasibility letter to Mr. Mike Moyal. The feasibility letter states certain terms and conditions based on the capacity of Cobabe Well, The Department of Drinking Waters approval of the Well, and the capacity the well is producing. The difference between a feasibility letter and a Will Serve letter were also discussed regarding the reasoning behind the issuance of the letter to any outstanding party in the Powder West Subdivision requesting a permit.

Impact fees were also discussed stating that they will be due at the time of the issuance of the permit from the County based on our Developmental Agreement and that all parties will be subject to the fees as well as stand by fees moving forward.

Roy recommended that the Board give Staff the approval to work with legal counsel to development the proper procedures and documentation to follow the process of permitting and collection of Stand By Fees within the District and present at next Board Meeting for approval.

E. Manager's Report-Roy Watts

Change of date and time for continuing Board Meetings.

Roy is recommending that Board Meetings be changed to a new day and time in order to be better prepared for each meeting. Recommendation is the meeting be changed to the third (3rd) Tuesday of each month beginning at 3:00 PM.

Trustee Schroetel moved to change Board Meetings to the 3rd Tuesday of each month at 3:00 PM; Trustee Behrendt second with all voting "aye".

Policies & Procedures Draft.

Policies & Procedures were reviewed as a draft. Roy recommended that LeGrand with the UASD review these and make any recommendations on compliance.

Trustee Schroetel moved that we table the Policies & Procedures for review and recommend that we use USAD for the review of our Policies; Trustee Urdang second with all voting "aye".

Impact Analysis, Public Hearing schedule for June 18th or 19th, 2018

Based on the motion that we change the Board Meeting to Tuesday's, Roy is recommending that the Public Hearing for the Impact Analysis and Impact Fees be scheduled for June 19, 2018 at 6:00 PM.

RFQ's Policy for 2nd phase Waterline.

State procurement as to the hiring process of Professional Services was reviewed. Hiring is done based on qualifications not price. Trustee Behrendt is recommending that Paul Hirst is our engineer and not use CRS Engineers for the services.

Trustee Urdang is recommending that Roy speak to Paul and decide if Paul is qualified using the rate that Paul Hirst has submitted and if not then proceed with additional RFQ's.

Summit Impact fees, feasibility and stand by fees for next phase.

Discussion on the collection of Impact Fees process. Trustee Schroetel suggested speaking with Don Guerra and Ann Winston to put a policy in place. A meeting with will be taking place on May 22, 2018 at the Lodge.

Sewer Lagoons

Discussion will take place in closed session.

Developmental Procedure Revision.

The revision on the Developmental Process was reviewed.

Wastewater Rules and Regulations.

Wastewater Rules and Regulations were reviewed.

Trustee Behrendt moved to approve the Wastewater Rules and Regulations; Trustee Urdang second with all voting "aye."

Roll Call: Trustee Schroetel, Trustee Behrendt, Trustee Urdang, Trustee Harvey

Revision of Water Rules & Regulations.

Water Rules & Regulation revisions were reviewed.

Trustee Behrendt moved to approve the Revised Rules and Regulations; Trustee Schroetel second with all voting "aye."

Hiring Blake Hamilton with Durham Jones & Pineaar as permanent Legal Counsel.

Roy recommended that we hire Blake Hamilton with Durham Jones & Pinegar as our new legal counsel as they are better prepared with a skill set that is needed for the District. Rachel Anderson with Fabian VanCott will continue to help with certain legal matters when needed.

Trustee Schroetel moved to accept Roy Watts recommendation to hire Blake Hamilton with Durham Jones & Pinegar as permanent legal counsel; Trustee Urdang second with all voting "aye."

District Financials-Carrie Zenger

The District's financials including Budget vs. Actuals, check register, liens and the bank balances were reviewed.

F. Motion was made to adjourn the public meeting for a closed strategy session to discuss the acquisition of real property, including any form of water right, and any pending or reasonably imminent litigation.

H. Public Meeting Reconvened

Motion to reconvene public meeting

I. Action

Discussion and/or action on items in closed session.

None

J. Adjourn

Trustee Behrendt moved to adjourn Public Meeting at 12:00 PM; Trustee Schroetel second with all voting "aye."



Board Chairman

18 September 2018
Date