

**MINUTES OF THE MEETING OF THE  
KEARNS IMPROVEMENT DISTRICT (KID) BOARD OF TRUSTEES  
HELD SEPTEMBER 12, 2023 AT THE DISTRICT OFFICE  
LOCATED AT 5350 WEST 5400 SOUTH, KEARNS, UTAH**

**Trustees Present:**

Cheryle A. Hatch  
Jeff Monson  
Gregory R. Christensen

**Staff Present:**

Greg Anderson, General Manager/CEO  
Riley Astill, Finance Director/Controller  
James “Woody” Woodruff, Public Works Director/Engineer  
Mark H. Anderson, Attorney  
Jamie Banh, Executive Administrative Assistant

**Call to Order:**

Chair Hatch called the meeting to order at 5:30 p.m. and welcomed all those present. The invocation was offered by James Woodruff and the pledge of allegiance was led by Jeff Monson.

**Public Comments:**

There were no public comments.

**Approval of Minutes (Regular Meeting, August 8, 2023):**

None of the Trustees having any questions or concerns regarding the August 8, 2023 Board meeting minutes that were included in the Board Book, it was moved by Trustee Christensen and seconded by Trustee Monson as follows:

**That the minutes of the August 8, 2023 Board meeting be approved as presented.**

The motion carried with Trustees Hatch, Christensen and Monson each voting in the affirmative.

**Board Training:**

Originally, this month’s Board training “snippet” was to have been provided by Ruben Sanchez on the subject “What is Sewer Pretreatment & Why?”. However, instead of that presentation, Greg Anderson provided an overview of the training that is received by each KID

employee. Among other things, Mr. Anderson discussed the First Amendment Audit Movement, explaining that a participant in that movement could appear at KID's office with his or her video camera rolling, hoping to get a rise out of an employee. KID employees will receive training regarding how to respond in a professional, civil manner to the public in general and to First Amendment Audit Movement participants in particular.

### **Discuss the General Manager's Report:**

Greg Anderson's monthly report was included in the Board Book. Among other things, Mr. Anderson reported concerning a recent face-to-face meeting with Congressman Burgess Owens, who he described as being "very congenial". That meeting included a tour of Legislative Appropriations Grant Projects, booster pump stations, water storage tanks and the Jordan Valley Water Conservancy District Water Treatment Facility located in Bluffdale. Mr. Anderson also reported regarding participation with Tim Davis, the Director of the Utah Division of Drinking Water, and members of the Senate Bill 76 study committee regarding the regionalization of water. He also discussed the KID 2023 water conservation student art contest; approval of the new KID domain name "KIDwater4UT.gov", which will be rolled out after January 1 of next year; a meeting with Jordan Valley Water Conservancy District management and engineering personnel to review the projected 2032 closure of the Rio Tinto/Kennecott mine and the provision of culinary water service to development that is expected to occur in the area during the following 30 years; the completion of revisions to the Annual Employee Evaluation and Job Performance form; and an award from the United States Environmental Protection Agency (EPA), which selected KID as one of 25 recipients in the entire nation to receive the "2023 WaterSense Excellence in Education and Outreach Award"; and Mr. Anderson's acceptance of an invitation to serve on the ChamberWest Board of Directors starting next January.

### **Discuss the Public Works Report:**

James Woodruff used a PowerPoint, copies of which were distributed to the Trustees and staff, to present his August 2023 Public Works Report. As he discussed KID's current construction activities, including the 4320 West 5415 South waterline and the 4700 South outfall sewer line, Mr. Woodruff praised the contractors, Noland & Son and Whitaker Construction. He also discussed a number of other subjects, including customer complaints that arose as a result of a water line break and water wise landscaping that is being installed in various KID and community sites. Trustee Monson commented that the Kearns Community Council is excited about the landscaping activities.

### **Discuss the Administrative and Financial Reports:**

Riley Astill's monthly Reports were included in the Board Book. From a fiscal standpoint, the month of July was the weakest performance by the District so far this year. Nevertheless, year-to-date net income is significantly ahead of the curve compared to net income projections from this year's Budget. Mr. Astill explained why Centurylink DSL was selected to provide cellular backup internet for the District instead of Google (cost and availability were the primary

determinative factors). During his presentation, Mr. Astill stressed the District's current water usage expressed as gallons per capita per day ("GPCD"), which is lower than the District's historic average and significantly better than the 2030 regional goal of 187 GPCD. For the seven month period that ended July 31, 2023, KID's residential connections used 68 GPCD and all connections lumped together utilized 120 GPCD. Mr. Astill's presentation ended with a discussion of a customer complaint regarding the District's "shut off" notice door hanger. Greg Anderson stated that the door hanger language is being re-worked, including a Spanish translation, to express a "kinder" approach. There was also a brief discussion of KID's meter replacement effort, which is going "gangbusters".

**Consider the Check Register:**

Riley Astill responded to questions from the Trustees regarding specific entries in the July, 2023 Check Register, which is a list of all payments made during the month. The Check Register was included in the Board Book. In response to a question from Trustee Monson, Greg Anderson, James Woodruff, and Riley Astill stated that Executech is providing very good service to KID and doing a "fabulous job". Riley Astill went into detail explaining how Xpress Bill Pay processes payments to KID and how it interfaces with KID's system. At the end of the discussion, it was moved by Trustee Monson and seconded by Trustee Christensen as follows:

**That the July 2023 Check Register be ratified and approved as presented.**

The motion carried with Trustees Hatch, Christensen and Monson each voting in the affirmative.

**Consider Training Requests:**

A preliminary copy of the Agenda for the 34<sup>th</sup> Annual Convention of the Utah Association of Special Districts (UASD) was included in the Board Book. Following a brief discussion, it was moved by Trustee Christensen and seconded by Trustee Monson as follows:

**That three Trustees and four staff members be authorized to attend the upcoming UASD Convention at District expense.**

The motion carried with Trustees Hatch, Christensen and Monson each voting in the affirmative.

In conjunction with the UASD Convention, it was suggested that Greg Anderson be nominated to receive the Distinguished Manager Award. Following a brief discussion, it was moved by Trustee Christensen and seconded by Trustee Monson as follows:

**That F. Greg Anderson be nominated to receive the UASD Distinguished Manager Award.**

The motion carried with Trustees Hatch, Christensen and Monson each voting in the affirmative.

**Consider Purchases/Costs Over \$50,000:**

A copy of a letter from Greg Thomas, a professional engineer with Hansen, Allen & Luce, Inc. who is acting as the Project Manager for KID's 4700 South Outfall Sewer Phase 1 Project, was included in the Board Book, along with a copy of Application for Payment No. 9 from Whitaker Construction Company, Inc. for work on the 4700 South Outfall Sewer Phase 1 Project. In the letter, Mr. Thomas recommended a payment to Whitaker Construction in the amount of \$1,569,410, less a 5% retention of \$78,470.50, yielding a net payment of \$1,490,939.50. The letter explained that a \$10,935 adjustment in a quantity reconciliation Change Order will be made at the end of the Project to address an overcharge for 2 inch mill and overlay used in asphalt pavement restoration. KID staff also recommended approval of the payment.

It was moved by Trustee Christensen and seconded by Trustee Monson as follows:

**That a payment be approved to Whitaker Construction Company, Inc., Pay Application No. 9, for work on the 4700 South Outfall Sewer Phase 1 Project in the amount of \$1,490,939.50.**

The motion carried with Trustees Hatch, Christensen and Monson each voting in the affirmative.

A Memorandum from Riley Astill recommending a payment to Meterworks for 3,522 Neptune residential water meters and gaskets was included in the Board Book, as was Invoice No. 9244 from Meterworks requesting a payment of \$475,854.40. Mr. Astill credited Mark Kelly for his work with Meterworks to find the required meters and arrange for delivery in October, so the KID crew can install the meters before winter sets in.

It was moved by Trustee Christensen and seconded by Trustee Monson as follows:

**That a payment to Meterworks be approved in the amount of \$475,854.40 for 3,522 Neptune residential water meters and gaskets.**

The motion carried with Trustees Hatch, Christensen and Monson each voting in the affirmative.

An invoice from Komatsu in the amount of \$71,900 for a new 2023 KA Compact Hydraulic Excavator was included in the Board Book. The new excavator will replace an old excavator that is being retired. The purchase is being made under a state contract, so multiple bids were not required. Bids will be obtained for the old excavator, which will be sold as surplus property.

It was moved by Trustee Christensen and seconded by Trustee Monson as follows:

**That the payment of an invoice from Komatsu for a new 2023 KA Compact Hydraulic Excavator be approved in the amount of \$71,900.**

The motion carried with Trustees Hatch, Christensen and Monson each voting in the affirmative.

**Consider Bond Releases/Reductions:**

There were no bond releases or reductions to be considered by the Board.

**Present and Discuss the Preliminary 2024 Budget:**

A Memorandum from Greg Anderson discussing KID's 2024 Budget was included in the Board Book. Mr. Anderson introduced the Budget discussion by noting that payments to the Central Valley Water Reclamation Facility constitute a large portion of the KID Budget. Mr. Anderson stated that Riley Astill does "remarkable things" and pays attention to details, which is very beneficial for the District. In response to a question from Chair Hatch, Riley Astill stated that staff is somewhat tentative regarding the recommended service fees, but isn't comfortable recommending higher fees because of the potential impact on KID's customers. Trustee Monson responded that the Board appreciates staff being concerned for our customers. He added that KID's management is doing a "great job". Riley Astill noted that an effort has been made to hold the Budget as flat as possible.

In addition to Greg Anderson's Memorandum, a 2024 Preliminary Budget was included in the Board Book. During the October 10 Board meeting, a 2024 Tentative Budget will be adopted. On November 14, the proposed Budget will be presented and a budget hearing will be held by the Board. On December 12, the final 2024 Budget will be adopted by the Board. The Preliminary Budget includes a 4% water rate increase and a 6.5% increase in sewer rates. Greg Anderson and Riley Astill discussed the proposed fees and rates that were included in the Preliminary Budget. There was a broad, general discussion of the detailed Preliminary 2024 Budget. It was noted that, over the past 18 years, KID's average water losses have been 6.9%, compared to a national average of 16%. In 2022, KID's water losses were only 4.8%.

**Consider the Kearns Metro Township License for Pipeline Agreement for the 4320 West Waterline Replacement Project:**

A License for Pipeline from the Kearns Metro Township for the District's 4320 West waterline was included in the Board Book. After the License was discussed, it was moved by Trustee Monson and seconded by Trustee Christensen as follows:

**That the Kearns Metro Township License For Pipeline for the District's 4320 West waterline be approved.**

The motion carried with Trustees Hatch, Christensen and Monson each voting in the affirmative.

**Consider the Kearns Metro Township License for Pipeline Agreement for the 5215 South and Sam’s Boulevard Waterline Replacement Project:**

The proposed License for Pipeline between KID and the Kearns Metro Township for the 5215 South and Sam’s Boulevard waterlines was included in the Board Book. It was moved by Trustee Monson and seconded by Trustee Christensen as follows:

**That the Kearns Metro Township License for Pipeline for the District’s 5215 South and Sam’s Boulevard pipelines be approved as presented.**

The motion carried with Trustees Hatch, Christensen and Monson each voting in the affirmative.

**Consider Resolution No. 2023-09-01 Adopting And Approving An Interlocal Cooperation Agreement Between the Kearns Improvement District and West Jordan City:**

A copy of Resolution 2023-09-01, the adoption of which would approve an Interlocal Cooperation Agreement between KID and West Jordan City, was included in the Board Book. Pursuant to the Agreement, an interconnection between KID’s water system and that of West Jordan City would enable either party to provide water to the other party in the event of an emergency, as part of KID’s and West Jordan City’s Risk and Resiliency Plans. Staff recommended approval of the Interlocal Agreement.

It was moved by Trustee Monson and seconded by Trustee Christensen as follows:

**That Resolution No. 2023-09-01 be adopted, thereby approving an Interlocal Cooperation Agreement for emergency water service between KID and West Jordan City.**

The motion carried with Trustees Hatch, Christensen and Monson each voting in the affirmative.

**Consider the 4700 South Sewer Outfall Project Change Order No. 5 for Whitaker Construction:**

A Memorandum from James Woodruff regarding 4700 South Sewer Outfall Project Change Order No. 5 for Whitaker Construction Company, Inc. and a copy of the Change Order were included in the Board Book. James Woodruff reviewed the Change Order and explained that, in conjunction with the construction of the 4700 South sewer outfall line, two major waterlines have to be relocated. The waterlines were not discovered when the area was potholed and the design drawings were prepared. Consequently, relocation of the waterlines was not included in the original scope of work. Mr. Woodruff recommended approval of Change Order No. 5 in the amount of \$287,100. Greg Anderson added information concerning the extra work. At the end of the discussion, it was moved by Trustee Christensen and seconded by Trustee Monson as follows:

**That Change Order No. 5, for work by Whitaker Construction Company, Inc. on the 4700 South sewer outfall line, be approved in the amount of \$287,100.**

The motion carried with Trustees Hatch, Christensen and Monson each voting in the affirmative.

**Consider Resolution No. 2023-09-02 a Resolution of Support for Greg Anderson to Continue to Serve as a Board of Trustee Member for the Utah Association of Special Districts (UASD):**

Greg Anderson explained that his term on the Board of Trustees of the Utah Association of Special Districts will end next March. An election for the position will be conducted during the upcoming UASD Convention in November. The UASD Bylaws require that any individual who is nominated to serve on the UASD Board of Trustees must present a resolution of support from the governing body of the special district or special service district of which the individual is an officer or employee. A copy of Resolution No. 2023-09-02, nominating Greg Anderson to the UASD Board of Trustees, was included in the Board Book. Following a brief discussion, it was moved by Trustee Christensen and seconded by Trustee Monson as follows:

**That Resolution No. 2023-09-02 be adopted, with corrected signature lines for the Trustees.**

The motion carried with Trustees Hatch, Christensen and Monson each voting in the affirmative.

**Central Valley Water Reclamation Facility:**

A copy of the agenda for the August 23, 2023 Central Valley Water Reclamation Facility Board meeting was included in the Board Book. Trustee Monson, who represents KID on the Central Valley Board, reported concerning the Central Valley Board meeting including: a new Central Valley Board member has been appointed by South Salt Lake City; the Side-Stream Nitrogen Removal Project is moving forward; no hunting will be allowed at the Central Valley biosolids disposal site located near Fairfield in Utah County; rights-of-way and city limitations were discussed; a preliminary 2024 Central Valley Budget has been prepared; Zions Public Finance has been selected to serve as Central Valley's financial advisor; and an update was provided regarding Central Valley's property and liability insurance.

**Jordan Valley Water Conservancy District:**

A copy of the agenda for the August 9, 2023 Jordan Valley Water Conservancy District Board of Trustees meeting was included in the Board Book. Jordan Valley Board meetings and Executive meetings generally are attended by Trustee Christensen or Greg Anderson, and they both attend some Jordan Valley meetings. Trustee Christensen noted that the Salt Lake County Council had reservations when Jordan Valley's proposed property tax increase was reported to the Council. Jordan Valley intends to issue a \$100,000,000 bond in January for capital improvements. A planned 6,000,000 gallon water tank will cost more than \$16,000,000.

### **Utah Association of Special Districts:**

Copies of the agendas for the August 10 and the September 7, 2023 UASD Board meetings were included in the Board Book. Greg Anderson, who serves on the UASD Board, reported concerning current UASD activities, including preparations for the upcoming Convention. Riley Astill reported concerning his activities as Treasurer of the Association; and Mark Anderson, who serves as UASD General Counsel, explained proposed changes to the UASD Bylaws that will clarify and enforce a requirement that only governmental entities, such as special districts, special service districts, conservation districts, and interlocal entities having at least one district member, will qualify for UASD membership and only representatives of the governmental UASD members may serve on the UASD Board of Trustees.

### **Kearns Metro Township Council:**

A copy of the agenda for the September 11, 2023 Kearns Metro Township Council meeting was reviewed by the Trustees and staff. During the Kearns Metro Township Council meeting: Marla Howard, General Manager of the Greater Salt Lake Municipal Services District (MSD), presented an overview of the MSD's 2022 Audited Financial Statements. Greg Anderson reported concerning Kearns Improvement District and community activities, including crediting Congressman Burgess Owens' assistance in obtaining federal grants; and discussing the KID student art contest. There was a brief discussion of KID's efforts to update the KID Conservation Garden and prevent it from becoming an attractive nuisance. The Unified Police Department Officer of the month was introduced; and the PEHP (Public Employees Health Program) was discussed.

### **Kearns Community Council:**

A copy of the agenda for the Kearns Community Council meeting held on September 5, 2023 was included in the Board Book. Trustee Monson was in attendance at the meeting and reported concerning activities of the Kearns Oquirrh Park Fitness Center and the Kearns Improvement District. Trustee Monson stated that Unified Police Department (UPD) Chief Levi Hughes presented a detailed report, particularly concerning an officer involved shooting and the neighborhood policing model that is being implemented in Kearns. UPD's future is in question due to legislation that was passed during the 2023 General Session of the Utah Legislature. Trustee Monson praised service activities of the Point Church and of the Kearns Library.

### **ChamberWest – Board of Governors & Legislative Affairs:**

A copy of the agenda for the ChamberWest Legislative Affairs Committee meeting held on September 7, 2023 was included in the Board Book. Greg Anderson briefly reported concerning ChamberWest activities, particularly focusing on legislative issues; the Utah

Retirement Systems; and a state authorized bike path along the Mountain View Corridor, noting that a portion of the Mountain View Corridor could become a freeway.

**Trustee Per Diem Report:**

A copy of the September 2023 Trustee Per Diem Report was included in the Board Book.

**Adjourn:**

There being no further business to come before the Board, Chair Hatch declared the meeting to be adjourned at 8:24 p.m.

Approved by the Board of Trustees of the Kearns Improvement District on the 10<sup>th</sup> day of October, 2023.

Dated: October 10, 2023 by /s/ Cheryle A. Hatch, Chair

Dated: October 10, 2023 by /s/ Gregory R. Christensen, Vice-Chair

Dated: October 10, 2023 by /s/ Jeff Monson, Board Clerk