

# MOUNTAIN GREEN SEWER IMPROVEMENT DISTRICT

5455 West Old Highway Road, Mountain Green, Utah

## Minutes of the Board of Trustees Meeting

Thursday, March 6, 2014, 7:00 P.M.

**Board Members Present:** Blair Larsen, Tina Kelley, Shane Rice, Wendy Eliason and Zane Gray. **Employees Present:** Robert Volk, Dennis Baldwin and Janet Boudrero. **Excused:** Mark Devoe and Mary Jewett. **Guests Present:** Benson Whitney and Ken Allred.

**Invocation:** Tina Kelley

**Chair:** Zane Gray welcomed those present and conducted this meeting.

**Item # 1.** Discussion: Henry Walker Homes

Benson Whitney, Vice President of Land Development for Henry Walker Homes, was present and expressed how much he loves the community of Mountain Green and remarked that he is in 100 percent agreement that "New Growth Must Pay Its Own Way." He said as a good-will gesture, Henry Walker Home's will be making a contribution of \$3,000.00 toward the cost of the Monte Verde lift station pump upgrade.

Benson shared future development plans for Henry Walker Homes on Phase I and Phase II of Whisper Ridge. He added that they are also involved with Rollins Ranch Phases 4A & 4B, and have been in discussion with Duane Johnson regarding his master development. If legal disputes are cleared between previous developers, Henry Walker Homes will also be working on Cottonwoods Phase 4.

Benson stated that Robert had discussed his concerns over the sewer system planning and installation for Whisper Ridge Phase II, and stated that Henry Walker Homes is willing to work together on making this a great community even though it will cost them approximately \$500 more per lot to include plugs, drains and storm drains to ensure the sewer is not overloaded with surface water runoff from the development. In closing, Benson asked the Board to contact him with any concerns

**Item # 2.** Discussion / Decision: MGSID received a Will Serve request to amend the plat in Cottonwoods Phase II and combine three lots into two lots. However, one of the lots has a constructed dwelling with no impact fees or inspection fees paid so no changes can be made until the situation is cleared by the Board.

The lot owner, Ken Allred, was present to explain how he had purchased lot #106 out of foreclosure directly from a bank and that he was unaware of any unpaid fees when the transaction took place. There were no notices from the Bank, the Title Company or the Sewer District. Ken indicated the builder of the home was Craig Wright from Utah County, who he believes is now living in Colorado.

Ken also indicated how he purchased lot # 104 from Lance Albrechtsen and is now filing for a lot line adjustment that will remove lot #103 entirely and split its area with lots #104 & #106. Ken will then sell lot #106 and build his new home on lot #104. Robert emphasized that Ken will need to pay the Impact Fee and Inspection Fee for lot #104 to the District before he can obtain his permit through the County.

There was substantial discussion on how this might have been missed, and Tina questioned how Gardner was allowed to include this flag lot in the development the first place. It was her understanding that flag lots were prohibited. Board members then discussed how the reimbursement of the advanced funding for these lots will still be required, even though the Impact Fee payment for lot #106 had not been received. Zane followed up with several questions regarding the reimbursement process, which Robert reviewed.

Shane made a motion that we approve the Will Serve letter to combine lots 103, 104, 106 and combine these three lots into two separate lots. Lot # 103 will be dissolved and the sewer lateral will be capped. The Sewer District will absorb the missing Impact and Inspection fees for lot # 106 and reimburse to the developer the advanced funding for lots # 103 & #106. The Impact Fee and Inspection Fee for Lot # 104 will be paid by the owner when developed. Wendy seconded the motion. All voted in the affirmative. Motion passed.

**Item # 3.** Discussion: Swearing in of re-appointed Board Member

As Mary Jewett was not present, this item was put on hold until our next meeting.

**Item # 4.** Discussion: Status of Trunk Line section to Baxter property.

The 2008 construction plans for the Trunk Line, from the Bank on Old Highway to the District headworks, do not include an extra 340' of line that extends from the lower east manhole (SSMH-7) all the way over to the Baxter property on the east side of the Johnson property line. The easement for this line is designated on the plans, but the actual construction of the line is not included on the plans or in any of the cost estimates. Manhole SSMH-7 does include an 18' capped stub out to the east so this 340' section of line may be added at a later date.

Both Blair and Tina had previously expressed concerns over the proposed Trunk Line and the problems it could create for Scott Baxter if the line is not continued through to his property during the construction phase. They believe that not completing the physical installation at this time would box off the Baxter property and create difficulties for future development in that direction.

Robert explained that, since the last meeting, he has thoroughly researched the situation and found that the District has a legal and recorded easement across the Johnson property that would allow this extra section of line to be installed at any time in the future. There are signed agreements with the Johnsons from both 2005 and 2008 that provide an easement in perpetuity from the west side of the property to the east side.

Robert verified that the 2008 easement is on record at Morgan County and he also reviewed the status with the District Attorney, Jon Call, to ensure we would have not have problems with future access and installation. The easement protection and the lack of planned development in that area are probably why that section was not included in the original construction plans. Per the District's mantra that 'New Growth Should Pay Its Own Way', there is no planned development on the east side of the Johnson property that will pay these costs.

Blair disagreed and illustrated on the white board how he believed the construction should be accomplished. Tina stated that Scott Baxter should be included in these discussions and be given the opportunity to pay for this section of line if he so chooses because she believes that Mr. Johnson might contest future installation, regardless of the easement. Both Tina and Blair expressed their desire for Robert to contact Scott Baxter directly so that he is represented and can make the appropriate decisions. Tina provided Scott's contact information and Robert agreed to contact him on Friday.

**Item # 5.** Discussion: District Operations – February 2014

Robert apprised board members of the high water infiltration that occurred on Feb. 9, 2014 after receiving heavy rain and warmer temperatures but that our BOD and TSS readings continue to measure well within the state requirements.

**Item # 6.** Discussion: District Statistics as of March 4, 2014

Board members briefly reviewed the current financials of the District. Zane questioned why there is a difference between the number of Total ERU'S connected verses the number billed. The response was that the difference is due to vacant homes when people move in and out.

**Item # 7.** Discussion / Decision: Review and approval of February 6, 2014 Minutes.

Tina made a motion to accept the Minutes from our last board meeting of February 6, 2014. Wendy seconded the motion. All voted in the affirmative. Motion passed.

Adjourned: 8:30 P.M.

**Signed:** \_\_\_\_\_