

**MOUNTAIN GREEN SEWER IMPROVEMENT DISTRICT**  
5455 West Old Highway Road, Mountain Green, UT 84050  
**Minutes of the Monthly Board of Trustees Meeting**  
Wednesday, September 6, 2017

**Board Members Present:** Zane Gray, Blair Larsen, Lynn Peterson and Larry Nance.  
**Excused:** Wendy Eliason, Lannie Jolley and Gary Ross. **Employees Present:** Robert Volk

**Start Time:** 7:00 P.M.

**Chair:** Zane welcomed those board members present and chaired this meeting.

**Invocation:** Zane Gray

**Public Comment Period:** No comment. Blair Larsen did state that he would be leaving this meeting early around 8:00 P.M.

**Item # 1. Discussion/Decision: Intersection liability**

Robert briefly updated board members on what he had found regarding the liability of the Mountain Green Sewer Important regarding the intersection directly outside the entrance gate. This item was discussed in the District's previous board meeting the evening of August 2, 2017.

The board had requested that Robert speak with the MGSID attorney and find out what our liability would be if we were to install a speed bump, a painted crosswalk or other improvements which would provide protection for the children that are frequently playing in and around that crossing.

Our attorney, John Call, informed Robert that the District has no liability for the intersection as it now exists as long as everything was installed according to the codes that were in place at the time of the installation. Any liability as the result of an accident would fall to the person(s) responsible (at fault). The exception to this would be the District knowing that a hazard and/or hazardous situation exists, but making no effort to correct the situation.

In the case that the District did install a crosswalk pattern, warning signs or a speed bump, that would also not create any additional liability to the District.

In essence, it would be better to do something rather than nothing if you acknowledge that a problem exists. He also informed those present that we were unable to make contact with the Aspen Meadows Homeowner's Association or a local contact for the Kent Smith Park.

Larry made a motion that we submit a letter to the County Attorney and the Homeowner's Association to make them aware that of the children crossing through the intersection along with vehicles passing through the intersection to access the condominiums and the storage facility. Lynn seconded the motion.

Zane asked for any further discussion on that motion.

We recognize that the children are going through there and we want to put them on notice that this is a County Road and that the County is the one that needs to do something to mitigate any potential problems. And to also follow up on the signage that Mike Waite from the County has previously agreed to provide.

Blair made the comment that he is not in favor of sending the letter and would prefer to just let it be. That the words we put in writing could infer more of a situation than there is. Robert has done his due diligence to figure out who the intersection belongs to and the Board is now as aware of the situation as it wants to be.

Zane remarked that we have gone to the effort to get signs and Lynn stated that we have witnessed the potential hazard and have gone as far as contacting our attorney and said that we should at least put the signs up.

Larry added that from personal experience the only thing that counts in a court of law is what is in writing. Robert added that he is willing to write the requested letters, but hopes the Board will just trust him to compose it as it would be difficult and time consuming to send it back and forth for everyone's input and approval. The Board Members present stated that they would prefer that Robert just write the letter and send it and they will be fine with whatever he puts together.

After more discussion on the motion Zane asked for a motion to approve. Lynn, Larry and Zane voted in the affirmative. Blair abstained. Motion passed.

## **Item# 2. Discussion: Board Bylaws**

The recommendation has been made that the Board should create a set of Bylaws, which would describe and define all of the rules for the Board to operate under. Board members discussed this item and clarified that a few board members have stated in the past that they would like to see some rules in place that would clearly state the policies and procedures for the Board, such as attendance, penalties, compensation, removals, appointments and election procedures.

Board members briefly discussed the District's election process and Robert reminded them that for the past ten or more years, the District has not held a regular election. This is because no candidates would register and existing Board Members were just re-appointed to fill another term.

Zane questioned whether we could just go to an appointment system instead of an election. Blair stated that the election process is still the way to go and that we would not want to take away people's right to vote, and we cannot just cut people off.

Robert did share that lack of attendance is more of an issue than most people think, and without any kind of an enforceable policy, there is not much anyone can do. He noted that scheduling and preparing for a Board Meeting becomes a wasted expense to the District when a quorum is not achieved. No decisions can be made and items have to be pushed to a future meeting, but the District still has to compensate the Board Members that were present as well as pay for all of the food, copies and preparation.

After more discussion Zane moved to table this item for future discussion and to move immediately to item #4 for a quick discussion. Blair stated that on Item # 3. That he would not be in favor of any lease agreement for more than one year on anything that would encumber the District.

### **Item # 3. Discussion: Park Lease**

Board members were reminded that the District currently leases out the land behind the Kent Smith Park to Morgan Count for \$1.00 per year. The county has been reluctant to invest in improvements because the lease states that the District may cancel the lease and take the land back at any time as the need arises.

Zane stated that he has been approached by Morgan County in regards to finding property for a regional park here in Mountain Green. The three properties which they are considering are the Rollins Ranch Park, the MGSID property behind Kent Smith Park and the property located next to the Bowery by the new stake center.

Blair stated that in the event that Mountain Green eventually incorporates that the District property behind Kent Smith Park would be the ideal location for other business's or municipal buildings. He also feels that the County can build a soccer field in one of those other locations but not on the District property as this land was donated to the MGSID expressly for the purpose of expanding the sewer plant.

Robert explained that the District currently does not know exactly what kind of system we will go with or exactly how much land we will need. Those questions will start to be answered when we start our final option process in a few years.

Lynn stated they he would be opposed to signing any new lease agreement with the County, especially for ten years, as we don't yet know what our plans are and we might need that land. Lynn also acknowledged the current problem with the lack of adequate parking space at the park.

Robert recommended that we leave the lease as is and tell the County that they would probably have at least a five year window for the use of the land but Robert is in agreement with both Lynn and Blair and that we don't want to give away our options.

#### **Item # 4. Discussion: Conflict of Interest Statement for 2017**

Board members briefly discussed this item and how it relates to the MGSID. Blair expressed that he was not in agreement with this Conflict of Interest Statement.

Robert explained that this form is for the current year of 2017 so when we are going through the audit process in 2018, he will have something for the auditor. He noted that when the auditor requested information on Board Conflicts of interest, not one Board Member responded to the email.

Larry emphasized that to sign a Conflict of Interest Statement is considered to be standard operating procedure and by doing so, you are declaring that you do not have a financial conflict with any item that you would be voting or making a decision on. He then added that if one does not agree all that would be necessary would be to write on the back of the form that he is not in agreement and refuses to sign and that way the District would be covered. Zane, Lynn & Larry signed and turned in their forms.

After discussion on this item, Blair left at 8:10 P.M.

#### **Item # 5. Discussion: Best Practices Checklist-Second Section**

The chairman has requested that the Board review and comment on the Best Practices Checklist in order to determine what should apply to the MGSID. The entire checklist is attached to the end of the Agenda for reference, but the board will review the second section this month. The topic is Internal Controls.

After a very brief introduction Larry suggested that the board table this item and move this item to our next meeting when we will have a full quorum. He also added that every board member will likely have their own opinions.

Robert will take note of that and move this item to our next meeting.

#### **Item #6. Discussion: Manhole collar repairs are complete**

Board members were informed that at our August 2017 Board Meeting the Board approved \$20,000 maximum to be used towards the repairs of the thirty manhole collars. During the process of doing the repairs one more manhole was discovered and it was also added to the list.

The repairs are now completed on thirty one manhole collars for a total cost of \$19,375.00 which came in slightly under the approved budgeted amount.

**Item # 7. Discussion: 2017 System Cleaning has been completed**

Board members were apprised that the 2017 system cleaning and videoing by Pro-Pipe has been completed. They covered about 50,000 linear feet on the east end of Mountain Green which is approximately one third of the collection system.

**Item # 8. Discussion: District Operations – August 2017**

**Item # 9. Discussion: District Statistics as of August 31, 2017**

**Item # 10. Discussion/Decision: Review and approval of the August 2, 2017 Board Minutes could not be done without a quorum. Moved to the next meeting.**

**Item # 11. Discussion: The next scheduled Board Meeting will be on Wednesday, October 4, 2017 at 7:00 PM.**

**Adjourned:**