

**SOUTH VALLEY WATER RECLAMATION FACILITY
BOARD MEETING
Wednesday, September 20, 2023
7495 South 1300 West
West Jordan, Utah 84084**

Attendance	Board Chairman	Jerry L. Knight, Sandy Suburban Improvement District
	Board Member	Jared Syme, Midvalley Improvement District
	Board Member	Joel Thompson, South Valley Sewer District
	Board Member	Glen Kennedy, Midvale City
	Board Member	David Murphy, City of West Jordan
	Attorney for South Valley	Tracy S. Cowdell
	General Manager	Lee Rawlings
	Facility Engineer	Taigon Worthen
	Finance Director	Gary Dunn
	Facility Clerk	Belinda Patterson

Call to Order Chairman Knight called the meeting to order at 12:30 p.m. and welcomed those in attendance.

Roll Call Roll call vote was as follows:

Mr. Syme	“here”
Mr. Kennedy	“here”
Mr. Murphy	“here”
Mr. Thompson	“here”
Chairman Knight	“here”

**Ceremonies/
Presentations/Public
Comments** None

Resolution #09-20-2023(A) Adopting the 2024 Tentative Budget Mr. Dunn gave each of the board members a copy of the South Valley Water Reclamation 2024 Tentative Budget with an electronic version available for those interested.

Mr. Rawlings announced the overall O & M budget, proposed for 2024, increased .5% with most of it due to biosolids disposal.

Mr. Dunn reported that a finance committee meeting has been scheduled for October 4 and an electronic copy will be sent to each member following this meeting. Also, an extra column has been added to the budget which shows dollar changes. SVSD’s contribution decreased due to a bond payment made in February, 2023.

Mr. Thompson moved that the Board adopt Resolution 09/20/2023(A) the South Valley Water Reclamation Facility’s 2024 Tentative Budget as set forth in Appendix “A” and direct the chairman to sign the resolution. Mr. Murphy seconded the motion. Roll call vote was as follows:

Mr. Syme "yes"
Mr. Kennedy "yes"
Mr. Murphy "yes"
Mr. Thompson "yes"
Chairman Knight "yes"

All were in favor, motion carried.

**Award Clean Out of
Bioreactor 4**

The facility advertised the notice inviting bids for grit removal from Bioreactor 4. One sealed bid was received from PRS Industrial. This company has performed this service for the facility in the past. The bid amount is \$274,871 which is the same amount when Bioreactor 3 was cleaned out in 2022.

Mr. Rawlings added that this will be the first bioreactor to be cleaned out after the new grit building was put on line.

Mr. Kennedy moved the board award bioreactor 3 grit removal to PRS Industrial Services in the amount of \$274,871. Mr. Symes seconded the motion. All were in favor, motion carried.

**Task Order with
Carollo for Design of
MCC Replacement
Project**

Mr. Worthen said that this work has been included in the Capital Facility's Plan over the last few years and the board authorized Carollo to define the extent of the MCC Replacement effort.

Staff advertised the intent to sole source professional engineering services for this improvement with no inquires received.

This task order is to procure the major electrical gear and design the MCC replacement improvements. There are two major components due to the fact electrical equipment is currently 52 weeks out after ordering and because it is anticipated to take approximately two years. The first component is developing the technical specifications and drawings necessary to procure the new MCC equipment. The second component is to develop the construction package to bid the equipment installation.

Mr. Murphy moved, keeping in mind that we've advertised this to comply with sole source requirements, that the board approve the task order and authorize the board chairman to sign it upon review and approval by the facility attorney. Mr. Syme seconded the motion. All were in favor, motion carried.

**Resolution #09-20-
2023(B) Approve
Property Remediation
and Exchange
Agreement
Amendment #2**

This item has been tabled.

**Resolution
#09/20/2023(C)
Approve Assigning
Property Interest
Conveyance for Quiet
Title Issue and
Recovery of Losses for
Bastian Ditch Clean Up
of Lark Property to
SOJO**

Mr. Cowdell explained that there are two issues that need to be addressed.

First, SOJO118 (Developer), feel they have a claim against Rio Tinto to help pay for some additional costs associated with the clean-up of the Bastian Ditch due to unexpected contamination.

Second, back in June a request was made for SVWRF to apply for a Quiet Title Action on a narrow strip of unclaimed property between U111 and the west fence where an old rail line used to be. Because SVWRF has been using part of the land it was thought that the facility might have the best claim. The board was not comfortable doing that. The rerouting of U111 is in its final planning phase and in order to have access and egress to the west, approval of the unknown landowner of this particular strip of property would have to be obtained.

In summary, this resolution assigns the interest to try and recover damages for clean-up of the site to the Developer and also assigns the interest to pursue the Quiet Title Action to the Developer and let them do the work.

Mr. Cowdell further stated if the board is interested in initiating a collection action against Rio Tinto for the cleanup of the Bastian Ditch ourselves then we may not want to convey that interest to SOJO118. Mr. Kennedy asked how that would work because we would need to know the cost.

Mr. Kennedy asked what liabilities we have? Mr. Cowdell said that we have an interest in the unclaimed property, which we would be waiving with this resolution. And we have a claim on any money paid out by Rio Tinto for the contamination of the Bastian Ditch, which we would be waiving with this resolution.

Mr. Murphy talked about an experience West Jordan had with the Bastian Ditch running across an old gun range which involved a major clean out due to contaminated soil. They approached Kennecott and Kennecott cleaned it up. Mr. Murphy requested time to speak with his staff about the interest that would be given up by this resolution.

Mr. Cowdell stated that the Developer did approach Rio Tinto to clean up the ditch and their response was "no".

Mr. Rawlings added that the Department of Environmental Response and Remediation knew about the contamination of the Bastian Ditch on our property but didn't pursue cleaning it up because it was a land fill. Now that there is interest in developing the land it has become an issue.

Mr. Kennedy expressed a concern, optically, handing the property over without being compensated somehow. Mr. Murphy agreed and further stated that because the Developer paid for the cleanup costs for the Bastian Ditch he has a right to go after that. But the Quiet Title Action, whatever the acreage of the property is, it has a value right now that maybe should have or should not have been a part of the original land deal. That is cost or profit that the facility should realize for its purposes and gain that portion of the money back if possible.

Mr. Cowdell said that we could issue the Quiet Title Action and sell the property ourselves if the board wishes.

Mr. Kennedy added we could come up with a fair value amount and it doesn't even have to be cash. There will be some additional needs for the new building. He suggested SVWRF handle the Quiet Title Action and sell the land to the Developer.

Mr. Cowdell requested direction from the board. He offered to pursue the Quiet Title Action and stated that the Developer offered to pay the legal fees.

Mr. Cowdell suggested tabling this item and he will speak with the Developer as well as obtain the total acreage of the property.

A revised version will be presented at the next meeting.

Consent Calendar

Items included on the consent calendar are as follows:

- Ratify Check Register: August, 2023
- Approval of Minutes: August 16, 2023
- Next Board Meeting Date: October 18, 2023

Mr. Kennedy moved to approve the consent calendar. Mr. Murphy seconded the motion. All were in favor, motion carried.

General Manager Report

There was no additional discussion.

Project Updates

Mr. Worthen gave a brief overview on projects around the facility. The HVAC project is winding down, Gerber Construction has been on site a couple of weeks working on the Day Tank Project; Skyline Electric has brought in SKM Engineering, controls integrators, for the VFD project; and the Fueling Station drawings will be submitted to the City of West Jordan sometime this week with ground breaking scheduled for some time in November, 2023.

Closed Meeting

There was no closed meeting.

Other Business

There was no other business discussed.

Adjournment

Chairman Knight adjourned the meeting at 1:27 p.m.

Jerry L. Knight, Board Chairman

Belinda Patterson, Facility Clerk