

**MINUTES OF A REGULAR MEETING OF THE WEBER BASIN WATER
CONSERVANCY DISTRICT BOARD OF TRUSTEES HELD THURSDAY,
JUNE 30, 2022, 9:00 A.M., AT DISTRICT HEADQUARTERS**

Present:

Chairman Marlin K. Jensen
Trustee Mark D. Anderson
Trustee Kym O. Buttschardt
Trustee Randy B. Elliott
Trustee Angie Osguthorpe
Trustee Christopher F. Robinson
Trustee Paul C. Summers

Excuse:

Trustee Jared Andersen
Trustee Scott K. Jenkins

Scott W. Paxman, General Manager/CEO
Mike Malmborg, Legal Counsel
Jody Williams, Legal Counsel

Calysta Bravo, Accounting & Budget Officer
Darren Hess, Assistant General Manager
Sherrie Mobley, Mgr. of Administration
Brad Nelson, Assistant General Manager
Riley Olsen, Mgr. of Water Supply & Power
Jon Parry, Assistant General Manager
Kendall Searle, Contracts Administrator
Sam Sorensen, Mgr. of Maintenance
Jeff Weyburn, Treatment Plant Operator
Kathy Wood, Human Resources Manager

Tyler Beus, Whitaker Construction
Jared Baxter, Bureau of Reclamation
Rick Smith, Davis & Weber Counties Canal Company

I

WELCOME & PLEDGE OF ALLEGIANCE

Chairman Jensen welcomed all in attendance. He then led the group as they recited the Pledge of Allegiance.

II

RECOGNITION OF RETIRING EMPLOYEE – JEFF WEYBURN

Gen. Mgr. Paxman reported Jeff Weyburn was hired in 1994. He has worked as a Water Treatment Plant Operator in all three of the District's plants and has also worked as a Solids Handling Specialist and Manager. Gen. Mgr. Paxman stated Jeff is a self-starter who is always willing to help out wherever he is needed. He is always positive and goes above and beyond. His skills have greatly benefited the District to deliver water to the thousands of residents along the Wasatch Front.

Gen. Mgr. Paxman and Pres. Jensen presented Jeff with a watch that was engraved with his name and years of service, a District coin, and his plaque that was removed from the wall honoring the most tenured employees.

Jeff stated he had a career change when he was in his mid-30s which is when he started with the District. He said his time at Weber Basin has been fantastic, and he is very appreciative of the benefits the District has provided.

All expressed their appreciation for the service Jeff has provided and congratulated him on his retirement.

**III
APPROVAL OF MINUTES**

Chairman Jensen presented minutes of the regular board meeting, hearing on petitions for water contracts, and hearing on annual assessments held May 26, 2022 and orientation meeting held March 23, 2022 for review and approval. There were no additions or corrections.

Motion was made by Trustee Summers, seconded by Trustee Robinson and passed unanimously, approving the minutes as presented.

**IV
CONSIDERATION OF APPROVAL OF MAY 2022 FINANCIAL REPORT**

Trustee Buttschardt asked Budget Off. Bravo to review the May 2022 financial report. Budget Off. Bravo stated this is the eleventh month of the fiscal year. She reviewed the O&M report in detail and made particular mention to the power settlements that were paid.

Budget Off. Bravo then presented the source and use statement. She explained the statement in detail and displayed various slides showing charts and graphs providing additional information on revenue, expenses, reserves, etc. Questions from the Board were then answered.

Motion was made by Trustee Buttschardt, seconded by Trustee Summers and passed unanimously, approving the May 2022 financial report as presented.

**V
CONSIDERATION OF ADOPTION OF TENTATIVE FY2023 BUDGET AS
OPERATING BUDGET UNTIL FINAL BUDGET IS ADOPTED**

Gen. Mgr. Paxman reported last meeting the tentative budget was approved. He stated today we are seeking approval of an operating budget until the final budget is approved. He asked Budget Off. Bravo to continue with the discussion.

Budget Off. Bravo stated an entity cannot expend money prior to adoption of the budget. She said that since the Board has decided to increase the advalorem tax rate, which will exceed our certified tax rate, a public hearing will be required. She said we cannot officially finalize and approve the FY2023 budget until after the August 4, 2022 hearing. Budget Off. Bravo recommended the FY2023 tentative budget be adopted as the operating budget until the final budget is adopted.

Motion was made by Trustee Buttschardt, seconded by Trustee Elliott and passed, approving the Fiscal Year 2023 budget be adopted as a tentative operating budget until the final budget is adopted on August 4, 2022.

**VI
PRESENTATION OF THE UTAH STATE AUDITOR'S ANNUAL FRAUD RISK
ASSESSMENT**

Gen. Mgr. Paxman reported this item does not require action but is for information only. He asked Budget Off. Bravo to continue with the presentation.

Budget Off. Bravo reported the state auditor has implemented a fraud risk assessment tool with recommended policies for local governments. She said the Board has a Fiduciary Committee which reviews District's policies compared to the state auditor's recommendations. Budget Off. Bravo reported the annual fraud risk assessment requires a review of the results by the Board by the end of the fiscal year. She then reviewed the document in detail. The results of the assessment will be submitted to the auditor's office with the District financial statements. She stated the District has all recommended policies in place and scored a perfect score. Budget Off. Bravo then reviewed the Fraud Risk Assessment and Basic Separation of Duties in detail. She said the District's positions line up with the state auditor's requirements.

Chairman Jensen reported Attorney Malmborg has looked into appropriate titles for signatures affixed to District contract documents. He asked him to give his opinion on the subject. Attorney Malmborg said the research he has done would make him recommend all documents needing a Board authorized signature be signed as the Chairman of the Board instead of President of the District. He said before the District hired a General Manager, the President was authorized to sign on behalf of the District. Since a General Manager was hired, he recommended the Board representative's signature be from the Chairman.

Trustee Summers complimented District staff for the fine job they do with District finances.

VII CONSIDERATION OF APPROVAL OF TRANSFERS OF WATER

Mgr. Mobley presented two transfer documents, one in Davis County and the other in Summit County. She said the first transfer is moving water from two parcels in Farmington. The second transfer moves water between two parcels in Wanship. She said both transfers meet our policies for transfers which require the same owner to own both parcels. Mgr. Mobley clarified this includes a person who is owner, or part owner, of an entity or entities. She recommended approval of both transfer documents and adoption of the following resolutions.

RESOLUTION

WHEREAS, pursuant to a petition filed by Summerhill Lane LLC, there has been allocated 14.11 acre-feet of Project water to the following described lands in Davis County, Utah, to-wit:

07-072-0197 Summerhill Lane LLC, 14.11 AF (11.11 proj ag and 3.0 proj secondary)

BEG AT A PT S 519.5 FT & 122.4 FT W FR NE COR SW 1/4 OF SEC 31-T3N-R1E, SLB&M; TH S 14°41' E 321.64 FT ALG W LINE OF STATE HWY TO NE COR OF PPTY CONV IN 587-769; TH S 89°05'50" W 747.97 FT; TH N 1°35' E 309.6 FT; TH N 89°52' W 776.58 FT TO BNDRY LINE AGMT 2002-1129; TH ALG SD LINE N 89°45'05" W 267.62 FT & S 0°29'31" W 406.53 FT; TH N 89°38' W 407.46 FT, M/L, TO E LINE OF PPTY CONV IN WARRANTY DEED RECORDED 07/01/2021 AS E# 3396335 BK 7793 PG 1778; TH ALG SD LINE THE FOLLOWING COURSE: N 01°53'37" E 432.23 FT, M/L, ALG SD E LINE TO A PT ON BNDRY LINE AGMT RECORDED 07/13/2021 AS E# 3399145 BK 7800 PG 342; TH ALG SD LINE THE FOLLOWING COURSE: S 89°46'49" E 428.50 FT TO THE 'LY LINE OF AS-SURVEYED PPTY AS DETERMINED BY SURVEY# 6219 ON FILE IN THE OFFICE OF THE DAVIS COUNTY SURVEYOR & TO THE PT OF TERMINUS OF SD AGMT; TH N 8.78 FT, M/L, TO A N LINE OF PPTY CONV IN FIRST LEGAL SHOWN IN WARRANTY DEED RECORDED 01/22/2021 AS E# 3339248 BK 7681 PG 363; TH S 89°47' E 1184.42 FT; TH S 20.14 FT; TH N 89°13'20" E 192.21 FT; TH S 10.46 FT; TH E 296 FT TO POB. (NOTE: ROTATION TO NAD83 0°20'09" CLOCKWISE.) CONT. 9.653 ACRES.

And the orders so allocating the said water have been recorded in the office of the County Recorder of Davis County, as indicated on the foregoing property descriptions.

WHEREAS, the owners of the said lands have now made application to the District for the transfer of 1.12 acre-feet of water to be allotted from the lands above described to the following described lands in Davis County, Utah:

08-074-0083 RM & BR Holdings LLC, 1.12 AF proj ag

A PART OF THE SE 1/4 OF SEC 23-T3N-R1W, SLB&M, DESC AS FOLLOWS: BEG AT A PT ON A FENCE LINE WH LIES S 00°07'46" E 1557.18 FT & S 89°52'14" W 2056.02 FT & S 00°03'25" E 315.10 FT & S 89°54'06" W 108.73 FT & S 00°09'22" E 193.01 FT & N 89°50'38" E 78.24 FT & ALG A CURVE TURNING TO THE LEFT WITH AN ARC LENGTH OF 23.56 FT, A RAD OF 15.00 FT, A CHORD BEARING OF S 44°51'24" W, & A CHORD LENGTH OF 21.21 FT & S 00°07'49" E 190.65 FT FR THE E 1/4 COR OF SD SEC 23; TH W 636.45 FT; TH N 00°18'48" E 397.51 FT; TH N 89°54'06" E 678.77 FT TO THE POB. CONT. 5.52 ACRES (NOTE: THIS REMAINING LEGAL WAS WRITTEN IN THE DAVIS COUNTY RECORDER'S OFFICE FOR I.D. PURPOSES. IT DOES NOT REFLECT A SURVEY OF THE PROPERTY.)

07-072-0197 Summerhill Lane LLC, 12.99 AF (9.99 proj ag and 3.0 proj secondary)

BEG AT A PT S 519.5 FT & 122.4 FT W FR NE COR SW 1/4 OF SEC 31-T3N-R1E, SLB&M; TH S 14°41' E 321.64 FT ALG W LINE OF STATE HWY TO NE COR OF PPTY CONV IN 587-769; TH S 89°05'50" W 747.97 FT; TH N 1°35' E 309.6 FT; TH N 89°52' W 776.58 FT TO BNDRY LINE AGMT 2002-1129; TH ALG SD LINE N 89°45'05" W 267.62 FT & S 0°29'31" W 406.53 FT; TH N 89°38' W 407.46 FT, M/L, TO E LINE OF PPTY CONV IN WARRANTY DEED RECORDED 07/01/2021 AS E#

3396335 BK 7793 PG 1778; TH ALG SD LINE THE FOLLOWING COURSE: N 01°53'37" E 432.23 FT, M/L, ALG SD E LINE TO A PT ON BNDRY LINE AGMT RECORDED 07/13/2021 AS E# 3399145 BK 7800 PG 342; TH ALG SD LINE THE FOLLOWING COURSE: S 89°46'49" E 428.50 FT TO THE 'LY LINE OF AS-SURVEYED PPTY AS DETERMINED BY SURVEY# 6219 ON FILE IN THE OFFICE OF THE DAVIS COUNTY SURVEYOR & TO THE PT OF TERMINUS OF SD AGMT; TH N 8.78 FT, M/L, TO A N LINE OF PPTY CONV IN FIRST LEGAL SHOWN IN WARRANTY DEED RECORDED 01/22/2021 AS E# 3339248 BK 7681 PG 363; TH S 89°47' E 1184.42 FT; TH S 20.14 FT; TH N 89°13'20" E 192.21 FT; TH S 10.46 FT; TH E 296 FT TO POB. (NOTE: ROTATION TO NAD83 0°20'09" CLOCKWISE.) CONT. 9.653 ACRES.

WHEREAS, after due consideration, it is the determination of the Board of Trustees that it is in the best interest of the District that such application for transfer be approved and granted and that 1.12 acre-feet of water above referred to be transferred as per above described lands.

NOW, THEREFORE, be it resolved and ordered by the Board of Trustees of Weber Basin Water Conservancy District as follows:

1. That the application for transfer of 1.12 acre-feet of water from the lands first above described to lands last above described, be and the same is hereby approved and granted, and the 1.12 acre-feet of water is hereby so transferred.
2. That the Chairman of the District is hereby authorized and empowered in the name of the District and on its behalf to execute a formal order granting such application for transfer and so transferring the said water.
3. That the General Manager/CEO of the District is directed to cause a fully executed copy of such order to which shall be appended a copy of the application for transfer upon which the order is made to be recorded in the office of the County Recorder of the county in which the lands to which the water is transferred are located.

RESOLUTION

WHEREAS, pursuant to a petition filed by Richard & Charlotte Rehfield, there has been allocated 1.0 acre-foot of Project water to the following described lands in Summit County, Utah, to-wit:

Parcel Number NS-217-F, Richard & Charlotte Rehfield 1.0 AF

BEG AT A PT WH IS S 89°46'11" E 2064.50 FT ALG THE SEC LINE & S 2616.77 FT FROM THE NW COR OF SAID SEC 20 T1N R5E SLBM (SAID PT BEING LOCATED ON THE E?LY R/W OF S.R 32) AND RUN TH S 89°28'58" E 301.51 FT ALG AN EXISTING LINE OF FENCE ACCEPTED AS THE HISTORICAL 1/4 SEC LINE; TH S 12°19'37" W 500.00 FT TH N 89°28'57" W 300.00 FT, M/L TO A PT ON THE E?LY R/W LINE OF S.R. 32; TH N 12°19'37" E 406.88 FT ALG SAID R/W LINE; TH 92.82 FT ALG THE ARC OF A 2914.90 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 1°49'28" (LONG CHORD BEARS N 11°24'53" E 92.82 FT) TO THE PT OF BEG. CONT 3.37 AC

And the orders so allocating the said water have been recorded in the office of the County Recorder of Summit County, as indicated on the foregoing property descriptions.

WHEREAS, the owners of the said lands have now made application to the District for the transfer of 1.0 acre-foot of water to be allotted from the lands above described to the following described lands in Summit County, Utah:

Parcel Number GRNHL-1, Charlotte Rehfield 1.0 AF

LOT 1 GREEN HILL SUBDIVISION; ACCORDING TO THE OFFICIAL PLAT ON FILE IN THE SUMMIT COUNTY RECORDERS OFFICE CONT 1.00 AC

WHEREAS, after due consideration, it is the determination of the Board of Trustees that it is in the best interest of the District that such application for transfer be approved and granted and that 1.0 acre-foot of water above referred to be transferred as per above described lands.

NOW, THEREFORE, be it resolved and ordered by the Board of Trustees of Weber Basin Water Conservancy District as follows:

1. That the application for transfer of 1.0 acre-foot of water from the lands first above described to lands last above described, be and the same is hereby approved and granted, and the 1.0 acre-foot of water is hereby so transferred.
2. That the Chairman of the District is hereby authorized and empowered in the name of the District and on its behalf to execute a formal order granting such application for transfer and so transferring the said water.
3. That the General Manager/CEO of the District is directed to cause a fully executed copy of such order to which shall be appended a copy of the application for transfer upon which the order is made to be recorded in the office of the County Recorder of the county in which the lands to which the water is transferred are located.

Motion was made by Trustee Robinson, seconded by Trustee Anderson and passed unanimously, approving the transfers of water outlined above and adopting the foregoing resolutions.

**VIII
CONSIDERATION OF APPROVAL OF ASSIGNMENT OF WATER**

Mgr. Mobley presented the following assignment of water.

A. WEBER COUNTY:

- 1) Carlton Richey to Aspen Rim LLC20.0 a.f. DIST 1
Northwest of Causey (23-013-0027, 23-013-0028, 23-013-0281)

She reported that several parcels of property near Causey has recently sold. She said approval of this assignment will place the water into the current owner’s name. She stated all assessments are current and recommended approval of the assignment.

Motion was made by Trustee Robinson, seconded by Trustee Anderson and passed unanimously, approving the assignment document and adopting the following resolution.

RESOLUTION

BE IT AND IT IS HEREBY RESOLVED by the Board of Trustees of the Weber Basin Water Conservancy District that the Chairman and the General Manager/CEO of said District be and they are hereby authorized and empowered to execute on behalf of said District an assignment document with Carlton Richey and Aspen Rim LLC, on the terms and conditions contained in the form of agreement presented to and considered at this meeting.

**IX
CONSIDERATION OF APPROVAL OF INTERLOCAL AGREEMENT WITH
REDEVELOPMENT AGENCY OF CENTERVILLE CITY**

Gen. Mgr. Paxman reported the Redevelopment Agency of Centerville City has asked for our support of a project in their city. He asked Cont. Admin. Searle to continue.

Cont. Admin. Searle reported the name of the redevelopment project is the Porter-Walton Community Reinvestment Area. It includes 14.17 acres located east of I-15 and south of 400 South, along the Frontage Road in Centerville. The current use of the land is for commercial/storage. She said the plans for the property is to work with Young Powersports to put in an 80,000 s.f. building to be used as a test drive course for ATVs. It should create about 60 new jobs with an average wage of \$52,000 a year.

Cont. Admin. Searle reported the project area is highly visible and located in an important section of the city. It is currently underutilized and in a dilapidated state. He stated the project area provides an opportunity to reinvest and revitalize the area and will add an increase to the community’s tax base.

Cont. Admin. Searle reported the current estimated base year tax value is \$6,082,092. The total assessed value in 15 years is \$17,179,558. He stated the tax revenue for the District in 2021 was \$803. Upon completion of the project, the District’s tax revenue is estimated at \$1,465. The length of the tax increment participation is 15 years, and all taxing entities are being asked to participate at 50%. Trustee Osguthorpe said they had a ground breaking ceremony for the project recently.

Motion was made by Trustee Summers, seconded by Trustee Robinson and passed unanimously, approving the Interlocal Agreement for the Porter-Walton Community Reinvestment Project Area as presented and adopting the following resolution.

RESOLUTION

BE IT AND IT IS HEREBY RESOLVED by the Board of Trustees of the Weber Basin Water Conservancy District that the Chairman and the General Manager/CEO of said District be and they are hereby authorized and empowered to execute on behalf of said District an Interlocal Agreement for the Porter-Walton Community Reinvestment Project Area, on the terms and conditions contained in the form of agreement presented to and considered at this meeting.

X

WATER SUPPLY REPORT

Mgr. Olsen presented the following reservoir content data:

RESERVOIR	TOTAL CAPACITY	DISTRICT CAPACITY	ACCRUED	% OF DIST CAPACITY	RESERVOIR CONT.	
			TO DIST TO DATE		AS OF 06/27/22	AS OF 06/21/21
CAUSEY	7,870	6,870	6,885	100%	6,885	5,307
E CANYON	51,200	20,110	13,905	69	36,570	33,720
ECHO	73,940	6,422	6,422	100	65,200	25,830
LOST CRK	22,510	20,010	12,115	61	12,115	12,465
PINEVIEW	110,150	66,228	28,383	43	71,390	51,040
SMITH-M	8,351	6,560	6,638	101	7,678	4,089
WANSHIP	62,120	60,000	54,790	91	58,620	29,150
WILLARD	<u>247,302</u>	<u>222,273</u>	<u>103,571</u>	<u>47</u>	<u>103,571</u>	<u>126,640</u>
TOTAL	583,443	408,473	232,709	57%	362,029	288,241

Percent of District upstream storage is 69%.

Mgr. Olsen presented slides showing the Ogden River, Weber River, and Willard Bay storage. He also discussed the District’s storage allocation, soil moisture levels, precipitation/snotel, forecasted runoff, weather outlooks, and drought monitor.

Mgr. Olsen stated Echo did fill. Discussion continued regarding the 19,000 a.f. the District purchased from Central Utah Water Cons. Dist.

XI

CONSIDERATION OF APPROVAL OF PURCHASE OF CAT TRACK LOADER

Mgr. Sorensen reported this purchase is part of an ongoing effort to modernize the District’s fleet and establish an exchange program. He said we have a need to purchase a 963 Cat Track Loader under State Contract which offers a 26% savings from the manufacturer’s suggested retail price.

He stated this equipment will be critical for use in emergency operations where there is flooding. It will also be used for ongoing District projects. Mgr. Sorensen said the purchase price is \$396,135.

Trustee Osguthorpe asked what is planned for the current track loader. Mgr. Sorensen said the trade in value was very low, so the current track loader will be kept at our landfill and used there.

Motion was made by Trustee Robinson, seconded by Trustee Buttschardt and passed unanimously, approving the purchase of a 963 Cat track loader from Wheeler Machinery for \$396,135.

XII

CONSIDERATION OF APPROVAL OF CONTRACT FOR DISTRICT LANDFILL AND STODDARD CRUSHING

Mgr. Sorensen reported we would like to crush existing material located at the Stoddard Diversion and at our South Weber landfill. He said the existing material can be made into gravel, road base, and sand. This would benefit the District by lowering the overall unit cost of material, and it will be available to us any time, especially for emergency use.

Mgr. Sorensen reported we contacted four companies, but only one bid was received. The bid was submitted by Applied Excavation at a price of \$385,538.50. Trustee Robinson expressed his thoughts that the bid seemed high. Trustee Summers said it does seem higher than expected, but this may also be a sign of the times.

After discussion ceased, motion was made by Trustee Osguthorpe, seconded by Trustee Elliott and passed unanimously, approving the award of a contract to Applied Excavation for material crushing for the amount of \$385,538.50 as presented and adopting the following resolution.

RESOLUTION

BE IT AND IT IS HEREBY RESOLVED by the Board of Trustees of the Weber Basin Water Conservancy District that the Chairman and the General Manager/CEO of said District be and they are hereby authorized and empowered to execute on behalf of said District a contract to Applied Excavation for material crushing for the amount of \$385,538.50, on the terms and conditions contained in the form of agreement presented to and considered at this meeting.

XIII

CONSIDERATION OF APPROVAL OF INTERLOCAL AGREEMENT WITH FRUIT HEIGHTS CITY FOR 650 N/QUAIL RIDGE RECONSTRUCTION PROJECT

AGM Nelson reported Fruit Heights City is installing infrastructure and road improvements in 650 N/Quail Ridge. He said the city is giving us the opportunity to install a new 6" C-900 PVC secondary irrigation main in Quail Ridge while it is disturbed. He stated this interlocal agreement is needed to allow the District and the city to work cooperatively to increase efficiency and reduce overall costs.

AGM Nelson reported the District is responsible for its share of engineering and construction costs. The District's share of engineering is approximately \$13,000, and its share of construction costs is \$60,191. He said the project was bid out by Fruit Heights City. He recommended approval of the interlocal agreement with Fruit Heights City for the 650 N/Quail Ridge Reconstruction Project.

Motion was made by Trustee Robinson, seconded by Trustee Anderson and passed unanimously, approving the interlocal agreement with Fruit Heights City for the 650 N/Quail Ridge Reconstruction Project and adopting the following resolution.

RESOLUTION

BE IT AND IT IS HEREBY RESOLVED by the Board of Trustees of the Weber Basin Water Conservancy District that the Chairman and the General Manager/CEO of said District be and they are hereby authorized and empowered to execute on behalf of said District an interlocal agreement with Fruit Heights City for the 650 N/Quail Ridge Reconstruction Project, on the terms and conditions contained in the form of agreement presented to and considered at this meeting.

XIV

CONSIDERATION OF APPROVAL OF CONTRACTOR SELECTION FOR AV WATKINS SIPHON REPLACEMENT PROJECT

Gen. Mgr. Paxman reported the District received bids for this work, but the bids came in very high. He said the decision has been made to rebid the project at a future date.

XV

CONSIDERATION OF APPROVAL OF CONTRACT FOR CONSTRUCTION MANAGEMENT FOR AV WATKINS SIPHON REPLACEMENT PROJECT

Gen. Mgr. Paxman reported this item will be postponed until the project is rebid at a future date.

XVI

CONSIDERATION OF APPROVAL OF CONTRACTOR SELECTION FOR SECONDARY METER PROJECT PHASE 14

AGM Nelson reported as part of the District's ongoing conservation effort, we would like to install as many meters each year as feasibly possible. He said this year we plan to install 1,630 meters in Woods Cross. Approximately 700 of the proposed meters are considered to be a backyard connection which are much more difficult to install.

AGM Nelson reported the District prequalified contractors in 2022 for secondary meter projects. He stated Ormond Construction and Paragon Construction were prequalified and submitted bids for the project. Ormond Construction submitted the low bid of \$4,226,106.30 for this project. He recommended approval of Ormond's bid.

Motion was made by Trustee Summers, seconded by Trustee Elliott and passed unanimously, approving award of a \$4,226,106.30 contract to Ormond Construction for the Secondary Meter Project Phase 14 – Woods Cross and West Bountiful and adopting the following resolution.

RESOLUTION

BE IT AND IT IS HEREBY RESOLVED by the Board of Trustees of the Weber Basin Water Conservancy District that the Chairman and the General Manager/CEO of said District be and they are hereby authorized and empowered to execute on behalf of said District a \$4,226,106.30 contract to Ormond Construction for the Secondary Meter Project Phase 14 – Woods Cross and West Bountiful, on the terms and conditions contained in the form of agreement presented to and considered at this meeting.

XVII

CONSIDERATION OF APPROVAL OF CONTRACTOR SELECTION FOR NORTH SALT LAKE PIPELINE PROJECT

AGM Nelson reported this project includes site work and installation of three new pipelines. The project includes 880 feet of 10-inch pipe, 6,550 feet of 12-inch pipe, 5,620 feet of 18-inch C-900 PVC pipe and fittings, and mainline valves, combination air-vacuum valves, and other culinary waterline appurtenances.

AGM Nelson reported four contractors prequalified for the project, and two bids were received on the project. Low bid was received from Whitaker Construction for \$7,749,450. He said North Salt Lake will reimburse the District for \$400,733.

AGM Nelson recommended approval to execute the contract for construction services with Whitaker Construction for the construction of the North Salt Lake Wholesale Culinary and Raw Water Pipelines Replacement Project with a bid of \$7,749,450.

Motion was made by Trustee Robinson, seconded by Trustee Osguthorpe and passed unanimously, approving a \$7,749,450 contract with Whitaker Construction for the construction of the North Salt Lake Wholesale Culinary and Raw Water Pipelines Replacement Project and adopting the following resolution.

RESOLUTION

BE IT AND IT IS HEREBY RESOLVED by the Board of Trustees of the Weber Basin Water Conservancy District that the Chairman and the General Manager/CEO of said District be and they are hereby authorized and empowered to execute on behalf of said District a \$7,749,450 contract with Whitaker Construction for the construction of the North Salt Lake Wholesale Culinary and Raw Water Pipelines Replacement Project, on the terms and conditions contained in the form of agreement presented to and considered at this meeting.

XVIII

CONSIDERATION OF APPROVAL OF OGDEN CITY FLIP YOUR STRIP INTERLOCAL AGREEMENT

AGM Parry reported Ogden City is working to update their landscape ordinances to meet the District's participation requirements. He said the city is interested in providing additional funds to their residents while maintaining all other District participation requirements. This interlocal agreement would allocate up to \$100,000 in District budgeted monies for conservation programs to the city of Ogden. AGM Parry stated the District would provide \$1.25 per square foot with Ogden City adding an additional \$1.25 per square foot. Ogden City would take responsibility for administration of the program, including generation of participation agreements and pre and post site visits. The District will provide the requisite class as well as reimbursement of monies for program participants and record the final participation agreements with the county.

AGM Parry made specific mention that the interlocal agreement includes the following:

- Ogden City has approved matching funds
- Residents would be eligible for up to \$2.50 per square foot
- Same District participation requirements
- Ogden City will administer the program
- District will reimburse Ogden City up to \$100,000 per year
- 5-year term

Attorney Malmberg stated this interlocal agreement is a good way to work with entities who have been given land use authority. Discussion continued.

After discussion ceased, motion was made by Trustee Buttschardt, seconded by Trustee Osguthorpe and passed unanimously, approving the interlocal agreement with Ogden City and adopting the following resolution.

RESOLUTION

BE IT AND IT IS HEREBY RESOLVED by the Board of Trustees of the Weber Basin Water Conservancy District that the Chairman and the General Manager/CEO of said District be and they are hereby authorized and empowered to execute on behalf of said District an Interlocal Agreement with Ogden City for cooperation in the Flip Your Strip program, on the terms and conditions contained in the form of agreement presented to and considered at this meeting.

XVIV
**CONSIDERATION OF APPROVAL OF SECONDARY METERING COOPERATIVE
AND EQUIPMENT PURCHASE**

AGM Parry reported during the 2022 Utah General Legislative Session, House Bill 242, titled “Secondary Metering Amendments”, was passed (“HB 242”). He said this bill, among other things, requires the metering of pressurized secondary water by no later than January 1, 2030, provides for grant monies to facilitate the purchase and installation of secondary meters, and defines penalties for failure to comply with metering requirements. AGM Parry stated concerns exist that the requirements of HB 242 may result in increased competition for metering equipment that may result in higher individual costs for materials and increased difficulties in manufacturers ability to provide the purchased equipment which would be detrimental to the public.

AGM Parry reported that in order to meet the requirements of HB 242, while mitigating the concerns identified, the District desires to create a Secondary Metering Cooperative to optimize the purchasing of meter equipment, mainly meters and radios, common to the parties. This cooperative will result in the District executing agreements with multiple secondary providers for the reimbursement of costs associated with the procurement of meters and radios.

AGM Parry reported there are over 110,000 secondary water connections estimated in Davis and Weber counties. He said over 50,000 connections are identified by nine entities. This cooperative will offer the opportunity to optimize and coordinate metering equipment purchases under utilization of the State of Utah’s Cooperative Procurement. Names of other participating entities were identified and the number of meters they plan to purchase and install.

AGM Parry reported the cooperative will:

- Provide quantities of meters and radios needed for annual procurement
- Update and confirm quantities annually
- Pay the District for materials requested upon delivery of invoice

He stated the District will:

- Procure materials identified in cooperative agreement (Annual)
- Provide updated costs and request entity approval prior to purchasing equipment.
- Send invoices for metering equipment once received

After discussion ceased, AGM Parry reported staff recommends approval of the individual cooperative agreements with requesting parties as well as approval to proceed with the purchase of meters, radios, and other equipment up to \$2,548,579.15.

Motion was made by Trustee Summers, seconded by Trustee Robinson and passed unanimously, approving individual cooperative agreements with requesting parties as well as approving the purchase of meters, radios, and other equipment up to \$2,548,579.15 and adopting the following resolution.

RESOLUTION

BE IT AND IT IS HEREBY RESOLVED by the Board of Trustees of the Weber Basin Water Conservancy District that the Chairman and the General Manager/CEO of said District be and they are hereby authorized and empowered to execute on behalf of said District individual cooperative agreements with requesting parties regarding the purchase of metes and associated equipment, on the terms and conditions contained in the form of agreement presented to and considered at this meeting.

**XVV
GENERAL MANAGER'S REPORT**

Gen. Mgr. Paxman reported Weber County recently awarded the District \$823,000 in ARPA grant funds to complete the 12th Street Pipeline Project.

Gen. Mgr. Paxman reported he has been asked to serve on the Watershed _____
_____. This organization is very helpful and
_____.

Gen. Mgr. Paxman reported Brian Steed recently stepped down as the Executive Director of Natural Resources. His replacement has been named and is Representative Joel Ferry who is awaiting confirmation by the Utah Senate. He said Joel will be a great leader but will be missed in the legislature.

Gen. Mgr. Paxman reported we have had a lot of interest from the Ogden Valley regarding water availability, particularly through well diversions. He said it is time we get out in front of this issue and have been actively pursuing the present concerns. He said a transmission line into the Ogden Valley carries a very high price tag of approximately \$60 million. Discussion continued.

Gen. Mgr. Paxman reported the Board received copies of our updated presentation that will be used at our advalorem tax hearing and for presentations to the counties. He reminded the hearing is August 4th at 6:30 p.m., and all Board members are encouraged to be in attendance.

**XVVI
ADJOURNMENT**

There being no further business for discussion, meeting adjourned at 11:20 a.m.

Respectfully submitted,

Scott W. Paxman, General Manager/CEO

The Board of Trustees of the Weber Basin Water Conservancy District, Utah, met in public session June 30, 2022, at 9:00 a.m., at District headquarters, Layton, Utah. Meeting was called to order by Chairman Marlin K. Jensen. On roll call the following members were found to be present:

Present:

Chairman Marlin K. Jensen
Trustee Mark D. Anderson
Trustee Kym O. Buttschardt
Trustee Randy B. Elliott
Trustee Angie Osguthorpe
Trustee Christopher F. Robinson
Trustee Paul C. Summers

Excuse:

Trustee Jared Andersen
Trustee Scott K. Jenkins

Scott W. Paxman, General Manager/CEO
Mike Malmborg, Legal Counsel
Jody Williams, Legal Counsel

Calysta Bravo, Accounting & Budget Officer
Darren Hess, Assistant General Manager
Sherrie Mobley, Mgr. of Administration
Brad Nelson, Assistant General Manager
Riley Olsen, Mgr. of Water Supply & Power
Jon Parry, Assistant General Manager
Kendall Searle, Contracts Administrator
Sam Sorensen, Mgr. of Maintenance
Kathy Wood, Human Resources Manager

Tyler Beus, Whitaker Construction
Jared Baxter, Bureau of Reclamation
Rick Smith, Davis & Weber Counties Canal Company

Mgr. Mobley stated the meeting was being held pursuant to notice to the public, duly published as required by law, for the purpose of permitting all interested persons to show cause why the respective petitions for water contracts of the individuals as set forth in the notice, copies of which are attached hereto and incorporated by reference as a part of these minutes, for the allotment of water to lands in Davis, Morgan, Summit, and Weber counties, Utah, by the Weber Basin Water Conservancy District, should not be granted.

Mgr. Mobley reported there have been no written objections filed against the foregoing petitions and asked for any other objections to be presented at this time. No objections were received.

Thereupon the following resolution was presented and read:

**RESOLUTION GRANTING PETITIONS FOR THE ALLOTMENT
OF WATER BY WEBER BASIN WATER CONSERVANCY DISTRICT**

WHEREAS, acting pursuant to Section 73-9-19, Utah Code Annotated, 1953, as amended, there has been filed in the office of the Weber Basin Water Conservancy District, the following petitions for water contracts requesting the allotment of Weber Basin water annually, pursuant to the terms and conditions set forth in said petition:

A. DAVIS COUNTY:

- 1) Davis & Weber Counties Canal Co. 12.3 a.f. NEW
- 2) Indigo Bend Townhome Association Inc. 4.0 a.f. NEW

B. MORGAN COUNTY:

- 1) John Bowen..... 1.0 a.f. NEW
- 2) JLW Properties LLC..... 1.0 a.f. NEW

C. SUMMIT COUNTY:

- 1) Austin Bowen.....1.0 a.f. NEW
- 2) Kelly Fodo1.0 a.f. NEW
- 3) Gannett Management Group LLC1.0 a.f. NEW
- 4) Bart Richins1.0 a.f. NEW

D. WEBER COUNTY:

- 1) Aspen Pear Company LLC1.0 a.f. NEW
- 2) Angie D. Boswell Family Trust0.5 a.f. NEW
- 3) Boswell Plaza LLC1.75 a.f. NEW
- 4) CM Investments & Properties LLC1.0 a.f. NEW
- 5) MULA LLC0.25 a.f. NEW
- 6) Jennifer Stark2.73 a.f. NEW

Whereas after the filing of said petitions, it was determined to hold a public hearing on same in the office of the Board of Trustees of the District, and the General Manager/CEO of the District caused due and proper notice of the holding of such hearing to be posted to the Utah Public Notice Website on June 13, 2022, which notice advised all interested persons of the holding of such hearing and of their right to present objections in writing showing cause why such petitions should not be granted, and

WHEREAS, at the hour and place named in said notice, or at a subsequent meeting adjourned there from, the Board of Trustees of the District has met in public session and has heard all persons desiring to be heard and written or other objections having been presented, and

WHEREAS, after due consideration, it is the determination of the Board of Trustees that it is for the best interest of the District that such petitions should be granted.

NOW, THEREFORE, be it Resolved and Ordered by the Board of Trustees of the Weber Basin Water Conservancy District, as follows:

Section 1. That it is hereby determined to be in the best interest of the Weber Basin Water Conservancy District, that such petitions be granted.

Section 2. That said petitions are hereby granted and amounts of water in acre-feet are hereby allotted to the respective petitioners for the lands for which the same is petitioned, all as above set out.

Section 3. That the Chairman of the District is hereby authorized and directed in the name of the District and on its behalf to execute formal orders granting said petitions allotting water to lands therein described, upon the terms, at the rates, and payable in the manner as in said petitions set forth and the General Manager/CEO of the District is authorized and directed to attest said order.

Section 4. The General Manager/CEO of the Board of Trustees in its behalf, is directed to cause a fully executed copy of said order, to which shall be attached a copy of the petitions upon which the order is made, to be recorded in the office of the respective County Recorder.

After consideration of the resolution and order, motion was made by Trustee Robinson, seconded by Trustee Anderson and passed unanimously, approving petitions for water contracts in Davis, Morgan, Summit and Weber County and adopting the foregoing resolution.

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Approved and adopted June 30, 2022.

Marlin K. Jensen, Chairman

ATTEST:

Scott W. Paxman, General Manager/CEO

(SEAL)