

**MINUTES OF A REGULAR MEETING OF THE WEBER BASIN WATER
CONSERVANCY DISTRICT BOARD OF TRUSTEES HELD THURSDAY,
SEPTEMBER 30, 2021, 9:00 A.M., AT DISTRICT HEADQUARTERS**

Present:

President Dee Alan Waldron
Trustee Kym O. Buttschardt
Trustee Randy B. Elliott
Trustee Scott K. Jenkins
Trustee Marlin K. Jensen
Trustee P. Bret Millburn
Trustee Angie Osguthorpe
Trustee Paul C. Summers
Trustee Dave Ure

Excused:

Attorney Mike Malmborg

Tage I. Flint, Secretary/General Manager
Jody Williams, Legal Counsel

Brittney Bateman, Finance & Economics Director
Calysta Bravo, Accounting & Budget Officer
Darren Hess, Assistant General Manager
Derek Johnson, Mgr. of Engineering
Brad Nelson, Mgr. of M&I
Riley Olsen, Mgr. of Water Supply & Power
Jon Parry, Assistant General Manager
Scott Paxman, Assistant General Manager
Kendall Searle, Contracts Administrator
Sam Sorensen, Mgr. of Maintenance
Kathy Wood, Human Resources Manager

Gary Allen, Retiring District Employee
Ben Woolf, Bureau of Reclamation

**I
PLEDGE OF ALLEGIANCE**

President Waldron welcomed all in attendance. Gen. Mgr. Flint made particular mention that Ben Woolf has been our Water Project Coordinator for the past five years. Ben has been a great liaison and was recently promoted to Water, Environment, and Lands Division Manager. Gen. Mgr. Flint wished Ben well in his new position and reported Jared Baxter will be the District's new coordinator from the Bureau.

President Waldron then led the group as they recited the Pledge of Allegiance.

**II
RECOGNITION OF RETIREE – GARY ALLEN**

Gen. Mgr. asked Gary Allen to come forward. He said Gary has made the decision to retire after 38 years of service. Gen. Mgr. Flint said Gary began his District career as an electrician. He then took on responsibilities for maintaining and expanding the District's SCADA (Supervisory Control and Data Acquisition) system. President Waldron and Gen. Mgr. Flint presented Gary with a watch that was engraved with his name and years of service and a District coin. They also presented him with his plaque honoring employees who have over 20 years of service.

Gary expressed his appreciation for the retirement gifts. He also expressed his gratitude to the District and the great career it provided him. He said the District has been a great place to work, and he has very much enjoyed all the people he was fortunate to work with. All expressed their congratulations to him in his retirement.

**III
CONSIDERATION OF APPROVAL OF MINUTES**

President Waldron presented minutes of the regular board meeting and hearing on petitions for water contracts held August 26, 2021 and orientation meeting held August 23, 2021. There were no additions or corrections. Motion was made by Trustee Jensen, seconded by Trustee Summers and passed unanimously, approving the minutes as presented.

**IV
CONSIDERATION OF APPROVAL OF AUGUST 2021 FINANCIAL REPORT**

Trustee Buttschardt requested review of the August 2021 financial report by Budget Off. Bravo. Budget Off. Bravo reported this is the second month of the fiscal year. She said the year-to-date water sales continue to exceed budgeted amounts. She then discussed expenses, compared them to the year to date budgeted amounts, and stated most all expenses appear to be below budgeted amounts. She concluded by answering questions from the trustees.

Fin. Director Bateman then presented the source and use statement. She discussed details on total revenues, total sources, total expenses, total uses, and major capital projects. Charts and graphs were used to provide additional details.

After all questions were answered, motion was made by Trustee Buttschardt, seconded by Trustee Elliott and passed, approving the August 2021 financial report as presented.

**V
CONSIDERATION OF APPROVAL OF EXTENSION OF CONTRACTS FOR
FEDERAL LEGAL SERVICE, GENERAL LEGAL SERVICES, AND WATER
RESOURCE LEGAL SERVICE**

Gen. Mgr. Flint reported this item is to approve extension of contracts for our various legal services. He asked Fin. Dir. Bateman to provide further details on these extensions. Fin. Dir. Bateman reported District policies look to provide continuity of legal services. She said our policies require review of the legal services every two to three years by the General Manager. The review includes services provided, performance, similarity of expected services during the period as compared to the past, perceived cost effectiveness of services, and any other factors deemed pertinent. She said State procurement code and the Utah State Auditor mandate that our procurement contracts for professional services should not exceed five years. Our policies also require the Board to approve any contracts over \$125,000.

Fin. Dir. Bateman reported the District's review included three contracts:

- Dentons Durham Jones Pinegar – General Legal Services
- Holland & Hart – Water Resources Legal Services
- Marcus Faust –Federal Legal Services/Lobbying

She said the District is satisfied with current legal services provided and posted a public notice of intent to award continuation of services. She said the length and unknown value of contracts requires Board approval. Gen. Mgr. Flint reported he is pleased with services provided by our attorneys and would recommend continuation of the contracts.

Trustee Jenkins inquired about the need for legal services in Washington D.C. Gen. Mgr. Flint replied, due to our federal project, we need someone in D.C. to advocate for the District. He said Marcus Faust provides these legal services for the District. Attorney Williams stated that Marcus Faust has done many important services for the District including the Warren Act exemption which saved the District countless hours and money. She said his office also works with the staffs of the congressional delegation to further define the District's needs.

Trustee Summers asked about the fee structures of the attorneys. Gen. Mgr. Flint replied that Attorneys Malmborg and Williams are paid by the hour, and Marcus Faust is paid \$4,300 a month on retainer. Trustee Ure said the price is significantly lower than he has seen from others needing these services and indicated he felt the services were necessary.

After discussion ceased, motion was made by Trustee Summers, seconded by Trustee Osguthorpe and passed unanimously, approving Award contract for continuation of services to the following firms for five years: Dentons Durham Jones Pinegar for General Legal Services, Holland & Hart for Water Resources Legal Services, and Marcus Faust for Lobbying/Federal Legal Services 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 President and Secretary of said District be and they are hereby authorized and empowered to execute on behalf of said District extensions of contracts for continuation of services to the following firms for 5 years: Dentons Durham Jones Pinegar for General Legal Services, Holland & Hart for Water Resources Legal Services, and Marcus Faust for Lobbying/Federal Legal Services, on the terms and conditions contained in the forms of agreements presented to and considered at this meeting.

VI

CONSIDERATION OF APPROVAL OF CONTRACTS FOR UNTREATED WATER

In Mgr. Mobley’s absence, Cont. Admin. Searle presented the following untreated water allotment contract:

A. DAVIS COUNTY:

- 1) Davis & Weber Counties Canal Company 15.4 a.f. NEW Clinton Acres - Clinton

He said we have received an untreated water allotment contract from Davis & Weber Counties Canal Company (D&W) to secure water to property in Clinton. Cont. Admin. Searle reported the contract has been approved and signed by D&W, and this water sale is possible per our trilateral agreement. He stated everything appears to be in order and recommended approval.

Motion was made by Trustee Ure, seconded by Trustee Jenkins and passed unanimously, approving the untreated water allotment contract with Davis & Weber Counties Canal Company, as described above, 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 President and Secretary of said District be and they are hereby authorized and empowered to execute on behalf of said District an untreated water allotment contract with Davis & Weber Canal Company, on the terms and conditions contained in the forms of agreements presented to and considered at this meeting.

VII

CONSIDERATION OF APPROVAL OF TRANSFER OF WATER

Cont. Admin. Searle presented a transfer document to move 1.0 a.f. of water from a parcel of property owned by Matthew Price to another nearby property he owns in Summit County. He said the request meets our policy on transfers since both properties are owned by the same individual. Cont. Admin. Searle recommended approval of the transfer and adoption of the following resolution.

RESOLUTION

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

Parcel Number PP-34-1-C-1, Matthew Price 1.0 AF

A PARCEL OF LAND LYING WITHIN THE NW1/4 OF SEC 10 T1SR3E SLBM COUNTY OF SUMMIT STATE OF UTAH MORE PARTICULARLY DESC AS FOLLOWS: COMM AT THE NE COR OF THE NW1/4 OF SD SEC 10 SD COR BEING AN ORIGINAL STONE MONUMENT; TH S 89°52'02" W ALONG THE N LINE OF SD SEC 10 A DISTANCE OF 2683.48 FT; TO THE NW COR OF SD SEC 10 SD COR BEING AN ORIGINAL STONE MONUMENT; TH S 00°17'17" W ALONG THE W LINE OF SD SEC 10 1413.16 FT; TH N 89°52'07" E 204.48 FT TO THE PT OF BEG; TH S 22°40'43" W 533.05 FT TO THE W LINE OF SD SEC 10; TH S 00°07'17" W 46.63 FT TO THE N LINE OF THE COUNTY RD; TH N 85°06'00" E 50.19 FT; TH N 42°58'18" E 555.83 FT; TH N 89°52'02" E PARALLEL WITH THE N LINE OF SD SEC 10 45.25 FT; TH N 540.00 FT; TH W 18.43 FT; TH S 59°12'13" W 220.32 FT; TH S 29°59'26" W 65.84 FT; TH S 06°33'25" W 244.38 FT TO THE PT OF BEG BAL 4.47 ACRES

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 PP-33-A, Matthew Price 1.0 AF

A PARCEL OF LAND LYING WITHIN THE NE1/4 OF SEC 9 T1S, R3E SLBM; COUNTY OF SUMMIT, STATE OF UTAH, MORE PARTICULARLY DESC AS FOL: COM AT THE NE COR OF THE NW1/4 OF SEC 10 T1S R3E SAID COR BEING AN ORIGINAL STONE MONUMENT; TH S 89°52'02" W ALG THE NORTH LINE OF SAID SEC 10 A DIST OF 2683.48 FT TO THE NE COR OF SAID SEC 9, SAID CORNER BEING AN ORIGINAL STONE MONUMENT; TH S 00°07'17" W ALG THE EAST LINE OF SAID SEC 9 A DIST OF 867.42 FT TO THE PT OF BEG; TH N 89°52'43" W A DIST OF 54.56 FT; TH S 00°07'17" W A DIST OF 545.74 FT; TH S 89°52'43" E A DIST OF 54.56 FT TO THE EAST LINE OF SAID SEC 9; TH CONTINUING ALONG SAID SEC LINE S 00°07'17" W A DIST OF 1022.53 FT TO A PT OF A 3664.80 FOOT RADIUS CURVE TO THE RIGHT, THE RADIUS OF WHICH BEARS N 15°37'02" E, TH NW?LY 1352.0 FT ALG THE ARC OF SAID CURVE; TH N 53°14'43" W 180.60 FT; TH S 36°45'17" W 65.0 FT; TH N 53°14'43" W 146.80 FT TO A PT OF TANGENCY OF A 3395.70 FOOT RADIUS CURVE TO THE LEFT; TH NW?LY 698.35 FT ALG THE ARC OF SAID CURVE; TH N 45°07'17" E 1902.77 FT TO THE N LINE OF SAID SEC 9; TH S 89°52'43" E AL THE NORTH LINE OF SAID SEC 9 A DIST OF 762.84 FT TO THE NE COR OF SAID SEC 9; TH S 00°07'17" W ALG THE EAST LINE OF SAID SEC 9 A DIST OF 867.42 FT TO THE PT OF BEG. (EXCEPTING THEREFROM THOSE PARCELS OF LAND DESC IN VARIOUS FINAL ORDERS UNDER CONDEMNATION PROCEEDINGS BY THE STATE ROAD COMMISSION OF UTAH, SAID PARCELS ARC ALONG THE SOUTHERN EXTREMITIES OF SAID PROPERTY ONLY, ABUTTING ON INTERSTATE 80.) BAL 53.27 AC M/L.

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 President 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 Secretary 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 Ure, seconded by Trustee Jenkins and passed, approving the transfer of water outlined above and adopting the foregoing resolution.

**VIII
CONSIDERATION OF APPROVAL OF CANCELLATIONS OF WATER**

Cont. Admin. Searle presented the following cancellations of water:

A. WEBER COUNTY:

- 1) Oscar & Laurie Hope.....0.6 a.f. Dist 3
Uintah (07-254-0006)
- 2) Windruff Construction Company 7.83 a.f. West Haven
West Haven (08-050-0047)

Cont. Admin. Searle said the 0.6 a.f. cancellation in Uintah is being requested by the Hope’s because they have monitored their water use for several years and have determined they have more water than needed. He said this is a positive result of secondary meters for water users, since by cancelling a portion of the water, the property owner will pay less annually.

Cont. Admin. Searle said the second cancellation is in West Haven. He said the cancellation is a result of land that was recently developed. Part of the land will not need secondary water due to roads and other infrastructure that will be installed. He said all assessments are current and recommended approval of the cancellations.

Motion was made by Trustee Ure, seconded by Trustee Jenkins and passed, approving the cancellations outlined above 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 President and the Secretary of said District be and they are hereby authorized and empowered to execute on behalf of said District cancellation petitions for the following, on the terms and conditions contained in the form of agreement presented to and considered at this meeting.

- 1) Oscar & Laurie Hope.....0.6 a.f. Dist 3
- 2) Windruff Construction Company 7.83 a.f. West Haven

**IX
CONSIDERATION OF APPROVAL OF AMENDED INTERLOCAL COOPERATION
AGREEMENT WITH WASHINGTON TERRACE REDEVELOPMENT AGENCY**

Gen. Mgr. Flint asked Cont. Admin. Searle to provide details on the Washington Terrace Redevelopment Agency. Cont. Admin. Searle reported the South Pointe Community Reinvestment Project Area (CRA) interlocal agreement was approved by our Board in March 2021. He said this is the CRA where Goldenwest Credit Union plans to expand its operations center. Cont. Admin. Searle said it was brought to our attention that the 2020 base year taxable value had a clerical error. This amendment adjusts the taxable value from \$1,578,866 to \$2,482,300. He stated the amendment does not change any of the other terms of the Interlocal Agreement. He verified that the cap remains at \$3,475,000, or 50% participation for 16 years, whichever comes first. The District will also benefit from this adjustment since tax distributions will be based on the higher dollar value.

Gen. Mgr. Flint recommended approval of the amended agreement.

Motion was made by Trustee Jensen, seconded by Trustee Summers and passed unanimously, approving the amendment to the interlocal cooperation agreement for South Pointe Community Reinvestment Project Area 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 President and the Secretary of said District be and they are hereby authorized and empowered to execute on behalf of said District an amendment to the interlocal cooperation agreement for South Pointe Community Reinvestment Project Area, on the terms and conditions contained in the form of agreement presented to and considered at this meeting.

X

CONSIDERATION OF APPROVAL OF INTERLOCAL AGREEMENT WITH REDEVELOPMENT AGENCY OF FARMINGTON CITY

Gen. Mgr. Flint asked Cont. Admin. Searle to present details on the Interlocal Agreement with the Redevelopment Agency of Farmington City. Cont. Admin. Searle began by outlining the location of the property for the Farmington North Station 3. He said the project will provide for development of land with mixed uses, govern the development and maintenance of publicly-owned infrastructure needed to support the development, create approximately 2,250 jobs, and provide Class A office space.

Cont. Admin. Searle reported the RDA includes a 70% tax increment for 20 years for all taxing entities. He said 10% of the total funds are required to be dedicated for low-income housing, and the agency will receive 4% of the total for administration expenses. Cont. Admin. Searle said the cap on the total increment is \$23.8 million over 20 years, and the trigger date will be no later than December 31, 2027. Cost of Construction is anticipated to be \$194 million (12.3% funded by tax increment funding, and the 87.7% balance by the developer.

Cont. Admin. Searle reviewed the incremental taxes by all entities and answered questions from the Board. Trustee Millburn asked about office space needs since COVID has brought forth much more telecommuting than in the past. Trustee Elliott replied that several of the companies are looking to expand office space. Trustee Osguthorpe said many of the offices are coming back but offices spaces are becoming more transient. Trustee Elliott stated many businesses are looking for synergy. Gen. Mgr. Flint reported Farmington City is expecting immediate full occupancy of this RDA space.

When discussion ceased, motion was made by Trustee Elliott, seconded by Trustee Ure and passed unanimously, approving the interlocal agreement with the Redevelopment Agency of Farmington City for Farmington North Station 3 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 President and the Secretary of said District be and they are hereby authorized and empowered to execute on behalf of said District an interlocal agreement with the Redevelopment Agency of Farmington City for Farmington North Station 3, on the terms and conditions contained in the form of agreement presented to and considered at this meeting.

XI

WATER SUPPLY REPORT

Mgr. Olsen presented the following reservoir content data:

<u>RESERVOIR</u>	<u>TOTAL CAPACITY</u>	<u>DISTRICT CAPACITY</u>	<u>ACCRUED</u>		<u>RESERVOIR CONT.</u>	
			<u>TO DIST</u>	<u>% OF DIST</u>	<u>AS OF</u>	<u>AS OF</u>
			<u>TO DATE</u>	<u>CAPACITY</u>	<u>9/27/21</u>	<u>9/21/20</u>
CAUSEY	7,870	6,870	2,751	40%	2,751	2,160
E CANYON	51,200	20,110	9,489	47	20,250	28,800
ECHO	73,940	6,357	7,725	122	7,900	16,370
LOST CRK	22,510	20,010	6,330	32	6,330	12,400

PINEVIEW	110,150	66,228	15,712	24	17,120	50,850
SMITH-M	8,351	6,560	4,632	71	4,632	1,850
WANSHIP	62,120	60,000	15,760	26	15,760	32,400
WILLARD	<u>247,302</u>	<u>222,273</u>	<u>76,844</u>	<u>35</u>	<u>76,844</u>	<u>145,960</u>
TOTAL	583,443	408,408	139,243	35%	151,587	290,790

Percent of District upstream storage is 34%.

Mgr. Olsen presented slides showing the Ogden River and Weber River storage. He also showed photos of several of the reservoirs at the current low levels. He then discussed the soil moisture levels, precipitation, weather outlooks, and drought monitor.

Gen. Mgr. Flint reported the drought relief pumping and water restrictions have resulted in a higher than expected irrigation end storage. Discussion continued regarding collaborating with other irrigation districts regarding water restrictions or buying water back from entities that have diversions off the Weber River.

XII

CONSIDERATION OF APPROVAL OF CONTRACTOR SELECTION FOR HIGHWAY 89 POTABLE WATER TANK

Gen. Mgr. Flint asked AGM Paxman to provide details on the Highway 89 Potable Water Tank Project. AGM Paxman reported the Highway 89 Potable Water Tank project consists of the construction of a 5.8 million gallon (MG) concrete culinary water tank. In addition, an inlet/outlet valve vault will be constructed and will be connected to the Highway 89 transmission line. AGM Paxman said the tank design was completed by Bowen Collins and Associates.

AGM Paxman reported the new water tank will provide needed culinary water supply and storage to the Highway 89 service area. The additional storage in this location will allow for additional service flexibility and continued water delivery during times of needed shutdown or repair.

AGM Paxman reported the District received bids from four prequalified contractors. The low bid was received from ProBuild Construction with a bid price of \$11,300,000. He recommended approval of the low bid.

Motion was made by Trustee Summers, seconded by Trustee Jenkins and passed unanimously, approving award Construction of the Highway 89 Potable Water Tank project to Probuild Construction at a price of \$11,300,000 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 President and the Secretary of said District be and they are hereby authorized and empowered to execute on behalf of said District a \$11,300,000 contract with Probuild Construction for Construction of the Highway 89 Potable Water Tank project, on the terms and conditions contained in the form of agreement presented to and considered at this meeting.

XIII

CONSIDERATION OF APPROVAL OF CONSULTANT SELECTION FOR LITTLE MOUNTAIN TANK REPLACEMENT PROJECT

AGM Paxman reported the District operates and maintains two culinary tanks on Little Mountain in western Weber County. He said the existing tanks consist of a 1 million gallon tank installed in late 1979 and a 2 million gallon tank installed in 2006. AGM Paxman stated the District needs more storage capacity to meet future demands in the area.

AGM Paxman reported to address this storage issue, a Request for Statements of Qualifications was sent out and four engineering consulting firms submitted Statements of Qualification. He said the firms were evaluated and Sunrise Engineering was selected as the most qualified engineering firm to do the work. He stated staff entered into negotiations with Sunrise Engineering on the proposed fee for the design of the project and negotiated a proposed fee of \$212,100. AGM Paxman recommended the District enter into an agreement with Sunrise Engineering for \$212,100 for consulting engineering services for the new Little Mountain Tank.

Motion was made by Trustee Jensen, seconded by Trustee Osguthorpe and passed unanimously, approving a \$212,100 agreement for consulting services for the new Little Mountain Tank 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 President and the Secretary of said District be and they are hereby authorized and empowered to execute on behalf of said District a \$212,100 agreement with Sunrise Engineering for consulting services for the new Little Mountain Tank, on the terms and conditions contained in the form of agreement presented to and considered at this meeting.

XIV

CONSIDERATION OF APPROVAL OF CONSULTANT SELECTION FOR RIVERDALE LOOPING PROJECT

AGM Paxman reported this project was identified in our culinary master plan to 1) Increase system capacity in the Weber West Zone of culinary system, 2) Provide redundancy for the main culinary supply line that serves western Weber County, and 3) Provide conveyance capacity to convey water from west to east when Weber West Water Treatment Plant is constructed.

The District solicited Statements of Qualifications (SOQs) from engineering consultants to assist with design of a new 30” and 36” culinary pipeline. The consultant work will include the alignment study, pipeline design, bidding services, and construction management and inspection.

AGM Paxman reported SOQ’s were received from four engineering firms. He said District staff reviewed the SOQ’s and selected Bowen Collins & Associates as most qualified. Staff entered into negotiations with Bowen Collins on the proposed fee for design of the project and negotiated a proposed fee of \$1,197,552. AGM Paxman recommended approval to execute the contract for engineering services with Bowen Collins for the design of the Riverdale Looping Project with a fee of \$1,197,552.

Trustee Jensen asked if there was a county general plan that coincided with the alignments. AGM Paxman affirmed that District staff looked at the county and state data for growth. Gen. Mgr. Flint said this will provide capacity until the West Weber Water Treatment Plant is built.

Motion was made by Trustee Jensen, seconded by Trustee Summers and passed unanimously, approving a \$1,197,552 contract with Bowen Collins for consultant services on the Riverdale Looping 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 President and the Secretary of said District be and they are hereby authorized and empowered to execute on behalf of said District a \$1,197,552 contract with Bowen Collins for consultant services on the Riverdale Looping Project, on the terms and conditions contained in the form of agreement presented to and considered at this meeting.

XV

CONSIDERATION OF APPROVAL OF INTERLOCAL AGREEMENT WITH NORTH SALT LAKE CITY FOR PIPELINE REPLACEMENTS

AGM Paxman reported Currently North Salt Lake City has a culinary water line in North Main Street where the District is proposing to reroute two District pipelines that serve two large refineries. He said North Salt Lake City was planning on replacing their water line in this road in the next few years and decided to partner with the District to design and replace their line at the same time as the District's.

AGM Paxman reported the agreement with the District will include Jacobs Engineering (District's Design Engineer on the project) to design the City's water line at the same time as the District's. It will be more cost effective to design both waterlines for both parties involved. He stated the City will reimburse the District for \$20,000 in additional engineering fees for their project, Each party will be responsible for the construction costs of their pipelines.

AGM Paxman recommended the District enter into an agreement with North Salt Lake City for costs associated with design and construction of the North Salt Lake City waterline.

Motion was made by Trustee Jenkins, seconded by Trustee Millburn and passed unanimously, approving the District enter into an Interlocal Agreement with North Salt Lake City for design and construction of the North Salt Lake City waterline 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 President and the Secretary of said District be and they are hereby authorized and empowered to execute on behalf of said District an Interlocal Agreement with North Salt Lake City for design and construction of the North Salt Lake City waterline, on the terms and conditions contained in the form of agreement presented to and considered at this meeting.

XVI

CONSIDERATION OF APPROVAL OF AGREEMENTS WITH ROCKY MOUNTAIN POWER FOR DAVIS AQUEDUCT REACH 1 PARALLEL PIPELINE

Gen. Mgr. Flint asked Mgr. Johnson to provide details about the Davis Aqueduct Reach 1 Parallel Pipeline project. Mgr. Johnson reported in preparation for the Davis Aqueduct Parallel Pipeline, the District purchased property along the east frontage road in South Weber. He said there are currently overhead power lines in the middle of the property, and these lines will make construction of the pipeline difficult and will be in the way of the future pump station.

Mgr. Johnson said the District intends to convert power from overhead to underground. This is a two-part process. He said first the contractor will install underground conduit, vaults, connection and transformers. Then, Rocky Mountain Power will pull wire and make the switch from overhead to underground. He said the District bid out the project and had four contractors interested. Only two of the four submitted bids due to other commitments and time constraints. Low bid was received from Cache Valley Electric at \$172,302.97.

Mgr. Johnson reported the District will need to enter into two separate agreements for this effort. The first is an agreement with the contractor to install the underground conduit and structures necessary for the new power line conductors and communication lines. The second agreement is with Rocky Mountain Power for costs for their crews to pull the conductors through their lines and make the switch from the existing power to the new underground power. He stated the cost for Rocky Mountain Power to do their portion of the work is \$208,364.00.

Mgr. Johnson recommended the Board award Cache Valley Electric a \$172,302.97 contract for the installation of conduit and infrastructure for the Davis Aqueduct Parallel Pipeline Project and approve a \$208,364.00 contract with Rocky Mountain Power for the conversion of overhead to underground power for the Davis Aqueduct Parallel Pipeline Project.

Motion was made by Trustee Summers, seconded by Trustee Buttschardt and passed unanimously, approving awarding Cache Valley Electric a \$172,302.97 contract for the installation of conduit and infrastructure for the Davis Aqueduct Parallel Pipeline Project and approve a \$208,364.00 contract with Rocky Mountain Power for the conversion of overhead to underground power for the Davis Aqueduct Parallel Pipeline 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 President and the Secretary of said District be and they are hereby authorized and empowered to execute on behalf of said District a \$172,302.97 contract with Cache Valley Electric for the installation of conduit and infrastructure for the Davis Aqueduct Parallel Pipeline Project and approve a \$208,364.00 contract with Rocky Mountain Power for the conversion of overhead to underground power for the Davis Aqueduct Parallel Pipeline Project, on the terms and conditions contained in the form of agreement presented to and considered at this meeting.

XVII

CONSIDERATION OF APPROVAL OF LAYTON CANAL LINING PROJECT

Gen. Mgr. Flint reported this item will be deferred to a future date. He said there are still questions about our preferred lining method that has yet to be determined.

XVIII

CONSIDERATION OF APPROVAL OF WEBER WEST PUMP STATION CMAR EARLY PACKAGE

Mgr. Johnson reported the District owns a culinary water line that serves wholesale customers in western Weber County. He said recent planning and modeling indicate a need for a pump station to meet near term and future water demands until Weber West Treatment Plant is constructed.

Mgr. Johnson reported the District contracted with AE2S to design the pump station and Whitaker Construction as the CMAR (Construction Manager at Risk) Contractor. AE2S has completed 60% design drawings and specifications and sent them to Whitaker Construction to provide a price for the early package items which include long lead items such as pumps, motors, and building items. He stated Whitaker Construction has provided open-book pricing which has been reviewed by the District and AE2S. The early package price is \$1,480,236. He said the project is expected to be completed before winter.

Trustee Summers asked how many CMAR projects have been done by the District. Mgr. Johnson said we have completed two or three with great success.

Mgr. Johnson recommended approval of the Weber West Pump Station Early Package for Whitaker Construction for \$1,480,236.

Motion was made by Trustee Osguthorpe, seconded by Trustee Summers and passed unanimously, approving the Weber West Pump Station Early Package be awarded to Whitaker Construction for \$1,480,236 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 President and the Secretary of said District be and they are hereby authorized and empowered to execute on behalf of said District a Weber West Pump Station Early Package with Whitaker Construction for \$1,480,236 on the terms and conditions contained in the form of agreement presented to and considered at this meeting.

XVIV

CONSIDERATION OF APPROVAL OF ADDITIONAL EXPENSES FOR THE WEBER SOUTH WATER TREATMENT PLANT 36” PIPELINE REPLACEMENT PROJECT

Mgr. Sorensen reported the District proposed in the June 2021 Board meeting to replace the existing 36” culinary effluent line at the Weber South Water Treatment Plant with a budget of \$250,000. He said since board meeting, the scope of the project has changed to include a larger 42” diameter pipe for a section as well as a meter vault and turnout. Due to the added scope and also underestimating the cost of fittings and appurtenances of a pipeline that large, the materials cost of the project has increased significantly. Mgr. Sorensen said the District is requesting a new budget of \$475,000. He stated this will cover the quoted materials cost of \$445,000 as well as materials needed to replace the road when the project is complete.

Trustee Ure asked if there was money in the budget since we passed the project expenses at a previous amount. Fin. Dir. Bateman responded that we have money set aside in the budget for unexpected pipeline replacement projects that can be used to cover the difference. Trustee Osguthorpe asked if the prices were increasing due to the supply and demand issues. Mgr. Sorensen responded that he doublechecked to make certain we weren’t being taken advantage of due to supply chain issues and that costs match price books that were published this year.

When discussion continued, motion was made by Trustee Jenkins, seconded by Trustee Osguthorpe and passed unanimously, approving \$475,000 for expenses for the Weber South Water Treatment Plant 36” Pipeline Replacement Project.

XVV

CONSIDERATION OF APPROVAL OF RESOLUTION AUTHORIZING AN INCREASE IN ENTITLEMENT SHARE UNDER THE CARBON FREE POWER PROJECT SALES CONTRACT

AGM Hess reported staff recently updated the District’s Power Supply and Demand Study. He said this update incorporates the latest District plans for future power demands for pump stations, treatment plants, and other District facilities. He said it also updates anticipated power generation based on recent upgrades as well as the latest climate change projections which will impact District power generation and demand. AGM Hess said that based on this updated information, additional power will be needed from the proposed UAMPS Carbon Free Power Project.

AGM Hess continued by providing the following information to better familiar the trustees with the District’s power supply:

CRSP. Colorado River Storage Project

Constructed by the US Bureau of Reclamation and includes Glen Canyon, Flaming Gorge, and other hydroelectric facilities.

WAPA. Western Area Power Administration

Federal Agency that was developed as part of the Colorado River Storage Project (CRSP) in response to a need to be able to market and transmit CRSP generated power.

Olmsted Hydroelectric Plant

Originally constructed in 1904, the Olmsted Plant is now a Federally owned hydroelectric generation plant currently operating at the mouth of Provo Canyon delivering 2,500 MWh on average since 2018 (marketed by WAPA).

UAMPS. Utah Association of Municipal Power Systems

Political Subdivision of the State of Utah that provides comprehensive wholesale electric-energy, on a nonprofit basis, to community-owned power systems throughout the Intermountain West.

Carbon Free Power Project

Small Modular Nuclear Reactors at INL site in Idaho with DOE support and total capacity of 462 MW. Developed in conjunction with UAMPS.

AGM Hess also discussed power statistics and climate vulnerability assessments.

Trustee Summers asked how much the District relies on CRSP power since it is in jeopardy. AGM Hess replied about 15% or 3,000 MWh comes from CRSP. Gen. Mgr. Flint stated that CRSP power is also in UAMPS and will affect the pool power available as well. Trustee Summers asked if there were steps where the District would have to pay money for the project. AGM Hess explained if the District backed out of the Carbon Free Power Project, it would have to pay. However, if it stayed with the project, the District will pay only the power costs as we use it.

Trustee Ure asked what our increased obligation would be. AGM Hess explained we only have to pay if we back out and that we have not paid anything to UAMPS yet. Gen. Mgr. Flint explained that the project is scalable and can expand and contract as people join and leave the project. He said there is talk of more people joining the project now and that it will likely expand. Trustee Summers said he toured the prototype plant and thinks this project is a great project and the District should continue with it. Trustee Jenkins said he sees a lot of upsides and very little downside to joining the project seeing the only alternative was the open market which has much more expensive power. Discussion continued.

AGM Hess recommended the District increase its entitlement share 1.5MW under the Carbon Free Power Project.

Motion was made by Trustee Summers, seconded by Trustee Jenkins and passed unanimously, approving the District increase its entitlement share 1.5MW under the Carbon Free Power Project and adopting the following resolution.

RESOLUTION

The undersigned hereby certify that they are the Chair and Secretary/Treasurer of Weber Basin Water Conservancy District (the "*Participant*"), a member of Utah Associated Municipal Power Systems ("*UAMPS*"), and that as such they are authorized to execute this Certificate on behalf of the Participant and hereby certify as follows:

1. The Participant has previously duly authorized, executed and delivered the Carbon Free Power Project Power Sales Contract dated as of April 1, 2018 (the "*Power Sales Contract*"). Capitalized terms used and not otherwise defined herein have the meanings assigned to them in the Power Sales Contract and the Original Certificate.
2. This certificate has been executed in connection with the execution and delivery of the Revolving Credit and Security Agreement dated as of September 15, 2021 (the "*Credit Agreement*") between UAMPS and Bank of America, N.A. (the "*Bank*"). Under and subject to the terms of the Credit Agreement, the Bank has agreed to make loans to UAMPS for the purpose of providing financing for the Development Costs of the Project. The amounts payable by UAMPS under the Credit Agreement constitute Debt Service Costs for all purposes of the Power Sales Contract.
3. Pursuant to Section 902(e) of the Power Sales Contract, authorized officers of the Participant executed and delivered a certificate dated May 3, 2018 (the "*Original Certificate*"). A true and correct copy of the Original Certificate is attached hereto as *Exhibit A*. The undersigned hereby reaffirm the statements made in the Original Certificate on and as of the date hereof.
4. Attached hereto as *Schedule I* is the schedule of Entitlement Shares, Development Cost Shares and Debt Service Shares of all Participants as of September 15, 2021 prepared and

provided by UAMPS pursuant to the Power Sales Contracts. Taking into account all actions taken by the Participant’s governing body with respect to the Participant’s Entitlement Share, Development Cost Share and Debt Service Share (the “*Additional Actions*”), the Participant acknowledges and agrees that (a) the Entitlement Share, Development Cost Share and Debt Service Share of the Participant shown the attached *Schedule I* are correct and accurate, and (b) the Participant is obligated to pay its Development Cost Share of all Development Costs and its Debt Service Share of all Debt Service Costs incurred by UAMPS under the Budget and Plan of Finance now in effect. True and correct copies of the Additional Actions are attached hereto as *Exhibit B*.

5. Since June 30, 2020, there has been (a) no material adverse change in, or a material adverse effect on, the operations, business, properties, liabilities (actual or contingent), condition (financial or otherwise) or prospects of the System that has caused a material impairment of the ability of the Participant to perform its obligations under the Power Sales Contract; or (b) no material adverse effect upon the legality, validity, binding effect or enforceability of the Power Sales Contract (in either case, a “*Material Adverse Effect*”). The Participant agrees that it will provide prompt notice to UAMPS of any event that could have a Material Adverse Effect.

**XVVI
GENERAL MANAGER’S REPORT**

Gen. Mgr. Flint updated the Board on the upcoming NWRA conference.

Gen. Mgr. Flint reported the state will be receiving \$1.5 billion of ARPA money, and a group of legislators are looking at water needs of the state and want to pursue secondary metering with some of the ARPA funds. He said he has attended several meetings with the legislators, and the District has provided details on needs and cost estimates. He stated this group would like to see the entire state metered by 2026, which is when the funds have to be spent.

Gen. Mgr. Flint reported this effort will still get pushback, especially from smaller companies and districts, that do not have the staff or funding to maintain meters. Gen. Mgr. Flint said he could see the larger districts assisting the smaller agencies with this effort.

Gen. Mgr. Flint reported three weeks ago Prepare60 hosted Water School. He said the event was well attended. This event is a deep dive into water issues and policies for community leaders.

Gen. Mgr. Flint reported he met with Governor Cox in between their meetings in DC. He said he was able to talk to the governor about District issues and statewide water issues.

Gen. Mgr. Flint reported he has met with numerous legislators the past month as they are ramping up for the next session. He said Senator Romney came out last month for a tour, and Congressman Moore has called and discussed several natural resource issues. He stated that Congressman Owens called to discuss natural resources issues as well.

**XVVII
ADJOURNMENT**

There being no further business for discussion, meeting adjourned at 11:45 a.m.

Respectfully submitted,

Tage I. Flint, Secretary

The Board of Trustees of the Weber Basin Water Conservancy District, Utah, met in public session September 30, 2021, at 9:00 a.m., at District headquarters, Layton, Utah. Meeting was called to order by President Dee Alan Waldron. On roll call the following members were found to be present:

Present:

President Dee Alan Waldron
Trustee Kym O. Buttschardt
Trustee Randy B. Elliott
Trustee Scott K. Jenkins
Trustee Marlin K. Jensen
Trustee P. Bret Millburn
Trustee Angie Osguthorpe
Trustee Paul C. Summers
Trustee Dave Ure

Excused:

Attorney Mike Malmborg

Tage I. Flint, Secretary/General Manager
Jody Williams, Legal Counsel

Brittney Bateman, Finance & Economics Director
Calysta Bravo, Accounting & Budget Officer
Darren Hess, Assistant General Manager
Derek Johnson, Mgr. of Engineering
Brad Nelson, Mgr. of M&I
Riley Olsen, Mgr. of Water Supply & Power
Jon Parry, Assistant General Manager
Scott Paxman, Assistant General Manager
Kendall Searle, Contracts Administrator
Sam Sorensen, Mgr. of Maintenance
Kathy Wood, Human Resources Manager

Ben Woolf, Bureau of Reclamation

Cont. Admin. Searle 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, Summit, and Weber counties, Utah, by the Weber Basin Water Conservancy District, should not be granted.

Cont. Admin. Searle said we have received no written objections filed against the foregoing petitions and advised all persons present that additional objections in writing could be presented at this time. No oral or written objections were presented or filed.

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 requesting the allotment of Weber Basin water annually, pursuant to the terms and conditions set forth in said petition:

A. DAVIS COUNTY:

- 1) Chestnut Farms 2012 LLC..... 11.54 a.f. NEW
- 2) E & H Land LLP..... 1.66 a.f. NEW

B. SUMMIT COUNTY:

- 1) Waylon & Kalina Bosworth 1.0 a.f. NEW
- 2) Douglas & Sherith Dawes 1.0 a.f. NEW
- 3) John Herlihy, James Kristof, & Stacy Sachen..... 3.0 a.f. NEW
- 4) John Herlihy & James Kristof 3.0 a.f. NEW
- 5) John Herlihy & James Kristof 3.0 a.f. NEW
- 6) The Shanahan and Millard Family Trust..... 2.0 a.f. NEW
- 7) William & Christine Moore..... 2.0 a.f. NEW

C. WEBER COUNTY:

- 1) Shelby & Virgene Andelin 1.0 a.f. NEW
- 2) Tyler Ritchie Bingham 2.95 a.f. NEW
- 3) Steven & Rochelle Brann 3.6 a.f. NEW
- 4) CW Group (Reese) 1.0 a.f. NEW
- 5) CW Group (Colin)..... 1.0 a.f. NEW
- 6) Zachary & Meridith Christensen 7.0 a.f. NEW
- 7) Green Farm Community LLC 34.09 a.f. NEW
- 8) Green Farm 2 Community LLC 7.64 a.f. NEW
- 9) Ivory Development LLC 12.75 a.f. NEW
- 10) Matthew & Jami Martinez..... 1.21 a.f. NEW
- 11) Leon & Shelly Nab..... 2.73 a.f. NEW
- 12) Todd & Kristin Oliver Family Trust..... 1.25 a.f. NEW
- 13) Parris Family Trust 2.0 a.f. NEW
- 14) Casey E. Pattillo 2.73 a.f. NEW
- 15) Jonathan & LaDonna Swapp..... 3.6 a.f. NEW
- 16) Woodside Homes of Utah LLC..... 3.77 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 Secretary of the District caused due and proper notice of the holding of such hearing to be posted to the Utah Public Notice Website on September 15, 2021, 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 therefrom, 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 President 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 Secretary of the District is authorized and directed to attest said order.

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Section 4. The Secretary 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 Jensen, seconded by Trustee Summers and passed, approving petitions for water contracts in Davis, Summit, and Weber counties and adopting the foregoing resolution.

Approved and adopted September 30, 2021.

Dee Alan Waldron, Chairman

ATTEST:

Tage I. Flint, Secretary

(SEAL)