

**MINUTES OF A REGULAR MEETING OF THE WEBER BASIN WATER
CONSERVANCY DISTRICT BOARD OF TRUSTEES HELD THURSDAY,
OCTOBER 28, 2021, 9:00 A.M., AT DISTRICT HEADQUARTERS**

Present:

President Dee Alan Waldron
Trustee Randy B. Elliott
Trustee Marlin K. Jensen
Trustee P. Bret Millburn
Trustee Angie Osguthorpe

Excused:

Trustee Kym O. Buttschardt
Trustee Scott K. Jenkins
Trustee Paul C. Summers
Trustee Dave Ure
Attorney Jody Williams

Tage I. Flint, Secretary/General Manager
Mike Malmborg, Legal Counsel

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

Jared Baxter, Bureau of Reclamation
Trevor Datwyler, AE2S
Kerry Gibson, Weber County Resident
Ben Woolf, Bureau of Reclamation

**I
PLEDGE OF ALLEGIANCE**

President Waldron welcomed all in attendance. President Waldron then led the group as they recited the Pledge of Allegiance.

**II
CONSIDERATION OF APPROVAL OF MINUTES**

President Waldron presented minutes of the regular board meeting and hearing on petitions for water contracts held September 30, 2021 and orientation meeting held September 27, 2021. There were no additions or corrections. Motion was made by Trustee Elliott, seconded by Trustee Jensen and passed unanimously, with President Waldron also voting in favor, approving the minutes as presented.

**III
CONSIDERATION OF APPROVAL OF SEPTEMBER 2021 FINANCIAL REPORT**

In Trustee Buttschardt's absence, President Waldron requested review of the September 2021 financial report by Budget Off. Bravo. Budget Off. Bravo reported this is the third month of the fiscal year. She said the year-to-date water sales continue to exceed budgeted amounts. She then discussed expenses and compared them to the year to date 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 Millburn, seconded by Trustee Jensen and passed unanimously, with President Waldron also voting in favor, approving the September 2021 financial report as presented.

**IV
CONSIDERATION OF APPROVAL OF CANCELLATIONS OF WATER**

Mgr. Mobley presented the following cancellation of water:

A. DAVIS COUNTY:

- 1) Mountain View Baptist Church.....4.7 a.f. Proj
Layton (09-007-0037)

Mgr. Mobley reported the 4.7 a.f. cancellation in Layton is being requested by Mountain View Baptist Church because they have a meter on their secondary system and have monitored their water use for several years and have determined they have more water than needed. She said this is one benefit of having a meter, since by cancelling a portion of the water the property owner will pay less annually. She said all assessments are current and recommended approval of the cancellation.

Motion was made by Trustee Osguthorpe, seconded by Trustee Millburn and passed unanimously, with President Waldron also voting in favor, approving the cancellation 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) Mountain View Baptist Church.....4.7 a.f. Proj

**V
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 TO DATE</u> | <u>% OF DIST CAPACITY</u> | <u>AS OF 10/25/21</u> | <u>AS OF 10/26/20</u> |
| CAUSEY | 7,870 | 6,870 | 3,013 | 44% | 3,013 | 2,295 |
| E CANYON | 51,200 | 20,110 | 11,501 | 57 | 21,220 | 26,970 |
| ECHO | 73,940 | 6,357 | 8,760 | 138 | 11,455 | 13,570 |
| LOST CRK | 22,510 | 20,010 | 6,450 | 32 | 6,450 | 11,910 |
| PINEVIEW | 110,150 | 66,228 | 13,898 | 21 | 18,770 | 44,360 |
| SMITH-M | 8,351 | 6,560 | 4,722 | 72 | 4,945 | 1,745 |
| WANSHIP | 62,120 | 60,000 | 18,530 | 31 | 18,530 | 26,270 |
| WILLARD | <u>247,302</u> | <u>222,273</u> | <u>77,450</u> | <u>35</u> | <u>77,450</u> | <u>138,620</u> |
| TOTAL | 583,443 | 408,408 | 144,324 | 35% | 161,833 | 265,740 |

Percent of District upstream storage is 36%.

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

VI
**CONSIDERATION OF APPROVAL OF COST SHARE FOR CULINARY LINE
INSTALLATION TO FARMINGTON #1 WELL**

AGM Paxman reported the District's Farmington Well #1 is adjacent to proposed developments from CW Land and the Wright Development Group. He said there is an existing easement for power and a waterline that connects the well to Main Street. AGM Paxman said it was proposed that the existing easement be relocated to accommodate the development.

AGM Paxman reported the District wants to install the pipeline now as to not disturb the development in the future. He stated the developer has agreed to pay for half the cost of the pipe, and the estimated cost for the pipeline is \$670,000. The District's portion would be \$335,000. AGM Paxman recommended authorization of payment up to \$335,000 to the Wright Development Group and CW Land for the District's portion of the cost share agreement.

Motion was made by Trustee Osguthorpe, seconded by Trustee Elliott and passed unanimously, with President Waldron also voting in favor, approving payment up to \$335,000 to the Wright Development Group and CW Land for the District's portion of the cost share agreement 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 agreement with Wright Development Group and CW Land for payment up to \$335,000 for the District's portion of the cost share agreement, on the terms and conditions contained in the form of agreement presented to and considered at this meeting.

VII
**CONSIDERATION OF APPROVAL OF TASK ORDER TO REIMBURSE BUREAU OF
RECLAMATION FOR RISK ANALYSIS OF AV WATKINS SIPHON REPLACEMENT
PROJECT**

AGM Paxman reported the AV Watkins siphon is located in the southwest corner of Willard Bay. He said the canal delivers up to 14 cfs continuously to Compass Minerals and an additional 12 cfs seasonally to Harold Crane Waterfowl Management Area. The existing siphon was built in the 1970s, and the inlet was upgraded in the 1990s. AGM Paxman reported the siphon has problems with air entrapment which requires maintenance, especially at low reservoir elevations.

AGM Paxman reported the District has been working with the Bureau of Reclamation (BOR) to replace the existing siphon and a Risk Analysis of the project is required. He said experts at the BOR's Technical Service Center will lead the Risk Analysis in coordination with the BOR's Provo Area Office, Dam Safety Office, the District, and consultants. He stated the cost for the Risk Analysis is estimated to be \$176,480. AGM Paxman recommended approval to execute the Task Order with the BOR for \$176,480 for the Risk Analysis for AV Watkins Siphon Replacement Project.

Motion was made by Trustee Elliott, seconded by Trustee Jensen and passed unanimously, with President Waldron also voting in favor, approving execution of the Task Order with the BOR for \$176,480 for the Risk Analysis for AV Watkins Siphon 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 President and the Secretary of said District be and they are hereby authorized and empowered to execute on behalf of said District a Risk Analysis for AV Watkins Siphon Replacement Project, on the terms and conditions contained in the form of agreement presented to and considered at this meeting.

**VIII
CONSIDERATION OF APPROVAL OF WILLARD INLET CHANNEL DREDGING**

AGM Paxman reported District staff recently surveyed the inlet channel of Willard Bay to determine sediment levels in the channel. He said it was found that in a large stretch of the channel there is only approximately two feet of clearance between the current water level and the sediment in the channel. He stated due to the necessity to deliver water from Willard Bay to irrigation water users and knowing that there can be up to three feet of evaporation losses in the reservoir storage each year, the District has put out a bid to have a contractor dredge the inlet channel and clear out all the excess sediment.

AGM Paxman reported the low bid was received from Veit & Company from Roger, Minnesota. He said we were unable to find a local company that had the needed equipment. The low bid from Veit & Company came in at \$1,207,000. He said the contractor plans to begin the project in November and complete the dredging work by March 1, 2022. He said the contractor is just finishing a job in North Dakota and plans to mobilize to our site in November. AGM Paxman recommended approval of the low bid.

Motion was made by Trustee Millburn, seconded by Trustee Osguthorpe and passed unanimously, with President Waldron also voting in favor, approving the \$1,207,000 bid from Veit & Company for the Willard Bay Inlet Channel Dredging 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 \$1,207,000 contract with Veit & Company for the Willard Bay Inlet Channel Dredging Project, on the terms and conditions contained in the form of agreement presented to and considered at this meeting.

**XI
GENERAL MANAGER'S REPORT**

Gen. Mgr. Flint reminded the Board of the upcoming NWRA conference on November 8-10, 2021. He said if anyone has any travel questions, to please contact Sherrie.

Gen. Mgr. Flint reported we have been discussing the ARPA funds with our legislators. He said many agencies are competing for the funds, and the final decisions will be made by the legislature and GOPB. He said there are funds set aside for water conservation, and we are hopeful to receive some of these funds to help us expedite our secondary metering program. Gen. Mgr. Flint said no decisions have been made yet regarding award of the money.

Gen. Mgr. Flint reported there are several water rights bills being considered by the legislature. These bills are regarding subjects such as conservation, water banking, water law, etc. He said there is a lot going on with water legislation. He said drought years often create this additional attention.

Gen. Mgr. Flint reported that the severe drought conditions on the Colorado River dominate a lot of the discussion west-wide. There are delays with the Lake Powel Pipeline Project which creates serious concerns for southwestern Utah's water supply. Discussion followed.

Gen. Mgr. Flint reported AGM Parry has been meeting with many city councils to discuss water ordinances. He said the District feels these ordinances should be in place for outdoor water applications. He stated AGM Parry will provide an update in the future on how our efforts are coming.

Gen. Mgr. Flint asked Mgr. Nelson to update the Board on our recent award. Mgr. Nelson said the District received an award for the Best Tasting Ground Water at the recent Intermountain Section AWWA Conference. He said we have received awards for the Best Tasting Surface Water several times in the past, but this is the first time for the ground water. Many expressed their congratulations for receipt of such a prestigious award.

Trustee Osguthorpe expressed his appreciation for Mgr. Olsen attending the Women in Business function recently. She said the information he shared was very helpful. She also expressed appreciation for the other staff that is also helpful.

**XII
CLOSED SESSION TO DISCUSS PERSONNEL ITEMS**

Gen. Mgr. Flint recommended the board go into closed session for purposes of discussing personnel items.

Motion was made by Trustee Millburn, seconded by Trustee Elliott and passed unanimously, with President Waldron also voting in favor, directing the board go into closed session for purposes of discussing personnel items.

Motion was made by Trustee Millburn, seconded by Trustee Elliott and passed unanimously, with President Waldron also voting in favor, directing the Board adjourn closed session.

**XIII
CONSIDERATION OF ACTION AS A RESULT OF THE CLOSED SESSION**

Motion was made by Trustee Millburn, seconded by Trustee Jensen and passed unanimously, with President Waldron also voting in favor, authorizing the District follow the General Manager replacement process as discussed in closed session.

**XIV
ADJOURNMENT**

There being no further business for discussion, meeting adjourned at 11:00 a.m.

Respectfully submitted,

Tage I. Flint, Secretary

The Board of Trustees of the Weber Basin Water Conservancy District, Utah, met in public session October 28, 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 Randy B. Elliott
Trustee Marlin K. Jensen
Trustee P. Bret Millburn
Trustee Angie Osguthorpe

Excused:

Trustee Kym O. Buttschardt
Trustee Scott K. Jenkins
Trustee Paul C. Summers
Trustee Dave Ure
Attorney Jody Williams

Tage I. Flint, Secretary/General Manager
Mike Malmborg, Legal Counsel

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

Jared Baxter, Bureau of Reclamation
Trevor Datwyler, AE2S
Kerry Gibson, Weber County Resident
Ben Woolf, Bureau of Reclamation

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

Mgr. Mobley 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) Nicholas C. Rees.....0.4 a.f. NEW

B. SUMMIT COUNTY:

1) Burnham Family Trust.....1.0 a.f. NEW

2) Deer Meadows Ranch LLC3.0 a.f. NEW

3) Deer Meadows Ranch LLC2.0 a.f. NEW

C. WEBER COUNTY:

- 1) Douglas & Kitty Anderson2.43 a.f. NEW
- 2) Tyson & Kristen Dohrer and Liberty Pipeline Company1.25 a.f. NEW
- 3) Hidden Meadows Ranch LLC6.0 a.f. NEW
- 4) Robert Martin.....1.25 a.f. NEW
- 5) McFarland Family Trust1.0 a.f. NEW
- 6) Ian & Emily Nicolosi.....5.0 a.f. NEW
- 7) Michael & Angel Park1.0 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 October 13, 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.

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 October 28, 2021.

Dee Alan Waldron, Chairman

ATTEST:

Tage I. Flint, Secretary

(SEAL)

**MINUTES OF A MEETING OF THE WEBER BASIN WATER
CONSERVANCY DISTRICT BOARD OF TRUSTEES HELD TUESDAY,
OCTOBER 12, 2021, 8:00 A.M., AT PROVO CONVENTION CEN**

Present:

President Dee Alan Waldron
Trustee Kym O. Buttschardt
Trustee Marlin K. Jensen
Trustee Angie Osguthorpe
Trustee Paul C. Summers
Trustee Dave Ure

Excused:

Trustee Randy B. Elliott
Trustee Scott K. Jenkins
Trustee P. Bret Millburn

Tage I. Flint, Secretary/General Manager

**I
UTAH WATER SUMMIT**

President Waldron welcomed all to the meeting. The Trustees attended the Utah Water Summit at the Provo Convention Center throughout the day. The agenda included many very beneficial topics relating to water.

**II
CLOSED SESSION TO DISCUSS PERSONNEL ITEMS**

Motion was made by Trustee Osguthorpe, seconded by Trustee Summers and passed unanimously, directing the Board go into closed session to discuss personnel items.

Motion was made by Trustee Summers, seconded by Trustee Osguthorpe and passed unanimously, directing the Board adjourn closed session.

**III
CONSIDERATION OF PERSONNEL ITEMS AS A RESULT OF THE CLOSED
SESSION**

After considerable discussion and many questions in closed session, motion was made by Trustee Ure, seconded by Trustee Summers and passed unanimously, approving the following:

- Based on considerable review of the CPI, ECI, other agency data, and considerable discussion, approve a Cost of Living Adjustment (distributed as 2% plus \$.80 per hour) to all regular employees' salaries and an average 2.0% merit ranging from 0% to 3% (based on performance evaluations and position-in-range) effective the first payroll in January 2022.
- Also, to continue full participation in the Utah State Retirement Tier 1 and Tier 2 programs at the prescribed rates, continue participation in all current employee benefit plans with the same percentage participation currently apportioned to the District and employees including a new medical insurance contract with PEHP at .7% premium increase, 4.47% rate increase for dental, and no rate increases or plan changes for Health Reimbursement Arrangement (HRA), Life, LTD/ADD, Employee Assistance Program, Flexible Spending Account (FSA), and Vision Standard and Expanded plans.
- Also, an additional up to 2% merit authorization to the General Manager to use for his executive staff in their annual evaluations, and a performance bonus of \$10,000 to be awarded to Gen. Mgr. Flint (to be applied before the end of 2021) which will be paid as normal salary.

Another motion was made by Trustee Osguthorpe, seconded by Trustee Jensen and passed unanimously, assigning the standing Board Fiduciary Committee the authority to handle logistics of Gen Mgr. Flint's exit as General Manager/CEO of the District in 2022 and defining the

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process by which the Board will select a successor to Gen. Mgr. Flint. The motion included assigning Mgr. Mobley the task of coordinating with the Fiduciary Committee and Gen. Mgr. Flint on all related matters.

**IV
ADJOURNMENT**

There being no further business for discussion, meeting adjourned at 3:00 p.m.

Respectfully submitted,

Tage I. Flint, Secretary