

APPROVED
NOVEMBER 15, 2023

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MINUTES OF THE **REGULAR BOARD MEETING** OF THE BOARD OF TRUSTEES OF THE CENTRAL UTAH WATER CONSERVANCY DISTRICT HELD WEDNESDAY, NOVEMBER 15, 2023, 1:00 PM AT DISTRICT HEADQUARTERS, OREM, UTAH.

TRUSTEES PRESENT

Wayne Andersen, Acting Chair	Marvin Kenison (electronic)	Jim Riding (electronic)
Jon Bronson	Kathy Wood Loveless	Jennifer Scott
Kirk Christensen	L. Alma Mansell	Edwin Sunderland
Wade E. Garner	Greg McPhie	Randy Vincent
Max Haslem	Eldon Neves	

TRUSTEES EXCUSED

Shelley Brennan	Steve Hanberg
Steve Farrell	Brad Wells

STAFF PRESENT

Gene Shawcroft, General Manager	Bronson Stewart, Controller
Lisa Anderson, Board Executive Assistant	Amanda Strack, Water Conservation Manager
Kirk Beecher, Lands Manager	Mike Whimpey, Assistant General Manager
Brent Chase, Computer Systems Specialist	Cindy Willard, Records Assistant
Mitch Dabling, Engineering Manager	Gerard Yates, Deputy General Manager
Will Garner, Project Engineer	
Jared Hansen, CUP Manager	<u>GUESTS PRESENT</u>
Cort Lambson, Engineering Manager	Stetson Bassett, Carollo
Shawn Lambert, CFO	Gordon Cook, MWDSL
Rick Maloy, Director of Communications	Chris Hansen, Horrocks
Mandy McClellan, Records Manager	Bob Harding, Jacobs
Devin McKrola, Bonneville O&M Manager	Karry Murray, Guest
Robert Moore, Legal Counsel	Reed Murray, Department of Interior
Rachel Musil, Water Rights Manager	Carol Pitcher, Guest
Roger Pearson, CUPCA/Special Programs Mgr	Clint Rogers, Stantec
Brad Perkins, Project Engineer	Todd Schultz, Yoppify
Dave Pitcher, Assistant General Manager	Wade Tuft, JWCD
Mike Rau, Water Quality Manager	

Acting Chair Wayne Andersen called the meeting to order at 1:10 p.m.

Motion that the Board Approves the Work Session Minutes from October 25, 2023, made by Kathy Wood Loveless and seconded by Randy Vincent.

Trustees For: Andersen, Bronson, Christensen, Garner, Haslem, Kenison, Loveless, Mansell, McPhie, Neves, Riding, Scott, Sunderland, Vincent. For: 14; *Motion Passes.*

Motion that the Board Approves the Board Meeting Minutes as amended from October 25, 2023, made by Jon Bronson, and seconded by Kirk Christensen.

Trustees For: Andersen, Bronson, Christensen, Garner, Haslem, Kenison, Loveless, Mansell, McPhie, Neves, Riding, Scott, Sunderland, Vincent. For: 14; *Motion Passes*.

PUBLIC COMMENT

No comments received.

GENERAL MANAGER'S REPORT

Gene Shawcroft, General Manager, welcomed guests and introduced the District's new Water Conservation manager, Amanda Strack.

Gene next mentioned that Mark Breitenbach, CUPCA Engineering Manager, is retiring in January and Gene read a short biography on Mark's 45 years of experience in water and with the District. Mark was thanked for his many contributions to the District and received a round of applause from the attendees.

Gene next read a Resolution of Appreciation for Edwin Sunderland, a Board Trustee since 2018, who will no longer be on the District's Board of Trustees, as Sanpete County is withdrawing from the District. Edwin then thanked the District for the opportunity to serve. He stated that he was impressed with the District, the staff, and the leadership and he has never served in an organization as grand as this one as far as honesty, integrity, and the way we present ourselves.

Gene then read a Resolution of Appreciation for Reed Murray, who has worked with the United States Bureau of Reclamation and Department of Interior overseeing CUPCA and worked with District staff for many years. Reed took a moment to express appreciation for his career and stated that a highlight of his career has been working with the District.

Gene read a Resolution of Appreciation for retiring Assistant General Manager, David O. Pitcher, who has spent 39 years in water, and 34 of them at the District. Dave stated that his work at the District has exceeded every expectation and found it to be an opportunity to make a difference. He will miss the people most of all.

Motion that the Board Adopts Resolutions of Appreciation for Edwin Sunderland, Reed Murray, and Dave Pitcher made by L. Alma Mansell and seconded by Greg McPhie.

Trustees For: Andersen, Bronson, Christensen, Garner, Haslem, Kenison, Loveless, Mansell, McPhie, Neves, Riding, Scott, Sunderland, Vincent. For: 14; *Motion Passes*.

Jon Bronson, Trustee, asked that Mark Breitenbach be included in the Adoption of Resolutions of Appreciation. Acting Chair Wayne Andersen said that would be in order and will instruct that his name be included in the resolutions as well.

Gene then stated that the 2024 Board Meeting Schedule was in the Board Packet and that it needed to be approved by the Board.

Motion that the Board Adopts the 2024 Board Meeting Schedule made by L. Alma Mansell and seconded by Greg McPhie

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Trustees For: Andersen, Bronson, Christensen, Garner, Haslem, Kenison, Loveless, Mansell, McPhie, Neves, Riding, Scott, Sunderland, Vincent. For: 14; *Motion Passes.*

PUBLIC AFFAIRS COMMITTEE – EDWIN SUNDERLAND, CHAIR

Edwin Sunderland, Chair of the Public Affairs Committee mentioned that the CRWUA Conference is coming up in December at the Paris Hotel in Las Vegas.

ENGINEERING & OPERATIONS COMMITTEE - AL MANSELL, CHAIR

Will Garner, Project Engineer, presented the contract for the use of CRSP Power for the Provo River Delta Restoration Project. He stated that this contract will provide economic power for the Delta. Will then said that Provo is responsible for the distribution of this power, UMPA is responsible for the scheduling of power on WAPA as the provider, and then the District has responsibilities to forecast. He clarified that the District is paying WAPA but this cost will be reimbursed through the URMCC and the June sucker Recovery Implementation Program.

Motion that the Board Approve Contract No. 22-SLC-1132 for the Use of CRSP Power for the Provo River Delta Restoration Project and authorize District officers to sign the contract made by L. Alma Mansell and seconded by Jon Bronson.

Trustees For: Andersen, Bronson, Christensen, Garner, Haslem, Kenison, Loveless, Mansell, McPhie, Neves, Riding, Scott, Sunderland, Vincent. For: 14; *Motion Passes.*

Al asked if the Trustees had questions on the Hazard Mitigation Plan as it was discussed earlier in the Work Session.

Motion that the Board Adopt Resolution 2023-11-17 adopting the 2023 Central Utah Water Conservancy District Hazard Mitigation Plan made by L. Alma Mansell and seconded by Randy Vincent.

Trustees For: Andersen, Bronson, Christensen, Garner, Haslem, Kenison, Loveless, Mansell, McPhie, Neves, Riding, Scott, Sunderland, Vincent. For: 14; *Motion Passes.*

Cort Lambson, Engineering Manager, presented Amendment No. 4 to the consulting agreement with Carollo Engineers for the DVWTP PIP. He shared that this amendment is for three specific items including electrical inspection, to extend Resident Project Representative (Inspection), and for additional engineering services due to an extended schedule.

Motion that the Board Approve Amendment No. 4 to the Consulting Agreement with Carollo Engineers for the Duchesne Valley Water Treatment Plant Process Improvement Project in the amount of \$348,000.00 and authorize District officers to sign the amendment made by L. Alma Mansell and seconded by Eldon Neves.

Trustees For: Andersen, Bronson, Christensen, Garner, Haslem, Kenison, Loveless, Mansell, McPhie, Neves, Riding, Scott, Sunderland, Vincent. For: 14; *Motion Passes.*

Brad Perkins, Engineering Manager, presented Amendment No. 1 to the consulting agreement with Bowen Collins and Associates for the North Shore Terminal Reservoir Phase 2 Project. He reminded the Board that they visited the site in October 2022 and shared photos of the progress. Brad stated that Bowen Collins' scope of work was based on an assumed 24-month construction period which was a reasonable estimate before the design was complete based on prior similar projects. However, as the actual design came together, the construction duration was revised to 32 months which served as the basis of the construction contractor's bid. The timeline has been further extended by an additional 2 months due to changes during construction. This amendment provides for engineering support services for the 10-month period that was not included in Bowen Collins' original scope of work. With this amendment, the design services fee is 8.6% of the total construction cost which is at the lower end of the expected range for this type of project.

Motion that the Board Approve Amendment No. 1 to the Consulting Agreement with Bowen Collins and Associates for the North Shore Terminal Reservoir Phase 2 Project for \$482,790.00 and authorize the District officer to sign the amendment made by L. Alma Mansell and seconded by Jon Bronson.

Trustees For: Andersen, Bronson, Christensen, Garner, Haslem, Kenison, Loveless, Mansell, McPhie, Neves, Riding, Scott, Sunderland, Vincent. For: 14; *Motion Passes.*

Motion that the Board Approve Engineering and Construction payment for October 2023, in the amount of \$3,709,675.35 made by L. Alma Mansell and seconded by Greg McPhie.

Trustees For: Andersen, Bronson, Christensen, Garner, Haslem, Kenison, Loveless, Mansell, McPhie, Neves, Riding, Scott, Sunderland, Vincent. For: 14; *Motion Passes.*

CUP COMPLETION COMMITTEE - KIRK L. CHRISTENSEN, CHAIR

Kirk stated that the Committee discussed the Approval of Change Order No. 5 to the Construction Contract with Ames Construction, Inc. for the Spanish Fork Santaquin Pipeline – Salem Reach 1 Project extensively in their committee meeting and is comfortable approving the change orders.

Motion that the Board Approve Change Order No. 5 to the construction contract with Ames Construction, inc. for the Spanish Fork Santaquin pipeline - Salem Reach 1 project for \$174,034.00 and authorize District officers to sign the change order made by Kirk Christensen and seconded by L. Alma Mansell.

Trustees For: Andersen, Bronson, Christensen, Garner, Haslem, Kenison, Loveless, Mansell, McPhie, Neves, Riding, Scott, Sunderland, Vincent. For: 14; *Motion Passes.*

Mark Breitenbach, Engineering Manager, presented the construction contract for the Spanish Fork Santaquin Reach Pipeline, Santaquin Reach Project. He gave a history of the 24-year project, stating this is the final pipeline reach to the ULS system. Mark shared a video that shows where the pipeline will go through orchards and private property.

Motion that the Board Award, with concurrence with US Department of the Interior, the construction contract for the Spanish Fork Santaquin Reach Pipeline, Santaquin Reach Project to the lowest price, most responsive bidder, VanCon Inc. in the amount of \$72,700,000.00 made by Kirk Christensen and seconded by Kathy Wood Loveless.

Trustees For: Andersen, Bronson, Christensen, Garner, Haslem, Kenison, Loveless, Mansell, McPhie, Neves, Riding, Scott, Sunderland, Vincent. For: 14; *Motion Passes.*

Roger Pearson, CUPCA/Special Programs Manager, presented the Memorandum of Understanding Among Strawberry High Line Canal Company, CUWCD, DOI, and BOR, to Provide for the Consideration of Enclosure of the Strawberry High Line Canal as a Feature of the Bonneville Unit, Central Utah Project. He shared that as staff retire and Boards turnover at these entities, the MOU outlines all the necessary contracts and agreements that would need to be put in place before any entity would move forward with any of the goals, objectives, or projects that are outlined in this MOU. This will be a planning and guidance document as the work continues. As a clarification to a question, Roger stated that this MOU doesn't obligate the District to further pursue any action but explains the things that have been discussed and agreed upon by the four parties and puts it in writing.

Motion that the Board Approves the Memorandum of Understanding Among Strawberry High Line Canal Company, CUWCD, DOI, and BOR, to provide for the consideration of enclosure of the Strawberry High Line Canal as a feature of the Bonneville Unit, Central Utah Project and authorize District officers to sign the agreement after final legal counsel review made by Kirk Christensen and seconded by Marvin Kenison.

Trustees For: Andersen, Bronson, Christensen, Garner, Haslem, Kenison, Loveless, Mansell, McPhie, Neves, Riding, Scott, Sunderland, Vincent. For: 14; *Motion Passes.*

Motion that the Board Approve Engineering and Construction payments in the amount of \$2,117,034.99 made by Kirk Christensen and seconded by Wade E. Garner.

Trustees For: Andersen, Bronson, Christensen, Garner, Haslem, Kenison, Loveless, Mansell, McPhie, Neves, Riding, Scott, Sunderland, Vincent. For: 14; *Motion Passes.*

LEGAL & LEGISLATIVE COMMITTEE – MAX HASLEM, ACTING CHAIR

Rob Moore, Legal Counsel, stated that Resolution 2023-11-18 Appointing a Representative to Serve as Central Utah Water Conservancy District's Appointee on the Governing Board of the North Utah County Aquifer Council is related to Dave Pitcher retiring and Assistant General Manager Mike Whimpey will sit on the Board.

Motion that the Board Adopt Resolution 2023-11-18 Appointing Mike Whimpey to serve as the District's appointee on the Governing Board to the North Utah County Aquifer Council and Derek Bruton as alternate made by Max Haslem and seconded by Greg McPhie.

Trustees For: Andersen, Bronson, Christensen, Garner, Haslem, Kenison, Loveless, Mansell, McPhie, Neves, Riding, Scott, Sunderland, Vincent. For: 14; *Motion Passes.*

Rob stated that Resolution 2023-11-19 Appointing a Representative to Serve as Central Utah Water Conservancy District's Appointee on the Governing Board of the Mt. Nebo Water Agency is for Bart Leeflang, Assistant General Manager, to replace Dave Pitcher.

Motion that the Board Adopt Resolution 2023-11-19 appointing Bart Leeflang as the District's representative on the Governing Board of the Mt. Nebo Water Agency and Gerard Yates as alternate made by Max Haslem and seconded by Jennifer Scott.

Trustees For: Andersen, Bronson, Christensen, Garner, Haslem, Kenison, Loveless, Mansell, McPhie, Neves, Riding, Scott, Sunderland, Vincent. For: 14; *Motion Passes.*

Rob introduced the Purchase and Sale Agreement Between Central Utah Water Conservancy District and Spurlino-Highland, LLC together with a Corresponding Assignment and Assumption of Lease Agreement. He reminded the Board that this is the purchase of approximately 113 acres for an aquifer recharge site in the Highland area and has \$10M ARPA funding from Utah County tied to it.

Motion that the Board Approves the purchase and sale agreement between Central Utah Water Conservancy District and Spurlino-Highland, LLC together with a Corresponding Assignment and Assumption of Lease Agreement made by Max Haslem and seconded by L. Alma Mansell.

Trustees For: Andersen, Bronson, Christensen, Garner, Haslem, Kenison, Loveless, Mansell, McPhie, Neves, Riding, Scott, Sunderland, Vincent. For: 14; *Motion Passes.*

Rob brought forward the documents relating to Sanpete County's Withdrawal from the boundaries of the District; Including an Agreement with Sanpete County Related to the Withdrawal, a Resolution Approving the Withdrawal, a Final Local Entity Plat, and a Notice of Pending Boundary Action. In response to a question, Gene gave a brief history of when the District was formed and how Sanpete County originally was included in the District. He then stated that Sanpete County stayed as they thought that the Narrows Project would possibly occur, but it has not and does not appear that it will ever happen.

Eldon read a statement from Jennifer Scott, who was present, but unable to speak. She stated, "I have misgivings about this decision by Sanpete County. If I were a taxpayer in that community, I would not be happy to see them walk away from \$5 million in water projects. It does not sound like the future tax savings will be used for water projects. I worry that this is not a good decision by their fiduciaries. Nevertheless, that's not my call or my role. As a member of this Board, I'm not here to override decisions made by county commissioners for their county. So, I'll vote for this. But I'm not comfortable that this is a good decision for Sanpete County."

Motion that the Board Approves the documents related to the withdrawal from the boundaries of the District: agreement with Sanpete County related to the withdrawal, Resolution 2023-11-21 approving the withdrawal, a final local entity plat, and a notice of impending boundary action made by Max Haslem and seconded by L. Alma Mansell.

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As two Trustees were participating online, the vote was taken by Roll Call. Trustees For: Andersen, Bronson, Christensen, Garner, Haslem, Kenison, Loveless, Mansell, McPhie, Riding, Scott, Sunderland, Vincent. Trustees Against: Neves. For: 13; Against 1; *Motion Passes.*

ENVIRONMENTAL & CONSERVATION COMMITTEE - JENNIFER SCOTT, CHAIR

Rick Maloy, Communications Director, introduced the Professional Services Agreement with Consulting Firm Yoppify for Targeted Programs and Data Optimization. He shared some data from the District's conservation rebate programs but stated that the District does not have access to individual water use, as we are a wholesale water provider. Rick stated that as a result, it is difficult to understand the true impact of the water conservation and efficiency programs. He said that the program will engage with five utilities, evaluate conservation opportunities, and develop data and communication tools to optimize the current conservation program.

Todd Schultz from Yoppify, stated that Highland City has started using the software for secondary metering and they have used it to create their new ordinance and for surveys to their users. He shared that it has provided insight and communications through modern technology methods.

Motion that the Board Approves the Central Utah Water Conservancy District's Targeted Programs and Data Optimization Professional Services Agreement with Yoppify, LLC for Task Order 1 in an amount not to exceed \$310,914.55 and authorize District officers to sign the agreement made by Eldon Neves and seconded by Jennifer Scott.

Trustees For: Andersen, Bronson, Christensen, Garner, Haslem, Kenison, Loveless, Mansell, McPhie, Neves, Riding, Scott, Sunderland, Vincent. For: 14; *Motion Passes.*

Trustee Marvin Kenison left the meeting.

FINANCE, AUDIT, AND BUDGET COMMITTEE - GREG MCPHIE, CHAIR

Motion that the Board Approve the Financial Reports, as certified by the Chief Financial Officer, for the period ending October 2023, and the Expenditure Reports for the same period totaling \$17,836,503.06 made by Greg McPhie and seconded by Kirk Christensen.

Trustees For: Andersen, Bronson, Christensen, Garner, Haslem, Loveless, Mansell, McPhie, Neves, Riding, Scott, Sunderland, Vincent. For: 13; *Motion Passes.*

Bronson Stewart, Controller, presented the amendment to the Interlocal Agreement for the Nephi South Main Street Community Reinvestment Project Area Interlocal Agreement with the Nephi City Community Reinvestment Agency. He gave a brief history, stating that the original agreement was approved by the Board in 2016 with a four-year timeframe for the CRA to begin. The amendment has now fulfilled its intent and is extending from date 2021 to 2023 to allow the tax increment paid from the District to the RA for the term of the agreement remain \$26,850.

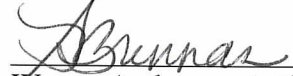
Motion that the Board Adopt Resolution 2023-11-20 approving an amended Nephi South Main Street Community Reinvestment Project Area Interlocal Cooperation Agreement with the Nephi City Community Reinvestment Agency made by Greg McPhie and seconded by L. Alma Mansell.

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Trustees For: Andersen, Bronson, Christensen, Garner, Haslem, Loveless, Mansell, McPhie, Neves, Riding, Scott, Sunderland, Vincent. For: 13; *Motion Passes.*

Motion made to adjourn the meeting made by Al Mansell at 3:00 p.m.



Wayne Andersen, Acting Chair OR Shelley Brennan, Chair



Gene Shawcroft, General Manager