

APPROVED
JANUARY 31, 2024

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MINUTES OF THE **REGULAR BOARD MEETING** OF THE BOARD OF TRUSTEES OF THE CENTRAL UTAH WATER CONSERVANCY DISTRICT HELD WEDNESDAY, JANUARY 31, 2024, 1:00 PM AT DISTRICT HEADQUARTERS, OREM, UTAH.

TRUSTEES PRESENT

Shelley Brennan, Chair	Steve Hanberg	Eldon Neves
Wayne Andersen, Vice-Chair	Max Haslem	Jim Riding
Jon Bronson	Marvin Kenison	Jennifer Scott
Kirk Christensen	Kathy Wood Loveless	Randy Vincent
Steve Farrell	L. Alma Mansell	Brad Wells
Wade E. Garner	Greg McPhie	

STAFF PRESENT

Gene Shawcroft, General Manager
Lisa Anderson, Board Executive Assistant
Kirk Beecher, Lands Manager
Jim Brooks, Human Resources Manager
Derek Bruton, Project Engineer
Brent Chase, Computer Systems Specialist
Heath Clark, Asset Management Manager
Chris Elison, Engineering Manager
Will Garner, Project Engineer
Tyler Harvey, Emergency Manager
Cort Lambson, Engineering Manager
Shawn Lambert, CFO
Bart Leeftang, Assistant General Manager
Rick Maloy, Director of Communications
Robert Moore, Legal Counsel
Rachel Musil, Water Rights Manager
Brad Perkins, Project Engineer
Mike Rau, Water Quality Manager
Bronson Stewart, Controller

Amanda Strack, Water Conservation Manager
Sarah Sutherland, Environmental Program Manager
Mike Whimpey, Assistant General Manager
Cindy Willard, Records Assistant
Gerard Yates, Deputy General Manager

GUESTS PRESENT

Brian Andrew, Hansen, Allen & Luce
Sterling Brown, Strawberry Water Users
Greg Christensen, Public Attendee
Paul Christensen, Bureau of Reclamation
Trevor Datwyler, AE2S
Shannon Lambson, Salt Lake Tribune
Josh Martin, Sundt Construction
Nate Robertson, LRB Public Finance Advisors
Steve Slack, MWDSL
Wade Tuft, JWCD
Kent Wilson, Senator Romney's Staff

Shelley Brennan, Board Chair, called the meeting to order at 1:05 p.m.

Motion that the Board Approves the Work Session Minutes from November 15, 2023, made by L. Alma Mansell and seconded by Wayne Andersen.

Trustees For: Brennan, Andersen, Bronson, Christensen, Farrell, Garner, Hanberg, Haslem, Kenison, Loveless, Mansell, McPhie, Neves, Riding, Scott, Vincent, Wells. For: 17; Against: 0;
Motion Passes.

Motion that the Board Approves the Board Meeting Minutes from November 15, 2023, with minor amendments made by Jon Bronson and seconded by Greg McPhie.

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Trustees For: Brennan, Andersen, Bronson, Christensen, Farrell, Garner, Hanberg, Haslem, Kenison, Loveless, Mansell, McPhie, Neves, Riding, Scott, Vincent, Wells. For: 17; Against: 0; *Motion Passes.*

PUBLIC COMMENT
N/A

GENERAL MANAGER'S REPORT

Gene introduced and welcomed guests. He then formally introduced Paul Christensen as the new CUPCA Program Manager with the Department of Interior to fill the position vacated as a result of the retirement of Reed Murray. He stated that Paul has worked closely with the District on CUPCA and is extremely familiar with the project and the District and we are looking forward to working with him.

Gene then stated he is impressed with District staff who make presentations and come up with solutions to pressing issues, such as Sarah Sutherland, Will Garner, and Rachel Musil on the Water Management Optimization Project as discussed in the Work Session. He also thanked Bart Leeftang for recognizing a need for the Board to understand the Colorado River issues in California and organizing the Board Tour last week. Staff was given a round of applause. Shelley thanked Gene and expressed appreciation for Paul continuing to work with the District and agreed that District staff are great to work with.

ENGINEERING & OPERATIONS COMMITTEE - AL MANSELL, CHAIR

Chris Elison, Engineering Manager, presented Amendment No. 1 to the Engineering Services Agreement with Bio-West, Inc. for Phase 2 of the Lower Provo River Aeration Project. Chris gave a brief history of the project and stated that the costs for this project will be reimbursed to the District by the URMCC. He shared that the final implementation includes water quality data collection and analysis, and the addition of three compressors, 85,000 feet of weighted hose, and 20 diffusers.

Motion that the Board Approve Amendment No. 1 to the Engineering Services Agreement with Bio-West Inc. for Phase 2 of the Lower Provo River Aeration System Project for \$392,468.00 and authorize District Officers to sign the amendment made by L. Alma Mansell and seconded by Steve Hanberg.

Trustees For: Brennan, Andersen, Bronson, Christensen, Farrell, Garner, Hanberg, Haslem, Kenison, Loveless, Mansell, McPhie, Neves, Riding, Scott, Vincent, Wells. For: 17; Against: 0; *Motion Passes.*

Dylan Dastrup, Stillwater Area Manager, and Project Manager presented the Construction and Cost Sharing Agreement with Moon Lake Electric Association (MLEA) for Fiber and Power Improvements to Vat Diversion. He stated that a new fiber optic telecommunication line needs to be installed between Rhodes Tunnel and Vat Diversion to replace the increasingly unreliable and aging radio system and that the conduits for the project will be installed by MLEA as part of their planned power line improvements. Dylan stated that MLEA will install fiber optic conduit and high voltage powerline in the same trench and that by sharing the cost of construction, it will save

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the District approximately \$175,000.00. In response to a question from Jon Bronson, Rob Moore, General Counsel responded that having the local area manager listed in the contract to receive notices, communication, or payment rather than sending them to District HQ saves time and is more efficient than having everything routed through him or Gene.

Motion that the Board Approve the construction and cost-sharing agreement with Moon Lake Electric Association for fiber and power improvements to Vat Diversion and authorize District Officers to execute the agreement made by L. Alma Mansell and seconded by Wade E. Garner.

Trustees For: Brennan, Andersen, Bronson, Christensen, Farrell, Garner, Hanberg, Haslem, Kenison, Loveless, Mansell, McPhie, Neves, Riding, Scott, Vincent, Wells. For: 17; Against: 0; *Motion Passes.*

Motion that the Board Approve engineering and construction payments for November 2023 for \$3,318,900.97 and for December 2023 for \$4,574,047.68 made by L. Alma Mansell and seconded by Kathy Wood Loveless.

Trustees For: Brennan, Andersen, Bronson, Christensen, Farrell, Garner, Hanberg, Haslem, Kenison, Loveless, Mansell, McPhie, Neves, Riding, Scott, Vincent, Wells. For: 17; Against: 0; *Motion Passes.*

CUP COMPLETION COMMITTEE - KIRK L. CHRISTENSEN, CHAIR

Brad Perkins, Engineering Manager, presented Change Order No. 6 to the Construction Contract with Ames Construction, Inc. for the Spanish Fork Santaquin Pipeline Salem Reach 1 Project. He gave a brief review of the construction project stating it was awarded in 2022, the original amount of the contract was \$48,863,000.00 and to date, it is 98.9% completed.

Brad stated that the reasons for this change order include unforeseen conditions with utility locations, project enhancements that improved the functionality of the project at the end including changing turnout locations and added fencing, city betterments at the request of Salem City which will be reimbursed to the District, and miscellaneous design conflicts that needed to be addressed. Brad reported that Salem City will pay \$139,029.00 of the cost of this change order.

Motion that the Board Approve Change Order No. 6 to the Construction Contract with Ames Construction, Inc. for the Spanish Fork Santaquin Pipeline - Salem Reach 1 Project for \$345,801.00 and authorize District officers to sign the Change Order made by Kirk Christensen and seconded by Jon Bronson.

Trustees For: Brennan, Andersen, Bronson, Christensen, Farrell, Garner, Hanberg, Haslem, Kenison, Loveless, Mansell, McPhie, Neves, Riding, Scott, Vincent, Wells. For: 17; Against: 0; *Motion Passes.*

Motion that the Board Approves the CUPCA Engineering and Construction payments for November 2023 for \$361,922.57 and for December 2023 for \$939,460.14 made by Kirk Christensen and seconded by L. Alma Mansell.

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Motion Passes.

LEGAL & LEGISLATIVE COMMITTEE - STEVE FARRELL, CHAIR

Steve Farrell stated that their item of business would occur after the Closed Session. Chair Brennan stated that item 6.C.1. will be tabled until after the Closed Session.

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

Motion that the Board Approves the Financial Reports, as certified by the Chief Financial Officer, for the periods ending November and December 2023, and the Expenditure Reports for the same periods totaling \$11,754,856.02 and \$29,164,647.19 respectively made by Greg McPhie and seconded by Jim Riding.

Trustees For: Brennan, Andersen, Bronson, Christensen, Farrell, Garner, Hanberg, Haslem, Kenison, Loveless, Mansell, McPhie, Neves, Riding, Scott, Vincent, Wells. For: 17; Against: 0;
Motion Passes.

Motion that the Board Strike Item 7 and Item 9 from the agenda made by Brad Wells and seconded by Steve Farrell.

Trustees For: Brennan, Andersen, Bronson, Christensen, Farrell, Garner, Hanberg, Haslem, Kenison, Loveless, Mansell, McPhie, Neves, Riding, Scott, Vincent, Wells. For: 17; Against: 0;
Motion Passes.

Motion that the Board Enter into Closed Session made by Kathy Wood Loveless and seconded by Greg McPhie at 1:40 p.m.

Trustees For: Brennan, Andersen, Bronson, Christensen, Farrell, Garner, Hanberg, Haslem, Kenison, Loveless, Mansell, McPhie, Neves, Riding, Scott, Vincent, Wells. For: 17; Against: 0;
Motion Passes.

CLOSED SESSION TO DISCUSS PENDING OR REASONABLY IMMINENT LITIGATION
(UCA 52-4-205(1)(C))

Staff present in the Closed Session: Gene Shawcroft, Lisa Anderson, Rob Moore, Rachel Musil, Gary Brimley, Bart Leeflang, Gerard Yates, Mike Whimpey, and Cort Lambson.

Trustees in the Closed Session included Trustees Brennan, Andersen, Bronson, Christensen, Farrell, Garner, Hanberg, Haslem, Kenison, Loveless, Mansell, McPhie, Neves, Riding, Scott, Vincent, and Wells.

Motion that the Board Enter into an Open Session was made by Steve Farrell and seconded by Jon Bronson at 1:56 p.m.

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Trustees For: Brennan, Andersen, Bronson, Christensen, Farrell, Garner, Hanberg, Haslem, Kenison, Loveless, Mansell, McPhie, Neves, Riding, Scott, Vincent, Wells. For: 17; Against: 0; *Motion Passes.*

OPEN SESSION

LEGAL & LEGISLATIVE COMMITTEE - STEVE FARRELL, CHAIR


Motion that the Board Approves the Settlement Agreement in Case No. 200401303 by and amongst Central Utah Water Conservancy District, Provo River Water Users Association, Spanish Fork City, New Northeast Spanish Fork Irrigation Company, and Canyon Creek Commercial, and authorize District Officers to execute the agreement made by Steve Farrell and seconded by Max Haslem.

Trustees For: Brennan, Andersen, Bronson, Christensen, Farrell, Garner, Hanberg, Haslem, Kenison, Loveless, Mansell, McPhie, Neves, Riding, Scott, Vincent, Wells. For: 17; Against: 0; *Motion Passes.*

ADJOURNMENT

Motion that the Board Adjourn made by Wayne Andersen at 1:59 p.m.

Trustees For: Brennan, Andersen, Bronson, Christensen, Farrell, Garner, Hanberg, Haslem, Kenison, Loveless, Mansell, McPhie, Neves, Riding, Scott, Vincent, Wells. For: 17; Against: 0; *Motion Passes.*



Shelley Brennan, Chair



Gene Shawcroft, General Manager