

APPROVED
FEBRUARY 28, 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, FEBRUARY 28, 2024, AT 1:00:00 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 (Phone)	Kathy Wood Loveless	Randy Vincent
Steve Farrell	L. Alma Mansell	Brad Wells
Wade E. Garner	Greg McPhie	

STAFF PRESENT

Gene Shawcroft, General Manager	Bronson Stewart, Controller
Lisa Anderson, Board Executive Assistant	Amanda Strack, Water Conservation Manager
Gary Brimley, Water Rights Engineer	Sarah Sutherland, Environmental Program Mgr
Jim Brooks, Human Resources Manager	Paulette Webster, Contract Administrator
Brent Chase, Computer Systems Specialist	Mike Wimpey, Assistant General Manager
Heath Clark, Asset Management Manager	Cindy Willard, Records Assistant
John Coker, IT Manager	Gerard Yates, Deputy General Manager
Dylan Dastrup, Stillwater Area Manager	Chris York, WCWEP Project Manager
Chris Elison, Engineering Manager	
Shaun Hilton, Project Engineer	<u>GUESTS PRESENT</u>
Cort Lambson, Engineering Manager	Stetson Bassett, Carollo
Shawn Lambert, CFO	Sterling Brown, Strawberry Water Users
Bart Leeflang, Assistant General Manager	Paul Christensen, Bureau of Reclamation
Rick Maloy, Director of Communications	Gordon Cook, MWDSLS
Mandy McClellan, Records Manager	Adam Jones, Brown & Caldwell
Devin McKrola, Bonneville O&M Manager	Adam Murdock, Jacobs
Robert Moore, Legal Counsel	David Robertson, LRB Public Finance
Roger Pearson, CUPCA/Special Programs Mgr	Advisors
Brad Perkins, Project Engineer	Wade Tuft, JWCD
Mike Rau, Water Quality Manager	Cam Walker, HDR

Shelley Brennan, Chair, called the meeting to order at 1:01 p.m.

The following Trustees were reappointed to the District's Board of Trustees and sworn into office: Shelley Brennan, Wayne Andersen, Kirk Christensen, Steve Hanberg, Max Haslem, Marvin Kenison, Jim Riding, and Jennifer Scott.

Motion that the Board Approves the Work Session Minutes from January 31, 2024, made by Steve Farrell and seconded by Greg McPhie.

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.

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Motion that the Board Approves the Board Meeting Minutes from January 31, 2024, made by Jon Bronson 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.*

PUBLIC COMMENT

N/A

GENERAL MANAGER'S REPORT

Gene Shawcroft, General Manager, introduced and welcomed guests. He then announced that the Duchesne Valley Water Treatment Plant Process Improvement Project received the 2024 Grand Award for Engineering Excellence in Water Resources from the American Council of Engineering Companies (ACEC), Utah Chapter. Carollo Engineers was the design firm and Bodell Construction was the contractor on the project. He then shared that the Bureau of Reclamation has requested proposals on the post-2026 Colorado River operations from the seven basin states and that the Upper Division and Lower Division would be sending in separate proposals.

ENGINEERING & OPERATIONS COMMITTEE - AL MANSELL, CHAIR

Dylan Dastrup, Stillwater Area, and Project Manager presented the construction contract for the Strawberry Aqueduct Collection System 2024 Telecommunications Replacement Project. He shared a map showing the location of the project and explained that this project involves installing fiber connections which will provide reliable remote operations utilizing the SCADA system whereas now it is being operated by radio communications, which is unreliable during inclement weather. Dylan next stated that this project will help the District more accurately account for the water deliveries and stabilize flow measurements. He also mentioned that as this area is remote and can take more than an hour to get to by vehicle, this project will provide better site security and ability to monitor via video surveillance.

Dylan then described the project construction and in response to a question from Trustee Loveless, he responded that there will be markers showing where the fiber conduits are located and that many areas will be fully buried to avoid damage from vehicles. Dylan also stated that the District is vigilant in acquiring GPS measurements as the projects are installed so the new conduits can be located, if needed within an inch of accuracy. He then reported that four bids were received with the apparent lowest, most responsive bidder being Optimize Communications.

Motion that the Board Award the construction contract for the Strawberry Aqueduct Collection System 2024 Telecommunications Replacement Project to Optimize Communications Services in the amount of \$1,195,251.44 and authorize District officers to sign the contract made by L. Alma Mansell and seconded by Kathy Wood Loveless.

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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.*

Motion that the Board approve Engineering and Construction payments for January 2024 in the amount of \$6,032,432.51 made by L. Alma Mansell and seconded by Eldon Neves.

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 provided a summary of Change Order No. 7 to CUPCA Spanish Fork Santaquin Pipeline - Salem Reach 1 and indicated that the project is finishing up and change orders are being negotiated and processed as unresolved items are being reconciled. Brad stated that this change order addresses unforeseen conditions, project enhancements, design issues, and city betterments. Brad explained that project enhancements included storm drain improvements needed because of the project together with other city requested improvements that were completed at the same time. Where appropriate, these costs were split, and Salem City is paying their proportionate share of the costs,

Brad shared that the biggest change in cost was to relocate a pressure irrigation line under Salem Canal Road and relocation of the city's water line and utilities that were not included in the original project. In response to a question from Trustee Vincent, Brad indicated that the straightening of the road in the original plan provided reduction in cost related to asphalt, pipe, and bends; however, the straightening of the road stranded the utilities in an unprotected parcel, and during construction it was recognized that the utilities should have been moved along with the road. This was not included in the original design, and was added, resulting in the change in cost.

Trustee Christensen attended the meeting virtually and asked CUP Completion Committee member, Trustee Jon Bronson, to make the motions in his absence.

Motion that the Board Approve Change Order No. 7 to the construction contract with Ames Construction Inc. for the Spanish Fork Santaquin Pipeline in the amount of \$603,693.00 made by Jon Bronson and seconded by Eldon Neves.

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 January 2024 for \$1,644,238.64 made by Jon Bronson and seconded by Eldon Neves.

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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.*

LEGAL & LEGISLATIVE COMMITTEE - STEVE FARRELL, CHAIR

Mandy McClellan, Records Manager, presented the District's new Privacy Policy and began by explaining the difference between the Privacy Notice and the Privacy Policy. She said that the Policy Notice is an external document that is posted on the District website, informs visitors how the District will use their information and their rights associated with it, is required by Utah Code, and does not need to be approved by the Board.

Mandy stated that the Privacy Policy is an internal document that informs employees how their information is protected, and it must be approved by the Board. She reported that Utah House Bill 491 which is being discussed in the Legislature, will require a Privacy Policy so the District is prepared for the change. Mandy defined personal information as any information that could be taken and used to commit identity theft against a person.

Motion that the Board Adopts the Central Utah Water Conservancy District Privacy Policy as shown in the board packet made by Steve Farrell and seconded by Eldon Neves.

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.*

Chris York, WCWEP Manager, presented Amendment 2 to Contract No. 97-SLC-0343 for Electric Service to the Wasatch County Water Efficiency Project. He explained the purposes and history of the WCWEP emphasizing the high-priority environmental mitigation commitment to re-establish the Upper Strawberry River and to provide a replacement water supply to Daniel Irrigation Company. Chris stated that the project conserves over 23,000 af of water per year from conversion of flood irrigation to pressurized irrigation which uses less water. He described the features of the WCWEP and stated that it takes a large amount of power to run the project. Chris stated that this contract with WAPA for lower-cost CRSP power is a critical element in maintaining the viability of the WCWEP and this amendment to the contract will extend the term of power service through September 2057.

In response to a question from Trustee McPhie, Chris stated that Wasatch County is aware that they are no longer a signator on the project.

Motion that the Board Approves Amendment No. 2 to Contract No. 97-SLC-0343 among Central Utah Water Conservancy District, United States Department of Interior Bureau of Reclamation, United States Department of Interior Bureau Central Utah Project Completion Act Office, Wasatch County Special Service Area No. 1, and United States Department of Energy Western Area Power Administration Colorado River Storage Project Management Center Colorado River Storage Project for Electric Service to the Wasatch County Water Efficiency Project of the Central Utah Project and authorize District Officers to sign the amendment made by Steve Farrell and seconded by Marvin Kenison.

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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.*

Chris next presented Amendment 3 to Development Block Notice 1A - Removal of Daniels Replacement Water from Block Notice which removes a 2900 af portion of water from Block Notice 1A and reissues that portion in a Special Statutory Block Notice 8A. He explained that Daniel Irrigation Company had a contract with the District to transfer to the District their Strawberry River Water Right in exchange for 2900 af of replacement water from Jordanelle Reservoir. Chris explained that water provided under Block 1A is limited in its use to project irrigation and reissuing the 2900 af through Block Notice 8A will permit other purposes as well as irrigation use. In response to a statement from Trustee Bronson Devin explained that Block Notice 8A is not a new notice; technically it is a reshuffling of water use and won't be brought to the Board for approval as repayments are not affected.

Motion that the Board Approves Amendment 3 to Development Block Notice No. 1A – Removal of Daniels Replacement Water from Block Notice 1A – Bonneville Unit – Section 202(a)(3) Central Utah Project Completion Act and authorize District Officers to sign the amendment made by Steve Farrell and seconded by Eldon Neves.

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.*

ENVIRONMENTAL & CONSERVATION COMMITTEE - JENNIFER SCOTT, CHAIR
Amanda Strack, Water Conservation Manager, presented the Professional Services Agreement for Aerial Imagery Services. She stated that aerial imagery will improve the District's conservation efforts over the next five years as it will help quantify water savings, allow the District to make data-driven decisions regarding incentive programs, provide insight to the municipalities within our service area, and help develop targeted conservation marketing campaigns. She explained that the company will provide images from both the fall with full leaf cover and again in the spring to compare.

Amanda reported that a selection committee received two submission proposals with one considered non-responsive. She stated that the committee felt confident with the vendor Nearmap, who met all the requirements, and that the agreement would be over five years, issuing four task orders yearly.

In response to a question from Trustee Wells, Amanda stated that this isn't a contract to evaluate every year for up to five years, it is for five years to gather enough data. In response to a question from Trustee Vincent, Amanda stated that the District is looking for changes over time in vegetation, impervious surfaces, new development, water usage, and areas that have non-functional grass. In response to a question from Trustee Neves, Amanda stated that the information collected will help target areas for communications and if the District programs are being effective in neighborhoods. As a follow-up, privacy concerns were addressed, and the imagery information used was not made public.

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Heath Clark, Asset Management Manager stated that Nearmap already collects data twice a year and the District is subscribing to acquire the data from them, and that the data will also tie into other projects the District has, not just for conservation. In response to a question from Trustee Vincent, Amanda stated that there were approximately 19,000 square miles of area to be photographed. In response to a question from Trustee Bronson, Heath stated that the annual cost does cover integration with the District's systems.

Motion that the Board Approves the selection committee's recommendation of aerial imagery vendor, Nearmap, and approve the Aerial Imagery Data Acquisition and AI Analysis Agreement with Nearmap in an amount not to exceed \$634,881.65 and authorize District officers to sign the agreement pending District Legal Counsel review made by Jennifer Scott and seconded by Eldon Neves.

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.*

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 period ending January 2024, and the Expenditure Reports for the same period totaling \$10,753,083.49 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.*

Bronson Stewart, Controller presented the Interlocal Agreement with the Redevelopment Agency of Provo City for the Mix Community Development Project Area. He stated that the project's purpose is to create a mechanism to upgrade the sewer and facilitate other infrastructure improvements to allow for the redevelopment of the property. Bronson shared photos of the areas from both 2021 and March 2023 to show the change in the development area. He stated that concerns with the timing of the agreement have been discussed as these agreements usually come before the project begins, however, even though the project has already started, it meets the District's guidelines.

Bronson reported that it meets the participation rate, it is consistent with other taxing entities, and the other entities have already approved an interlocal agreement to participate. He shared that the participation period is 12 years which meets the District's guideline for a participation period to not exceed 20 years, and the District's tax increment contribution is capped at \$150,000.00.

Trustee Bronson stated that he will vote no to adopt, due to the language of "but for," which indicates that unless the District participates, it could not happen and since it has already been developed, the "but for" test hasn't been met in his opinion. In response to a question from Trustee Neves, Bronson stated that the District's policy is to participate when the agreement meets the District's guidelines as part of being a partner to these communities we serve and working with our partner taxing entities including cities and school districts.

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Trustee Mansell stated that after this agreement, the District participation guidelines should be modified so that an agreement must be presented before construction begins on the redevelopment area.

Motion that the Board Adopts Resolution 2024-02-01 Authorizing the Interlocal Agreement with the Redevelopment Agency of Provo City for the Mix Community Development Project Area made by Greg McPhie and seconded by Wayne Andersen.

Trustees For: Brennan, Andersen, Christensen, Farrell, Garner, Hanberg, Haslem, Mansell, McPhie, Riding. Trustees Against: Bronson, Kenison, Loveless, Neves, Scott, Vincent, Wells. For: 10; Against: 7; *Motion Passes.*

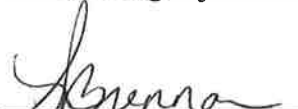
Motion that the Board Strike Items 8, 9, 10, and 11 from the agenda made by L. Alma Mansell and seconded by Brad Wells.

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 Adjourn made by Eldon Neves.

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.*

The meeting adjourned at 2:08 p.m.



Shelley Brennan, Chair



Gene Shawcroft, General Manager