

APPROVED
NOVEMBER 20, 2024

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MINUTES OF THE **REGULAR BOARD MEETING** OF THE BOARD OF TRUSTEES OF THE CENTRAL UTAH WATER CONSERVANCY DISTRICT HELD ON WEDNESDAY, NOVEMBER 20, 2024, AT 1:00 PM AT DISTRICT HEADQUARTERS, OREM, UTAH.

TRUSTEES PRESENT

Shelley Brennan, Chair
Wayne Andersen, Vice Chair
Jon Bronson
Kirk Christensen
Steve Farrell
Wade Garner

Steve Hanberg
Max Haslem
Marvin Kenison (electronic)
Kathy Wood Loveless
L. Alma Mansell

Eldon Neves
Jim Riding
Jennifer Scott
Randy Vincent
Brad Wells

TRUSTEES EXCUSED

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
Heath Clark, Asset Management Manager
John Coker, IT Manager
Chris Elison, Engineering Manager
Jared Hansen, CUP Manager
Shawn Lambert, CFO
Cort Lambson, Engineering Manager
Bart Leeflang, Assistant General Manager
Alex Lowell, Project Engineer
Rick Maloy, Strategic Initiatives Manager
Devin McKrola, Bonneville O&M Manager
Robert Moore, Legal Counsel
Travis Nielsen, HR Generalist
Roger Pearson, CUPCA/Special Prog. Manager
Brad Perkins, Project Engineer
Carolyn Quigley, Administrative Assistant
Mike Rau, Water Quality Manager

Bronson Stewart, Controller
Sarah Sutherland, Environmental Program Manager
Bruce Ward, Chief Engineer
Mike Whimpey, Assistant General Manager
Gerard Yates, Deputy General Manager

GUESTS PRESENT

Stetson Bassett, Carollo
Rick Baxter, Bureau of Reclamation
Justin Brewer, CONSOR Engineers
Sterling Brown, Strawberry Water Users
Paul Christensen, Department of the Interior
Sam Frankhauser, AE2S
Jim Ginley, Jim Ginley Consulting, LLC
Josh Gore, Tract Capital Management
Jason Luettinger, Bowen Collins & Associates
Coury Morris, Tract Capital Management
Scott Morrison, Jacobs Engineers
Nate Robertson, LRB Public Finance
Chris Thunhorst, Hazen and Sawyer
Wade Tuft, JVWCD
Cam Walker, HDR

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

MINUTES

Motion that the Board Approves the minutes from the October 23, 2024 Work Session and Board Meeting made by Trustee Mansell and seconded by Trustee Farrell.

Trustees For: Brennan, Andersen, Bronson, Christensen, Farrell, Garner, Hanberg, Haslem, Loveless, Mansell, Neves, Riding, Scott, Vincent, Wells. For: 15; *Motion Passes.*

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PUBLIC COMMENT
No comments received.

Trustee Marvin Kenison joined the meeting electronically at 1:06 p.m.

GENERAL MANAGER'S REPORT

Gene Shawcroft, General Manager, welcomed guests. He then asked Mike Rau, Water Quality Manager, to review and provide an overview of the awards received by the District recently as part of the AWWA Partnership for Safe Water. Mike reminded the Board that in October's meeting, Joe Huish provided an overview of the AWWA Partnership for Safe Water Program and had mentioned that the District had received these awards but hadn't yet received the physical awards. He then stated that the DACRWTP received the Excellence Award for Phase 4 of the program for 20 consecutive years, which is the highest award in the partnership program. Mike shared that the DACRWTP was the second plant in the nation to receive the award and it is extremely rare in the industry to have 20 consecutive years of excellence. He then stated that the AVWTP received the President's Award for the program and that the awards highlight the tireless 24/7 efforts and tenacity of the District's treatment and support staff.

Gene then took a moment to acknowledge all the incredible work and commitment from the Board to help the District accomplish the goals and work that needs to be done. Chair Brennan also thanked District staff, partners, and the Board for their hard work and commitment to the work the District needs to accomplish.

COMMITTEES

TECHNICAL & PROFESSIONAL SERVICES - CHAIR JIM RIDING

Cort Lambson, Project Manager, presented the engineering consulting services agreement with AE2S for the Olmsted Equalization Reservoir Solids Management Project. Cort shared a map of the location of the reservoir and provided a brief history of the facility stating that it provides equalization storage for the operation of the Olmsted Flowline. He said that the Olmsted Diversion feeds the reservoir from the Provo River and that larger debris is kept out of the diversion by trash gates. However, fine materials are not able to be filtered out and each year staff must remove 2 to 3-feet of fine sediment from the reservoir. Cort also shared operations have been modified as other parts of the project have been completed and there is now an opportunity to modify the solids handling for greater efficiency. He stated that the design project was advertised with three firms expressing interest in the project and one firm ultimately submitting a proposal for the engineering services.

Motion that the Board Approves the engineering services agreement with AE2S for the Olmsted Equalization Reservoir Solids Management Project in the amount of \$659,002.00 and authorize District officers to execute the Agreement, subject to District legal counsel review made by Trustee Riding and seconded by Trustee Wells.

Trustees For: Brennan, Andersen, Bronson, Christensen, Farrell, Garner, Hanberg, Haslem, Kenison, Loveless, Mansell, Neves, Riding, Scott, Vincent, Wells. For: 16; Motion Passes.

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Alex Lowell, Project Engineer, presented the engineering services agreement with Hazen and Sawyer for the DACRWTP Cathodic Protection Installation Project. He gave a brief description of which areas of the District are serviced by the plant and indicated that the plant can treat up to 100MG of water per day serving over one million people. Alex shared that in 2012 an assessment was completed on the buried pipe and it concluded that the pipe is at risk of failure due to corrosion and installation of a cathodic protection system was recommended within 15 years. He stated that 38 sensors were installed in 2012 and they indicate that there is corrosion occurring and that the pipe should be treated and protected. Alex mentioned that the timeline for the project is to have design completed in Spring 2025 and construction completed in December. He reported that five firms expressed interest in the project, with three proposals received. Alex also stated that once investigative work begins, it may indicate additional services that may be needed which could result in a future contract modification.

Motion that the Board Approves the Engineering Consulting Services Agreement with Hazen and Sawyer for the DACRWTP Cathodic Protection Installation Project in the amount of \$235,342.00 and authorize District officers to execute the Agreement, subject to District Legal Counsel review made by Trustee Riding and seconded by Trustee Farrell.

Trustees For: Brennan, Andersen, Bronson, Christensen, Farrell, Garner, Hanberg, Haslem, Kenison, Loveless, Mansell, Neves, Riding, Scott, Vincent, Wells. For: 16; *Motion Passes*.

Alex next presented Change Order No. 3 to the construction contract with Gerber Construction for the CWP North Shore Terminal Reservoir Phase II Expansion Project. He provided background on the reservoir expansion, sharing a map of the project location, and indicated that Phase II of the project is now substantially complete. Alex stated that this change order also relates to corrosion prevention as monitoring sensors on the pipeline installed during Phase I indicate that active corrosion is occurring. He said that this change order implements a solution to protect the buried pipe.

Motion that the Board Approves Change Order No. 3 to the construction contract with Gerber Construction, Inc. for the CWP North Shore Terminal Reservoir Phase II project in the amount of \$201,884.98, and authorize District officers to execute the change order, subject to District legal counsel review made by Trustee Riding and seconded by Trustee Mansell.

Trustees For: Brennan, Andersen, Bronson, Christensen, Farrell, Garner, Hanberg, Haslem, Kenison, Loveless, Mansell, Neves, Riding, Scott, Vincent, Wells. For: 16; *Motion Passes*.

Alex then presented Change Order No. 2 to the construction contract with W.W. Clyde for the 400 North Well 17 Feeder Pipeline Project. He stated that this pipeline is needed to deliver unpolished water from Well 17 to the CWP polishing plant and that this change order covers some unanticipated site conditions that were encountered as the pipeline construction occurred. Alex stated that the construction crew encountered more groundwater than what was anticipated based on the geotechnical report that was provided during the bidding phase. He also indicated that the contractor found and needed to remove a large buried concrete structure that was not previously known to exist that conflicted with the pipeline. There were also some other smaller conflicts with utilities that were not recorded and shown in the plans.

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Motion that the Board Approves Change Order No. 2 to the Construction Contract with W.W. Clyde & Co. for the CWP 400 North Well 17 Feeder Pipeline Project in the amount of \$542,770.93 and authorize District Officers to execute the Change Order, subject to District legal counsel review made by Trustee Riding and seconded by Trustee Wells.

Trustees For: Brennan, Andersen, Bronson, Christensen, Farrell, Garner, Hanberg, Haslem, Kenison, Loveless, Mansell, Neves, Riding, Scott, Vincent, Wells. For: 16; *Motion Passes.*

Chris Elison, Project Manager, presented Task Order Number 2025-01 for Inspection Services and Task Order Number 2025-02 for Right-of-Way Work with the US Department of the Interior, Bureau of Reclamation for the Alpine Aqueduct Reach 1 Replacement and Resiliency Project. He shared a map and brief history of the AA-1 project and stated that the new pipeline will include about 6000 feet of pipeline plus appurtenant structures. Chris shared that six interested contractors attended the kickoff meeting for the project and that the District plans to award the project in the January 2025 Board Meeting. He stated these task orders provide construction inspection services and right of work necessary to move forward with the project. He explained that the construction inspectors are on the project daily and they make sure that the project is built to specifications and to the District's standards.

In response to a question from Trustee Mansell, Chris responded that the outreach with the neighborhood affected by this project has gone very well and once the construction contract is awarded there will be another public outreach meeting with the contractor and neighbors. He stated that Horrocks Engineering is the PIO for this project and has been a part of the project since the beginning.

Motion that the Board Approves Task Order Numbers 2025-01 and 2025-02 with the United States Department of the Interior, Bureau of Reclamation for Construction Inspection Services and Right-of-way work in the combined amount of \$1,476,173.00 for the Alpine Aqueduct Reach 1 Replacement and Resiliency Project and authorize District officers to execute both task orders, subject to District legal counsel review made by Trustee Riding and seconded by Trustee Garner.

Trustees For: Brennan, Andersen, Bronson, Christensen, Farrell, Garner, Hanberg, Haslem, Kenison, Loveless, Mansell, Neves, Riding, Scott, Vincent, Wells. For: 16; *Motion Passes.*

WATER SUPPLY PLANNING & CUPCA PROGRAMS - CHAIR KIRK L. CHRISTENSEN
Rick Maloy, Strategic Initiates Manager, presented the Letter of Agreement with Water Research Foundation (WRF) for the Per Capita Use Calculation Project. He shared briefly of who the WRF is and that they fund, manage, and publish research on the technology, operation and management of drinking water, wastewater, reuse, and stormwater systems. Rick stated that the District has worked with WRF previously and this new program is the Tailored Collaboration Program which focuses on water research and managing and publishing research for water.

Rick explained that the District's project is to identify how water use is being measured, how the data is being used, how it is being compared, and ultimately, develop a standard

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methodology for computing water use commonly reported in Gallons Per Capita Per Day (GPCD). He shared five varying numbers for a representative city's GPCD water usage and demonstrated that depending on the approach, each of the five different methodologies commonly used could be defensible and legitimate. Rick reported that this has significant implications because water policy is set using water usage in GPCD and different entities and states are calculating water use differently and that big decisions are being made based on improper comparisons of data developed using different methodologies. He said that by developing a standard, it can be used nationwide and then water use can be compared fairly across all systems in the United States.

Rick elaborated on the five different most common methods used to calculate GPCD as shown in his example. The first approach is to take the total water diverted and divide it by the population. The second method is to take metered water and divide it by the population. With either of these two methods, water loss is not accounted for. The third approach is to take metered water with return flows subtracted and then divide by the population. The fourth method is to take residential water use and divide by the population and the fifth method is to take the total diverted water and divide by the population and take out any part of the population that may be seasonal or transient.

Rick stated that the District has budgeted \$250,000.00 for this project and that the project includes a potential grant for \$150,000.00 of matching funds from the Water Research Foundation. He said that while the grant money had not yet been finalized, upon approval there would be a 30-day window for the District to sign the agreement and commit funds to the project. Therefore, Board approval is necessary to meet the timeline associated with the grant funds.

Trustee Bronson asked if this research will be seen as objective outside of the water industry. Rick replied that the WRF will publish an RFP and have a nonbiased selection process to pull in a third-party consultant to gather the data and develop the criteria. He stated that how GPCD is being calculated is not as important as that there is a standardized method, so all entities are measuring the same way.

Motion that the Board Approves the agreement with Water Research Foundation for the Per Capita Use Calculation Project and authorizes the District to make payment in the amount not to exceed \$250,000.00, subject to District legal counsel review made by Trustee Christensen and seconded by Trustee Bronson.

Trustees For: Brennan, Andersen, Bronson, Christensen, Farrell, Garner, Hanberg, Haslem, Kenison, Loveless, Mansell, Neves, Riding, Scott, Vincent, Wells. For: 16; *Motion Passes.*

Brad Perkins, Project Engineer, presented Change Order No. 1 to the construction contract with VanCon for the Spanish Fork Santaquin Pipeline - Santaquin Reach Project. He stated that this is the final four-mile stretch of the Spanish Fork Santaquin Pipeline which was originally awarded in November 2023 and is currently 42.6% complete. He shared that some of the unforeseen conditions of the project include undocumented utilities, additional power requirements, and the need for a thicker railroad casing. Brad said that the railroad casing

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originally purchased for the project will be stored and can be used in future projects. He shared that project enhancements included adding fiber optic lines, vault improvements for operations and security, and increasing the pipe size of a future turnout. Brad said that the design issues include the vault height and tie in, valve features, and some details that weren't shown in the drawings.

Motion that the Board Approves Change Order No. 1 to the construction contract with VanCon, Inc. for the Spanish Fork Santaquin Pipeline – Santaquin Reach Project in the amount of \$1,597,579.00 and authorize District officers to execute the change order, subject to District legal counsel review made by Trustee Christensen and seconded by Trustee Riding.

Trustees For: Brennan, Andersen, Bronson, Christensen, Farrell, Garner, Hanberg, Haslem, Kenison, Loveless, Mansell, Neves, Riding, Scott, Vincent, Wells. For: 16; *Motion Passes*.

LEGAL - ACTING CHAIR MAX HASLEM

Rob Moore, Legal Counsel, presented Resolution No. 2024-11-01 - A Resolution Adopting the Central Utah Water Conservancy District Board of Trustees Annual Meeting Schedule for the Calendar Year 2025. He presented the dates Jan 22, Feb 26, April 23, May 21 (Annual Meeting), June 18, August 27, September 24 (Board Tour), October 22, and November 19, 2025.

Motion that the Board Adopts Resolution No. 2024-11-01 – A Resolution Adopting The Central Utah Water Conservancy District Board Of Trustees Annual Meeting Schedule For The Calendar Year 2025 made by Trustee Haslem and seconded by Trustee Loveless.

Trustees For: Brennan, Andersen, Bronson, Christensen, Farrell, Garner, Hanberg, Haslem, Kenison, Loveless, Mansell, Neves, Riding, Scott, Vincent, Wells. For: 16; *Motion Passes*.

Rob next presented Resolution No. 2024-11-02 A Resolution of the Central Utah Water Conservancy District approving and adopting an Interlocal Agreement Between Eagle Mountain Redevelopment Agency and Central Utah Water Conservancy District Related to the Triple Tail Community Reinvestment Project Area located within Eagle Mountain, Utah. Rob reported that this is a large project, and the District is the only governmental agency yet to approve the project. He shared the size and scope of the project with a seven-year commencement deadline with anticipating multiple phases over 20 years. Rob stated that the District has negotiated some of the terms of the agreement with the developer and the redevelopment agency.

In response to a question from Trustee Mansell, it was reported that they have 60 AF of water available to use for the 672 acres that are currently owned. Coury Morris, from Tract Capital Management stated that their group has an incremental 400 acres under contract that they are likely to purchase early in 2025. Mr. Morris also shared that with the advancements in data center cooling technology, they are becoming less reliant on water and their group will be asking end users to use air fold applications of cooling. In response to a question, Mr. Morris responded that the Tyson food processing facility sits on 80 acres and uses 20 AF of water.

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Trustee Bronson stated that he is concerned as there is no pending project as of right now and wonders who is being enticed. He also expressed concern with the triggering of the increment and the seven-years period, and that there's still room past the seven-year period and that there is not a strong but-for statement provided.

Motion that the Board Adopts Resolution No. 2024-11-02 - A Resolution of the Central Utah Water Conservancy District Approving and Adopting an Interlocal Agreement Between Eagle Mountain Redevelopment Agency and Central Utah Water Conservancy District Related to the Triple Tail Community Reinvestment Project Area located within Eagle Mountain, Utah made by Trustee Haslem and seconded by Trustee Wells.

Trustees For: Brennan, Andersen, Bronson, Christensen, Farrell, Garner, Hanberg, Haslem, Kenison, Loveless, Mansell, Neves, Riding, Scott, Vincent, Wells. For: 16; *Motion Passes*.

Rob next presented the revised Central Utah Water Conservancy District Community Reinvestment Areas Participation Policy. Rob reported that other local governments have asked for the District's policy to use as an example. He stated that the updates include that the guidelines (as approved in August 2024) be changed to a policy to be consistent with what the Board previously has adopted, that the policy should be updated to include a "but-for" statement requirement, and that the language clarify that the 20 years is to include all phases, and lastly that the projects must commence within seven years of the agreement being signed. Trustee Bronson stated that he appreciates the work that Rob and other staff have put forth to update the policy.

Motion that the Board Adopts the Revised Central Utah Water Conservancy District Community Reinvestment Areas Participation Policy made by Trustee Haslem and seconded by Trustee Bronson.

Trustees For: Brennan, Andersen, Bronson, Christensen, Farrell, Garner, Hanberg, Haslem, Kenison, Loveless, Mansell, Neves, Riding, Scott, Vincent, Wells. For: 16; *Motion Passes*.

Rob then presented changes to the Central Utah Water Conservancy District Employee Handbook. He thanked the HR team for working diligently on the updates. Rob reviewed the changes which include that the General Manager could make temporary changes to the handbook, adding a definition of Flexible Work Arrangements, adding Juneteenth as an observed holiday, adjusting vacation accruals, adding a vacation cashout policy, adjusting the sick leave rate, adding a health insurance opt-out option, clarifying outside employment policy, and updating the substance abuse policy.

Motion that the Board Adopts the 2024 changes to the Central Utah Water Conservancy District Employee Handbook made by Trustee Haslem and seconded by Trustee Bronson.

Trustees For: Brennan, Andersen, Bronson, Christensen, Farrell, Garner, Hanberg, Haslem, Kenison, Loveless, Mansell, Neves, Riding, Scott, Vincent, Wells. For: 16; *Motion Passes*.

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ENVIRONMENTAL, CONSERVATION, & COMMUNICATIONS – CHAIR JENNIFER SCOTT

Sarah Sutherland, Environmental Programs Manager, presented the professional services agreement for the EIS for the Nebo Regional Water Project. Sarah stated that this agreement is the first step in the Nebo Regional Water Project (NWP) and since it involves federal water, pipelines, and facilities, the NEPA process is required. She said that the District received four proposals and selected HDR who was determined by the selection committee to have the strongest qualifications and the best approach for the project. Sarah said that the District then sat down with HDR to make sure they had captured all the aspects of the project in their cost proposal and scope of work. As a result of that meeting, HDR updated their cost estimate and scope of work, and those updated documents have been provided to the Board today.

In response to a question from Trustee Neves, Sarah stated that the project's impact on wells in the area would be analyzed and mitigated as needed. In response to a question from Trustee Mansell, Sarah reported that HDR will not only consult on the project, but they will prepare and complete the EIS.

Motion that the Board Approves a professional services agreement with HDR for the completion of an Environmental Impact Statement for the Nebo Regional Water Project, \$3,227,251.72 and authorize District officers to execute the Agreement, subject to District legal counsel review made by Trustee Scott and seconded by Trustee Loveless.

Trustees For: Brennan, Andersen, Bronson, Christensen, Farrell, Garner, Hanberg, Haslem, Kenison, Loveless, Mansell, Neves, Riding, Scott, Vincent, Wells. For: 16; *Motion Passes*.

FINANCE, AUDIT, & BUDGET - ACTING CHAIR JON BRONSON

Motion that the Board Approves the Financial Reports as certified by the Chief Financial Officer, for the period ending October 2024, the CUPCA expenditures totaling \$8,240,028.03, and the total District expenditures posted during the same period totaling \$24,941,517.61 made by Trustee Bronson and seconded by Trustee Neves.

Trustees For: Brennan, Andersen, Bronson, Christensen, Farrell, Garner, Hanberg, Haslem, Kenison, Loveless, Mansell, Neves, Riding, Scott, Vincent, Wells. For: 16; *Motion Passes*.

CLOSED SESSION TO DISCUSS THE CHARACTER, PROFESSIONAL COMPETENCE, OR PHYSICAL OR MENTAL HEALTH OF AN INDIVIDUAL (UCA 52-4-205(1)(A))

CLOSED SESSION TO DISCUSS THE PURCHASE, EXCHANGE, OR LEASE OF REAL PROPERTY, INCLUDING ANY FORM OF A WATER RIGHT OR WATER SHARES (UCA 52-4-205(1)(D)(I)(II))

Motion that the Board Strike Items 7 and 9 from the agenda made by Trustee Scott and seconded by Trustee Christensen.

Trustees For: Brennan, Andersen, Bronson, Christensen, Farrell, Garner, Hanberg, Haslem, Kenison, Loveless, Mansell, Neves, Riding, Scott, Vincent, Wells. For: 16; *Motion Passes*.

At 2:30 p.m. Trustees Kenison and Loveless were excused from the meeting.

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

Motion that the Board Enter into Closed Session made by Trustee Wells and seconded by Trustee Andersen at 2:30 p.m.

Trustees For: Brennan, Andersen, Bronson, Christensen, Farrell, Garner, Hanberg, Haslem, Mansell, Neves, Riding, Scott, Vincent, Wells. For: 14; *Motion Passes*.

At 3:00 p.m. Trustee Farrell was excused from the meeting.

OPEN SESSION

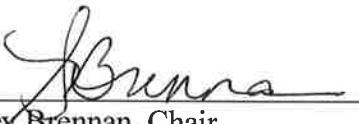
Motion that the Board Enter into Open Session made by Trustee Garner and seconded by Trustee Riding at 3:32 p.m.

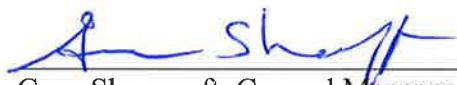
Trustees For: Brennan, Andersen, Bronson, Christensen, Garner, Hanberg, Haslem, Mansell, Neves, Riding, Scott, Vincent, Wells. For: 13; *Motion Passes*.

ADJOURNMENT

Motion to adjourn the meeting made by Trustee Christensen. Motion Passes.

The meeting adjourned at 3:33 p.m.


Shelley Brennan, Chair


Gene Shawcroft, General Manager