NORDIC VALLEY SEWER IMPROVEMENT DISTRICT
MINUTES (UNAPPROVED) -- BOARD OF TRUSTEES MEETING
Monday August 11, 2025, 11:00 AM
Electronic Participation Invited

A MEETING OF THE NORDIC VALLEY SEWER IMPROVEMENT DISTRICT BOARD OF TRUSTEES TO BE HELD ON Monday, August 11, 2025, AT 11:00 A.M. THE LOCATION OF THE MEETING WILL BE IN THE DISTRICT OFFICE, EDEN PROFESSIONAL CENTER, 2580 NORTH HIGHWAY 162, SUITE D, EDEN UTAH, 84310. For electronic meeting access the meeting will be available on Teams. Those wishing to participate with video will need to request a meeting invite from the Board Chair, Robert Behunin, at rob.behunin@gmail.com, or it is possible to **Dial in by phone** +1 213-379-5544,,237268877# United States, Los Angeles, Phone conference ID: 237 268 877#.

Present at the anchor location: Chairman Behunin
On Teams: Trustee Laurent Jouffray, Trustee Lewis, District Counsel Mark Bell, Mr. Nathan Schellenberg of Clyde Capital Grooup.

1. Welcome and Introduction.
   a. Chairman Behunin welcomed the group. He noted that he was located in the anchor location at the district offices in Eden, UT. He also noted that no members of the public were present at the anchor location and that no members of the public contacted him for information about the meeting.

2. Public Comment. Brief items not listed on agenda; time limit of three (3) minutes. If more time is needed, please contact board chair to be added to a future agenda.
   a. Chairman Behunin noted that Nathan Schellenberg of Clyde Capital Group was on the Teams call. Mr. Schellenberg waived any public comment.

3. Approval of Minutes from the May 19, 2025, meeting
   a. Motion to approve by Trustee Lewis. Discussion held and Mark Bell asked for one correction to the minutes to remove the redundancy in Item #4 paragraph b—"and we should" was removed. Trustee Jouffray seconded the motion with the change. Motion passed unanimously in the affirmative.

4. Nordic Village Ventures Update
   a. Mr. Schellenberg gave the board an update on the current water and sewer construction project. The water tank floors are poured, the walls and the interior supports are formed up ready to be poured. It's on track to be done this before the ski season opens. The transmission line between the well and

the tank is in. It's probably 2/3 complete. They're doing the most northern most part of it now which includes the transmission line from the well up to the tank and then the distribution line down from the tank down to the development and the PRVs that will be in that distribution line coming down.

In regard to the sewer, we submitted for a groundwater discharge permit, which looks like really the only way to get rid of the water was to treat it to a level that it could be put back in the ground and then put it back in the ground.

b. Mark Bell asked about the sewer line through the North Ogden Divide and Mr. Schellenberg noted that Weber County has taken over that effort at this time.

c. Discussion was held around the Pole Canyon surface water rights owned by Nordic Village Ventures and how those surface water rights could be used to enhance snow making and could be transferred to the district to distribute water to the ski resort. Mr. Schellenberg noted that they have a study out and an exchange application to work through with the state.

d. Discussion was also held around the process of formally adding water to the district services. Chairman Behunin will follow-up with the Lt. Governor's office and Mark Bell will follow-up with the Utah Association of Special Districts and their legal counsel.

e. Mr. Schellenberg asked if the district would be ready to take-over the system when it was completed at the end of the year. After some discussion, Chairman Behunin suggested that since there are no customers to service with either water or sewer until at least 2027 or beyond that it would be best if the developer could manage and maintain the system in the interim.

5. Annexation Discuss

a. Mark Bell led the discussion around the process for annexing property into the district. He created a two-page memo that outlines the process. That memo is in the minutes. It was suggested that Nordic Village Ventures prepare a petition for the next board meeting.

6. District Funding Discussion

a. Funding for the district is still a question as the district has no income at this juncture. It has no system to manage or operate and there is only one property owner within the district boundary: Nordic Village Venture, who is the developer and building all the infrastructure to one day convey to the district. It seems prudent for the developer to cover the district's administrative costs, largely legal and engineering, which can be sorted out at a later time when the district is ready to receive the water and sewer systems and has an equitable and functioning fee structure in place.

7. Updates on Legal Matters
    a. Trustee Lewis reported the there was a hearing in the matter of Carver vs. Weber County. The court dismissed the TRO and has taken some other issues under advisement and will issue a ruling within 60 days. Trustee Lewis believes the county will prevail in its defense. It was also noted that Nordic Village Ventures filed a motion to intervene.

8. Information and Reports
    a. Chair, Mr. Behunin
        i. Noted that website and emails are being created.
        ii. Took the assignment to work with the Lt. Governor's office to see if we can straighten out the addition of water as a service for the district.
    b. Clerk, Mr. Jouffray
    c. Treasurer, Mr. Lewis
    d. Legal Counsel, Mr. Bell
        i. Noted that we should have some signage on the district offices before we have public hearings so the public can find the office easily.
    e. Engineer

9. Closed Session (if needed): Discussion of "Closed Meeting" Topics, Utah Code Annotated § 52-4-205[1]
    a. No closed session needed

10. Next Meeting: September 8, 2025, 11:00 a.m.

11. Adjournment

Policy Statement: The district does not discriminate on the basis of race, color, national origin, gender, religion, age or disability in employment or the provision of services.

Disabilities: In compliance with the Americans with Disabilities Act, any individual needing accommodations or services during this meeting should contact Robert Behunin at least 24 hours prior to the meeting. Mr. Behunin may be reached by email at rob.behunin@gmail.com or by telephone at (801) 400-3649.

Certificate of Posting: On or before 11:00 a.m. on Monday, August 11, 2025, a copy of this Agenda was posted on the Utah Public Notice Website under Utah Code §63F-1-701 and at the District Offices. Certified by Robert Behunin, Member, Board of Trustees. _______/s/_______ Robert Behunin.

[1] See, e.g., https://le.utah.gov/xcode/title52/chapter4/C52-4_1800010118000101.pdf

NORDIC VALLEY SEWER IMPROVEMENT DISTRICT
MINUTES (APPROVED) OF THE BOARD OF TRUSTEES MEETING
Monday May 19, 2025, 11:00 AM
Electronic Participation Invited

A MEETING OF THE NORDIC VALLEY SEWER IMPROVEMENT DISTRICT BOARD OF TRUSTEES TO BE HELD ON Monday, May 19, 2025, AT 11:00 A.M. THE LOCATION OF THE MEETING WILL BE IN THE DISTRICT OFFICE, EDEN PROFESSIONAL CENTER, 2580 NORTH HIGHWAY 162, SUITE D, EDEN UTAH, 84310. For electronic meeting access the meeting will be available on Teams. Those wishing to participate with video will need to request a meeting invite from the Board Chair, Robert Behunin, at rob.behunin@gmail.com, or it is possible to **Dial in by phone** +1 213-379-5544,,237268877# United States, Los Angeles, Phone conference ID: 237 268 877#.

Attendance: Trustee Behunin, Trustee Jouffray, Trustee Lewis, Mr. Mark Bell (district counsel).
Public: Mr. Nathan Schellenberg and Mr. Brook Cole

1. Welcome and Introduction.
   a. Chair Behunin opened the meeting at 11:01am. He noted for the record that he was joining remotely as was Trustee Lewis. Trustee Jouffray was in attendance in the district office in Eden, UT. Two members of the public were also in the meeting: Mr. Nathan Schellenberg and Mr. Brook Cole.
   b. Chair Behunin also noted for the record that no members of the public contacted him via email or phone to inquire about the meeting.

2. Public Comment. Brief items not listed on agenda; time limit of three (3) minutes. If more time is needed, please contact board chair to be added to a future agenda.
   a. Chair Behunin asked Mr. Schellenberg and Mr. Cole if they had any public comment to offer. Both declined comment.

3. Approval of Minutes from the April 14, 2024, meeting
   a. Minutes of the April 14, 2024, meeting reviewed. Trustee Laurent motioned to approve the minutes. Trustee Lewis seconded. Motion passed unanimously in the affirmative.

4. Review and Approval of District Funding Agreement
   a. Discussion was held about the draft funding agreement between Nordic Village Ventures and the district. Chair Behunin asked Mr. Cole if he had any comment to the document. Mr. Cole indicated that he had read the draft

document, reviewed the changes and had accepted all the changes. He also indicated he was prepared to move forward with the document unless there were other changes that need to be made.

b. Mr. Bell indicated that we needed to establish a start date and that we should also have an accounting of what Nordic Village Ventures has spent to date on behalf of the district so we can work that into the funding agreement.
c. It was agreed that Mr. Bell and Mr. Cole would coordinate on the accounting pieces so that could be worked into the agreement and that the item be tabled until the June, 23, 2025 meeting.
d. Chair Behunin motioned to table the funding agreement until the proper accounting could be incorporated into the document and until the district could finish setting up its accounting processes and procedures to be ready to receive funds. Trustee Lewis seconded the motion. Motion passed unanimously in the affirmative.

5. Review and approval of Resolution 2025-05-19 Resolution Amending Bylaws to Confirm that Services of the District Will Include Both Sanitary Sewer Services and Culinary Water Services
    a. This resolution is a “clean-up” resolution of 2024-11-19 which amended the district bylaws to include culinary water as district service. Mr. Bell indicated that he inadvertently cited the wrong code in the 2024-11-19 resolution and that we needed to reissue a new resolution with the correction.
    b. Trustee Lewis made the motion to approve Resolution 2025-05-19 amending the district bylaws to include culinary water as a district service using the correct state code. Trustee Jouffray seconded. Motion passed unanimously in the affirmative.

6. Review and Approval of Revised Nordic Phase 1B Will Serve Letter
    a. Discussion was held around the revised will serve letter which indicated that the previous will serve letter approved by the district was rejected by the county. The county then provided the format for the current letter and asked the district to revise accordingly. The district has done that with particular attention to Paragraph 7 with details the district’s authority to provide culinary water service.
    b. Mr. Bell noted that current state code is not as clear as it could be as to how a district adds a service. However, given our processes of passing a resolution to add a service and amending our bylaws, we feel we have sufficient at this time to claim that authority.
    c. Mr. Bell also noted that he would be meeting with the Utah Association of Special District counsel to discuss potential interim legislation that could help clarify the process. The other option to provide the district some security in adding a service would be to go back to the county and have them revise the founding resolution of the district to reflect water as a service.

d. The decision was made to move forward with the current situation of having added water as a service to the district via resolution and bylaws amendments and then work with the legislature to effectuate any clean up language.
e. Trustee Jouffray motioned to approve the revised will serve letter. Trustee Lewis seconded. Motion passed unanimously in the affirmative.

7. Information and Reports
   a. Chair, Mr. Behunin
      i. Discussed the need to get an accounting firm on board and get a district account set up. He also discussed moving the June 16, 2025, meeting to June 23, 2025, to accommodate schedules.
   b. Clerk, Mr. Jouffray
      i. No Report
   c. Treasurer, Mr. Lewis
      i. No Report
   d. Legal Counsel, Mr. Bell
      i. Commented that he was working with Steve Rowley to see if his accounting firm could help the district with finances. Mr. Bell also noted that we would need to go through the procurement process.
      ii. Discussion was also held on how the district might draft and pass a resolution to have all meetings be held virtual.
   e. Engineer
      i. No Report
   f. Chair Behunin called for any other items. Trustee Jouffray brought up a question on a previous agenda item, Item Number 6, the revised will serve letter. His question was directed to a footnote in the document dealing with the Nordic Village Water District. Discussion was held about the name of that district, the ownership of that district and the conveyance of that district. It was noted that the name Nordic Village Water District is the name of the water system and not the name of the "well" and that the well is currently under private ownership and will be transferred to the district at some point. Mr. Bell will make changes to the footnote to reflect the difference between water system and well ownership.
   g. Chair Behunin motioned to reapprove the revised Nordic Village Venture will serve letter with the corrected language. Trustee Lewis seconded. Motion passed unanimously in the affirmative.

8. <u>Closed Session (if needed):</u> Discussion of "Closed Meeting" Topics, Utah Code Annotated § 52-4-205[1]
   a. None held

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[1] See, e.g., https://le.utah.gov/xcode/title52/chapter4/C52-4_1800010118000101.pdf

9. Next Meeting: June 23, 2025, 11:00 a.m.

10. <u>Adjournment</u>

    a. Meeting adjourned at 11:49am.

<u>Policy Statement</u>: The district does not discriminate on the basis of race, color, national origin, gender, religion, age or disability in employment or the provision of services.

<u>Disabilities</u>: In compliance with the Americans with Disabilities Act, any individual needing accommodations or services during this meeting should contact Robert Behunin at least 24 hours prior to the meeting. Mr. Behunin may be reached by email at rob.behunin@gmail.com or by telephone at (801) 400-3649.

<u>Certificate of Posting</u>: On or before 11:00 a.m. on Monday, May 19, 2025, a copy of this Agenda was posted on the Utah Public Notice Website under Utah Code §63F-1-701 and at the District Offices. Certified by Robert Behunin, Member, Board of Trustees. _______/s/_______ Robert Behunin.

NORDIC VALLEY SEWER IMPROVEMENT DISTRICT

MEMORANDUM:	Mark Bell to NVSID Board of Trustees
SUBJECT:	Annexation of NVV's Real Property into Boundaries of NVSID
PRESENTED:	Board Meeting held on Monday, August 11, 2025, 11:00 a.m.

Nordic Valley Venture, LLC (NVV) is the owner of real property in the Ogden valley area of Weber County, commonly described and known as "Nordic Valley." A portion of NVV's property is located within the existing boundaries of the Nordic Valley Sewer Improvement District ("NVSID") established in about 1980. The following is a summary of the process, documents and procedures required to annex NVV's remaining real property to be included within the boundaries of NVSID.

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1. Governing Legal Authority. The annexation process is governed by U.C.A. §§17B-1-401, et seq. Other applicable authorities include code provisions related to the office of the Lieutenant Governor, §67-1a-6.5 ("local entity boundary actions") and the Weber County Surveyor §17-23-20 ("final plats of local entity boundary actions") who is required to approve NVSID's "final local entity plat" that shows the new/expanded boundaries of NVSID.

2. Purposes. The purposes of the proposed annexation include, without limitation: (A) expansion of the NVSID boundaries to include the entirety of NVV's property within NVSID; (B) ensure that NVSID is able to provide its services to the entirety of real property presently owned by NVV; and (C) include the entirety of NVV's property within NVSID's boundaries, expanding the area from which property taxes will be assessed and collected to support the operations of NVSID.

3. The Annexation Process. There are multiple avenues through which annexation of real property to a special district can be accomplished.[1] The mechanism most efficient for NVV/ NVSID is through a petition to be filed by NVV as the owner of all property to be annexed.[2]

A. The Petition. The petition must: (i) describe the area to be annexed and (ii) be accompanied by a map of the area proposed to be annexed. The petition must also include the name and current resident address of each person signing the petition; indicate the address of the property to be annexed; designate no more than three "sponsors" and designate a "contact sponsor" who will be the person to receive communication from governing agencies. The designation is to include the mailing address and telephone number of each sponsor.[3] The petition is to be filed with the NVSID board of trustees.

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[1] The processes include a petition filed by property owners or registered voters or by resolution adopted by the district's board of trustees. See §17B-1-403.

[2] See §17B-1-403(2)(c)(i) providing for a petition filed by owners of at least 10% of the "private land area" to be annexed and equal to at least 10% of the assessed value of the entire area proposed to be annexed.

[3] For efficiency purposes, it may be wise to designate a single sponsor who would act as the "contact sponsor."

B. Petition Certification. After filing of the petition by the property owner, the board must "certify" the petition or notify the owner of deficiencies in the petition within 30 days.[4] To "certify" the petition the board must determine that the petition meets all statutory requirements, which in this case would be satisfying the requirements identified in paragraph A, above (describe area, include map, property covers at least 10% of private land area and at least 10% of assessed value, address of property, and residential address and telephone number(s) of sponsor(s)). NVSID's notice of the certification or deficiencies is to be delivered to the contact sponsor. If there are deficiencies in the petition, the applicant can revise and re-file the petition.

C. Notice to County. As a general rule, notice of the District's certification must be provided to the Weber County Commission within 10 days. However, if the County does not provide the service(s) offered by NVSID, the notice is not required.[5] If the County intends to provide the service(s), it must notify NVSID within 30 days and then give notice of and hold a public hearing within 45 days of its notice to NVSID.

D. NVSID Public Hearing and Notice. If no notice is required to the County or if the County chooses not to offer the service(s), generally, the NVSID board is to hold a public hearing within 45 days. Notably, the public hearing, notice and protest provisions do not apply in the present circumstance because the signer(s) of the petition represent at least 75% of the land area and assessed value of the property to be annexed.

E. Board Resolution. The board is to adopt a resolution approving annexation after various deadlines have passed.[6]

F. Filing with Lieutenant Governor. Within 30 days of adopting the resolution approving annexation, the board is to file documents with the Lieutenant Governor including (i) a notice of impending boundary action (see §67-1a-6.5(3)) and (ii) a copy of an approved final local entity plat (id.) Within 10 days of receiving the referenced documents, the Lieutenant Governor is to issue its certificate of annexation or notify the district of any deficiencies.

G. Filing with County Recorder. Upon receipt of the Lt. Governor's certification of annexation, the board files final documents with the Weber County Recorder including: (i) the notice of impending boundary action; (ii) the certificate of annexation; and (iii) the approved final local entity plat. Once these documents are on file with the county recorder the annexation process is complete, and the area affected by the process is subject to user fees and taxes levied by or for the benefit of NVSID.

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[4] The board and sponsor(s) are allowed to designate a different deadline.

[5] Notably, the statute does not distinguish or define whether the service(s) in question are to be provided to the particular property or generally within the county. Although it may cause a delay in the process, to avoid questions, my recommendation is to provide notice to the County.

[6] This is another area where the statute is not clear. My recommendation is to await the expiration of the deadline for the County to give notice of intent to provide the service(s).