

NORDIC VALLEY WATER AND SEWER DISTRICT
AGENDA -- BOARD OF TRUSTEES MEETING
Monday, February 9, 2026, 11:00 AM
Electronic Meeting

A MEETING OF THE NORDIC VALLEY WATER AND SEWER DISTRICT BOARD OF TRUSTEES TO BE HELD ON FEBRUARY 9, 2026, AT 11:00 A.M. THE MEETING WILL BE HELD ELECTRONICALLY. 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, **Dial in by phone** [+1 213-379-5544](tel:+12133795544), [100981139#](tel:+12133795544) United States, Los Angeles Phone conference ID: 100 981 139#

1. Welcome and Introduction.
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.
3. Approval of Minutes from the January 12, 2025, meeting
4. District Funding Discussion. Contract between the district and Nordic Village Ventures.
5. District Administration Discussion and possible approval of Snow, Jensen and Reese contract.
6. Discussion of email communication from Hadley Scott regarding our 2026 budget.
7. Water/Brine Hauling Agreement discussion and potential approval.
8. Information and Reports
 - a. Chair, Mr. Behunin
 - b. Clark, Mr. Jouffray
 - c. Treasurer, Mr. Lewis
 - d. Legal Counsel, Mr. Bell
 - e. Engineer

8. Closed Session (if needed): Discussion of "Closed Meeting" Topics, Utah Code Annotated § 52-4-205¹
9. Next Meeting: March 16th, 2026, 11:00 a.m.
10. 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, February 9, 2026, 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 WATER AND SEWER DISTRICT
MINUTES (Unapproved)-- BOARD OF TRUSTEES MEETING
Monday, January 12, 2026, 11:00 AM
Electronic Meeting**

A MEETING OF THE NORDIC VALLEY WATER AND SEWER DISTRICT BOARD OF TRUSTEES TO BE HELD ON JANUARY 12, 2026, AT 11:00 A.M. THE MEETING WILL BE HELD ELECTRONICALLY. 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, Meeting ID: 226 977 026 295 56 Passcode: Kc9gV3AG **Dial in by phone +1 213-379-5544,,679481015#** United States, Los Angeles. Phone conference ID: 679 481 015#

Attendees: Trustee Robert Behunin, Trustee Laurent Jouffray, Trustee Lewis, Mark Bell, District Council.

No Members of the Public

1. Welcome and Introduction.
 - a. Chair Behunin opened the meeting at 11:04 am. He noted that the meeting was being held electronically and that no members of the public requested accesses.
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. No members of the public were in attendance.
3. Approval of Minutes from the December 8, 2025, meeting
 - a. Discussion was held on the minutes and Chair Behunin noted he had received edits from Mark Bell and Trustee Jouffray. Chair Behunin motioned to approve the minutes with the changes. Trustee Jouffray seconded. No discussion to the motion. Motion approved in the affirmative.
4. Discussion on Truth in Taxation/Mill Levy outcome with State Tax Commission
 - a. Chair Behunin turned the time to Mark Bell for discussion. Mark noted that the tax commission rejected our application to impose the mill levy. The reason being that we held the public hearing on the same day as a regular board meeting and that we held the public hearing before the general board meeting. The sequence was, according to the tax commission, wrong. Mark pointed out that the statute is ambiguous when it comes to a district of our

type. That said, the tax commission is under tremendous scrutiny and the consensus is that we go back and re-do the process at the end of 2026.

5. District Funding Discussion

- a. Chair Behunin led a discussion on the district funding. He noted that the district is being funded by the primary property owner, Nordic Village Venture. Nordic Village Venture is keeping a specific accounting for the district as it covers the minimal expenses of the district. Chair Behunin asked Mark Bell to put together a funding agreement for review at the February 9th meeting. Trustee Jouffray asked the the agreement include time periods to review the accounting.

6. District Administration Discussion

- a. Chair Behunin led a discussion on the possibility of hiring a law firm that provides district administrative services to help prepare agendas, post notices and minutes, interface with state auditors and file financial reporting. The potential law firm would not provide legal services. Mark Bell would remain as the district counsel. Chair Behunin will meet with the law firm and bring a proposal back to the board for the February 9th meeting.

7. Validation Proceeding Discussion

- a. Chair Behunin turned the time to Mark Bell to discuss the validation proceeding. He explained that it is basically a declaratory judgment from the district court that validates the process we have gone through to add services to the district. It's basically a lawsuit, the public is noticed so they can file an objection, and the court would make issue its decision. This process is "belt and suspenders" to help provide another layer of protection to our process which includes the county's amended resolution. The county is counting on us proceeding with the validation hearing.
- b. Trustee Jouffray asked what the cost would be. Mark Bell noted that was a bit uncertain as it depended on if the matter were contested. It could cost somewhere in the neighborhood of \$5000 to \$10,000.
- c. We won't being the validation process until we have the certification from the Lt. Governor's Office.

8. Website Review and Discussion

- a. Chair Behunin shared the website. Mark Bell noted that we needed to have phone numbers on the website for each board member. Mark Bell and the board members will review the website before it goes live. We will need to add the newly annexed properties to the map.
- b. Mark Bell noted that for the emails we should further investigate getting to .gov email rather than the .org. Chair Behunin and Mark Bell will work on that.

9. Information and Reports

- a. Chair, Mr. Behunin
- b. Clark, Mr. Jouffray
- c. Treasurer, Mr. Lewis
- d. Legal Counsel, Mr. Bell
- e. Engineer

No reports

- 10. Closed Session (if needed): Discussion of "Closed Meeting" Topics, Utah Code Annotated § 52-4-205 (' See, e.g., https://le.utah.gov/xcode/title52/chapter4/C52-4_1800010118000101.pdf)
- 11. Next Meeting: February 9, 2026, 11:00 a.m.
- 12. Adjournment: Meeting adjourned at 11:41am

SNOW JENSEN & REECE

A PROFESSIONAL LAW CORPORATION

V. LOWRY SNOW
CURTIS M. JENSEN
LEWIS P. REECE
J. GREGORY HARDMAN
MATTHEW J. ENCE*
CAMERON M. MORBY*
JONATHAN P. WENTZ
JEFF R. MILES
KATHRYN LUSTY
DEVON J. HERRMANN
SEAN J. ROMNEY
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[OFFICES IN ST. GEORGE, CEDAR CITY AND KANAB](#)

~~January 22~~ February 9, 2026

Via email only rbehunin@clydecapitalgroup.com; Laurent.jouffray1@gmail.com;
john@destinationeden.com

Nordic Valley Sewer Improvement District
Robert Behunin, Trustee
Laurent Jouffray, Trustee
John Lewis, Trustee
2580 North Highway 162, Ste. D
Eden, UT 84310

Re: **ENGAGEMENT AGREEMENT FOR LEGAL & ADMINISTRATIVE SERVICES**
Our File #330601.26

Dear Trustees:

Thank you for retaining the law firm of SNOW JENSEN & REECE as your legal and administrative representative in the matter identified and described below. This letter confirms the terms of our representation.

SUMMARY OF TERMS OF REPRESENTATION

CLIENT: **Nordic Valley Sewer Improvement District** – sometimes referred to herein as “you” or as the “Client.”

MATTER: The law firm of Snow Jensen & Reece (SJR) will provide legal and administrative services to and on behalf of Client, as follows: SJR to serve as district counsel and manager*, including:

* SJR acknowledges that Client is retaining its principal district general counsel (hereafter “General Counsel”), and that for as long as Client continues to retain General Counsel in such capacity, SJR’s services shall be considered supplemental to General Counsel’s services, and primarily focused on administrative and management support. SJR will coordinate with General Counsel as to the services to be provided under this engagement at any given time. Notwithstanding this, SJR will be prepared to provide the full scope of services described herein at any time, as directed by Client.

- Advising and assisting with district legal matters and administration of district operations;
- Coordinating with the board on scheduling and conducting required board meetings;
- Preparing and posting meeting agendas, notices, resolutions, and other items required to conduct board meetings and administer the district;
- Providing a district records officer and maintaining district records;
- Advising the board on state and local legal compliance, and coordinating required filings with state and local agencies;
- Assisting with the satisfaction of ongoing bond covenants, including coordination of preparation and filing of quarterly and annual disclosures;
- Coordinating with professionals advising the district, including bond counsel, accountant, auditor, and others.

INITIAL RETAINER: **\$0.00.** We are not requesting a retainer at this time.

RATE SCHEDULE:	Matthew J. Ence or other shareholders	\$440 per hour
	Associate Attorneys	\$350 per hour
	Special District Manager – Michael Jensen	\$250 per hour
	Legal Assistants/Paralegals	\$80-\$150 per hour

SCOPE OF SERVICE

At present, our services will be limited to the Matter described above. Further action may be necessary, and we will agree on the scope of any further action before we proceed on your behalf. Nonetheless, as to the Matter described above, you authorize us to proceed on your behalf and delegate to us all power under law necessary to do so. With regard to communication of certain sensitive financial information, such as banking information or instructions, there may be circumstances where we will require that you transmit such information directly to the recipient instead of us communicating it on your behalf.

FEES AND COSTS

Legal Fees. Our legal fees will be based on the amount of time spent by attorneys and others on your Matter. These rates may be adjusted from time to time, generally to reflect increased experience and special expertise of the billing party, or other market factors. Other factors may be considered in determining our fees, including the novelty and difficulty of the questions involved; the skill required to perform the services properly; the experience, reputation, and ability of those performing the services; the time limitations imposed by you or the circumstances; the value of the services performed; the amount involved and results obtained; and any other factors that may be relevant under applicable rules of professional conduct. All billing statements are due and payable upon receipt, but in no event later than fifteen (15) days thereafter.

We reserve the right to charge interest at the rate of eighteen percent (18%) per annum for any amounts remaining unpaid after 30 days from billing. The Client agrees to pay all costs of collection, including attorney's fees and costs of suit, in the event the account falls more than 60 days delinquent.

While we are not requesting a retainer at this time, SJR reserves the right to request a retainer in the future. A retainer is not a fixed fee. It is intended to be an advanced payment towards ongoing fees for legal services rendered and out-of-pocket costs incurred. If a retainer is requested, SJR will first draw upon the retainer to pay any outstanding invoices. Afterward, Client will be billed monthly for SJR's fees and associated costs. At the conclusion of our representation, any excess retainer funds not applied will be returned to you. In addition, we will have a lien on the proceeds of any judgment or settlement in your favor as well as a lien on any property related to the Matter to the extent of any unpaid fees, disbursements, or other charges.

Costs. The performance of legal services involves costs and expenses that you will either pay directly or for which you will reimburse us. These include costs such as filing fees, recording fees, copy costs, postage, electronic research and so forth.

AGREEMENT

Client agrees to pay SJR according to the terms outlined above. If this letter correctly reflects your understanding of the terms and conditions of our representation, please confirm your acceptance by signing below and returning your signature to us. A facsimile or e-mail copy of each signature below is as good as an original, and this document may be signed in counterparts which when taken together, shall act as one whole agreement.

Very truly yours,

SNOW JENSEN & REECE, P.C.



Matthew J. Ence
Tyler J. King

~~~~~ PLEASE SIGN AND RETURN ~~~~~

I have read and understand the terms and conditions set forth in this letter and agree to them.

Nordic Valley Sewer Improvement District

Date: \_\_\_\_\_

\_\_\_\_\_  
[Chair Name], Chair

ATTEST:

\_\_\_\_\_  
[Secretary/Clerk Name], Secretary/Clerk



# 60-DAY WARNING

## OFFICE OF THE STATE AUDITOR

January 26, 2026

Robert Behuinn  
Nordic Valley Sewer Improvement District

### 60 Day Warning

Per *Utah Code 67-3-1(8)*, this letter serves as the required 60 day notice of our intent to withhold state-allocated funds and property tax for failure to comply with reporting requirements.

Dear Robert Behuinn:

We have reviewed the budget submitted by Nordic Valley Sewer Improvement District for the fiscal year ending December 31, 2026. Our review was made to verify substantial compliance with applicable State fiscal laws.

Because of the issue noted below further action is required in order for the entity's budget to be accepted.

*The budget submitted does not contain all required data. State fiscal law requires that all budgets contain the following columns of data: (1) actual amounts for the last completed fiscal year (2024); (2) estimated amounts for the current fiscal year (2025); and, (3) estimates for the ensuing budget year (2026).*

*We also noted a budget was submitted for the General Fund and Capital Projects Fund for identical amounts. Please double check this information is accurate.*

Please submit a corrected revised version of your annual budget via our website  
<https://reporting.auditor.utah.gov>

Budget templates and a budgeting basics video can be found on the Local Government Resource website <https://resources.auditor.utah.gov>

**Failure to properly correct all the issues noted above within 60 days of this letter could result in state-allocated funds and property taxes being withheld.**

We appreciate your efforts and those of your staff. Please contact our office if you have any questions.

Best,  
The Local Government Team  
Office of the State Auditor