

MINUTES OF THE WASATCH COUNTY COUNCIL
ACTING AS
THE GOVERNING BOARD OF THE
JORDANELLE SPECIAL SERVICE DISTRICT
DECEMBER 10, 2019

PRESENT: Board Chair Mark Nelson
Board Member Marilyn Crittenden
Board Member Danny Goode
Board Member Steve Farrell
Board Member Jeff Wade
Board Member Spencer Park

EXCUSED: Board Member Kendall Crittenden

OTHERS PRESENT: On list attached to a supplemental file

STAFF: Ron Phillips, General Manager
Max Covey, Assistant General manager
Doug Scow, Water Rights Manager
Wade Webster, Water Treatment Plant Manager
Chance Morris, Distribution Manager
Kierstan Smith, Financial Officer
Theresa Baronek, Treasurer, District Clerk
Dana Kohler, Accounting Clerk, Administrative Assistant

*Eliza McGaha, H. R. Administrator/treasurer
Rick Tatton, Court Reporter*

Board Chair Mark Nelson called the meeting to order at 5:2 p.m. on Tuesday, December 10, 2019. The record should further reflect that the Jordanelle Special Service Governing Board is meeting in the Wasatch county Council Chambers located in the Wasatch County Administration Building, 25 North Main Street, Heber City, Utah 84032. Also, the record should indicate that Councilman Kendall Crittenden is excused. Board Chair Mark Nelson then welcomed those present and called the first agenda item.

REGULAR SESSION

APPROVAL OF THE MINUTES FOR NOVEMBER 12, 2019

Board Member Jeff Wade made a motion to approve the minutes for November 12, 2019 as written. Board Member Danny Goode seconded the motion and the motion carries with the following vote:

AYE: Board Member Danny Goode

AYE: Board Member Steve Farrell

AYE: Board Member Jeff Wade

AYE: Board Member Spencer Park

NAY: None.

(Absent)

ABSTAIN: Board Member Marilyn Crittenden

ABSTAIN: Board Chair Mark Nelson

WARRANT LIST APPROVAL

Board Member Danny Goode made a motion to approve the warrants in the amount of \$1,292,053.48. Board Member Jeff Wade seconded the motion and the motion carries with the following vote:

AYE: Board Chair Mark Nelson

AYE: Board Member Steve Farrell

AYE: Board Member Marilyn Crittenden

AYE: Board Member Danny Goode

AYE: Board Member Spencer Park

AYE: Board Member Jeff Wade

NAY: None.

AMENDMENT TO WATER RIGHTS DEDICATION POLICY

Ron Phillips, the General Manager, addressed the Governing Board of the Jordanelle Special Service District and indicated that this presentation would be the same as the others but pertains to the Jordanelle Special Service District. The Resolution is 2019-13 and 2019-14. Board Member Marilyn Crittenden made a motion that we approve the Water Dedication

Policy Resolution 2019-13 and 2019-14 amendments to the Equalization Policy. Board Member Spencer Park seconded the motion and the motion carries with the following vote:

AYE: Board Chair Mark Nelson

AYE: Board Member Marilyn Crittenden

AYE: Board Member Spencer Park

AYE: Board Member Danny Goode

AYE: Board Member Steve Farrell

AYE: Board Member Jeff Wade

NAY: None.

POTENTIAL NEW DISTRICT FOR MAYFLOWER MOUNTAIN RESORT

Ron Phillips, the General Manager, addressed the Governing Board of the Jordanelle Special Service District and indicated that Mayflower Mountain Resort is considering forming a new local improvement district or special service district under the jurisdiction of MIDA in order to finance the construction of the untreated water system on their properties which will be used primarily for snow making. Mayflower Mountain Resort will own all the untreated water system on their property and will be totally responsible for maintenance operations and replacement of those facilities. They are asking if the Jordanelle Special Service District does not object to the formation of such a district and that the Jordanelle Special Service District does not object to the ownership of the untreated water system by such a

district should it be formed. The Jordanelle Special Service District will own and maintain all the untreated water delivery system up to the intake to the Mayflower Mountain Resort untreated water storage tank at the east edge of the Mayflower Mountain Resort. Our recommendation is that you approve requesting that the General Manager to write a letter stating that we do not object to the formation of a district in order to finance, construct, own and maintain an untreated water system on the Mayflower Mountain Resort property. The Jordanelle Special Service District attorney has looked at this proposal and is fine with such a proposal.

Board Member Steve Farrell asked if it is legal to create a special service district inside of an already existing special district that serves the same purpose? Also, wouldn't this request be coming from MIDA in presenting this request to the Governing Board and not the developer.

Robert McConnell, attorney for applicant, addressed the Governing Board of the Jordanelle Special Service District and indicated that it is possible to create overlapping boundaries of special service Districts. Also, would like Jordanelle to be participants in this matter. Jordanelle Special Service District would still be the water service provider for the municipal delivery system. Also, the service area would be limited to the property included within the district which will be Mayflower property. Also, this would be limited to the fifty-eight hundred acres owned by Extell at this point. The district would be funded through a bond and assessments against the properties within the district that would repay that bond and MIDA would be the creating entity. The Jordanelle Special District's credit isn't involved in any way, shape or form with that creation. Also, regarding MIDA

coming to this board to request such a proposal, we would be happy to have MIDA come to this Governing Board and request that. Also, this is a financing mechanism that we are looking to have access to. Also, if MIDA is the creating entity then Wasatch County will have no role to play in this proposal. Board Member Farrell indicated that he would feel much better about this proposal if MIDA was making this presentation rather than the applicant. Robert McConnell indicated that he will have MIDA come and talk with the Governing Board. Board Member Steve Farrell made a motion that we table this to a future date until we get more information and request that MIDA makes the request and explains it to us. Board Member Marilyn Crittenden seconded the motion and the motion carries with the following vote:

AYE: Board Chair Mark Nelson

AYE: Board Member Marilyn Crittenden

AYE: Board Member Danny Goode

AYE: Board Member Steve Farrell

AYE: Board Member Spencer Park

AYE: Board Member Jeff Wade

NAY: None.

**ACTION ON MAYFLOWER MOUNTAIN RESORT DEVELOPMENT
AGREEMENT**

Ron Phillips, the General Manager, addressed the Governing Board of the

Jordanelle Special Service District and indicated that they are asking that this matter be continued to next month because the agreement isn't quite ready. Board Member Steve Farrell asked if a copy of the agreement could be produced to the Governing Board because he has never seen the agreement. Board Member Steve Farrell made a motion that we table the discussion on the Development Review Board with Mayflower Mountain Resort Development Agreement to a later date. Board Member Jeff Wade seconded the motion and the motion carries with the following vote:

AYE: Board Chair Mark Nelson

AYE: Board Member Marilyn Crittenden

AYE: Board Member Danny Goode

AYE: Board Member Spencer Park

AYE: Board Member Steve Farrell

AYE: Board Member Jeff Wade

NAY: None.

SET DATE/TIME FOR 2020 BOARD MEETINGS

Ron Phillips, the General Manager, addressed the Governing Board of the Jordanelle Special Service District and indicated that this year we have been meeting on the second Tuesday of every month at 4:30 p.m. Also, for the last couple of months we have been sitting here past 4:30 p.m. for our meeting to start because of the Fire District. Board Member Spencer Park made a motion to set the time for the meeting at 4:30 p.m. on the second

Tuesday of every month. Board Member Marilyn Crittenden seconded the motion and the motion carries with the following vote:

AYE: Board Chair Mark Nelson

AYE: Board Member Spencer Park

AYE: Board Member Marilyn Crittenden

AYE: Board Member Danny Goode

AYE: Board Member Jeff Wade

AYE: Board Member Steve Farrell

NAY: None.

GENERAL MANAGER'S REPORT

Ron Phillips, the General Manager, addressed the Governing Board of the Jordanelle Special Service District and indicated that he has a very brief matter for a closed session regarding legal matters.

OTHER BUSINESS

Ron Phillips, the General Manager, addressed the Governing Board of the Jordanelle Special Service District and indicated that he has no further business.

CONTINUATION

Board Member Spencer Park made a motion to continue the Governing Board of the Jordanelle Special Service District until 6:00 p.m. for the public hearings. Board Member Jeff Wade seconded the motion and the motion carries with the following vote:

AYE: Board Chair Mark Nelson

AYE: Board Member Marilyn Crittenden

AYE: Board Member Danny Goode

AYE: Board Member Steve Farrell

AYE: Board Member Jeff Wade

AYE: Spencer Park

NAY: None.

Board Member Danny Goode made a motion to leave our regular Jordanelle Special Service District session and go into Closed Session to discuss potential litigation. Board Member Jeff Wade seconded the motion and the motion carries with the following vote:

AYE: Board Chair Mark Nelson

AYE: Board Member Spencer Park

AYE: Board Member Danny Goode

AYE: Board Member Marilyn Crittenden

AYE: Board Member Steve Farrell

AYE: Board Member Jeff Wade

NAY: None.

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Board Member Danny Goode made a motion to come out of Closed Session. Board Member Jeff Wade seconded the motion and the motion carries with the following vote:

AYE: Board Chair Mark Nelson

AYE: Board Member Marilyn Crittenden

AYE: Board Member Danny Goode

AYE: Board Member Steve Farrell

AYE: Board Member Jeff Wade

AYE: Board Member Spencer Park

NAY: None.

Board Member Jeff Wade made a motion to go into the Owl's Nest Special Service District. Board Member Danny Goode seconded the motion and the motion carries with the following vote:

AYE: Board Member Spencer Park

AYE: Board Member Jeff Wade

AYE: Board Member Steve Farrell

AYE: Board Member Danny Goode

AYE: Board Member Marilyn Crittenden

AYE: Board Member Mark Nelson

NAY: None.