

**MINUTES OF THE REGULAR BOARD MEETING OF THE
BOARD OF TRUSTEES OF JORDAN VALLEY WATER CONSERVANCY DISTRICT**

(Approved October 11, 2023)

September 13, 2023

A regular Board meeting of the Board of Trustees of the Jordan Valley Water Conservancy District was held both in person and electronically on Wednesday, September 13, 2023, at 3:00 p.m. at JVVCD's administration building located at 8215 South 1300 West, West Jordan, Utah.

This meeting was conducted electronically in accordance with the Utah Open and Public Meetings Act (Utah Code Ann. (1953) §§ 52-4-1 et seq.) and Chapter 7.12 of the Administrative Policy and Procedures Manual ("Electronic Meetings").

Trustees Present:

Corey L. Rushton, Chair
A. Reed Gibby (electronic)
Zach Jacob
Dawn R. Ramsey
John H. Taylor
Barbara L. Townsend (electronic)

Trustees Not Present:

Karen D. Lang
Sherrie L. Ohrn
Mick M. Sudbury

Staff Present:

Alan Packard, General Manager
Jacob Young, Deputy General Manager
Matt Olsen, Assistant General Manager
Shazelle Terry, Assistant General Manager
Gordon Batt, Operations Department Manager
Jason Brown, Information Systems Department Manager
Brian Callister, Maintenance Department Manager
Shane Swensen, Engineering Department Manager and Chief Engineer
Mark Stratford, General Counsel
David Martin, Chief Financial Officer/Treasurer
Brian McCleary, Controller
Kurt Ashworth, Human Resources Manager
Beverly Parry, Executive Assistant
Mindy Keeling, Administrative Assistant
Alicia Sekiller, Administrative Assistant
Cynthia Bee, Public Information Officer
Jeff Betton, Safety Manager
Margaret Dea, Senior Accountant (electronic)
Martin Feil, Database Administrator (electronic)
Kelly Good, Communications Division Manager
David McLean, Senior Engineer
Ben Purdue, Right-of-Way and Property Manager
Kevin Rubow, Registered Engineer
Conor Tyson, Staff Engineer

Also Present:

- Greg Anderson, General Manager, Kearns Improvement District
- Austin Ballard, CFO/Controller, Granger-Hunter Improvement District (electronic)
- Greg Christensen, Trustee, Kearns Improvement District
- Brandon Crookston, Water Manager, South Jordan City
- Greg Davenport, Utility Director, West Jordan City
- Clint Dilley, General Manager, Magna Water District (electronic)
- Justun Edwards, Public Works Director, Herriman City (electronic)
- Glen Kennedy, Public Works Director, Midvale City
- Jason Luettinger, Principal, Bowen Collins & Associates
- Todd Marti, Assistant General Manager/District Engineer, Granger-Hunter Improvement District (electronic)
- Brien Maxfield, Senior Engineer, Draper City
- Alan McKean, Water/Wastewater Program Manager, David Evans & Associates
- Rob Moore, General Counsel, CUWCD
- Stacie Olson, Assistant Public Works Director, Riverton City (electronic)
- David Robertson, Principal/Owner, LRB
- Don Russell, Chair, Board of Trustees, Taylorsville-Bennion Improvement District
- Troy Stout, Assistant General Manager/COO, Granger-Hunter Improvement District (electronic)
- Wayne Winsor, Assistant General Manager/Chief Engineer, MWDSLS

Call to order and introduction of visitors

Mr. Corey Rushton, Chair, convened the Board meeting of the Jordan Valley Water Conservancy District Board of Trustees at 3:01 p.m. on Wednesday, September 13, 2023. Mr. Rushton introduced the members of the Board and the public who joined the meeting both in person and electronically. Ms. Karen Lang, Mr. Mick Sudbury, and Ms. Sherrie Ohrn were excused from the meeting.

Approval of common consent items

Mr. Rushton presented the minutes of the Public Hearing and regular Board meeting held August 9, 2023. He also presented the August 2023 Trustees' Expenses Report. Mr. Rushton called for a motion. Ms. Dawn Ramsey moved to approve the minutes of the August 9th meetings and Trustees' Expenses Report for August 2023. Following a second by Ms. Barbara Townsend, the motion was approved by those present as follows:

- | | |
|------------------------|--------------------------|
| Mr. Gibby –not present | Mr. Jacob – aye |
| Ms. Lang – not present | Ms. Ohrn – not present |
| Ms. Ramsey – aye | Mr. Rushton – aye |
| Mr. Sudbury – aye | Mr. Taylor – not present |
| Ms. Townsend – aye | |

Public comments

There were no public comments.

Core Mission Reports

Mr. John Taylor arrived at 3:11 p.m.

Water supply update

Mr. Alan Packard, General Manager, reviewed the Municipal and Industrial (M&I) Water Deliveries report through August 2023, the Wholesale Contract Progress report for each Member Agency, the Wholesale and Retail Actual and Projected Deliveries report, and the Provo River Reservoirs Update. He reported that the level of the Salt Lake Valley Aquifer has improved since last year.

Water quality update

Ms. Shazelle Terry, Assistant General Manager, provided information on the Utah Lake Water Quality Study. She said the study started in 2019 with

a wrap up date of 2024. She reviewed the Utah Lake designated beneficial uses which are recreation and aesthetics, aquatic wildlife, and agriculture. She also reviewed the impairments list associated with the Lake. The goal of the study is to develop nitrogen and phosphorus criteria that are protective of the lake’s designated beneficial uses. Ms. Terry explained the various phases of the study which include Phase 1- data gathering and characterization, Phase 2 - development of in-lake criteria for nitrogen and phosphorus, and Phase 3 - implementation planning for Phase 2 criteria. She reviewed the timeline for completion and explained that the study is approximately two years behind schedule, and it should be completed by 2026.

Standing Committee Reports

Finance update

Mr. Brian McCleary, Controller, reviewed the Financial Report for July 2023 which reflects the beginning of the new fiscal year. He reviewed the Income Statement and said we are slightly ahead of last year in Total Revenues. He also reviewed the Payroll Checks, ACH, and Wire Transfer Register.

Conservation update

Mr. Matt Olsen, Assistant General Manager provided an update on the statewide turf removal program. He shared how in 2021, Governor Cox held a press conference at Conservation Garden Park to introduce the program. The state’s rules for the program have recently been finalized which now allows JWWCD to apply for program funding. JWWCD’s application for state funding of this program was provided. Mr. Olsen said that JWWCD will administer the turf removal program in its service area and the Utah Division of Water Resources (DWRe) will provide a cost share for qualifying landscapes that meet the state’s criteria. He reported that DWRe is reviewing city ordinances to determine which providers meet their final rules. This could lead to some inquiries directed to member cities to ensure they are in compliance.

Mr. Rushton suggested staff review how the conservation programs budget is set up to improve tracking of funding and expenditures.

Conservation, Communications, and Information Systems activities

Consider approval of expenditure for Ivory Homes participation in Locascapes Homebuilder Rewards

Mr. Olsen said Ivory Homes has entered into an agreement with JWWCD for participation in the Locascapes Homebuilder Rewards program. This program was started several years ago to encourage homebuilders to install water efficient landscapes in new subdivisions. Now that Water Efficiency Standards (WES) have been widely adopted, JWWCD’s practice has been to not provide funds to neighborhoods that are subject to the WES. The lots in this Ivory Homes request are not subject to the WES and are eligible for funding through this program. The total area that meets the Locascapes requirements covers approximately 130,000 square feet which will result in an estimated water savings of 1.9 million gallons annually. Mr. Olsen recommended approval of an expenditure for Ivory Homes participation in Locascapes Homebuilders Rewards in the amount of \$76,571.57.

Mr. Rushton called for a motion on the recommendation. Ms. Dawn Ramsey moved to approve an expenditure in the amount of \$76,571.57 for Ivory Homes participation in Locascapes Homebuilders Rewards. Following a second by Ms. Barbara Townsend, the motion was approved by those present as follows:

Mr. Gibby –aye	Mr. Jacob – aye
Ms. Lang – not present	Ms. Ohrn – not present
Ms. Ramsey – aye	Mr. Rushton – aye
Mr. Sudbury – not present	Mr. Taylor – aye
Ms. Townsend – aye	

Engineering Activities

Consider authorization to award an engineering services contract for Southwest Aqueduct Reach 2

Mr. Jacob Young, Deputy General Manager, said this proposed pipeline will run parallel to the Jordan Aqueduct Reach 2 from 13400 South to 11800 South. It will provide additional conveyance capacity, which is needed with the increasing demands and expansion of JWWT. The engineering services will provide design and construction management services for this project. Mr. Young recommended authorization to award an engineering services contract for Southwest Aqueduct Reach 2 to Bowen, Collins & Associates in the amount of \$2,808,146.

Mr. Rushton called for a motion on the recommendation. Mr. Reed Gibby moved to authorize awarding of an engineering services contract in the amount of \$2,808,146 to Bowen, Collins & Associates for Southwest Aqueduct Reach 2. Following a second by Ms. Barbara Townsend, the motion was approved by those present as follows:

Mr. Gibby –aye	Mr. Jacob – aye
Ms. Lang – not present	Ms. Ohrn – not present
Ms. Ramsey – aye	Mr. Rushton – aye
Mr. Sudbury – not present	Mr. Taylor – aye
Ms. Townsend – aye	

Consider approval of construction change order for 4670 South 1590 East Well Rehabilitation

Mr. Young said when the 4670 South 1590 East well pump was recently pulled and inspected, it was found to be in poor condition with significant corrosion and pitting on the outside of the bowls, shaft, and column pipe. It was recommended by JWVCD’s consultant that the parts be replaced with new parts which will include an epoxy coating system to increase the lifespan of the parts. Mr. Young recommended approval of a construction change order for 4670 South 1590 East Well Rehabilitation to Widdison Well Services, LLC in the amount of \$129,739.

Mr. Rushton called for a motion on the recommendation. Mr. John Taylor moved to approve a construction change order for 4670 South 1590 East Well Rehabilitation to Widdison Well Services, LLC in the amount of \$129,739. Following a second by Ms. Barabara Townsend, the motion was unanimously approved by those present as follows:

Mr. Gibby –aye	Mr. Jacob – aye
Ms. Lang – not present	Ms. Ohrn – not present
Ms. Ramsey – aye	Mr. Rushton – aye
Mr. Sudbury – not present	Mr. Taylor – aye
Ms. Townsend – aye	

Consider approval of engineering services contract amendment for JWWT Sedimentation Basins 1-2 Seismic and Capacity Upgrades

Mr. Young said this proposed amendment includes design and construction management services for the construction of a new sedimentation solids pump station as part of the JWWT Sedimentation Basins 1-2 Upgrade project. As part of this project, the existing solids pump station was scheduled for replacement in Phase 4 because of aging and difficulty of maintenance. It has been determined that approximately \$3 million will be saved by incorporating the replacement of this pump station into Phase 2

of the project. Mr. Young recommended approval of an engineering services contract amendment for Jordan Valley Water Treatment Plant Sedimentation Basins 1-2 Seismic and Capacity Upgrades with Hazen and Sawyer in the amount of \$189,278. This change will qualify for cost sharing by MWDSLs.

Mr. Rushton called for a motion on the recommendation. Mr. Reed Gibby moved to approve an engineering services contract amendment for Jordan Valley Water Treatment Plant Sedimentation Basins 1-2 Seismic and Capacity Upgrades with Hazen and Sawyer in the amount of \$189,278. Following a second by Mr. Zach Jacob, the motion was unanimously approved by those present as follows:

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|---------------------------|------------------------|
| Mr. Gibby –aye | Mr. Jacob – aye |
| Ms. Lang – not present | Ms. Ohrn – not present |
| Ms. Ramsey – aye | Mr. Rushton – aye |
| Mr. Sudbury – not present | Mr. Taylor – aye |
| Ms. Townsend – aye | |

Consider approval of Amendment to Water Storage Lease Agreement with Midvale City

Mr. Young said that in 2019, to help facilitate the transfer of JWCD retail customers to Midvale City's (City) water system, JWCD entered into a Water Storage Lease Agreement (Agreement) with Midvale. The Agreement enabled Midvale to lease 4.8 million gallons (MG) of available water tank storage capacity from JWCD for ten years. Midvale has requested an increase in the amount of storage to 5.0 MG and an extension of the Agreement to 2039 with an option for an additional five years. The original Agreement and proposed amendment require Midvale to pay a proportional share of extraordinary repair capital costs for the associated JWCD storage tanks. The Amendment will also return Midvale to paying wholesale water rates using the extra capacity cost allocation method as the basis of the compensation to better align with Midvale's actual water usage. Mr. Young recommended approval of an Amendment to Water Storage Lease Agreement with Midvale City subject to non-substantial revision and authorize the General Manager to execute the Agreement.

Mr. Rushton called for a motion on the recommendation. Mr. Reed Gibby moved to approve an Amendment to Water Storage Lease Agreement with Midvale City subject to non-substantial revision and authorize the General Manager to execute the Agreement. Following a second by Ms. Barbara Townsend, the motion was unanimously approved by those present as follows:

- | | |
|---------------------------|------------------------|
| Mr. Gibby –aye | Mr. Jacob – aye |
| Ms. Lang – not present | Ms. Ohrn – not present |
| Ms. Ramsey – aye | Mr. Rushton – aye |
| Mr. Sudbury – not present | Mr. Taylor – aye |
| Ms. Townsend – aye | |

Consider approval of project and relocation agreements for UDOT 4700 South and 9800 South Bangerter Highway projects

Mr. Young reported that UDOT is preparing to construct grade-separated interchanges along Bangerter Highway at 4700 South and 9800 South. The proposed Project Agreement sets forth terms and conditions regarding work within the Jordan Aqueduct Easement and around the pipeline at 4700 South and 9800 South. The proposed Relocation Agreement sets forth terms and conditions regarding the relocation of the Jordan Aqueduct at 4700 South, including the granting of a new easement to the United States

by UDOT for the relocated Aqueduct. Mr. Young recommended approval of project and relocation agreements for Utah Department of Transportation 4700 South and 9800 South Bangerter Highway projects and authorize the General Manager and General Counsel to make minor revisions as necessary and execute the agreements.

Mr. Rushton called for a motion on the recommendation. Ms. Dawn Ramsey moved to approve project and relocation agreements for Utah Department of Transportation 4700 South and 9800 South Bangerter Highway projects and authorize the General Manager and General Counsel to make minor revisions as necessary and execute the agreements. Following a second by Mr. Zach Jacob, the motion was unanimously approved by those present as follows:

Mr. Gibby –aye	Mr. Jacob – aye
Ms. Lang – not present	Ms. Ohrn – not present
Ms. Ramsey – aye	Mr. Rushton – aye
Mr. Sudbury – not present	Mr. Taylor – aye
Ms. Townsend – aye	

Reporting Items

Review annual Loss Report

Mr. Jeff Betton, Safety Manager, reviewed the annual Loss Report for fiscal year 2022/2023 which includes workers compensation, vehicle crashes, and property damage costs. Mr. Betton reported that there were three workers compensation claims this past fiscal year, which was lower than the past five-year average. Though there were fewer workers compensation claims, the claim severity was higher than the five-year average due to one claim. He said JVVCD incurred three vehicle crashes, which is lower than the five-year average. The vehicle crash costs were also lower than the five-year average. Mr. Betton reported that there were 17 property damage claims which is higher than the five-year average. Mr. Betton said this was a result of better tracking of the claims. The severity of claims was also higher than the five-year average.

Mr. Betton noted JVVCD’s employee injury rates performance indicator has decreased slightly and has been within target range for 14 consecutive years. He reported the crash rates performance indicator decreased over the last fiscal year, which put JVVCD in green on the current performance indicator report. Mr. Betton stated the District’s Experience Modification Factor (EMOD) is well below the expected industry average at 0.57. This resulted in \$70,206 savings on JVVCD’s insurance premium. JVVCD once again received the Utah Safety Council Annual Award of Merit, as well as the AWWA Intermountain Section System Safety Award.

Report on disposal of surplus property for fiscal year 2022/2023

Mr. Brian Callister, Maintenance Department Manager, reported on the disposal of District surplus property during fiscal year 2022/2023 including six vehicles, one tractor, and a variety of used office furniture items and maintenance tools.

Mr. Packard reviewed the routine reporting items which included: Central Utah Project/CUWCD activities report, facilities rental agreements signed by the General Manager, performance indicators for July 2023, and media coverage. Mr. Shane Swensen, Engineering Department Manager and Chief Engineer, reported on two final project completion reports which included the Old Bingham Highway Equipment Storage Building and JA-3 Cathodic Protection System.

Upcoming meetings

Mr. Rushton reviewed the upcoming meetings including the Conservation Committee meeting, Monday, October 9 at 3:00 p.m.; Jordan Valley Conservation Gardens Foundation Annual meeting, Monday, October 9 at 3:30 p.m.; Executive Committee meeting, Monday, October 9 at 4:00 p.m.; and regular Board meeting, Wednesday, October 11 at 3:00 p.m.

Closed meeting

Mr. Rushton proposed to convene a closed meeting at 4:46 p.m. to discuss character and professional competency of an individual, sale or purchase of real property and/or water rights or water shares, and pending litigation. Ms. Barbara Townsend moved to go into closed session for the discussions. Following a second by Mr. John Taylor, the motion was approved by those present as follows:

Mr. Gibby –aye	Mr. Jacob – aye
Ms. Lang – not present	Ms. Ohrn – not present
Ms. Ramsey – aye	Mr. Rushton – aye
Mr. Sudbury – not present	Mr. Taylor – aye
Ms. Townsend – aye	

The closed meeting convened at 4:55 p.m. with the following Trustees present: Mr. Reed Gibby (electronically), Ms. Dawn Ramsey, Mr. Zach Jacob, Mr. Corey Rushton, Mr. John Taylor, and Ms. Barbara Townsend (electronically). Also present were Alan Packard, General Manager; Jacob Young, Deputy General Manager; Matt Olsen, Assistant General Manager; Shazelle Terry, Assistant General Manager; Mr. Dave Martin, Chief Financial Officer; Mr. Mark Stratford, General Counsel; and Beverly Parry, Executive Assistant.

Jacob Young, Matt Olsen, Shazelle Terry, Mark Stratford, Dave Martin, and Beverly Parry were excused from the meeting for the discussion on character and professional competency of an individual. This portion of the closed meeting was not recorded, and no actions were taken.

No votes or actions were taken during the closed meeting.

Open meeting

The open meeting reconvened at 5:42 p.m.

Consider approval of compensation for the General Manager

Mr. Rushton called for a motion on approval of compensation for the General Manager. Mr. John Taylor moved to approve compensation for the General Manger. Following a second by Ms. Dawn Ramsey, the motion was unanimously approved by those present as follows:

Mr. Gibby –aye	Mr. Jacob – aye
Ms. Lang – not present	Ms. Ohrn – not present
Ms. Ramsey – aye	Mr. Rushton – aye
Mr. Sudbury – not present	Mr. Taylor – aye
Ms. Townsend – aye	

Consider approval of quit claim deed for property along the Central Pipeline in Bluffdale, Utah

Mr. Young recommended approval of a quit claim deed for Lot 1033A property along the Central Pipeline in Bluffdale, Utah.

Mr. Rushton called for a motion on the recommendation. Mr. Reed Gibby moved to approve a quit claim deed for Lot 1033A property along the Central Pipeline in Bluffdale, Utah. Following a second by Ms. Barbara

Townsend, the motion was unanimously approved by those present as follows:

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|---------------------------|------------------------|
| Mr. Gibby –aye | Mr. Jacob – aye |
| Ms. Lang – not present | Ms. Ohrn – not present |
| Ms. Ramsey – aye | Mr. Rushton – aye |
| Mr. Sudbury – not present | Mr. Taylor – aye |
| Ms. Townsend – aye | |

Consider approval of agreement to sell water right a32138a

Mr. Mark Stratford, General Counsel, recommended approval to sell water right a32138a to OM Manufacturing for the amount of \$16,500 per acre foot.

Mr. Rushton called for a motion on the recommendation. Mr. John Taylor moved to sell water right a32138a to OM Manufacturing. Following a second by Mr. Zach Jacob, the motion was unanimously approved by those present as follows:

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|---------------------------|------------------------|
| Mr. Gibby –aye | Mr. Jacob – aye |
| Ms. Lang – not present | Ms. Ohrn – not present |
| Ms. Ramsey – aye | Mr. Rushton – aye |
| Mr. Sudbury – not present | Mr. Taylor – aye |
| Ms. Townsend – aye | |

Adjourn

Mr. Rushton called for a motion to adjourn. Ms. Dawn Ramsey moved to adjourn. Following a second by Ms. Barbara Townsend, the meeting adjourned at 5:47 p.m.



Corey L. Rushton, Chair of the Board of Trustees



Alan E. Packard, District Clerk