

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

(Unapproved and Subject to Change)

Held March 13, 2019

The annual Board meeting of the Board of Trustees of the Jordan Valley Water Conservancy District was held Wednesday, March 13, 2019, at 3:00 p.m. at the District office at 8215 South 1300 West, West Jordan, Utah.

Trustees Present:

Corey L. Rushton, Chair
Greg R. Christensen
Wm. Brent Johnson
Karen D. Lang
Scott L. Osborne
Stephen W. Owens
Lyle C. Summers
John H. Taylor

Trustees Not Present:

Ronald E. Sperry

Staff Present:

Richard Bay, General Manager/CEO
Alan Packard, Assistant General Manager
Jason Brown, Information Systems Department Manager
Brian Callister, Maintenance Department Manager
Matt Olsen, Communications Department Manager
Shane Swensen, Engineering Department Manager
Shazelle Terry, Operations Department Manager
Reid Lewis, General Counsel
David Martin, Chief Financial Officer/Treasurer
Brian McCleary, Controller
Kurt Ashworth, Human Resources Manager
Linda Townes, Public Information Manager
Beverly Parry, Executive Assistant
Jessica Richards, Administrative Assistant
Jessica Morgan, Administrative Assistant
JT Cracroft, Right-of-Way & Property Manager
Kevin Crane, Facilities & Equipment Maintenance Division Manager
Travis Christensen, Registered Engineer
David McLean, Senior Engineer
Jeanette Perry, Customer Services Supervisor
Kevin Rubow, Staff Engineer

Also Present:

Mark Chalk, Assistant General Manager, Taylorsville-Bennion Improvement District
Alan Domonosky, Vice President, Carollo Engineers
Dave Faux, Lands Technician, Provo River Water Users Association
Chris Finlinson, Assistant General Manager, Central Utah Water Conservancy District
David Friz, Senior Associate, Stantec Consulting
Louie Fuell, Assistant General Manager, Granger-Hunter Improvement District
Pam Gill, General Manager, Kearns Improvement District

Bruce Hicken, Finance Director, Kearns Improvement District
Clint Jensen, General Manager, Granger-Hunter Improvement District
Keith Lord, General Manager, Taylorsville-Bennion Improvement District
Brien Maxfield, Senior Engineer, Draper City
Annalee Munsey, Assistant General Manager, Metropolitan Water District of Salt Lake & Sandy
Colin Ricks, Engineer, Brown & Caldwell
Justin Stoker, Deputy Director of Public Works, City of West Jordan
Ryan Willeitner, Engineer, Jacobs Engineering
Jacob Young, Utah Operations Leader, Brown and Caldwell

Call to order and introduction of visitors

Mr. Corey L. Rushton, Chair, convened the annual Board meeting of the Jordan Valley Water Conservancy District Board of Trustees at 3:02 p.m. on Wednesday, March 13, 2019, in the Administration Building at 8215 South 1300 West in West Jordan, Utah. Mr. Rushton introduced the members of the Board and visitors. Mr. Ronald Sperry was excused from the meeting.

Approval of common consent items

Mr. Rushton presented minutes of the Executive Committee and Finance Committee meetings held February 11, 2019; the Board meeting held February 13, 2019; and the Trustees Expenses Report for February 2019. Mr. Rushton called for a motion. Mr. Christensen noted a typographical error on the Trustees Expenses Report. Mr. Owens moved to approve the minutes of the meetings held February 11, 2019 and February 13, 2019, and the Trustees Expenses Report for February 2019 with the noted change. Following a second by Mr. Summers, the motion was unanimously approved by those present as follows:

Mr. Christensen – aye	Mr. Johnson – not present
Ms. Lang – aye	Mr. Osborne – aye
Mr. Owens – aye	Mr. Rushton – aye
Mr. Sperry – not present	Mr. Summers – aye
Mr. Taylor – aye	

Public comments

There were no public comments.

Election of District Officers for the coming year

Mr. Brent Johnson arrived.

Mr. Rushton proceeded with the annual election of District officers. The list of officers of the District includes Chair, Vice Chair, Finance Committee Chair, Conservation Committee Chair, Clerk, Assistant Clerk, and Treasurer. The current officers of the District are: Corey Rushton as Chair, Scott Osborne as Vice Chair, Ron Sperry as Finance Committee Chair, Stephen Owens as Conservation Committee Chair, Richard Bay as Clerk, Bart Forsyth as Assistant Clerk, and David Martin as Treasurer. Mr. Richard Bay, General Manager, stated the District Bylaws call for nominations to be made from the floor for each position. The Open Meetings Act calls for open voting.

Mr. Rushton opened the floor for nominations. Mr. John Taylor nominated Mr. Greg Christensen for Conservation Committee Chair. Mr. Lyle Summers seconded the nomination. Mr. Owens moved to elect the officers that currently serve in their respective positions with Mr. Christensen to serve as Conservation Committee Chair. There were no other nominations. Mr. Rushton commended the current officers for their service. Following a second

by Ms. Lang, the motion was approved as follows:

Mr. Christensen – aye	Mr. Johnson – aye
Ms. Lang – aye	Mr. Osborne – aye
Mr. Owens – aye	Mr. Rushton – aye
Mr. Sperry – not present	Mr. Summers – aye
Mr. Taylor – aye	

Consider adoption of Resolution No. 19-05, “Amending Jordan Valley Water Conservancy District’s Policy Manual”

Mr. Reid Lewis, General Counsel, reviewed proposed revisions to the Retail Water Service Manual, which includes a change in the means by which connection fees can be paid and allowing property owners to authorize an agent or tenant to act on their behalf.

Section 1.1 would allow the District to accept a check, cashier’s check, money order, and Automated Clearing House payments for connection fees, but not credit cards.

Mr. Christensen suggested allowing cash as a payment for connection fees. Ms. Lang asked if a processing fee, based on the percentage charged, could be added to credit card payments. Mr. Martin said staff has discussed charging a fee on credit card payments but were told by the District’s credit card processing company that a fee, based on a charge percentage, cannot be passed on to the customer. He said a flat fee can be charged. Mr. Osborne suggested charging a convenience fee based on the percentage of the credit card charge. He said he would not like staff to handle large amounts of cash when accepting cash for connection fees. Mr. Taylor said the District could add the credit card fee cost to the amount as a convenience fee.

Mr. Rushton suggested adoption of the proposed changes to Section 1.2 of the Retail Water Service Manual and bringing the changes to Section 1.1 back to the Board for further discussion. Ms. Lang moved to adopt Resolution No. 19-05, “Amending Jordan Valley Water Conservancy District’s Policy Manual” with the proposed changes to Section 1.2 of the Retail Water Service Manual and bringing changes to Section 1.1 back to the Board for further discussion. Following a second by Mr. Christensen, the motion was unanimously approved by those present as follows:

Mr. Christensen – aye	Mr. Johnson – aye
Ms. Lang – aye	Mr. Osborne – aye
Mr. Owens – aye	Mr. Rushton – aye
Mr. Sperry – not present	Mr. Summers – aye
Mr. Taylor – aye	

Annual training for Trustees on Open and Public Meetings Act

Mr. Lewis presented training on the Open and Public Meetings Act. He noted this training is required to be presented to the Board on an annual basis and that the Act has been amended to require the training be made available online. He informed the Board that the presentation has been placed on the JVVCD website under the Board member portal. All provisions of the Act that apply to the District were reviewed with the Board. Mr. Lewis said that staff drafted an amendment to the Open and Public Meetings Act to address closing a public meeting for confidential/privileged communication with a lawyer who represents the public body or to fulfill a lawyer’s ethical obligation to the Board members. He said this legislative bill did not pass and is scheduled for interim discussion.

Mr. Osborne suggested that sending a mass text to all the Trustees can be considered a public meeting if responses begin a discussion of District business. He also said that confidential documents distributed to multiple entities can eliminate the confidentiality of those documents.

**Discuss Utah
Public Officers'
and Employees'
Ethics Act**

Mr. Lewis presented training on the Utah Public Officers' and Employees' Ethics Act. He noted that each year, each Trustee must acknowledge that he/she is aware, understands, and agrees to comply with the Ethics Act under the Administrative Policy and Procedures Manual. Mr. Lewis asked each Trustee to read the Act and, if they understand it, to sign and date the Annual Certification and return it to staff.

Mr. Lewis reviewed the gifts section of the Act. He recommended to the Board that they not accept any gift if it is related to District business.

**Review
travel/training
policy for Trustees**

Ms. Beverly Parry, Executive Assistant, reviewed Trustee travel and training. The following items were reviewed: conferences available for the Trustees to attend, training compensation, per diem, reimbursable travel expenses, and the trustee payroll form.

**Engineering,
Maintenance, and
Information
Systems activities**

Mr. Alan Packard, Assistant General Manager, said in order to maintain a reliable fleet of vehicles in the most cost-effective manner possible, the District generally replaces vehicles when they have 110,000 – 130,000 miles. He said staff completed an evaluation of the need for, and costs associated with, replacing four vehicles and determined that replacement with comparable vehicles is needed. The District utilizes the Utah State Division of Purchasing and General Services Best Value Cooperative Contract (State Contract) for its vehicle purchases.

**Consider approval
to purchase
vehicles**

Mr. Packard recommended approval to purchase three pickup trucks and two heavy duty service trucks with utility bodies and related equipment in the amount of \$308,455.

Mr. Rushton asked if any additional evaluations are done to determine which kind of vehicles will meet the District needs the best. Mr. Packard said staff has considered other models of vehicles and has determined the proposed vehicles to be purchased are the most economical and meet the needs of staff.

Mr. Osborne asked if staff uses a specific criterion to determine when a vehicle needs to be replaced other than age and mileage, and if the service record is taken into consideration. Mr. Packard said staff looks at the vehicles service record history and reliability, in addition to age and mileage, when determining which vehicles need to be replaced.

Mr. Rushton asked for a motion on the recommendation. Ms. Lang moved to approve the purchase of vehicles. Following a second by Mr. Johnson, the motion was unanimously approved by those present as follows:

Mr. Christensen – aye	Mr. Johnson – aye
Ms. Lang – aye	Mr. Osborne – aye
Mr. Owens – aye	Mr. Rushton – aye
Mr. Sperry – not present	Mr. Summers – aye
Mr. Taylor – aye	

Consider award of construction contract for distribution pipelines replacement

Mr. Packard reviewed this project which consists of replacing approximately 11,000 feet of 4" and 6" cast iron pipe located in Murray and South Salt Lake City which was installed in the 1950's and 1960's. The area was selected to be replaced based upon the age of the pipelines, the number of breaks, and low water pressure issues. He said the project was designed by District engineering staff. He recommended awarding a construction contract for distribution pipelines replacement to R.D.J. Construction in the amount of \$1,886,721.

Mr. Rushton asked for a motion on the recommendation. Mr. Christensen moved to award a construction contract for distribution pipelines replacement. Following a second by Mr. Taylor, the motion was unanimously approved by those present as follows:

Mr. Christensen – aye	Mr. Johnson – aye
Ms. Lang – aye	Mr. Osborne – aye
Mr. Owens – aye	Mr. Rushton – aye
Mr. Sperry – not present	Mr. Summers – aye
Mr. Taylor – aye	

Consider award of engineering contract for Jordan Valley Water Treatment Plant washwater system improvements

Mr. Packard stated the treatment process at the Jordan Valley Water Treatment Plant (JVWTP) removes solid material from the raw water through sedimentation and filtration. He said filter backwash water is processed to further concentrate the solids and the water is reclaimed by circulating it back to the beginning of the treatment process. The reclaimed water and solids handling system at JVWTP is overburdened with increasing annual production volumes, and as production volumes have increased, so has the volume of solids produced.

Mr. Packard said the engineering contract being recommended is for the design and construction management services of a project to install improvements to route the initial high solids backwash flows to the JVWTP sludge drying lagoons which have surplus capacity to handle the additional loading. Mr. Packard recommended awarding of an engineering contract for JVWTP washwater system improvements to Carollo Engineers, Inc. in the amount of \$503,355.

Mr. Osborne disclosed that Carollo Engineers, Inc. is a client of his company, but has no conflict of interest. Mr. Johnson asked if the necessity of this project is for handling a higher volume of waste or if it is to reduce the amount of solid waste. Mr. Packard said it is needed to handle higher volumes of solids from treating more water.

Mr. Rushton asked for a motion on the recommendation. Mr. Johnson moved to award an engineering contract for JVWTP washwater system improvements. Following a second by Mr. Summers, the motion was unanimously approved by those present as follows:

Mr. Christensen – aye	Mr. Johnson – aye
Ms. Lang – aye	Mr. Osborne – aye
Mr. Owens – aye	Mr. Rushton – aye
Mr. Sperry – not present	Mr. Summers – aye
Mr. Taylor – aye	

Consider approval of an Agreement for Construction and Cost-Sharing of the 7271 West 11800 South Site Piping Project

Mr. Packard said that the District has recently completed construction of a pipeline on 11800 South and U-111 which will facilitate the availability of pressure zone D service. He said Herriman City needs to install approximately 440 feet of 20-inch pipeline from the District's pressure zone D facilities to its meter station. The District's future needs dictate that approximately 240 feet of that pipeline should be 48-inch diameter and the cost-sharing agreement will provide for the District to reimburse the incremental cost to design and install 48-inch pipe instead of 20-inch pipe. The incremental costs to be paid by the District are estimated to be \$208,500 but the actual reimbursement amount will be based on actual costs incurred for the incremental engineering and construction work.

Mr. Packard stated that staff was not aware of this need when the current budget was prepared, but funds are available from other capital projects that are under budget.

Mr. Packard recommended approval of an Agreement for Construction and Cost-Sharing of the 7271 West 11800 South Site Piping Project with an estimated amount of \$208,500 to reimburse Herriman City in accordance with the agreement and authorizing the General Manager to execute the agreement.

Mr. Rushton asked for a motion on the recommendation. Mr. Johnson moved to approve an Agreement for Construction and Cost-Sharing of the 7271 West 11800 South Site Piping Project and to authorize the General Manager to execute the agreement. Following a second by Mr. Christensen, the motion was unanimously approved by those present as follows:

- | | |
|--------------------------|-------------------|
| Mr. Christensen – aye | Mr. Johnson – aye |
| Ms. Lang – aye | Mr. Osborne – aye |
| Mr. Owens – aye | Mr. Rushton – aye |
| Mr. Sperry – not present | Mr. Summers – aye |
| Mr. Taylor – aye | |

Consider approval of a license agreement with Provo River Water Users Association for the Southwest Aqueduct Reach 1 Project

Mr. Packard said the Southwest Aqueduct Reach 1 Project includes construction adjacent to Provo River Aqueduct facilities at the Point of the Mountain. He said the construction work will encroach on property owned by the Provo River Water Users Association (PRWUA) and will involve the temporary relocation of a PRWUA pipeline. In order to accommodate the work, PRWUA requires the District to execute the license agreement to ensure its pipeline and property are restored to pre-construction conditions.

Mr. Packard recommended approval of the License Agreement and authorizing the General Manager to execute the agreement.

Mr. Rushton asked for a motion on the recommendation. Ms. Lang moved to approve a license agreement with Provo River Water Users Association for the Southwest Aqueduct Reach 1 Project and to authorize the General Manager to execute the agreement. Following a second by Mr. Taylor, the motion was unanimously approved by those present as follows:

Mr. Christensen – aye	Mr. Johnson – aye
Ms. Lang – aye	Mr. Osborne – aye
Mr. Owens – aye	Mr. Rushton – aye
Mr. Sperry – not present	Mr. Summers – aye
Mr. Taylor – aye	

Consider approval of a master utility agreement with Utah Department of Transportation for I-15 northbound widening project

Mr. Packard said the Utah Department of Transportation (UDOT) is planning to begin a project to widen northbound I-15 from the Bangerter Highway interchange to the I-215 interchange. He said the District owns and operates two transmission pipelines within UDOT’s project area; and consistent with UDOT policies, a utility agreement between UDOT and the District has been prepared which requires UDOT to protect in place or relocate the District’s facilities at UDOT’s expense.

Mr. Packard recommended approval of a master utility agreement with UDOT and authorizing the General Manager to execute the final agreement.

Mr. Rushton asked for a motion on the recommendation. Mr. Johnson moved to approve a master utility agreement with Utah Department of Transportation for I-15 northbound widening project and to authorize the General Manager to execute the final agreement. Following a second by Mr. Owens, the motion was unanimously approved by those present as follows:

Mr. Christensen – aye	Mr. Johnson – aye
Ms. Lang – aye	Mr. Osborne – aye
Mr. Owens – aye	Mr. Rushton – aye
Mr. Sperry – not present	Mr. Summers – not present
Mr. Taylor – aye	

Operations, Public Outreach, and Conservation activities

Consider approval of expenditure for Provo River Watershed Council workplan

Ms. Shazelle Terry, Operations Department Manager, said that in February the Board approved a Restated and Amended Interlocal Cooperation Agreement for the Provo River Watershed Council. She stated the Council has established its annual workplan and costs for water quality monitoring and management of the Provo River Watershed. She shared with the Board a breakdown of the FY2018/2019 workplan and summary of the background, mission, and goals of the Provo River Watershed Council, as well as details of the workplan.

Ms. Terry recommended approval of FY 2018/2019 expenditures for Provo River Watershed Council workplan.

Mr. Rushton asked for a motion on the recommendation. Mr. Summers moved to approve expenditures for Provo River Watershed Council workplan. Following a second by Mr. Taylor, the motion was unanimously approved by those present as follows:

Mr. Christensen – aye	Mr. Johnson – aye
Ms. Lang – aye	Mr. Osborne – aye
Mr. Owens – aye	Mr. Rushton – aye
Mr. Sperry – not present	Mr. Summers – aye
Mr. Taylor – aye	

Reporting items

Mr. Bay, General Manager/CEO, reviewed several legislative bills which may affect the District. The bills include HJR 1 – Proposal to Amend Utah Constitution-Municipal Water Resources; HB 31 – Water Supply & Surplus Water Amendments; SB 52 – Secondary Water Metering Requirements; SB 179 – Truth in Taxation Amendments; and SB 214 – Property Tax Relief Modifications.

Legislative update report

Mr. Owens suggested that future reports on legislative bills indicate whether the District is in favor or opposes each bill and if the bills pass or fail

Report on sale of water right and real property to Lehi City

Mr. Packard reported that an agreement the District made in 2017 to sell a water right and real property to Lehi City is now ready to be finalized. Funds from this sale will be put in the capital projects fund and will be used to acquire or develop other sources of supply.

Report on Drinking Water Board vacancies

Mr. Bay informed the Board that the Utah Drinking Water Board now has vacancies and that a District employee, Linda Townes, Public Information Manager, has applied to be on the Board.

Mr. Bay briefly reviewed the routine reporting items which included Central Utah Project/CUWCD activities report, conservation activities report, lease agreements, facilities rental agreements, District performance indicators for January 2019, capital projects report for February 2019, financial report for January 2019, water supply report for January 2019, and media coverage.

Upcoming meetings

Mr. Rushton reviewed the upcoming meetings including the Finance Committee meeting, Wednesday, March 27, at 3:00 p.m.; the Conservation Committee meeting, Monday, April 8, at 3:00 p.m.; the Executive Committee meeting, Monday, April 8, at 3:30 p.m.; the Annual Meeting of the Employee Retirement Plan Committee, Monday, April 8, at 4:00 p.m.; and the regular Board meeting, Wednesday, April 10, at 3:00 p.m.

Closed Session

Mr. Rushton proposed to convene a closed meeting at 5:45 p.m. in the Board room of the District's Administration Building at 8215 South 1300 West, West Jordan, Utah, to discuss potential litigation, information provided during procurement process, and sale or purchase of real property and/or water rights or water shares.

Mr. Osborne moved to go into closed session for the discussions. Following a second by Mr. Summers, the motion was unanimously approved by those present as follows:

Mr. Christensen – aye	Mr. Johnson – aye
Ms. Lang – aye	Mr. Osborne – aye
Mr. Owens – aye	Mr. Rushton – aye
Mr. Sperry – not present	Mr. Summers – aye
Mr. Taylor – aye	

The closed meeting convened at 5:50 p.m. with all Trustees present, except

Mr. Ronald Sperry. Also present were: Richard Bay, General Manager; Alan Packard, Assistant General Manager; Reid Lewis, General Counsel; David Martin, Chief Financial Officer/Treasurer; Shane Swensen, Engineering Department Manager; Beverly Parry, Executive Assistant; and JT Cracroft, Right-of-Way & Property Manager.

No votes or actions were taken during the closed meeting.

Open meeting reconvened

The open meeting reconvened at 6:02 p.m.

Consider approval to execute a quit claim deed to adjust the property boundary at 1787 East Creek Road, Cottonwood Heights

Mr. Packard recommended approval to execute a quit claim deed to adjust the property boundary at 1787 East Creek Road, Cottonwood Heights, and to authorize the General Manager to execute the conveyance documents.

Mr. Rushton asked for a motion on the recommendation. Ms. Lang moved to execute a quit claim deed to adjust the property boundary at 1787 East Creek Road, Cottonwood Heights, and to authorize the General Manager to execute the conveyance documents. Following a second by Mr. Osborne, the motion was unanimously approved by those present as follows:

Mr. Christensen – aye	Mr. Johnson – aye
Ms. Lang – aye	Mr. Osborne – aye
Mr. Owens – aye	Mr. Rushton – aye
Mr. Sperry – not present	Mr. Summers – aye
Mr. Taylor – aye	

Adjourn

Mr. Rushton called for a motion to adjourn. Mr. Summers moved to adjourn. The motion was unanimously approved by those present as follows:

Mr. Christensen – aye	Mr. Johnson – aye
Ms. Lang – aye	Mr. Osborne – aye
Mr. Owens – aye	Mr. Rushton – aye
Mr. Sperry – not present	Mr. Summers – aye
Mr. Taylor – aye	

The meeting adjourned at 6:04 p.m.

Corey L. Rushton, Chair of the Board of Trustees

Richard P. Bay, Clerk