

MONDAY, SEPTEMBER 16, 2024

Minutes of the 886th meeting of the Metropolitan Water District of Salt Lake & Sandy Board of Trustees held Monday, September 16, 2024 at 4:31 p.m. at 3430 E Danish Road, Cottonwood Heights, UT 84093.

The following trustees attended the board meeting:

Tom Godfrey	-Chair
John S. Kirkham	-Vice Chair
Patricia Comarell	-Secretary
Cindy Cromer	-Trustee
Joan Degiorgio	-Trustee *electronic participation*

The following trustees were excused from the board meeting:

John H. Mabey, Jr.	-Trustee
Donald Y. Milne	-Trustee

The following staff and guests attended the board meeting:

Annalee Munsey – General Manager
Gordon Cook, Assistant General Manager – Chief Operating Officer
Darin Klemin, IT Manager
Ammon Allen, Engineering Manager
Kelly Stevens, Senior Engineer
Nathan Scown, Operations Manager
Jeff Matheson, Laboratory Manager
Josie Taber, Laboratory Supervisor
Sonya Shepherd, HR Manager
Steve Slack, Maintenance Manager
Eric Sorensen, Water Resources Manager
Josh Croft, Accountant
Breana Jackson, Executive Administrator
Dani Cepernich, Spencer Fane
Tom Ward, Sandy City Public Utilities
Brittany Sorenson, Brown & Caldwell
Jesse Stewart, Salt Lake City Public Utilities
Marie Owens, AE2S
Jeff Budge, Provo River Water Users Association
Jacob Young, Jordan Valley Water Conservancy District
Mike Whimpey, Central Utah Water Conservancy District
Brad Buswell, Carollo Engineers
Jason Luettinger, Bowen Collins & Associates
Robert Axson, Cottonwood Heights resident
Steve Van Maren, Sandy resident

Work Session Agenda

1. Tour of Cottonwoods Connection
2. Other

Board Meeting Agenda

1. Call to order
2. Public comment
3. Consider approval of eminent domain (condemnation) proceedings for select SLAR easements
 - a. Parcel Numbers 26-28, Church of Jesus Christ of Latter-day Saints
 - b. Parcel Number 29, Danish Hills HOA, 8108 S Deer Creek Rd
 - c. Parcel Number 63, Axson, 7323 S Hickory Hill
4. Engineering Committee report
 - a. Consider approval of Change Order #002 to COP Construction for the SLAR-CC
 - b. Capital projects report

5. Executive Committee report
 - a. Consider approval of sole source procurement
 - b. Consider approval of amendment to Hartman Management Group MOU
6. Consider approval of vehicle surplus
7. Consider acceptance of financial reports
8. Consider approval of Board Meeting minutes dated August 12, 2024
9. Reporting/Scheduling items
 - a. Water supply and demand update
10. Other business
11. Items to be discussed at future meetings
12. Closed session
 - a. Purpose: Strategy session to discuss the purchase, exchange, or lease of real property, including water right(s) or water share(s), when public discussion of the transaction would disclose the appraisal or estimated value of the property under consideration or prevent the District from completing the transaction on the best possible terms
12. Adjournment

Work Session

Tour of Cottonwoods Connection

Present board members, staff, and interested parties met in the Administration Building and toured the Cottonwoods Connection. The following people attended the tour: Mr. Godfrey, Mr. Kirkham, Ms. Comarell, Ms. Cromer, Ms. Munsey, Mr. Cook, Ms. Taber, Mr. Stevens, Mr. Slack, Mr. Ward, Mr. Stewart, and Mr. Young.

Board Meeting

Call to order

At 4:31 p.m. the Chair, Mr. Godfrey, called the meeting to order and welcomed board members, staff, and visitors.

Public comment

No public comments were made.

Other

Mr. Matheson presented Ms. Taber with an award for Outstanding Service to the AWWA Intermountain Section. The award is intended to recognize an AWWA member with at least seven years of volunteering who demonstrates outstanding service to the section through leadership and active participation in AWWA programs. Ms. Taber served as the Secretary for the AWWA Executive Committee for four years and now leads the AWWA Publications Committee as the Chair.

Consider approval of eminent domain (condemnation) proceedings for select SLAR easements

Ms. Cepernich reviewed the purpose of eminent domain proceedings and the due diligence the District has completed. She reviewed the process for the board meeting and the possible actions the board can take.

The SLAR will be constructed parallel to the SLA between the LCWTP and Fort Union Boulevard in Cottonwood Heights. Of the 64 identified easements for the project, 17 have yet to be acquired. The District aims to complete easement acquisition by January 1, 2025. This date is driven by contractor schedule and funding commitments.

Eminent domain is regulated in Utah Code Title 78B, Part 6, Chapter 5. The code requires the District to provide written notice to each owner of property at least 10 business days before a board meeting at which a condemnation vote may occur. The District sent notices on

August 28. Before considering condemnation, the project team must reasonably negotiate with the property owner and determine non-condemnation closure is unlikely. The project team makes this finding for the identified properties. Once a condemnation case has been filed, the District may file a motion seeking an order of immediate occupancy that would allow the District to enter and use the property while the case is pending. These are granted fairly routinely, but they involve briefing with the property owner having the opportunity to file an opposition within 21 days of the complaint being served and a hearing before the Court. The following parcels have been identified for this process:

Parcel No.: 26-28
Church of Jesus Christ of Latter-day Saints
3115 E Bengal Blvd

Parcel No.: 29
Danish Hills HOA
8108 S Deer Creek Rd

Parcel No.: 63
Axson
7323 S Hickory Hill

Mr. Stevens and Ms. Cepernich relayed the effort and communications with each property owner to the board. They described the location and current uses of the properties.

Parcel No.: 26-28 - Church of Jesus Christ of Latter-day Saints

The Engineering Committee discussed this item on August 27, 2024 and supported the proceedings. Representatives from the Church of Jesus Christ of Latter-day Saints did not attend the board meeting to provide comment on the proceedings.

Based on the findings in the staff report and information shared during the meeting, Mr. Kirkham motioned that the proposed SLAR permanent and temporary easements, in location, width, and form of agreement, across the Church of Jesus Christ of Latter-day Saints properties at 8282 South Wasatch Boulevard and 8351 South Danish Road are necessary for the construction of the SLAR pipeline, and that the General Manager and counsel are authorized to initiate eminent domain proceedings to acquire said easements. Ms. Comarell seconded the motion and the motion passed unanimously.

Parcel No.: 29 - Danish Hills HOA

The Engineering Committee discussed this item on August 27, 2024 and supported the proceedings. Representatives from the Danish Hills HOA did not attend the board meeting to provide comment on the proceedings.

Based on the findings in the staff report and information shared during the meeting, Mr. Kirkham motioned that the proposed SLAR easement, in location, width, and form of agreement, at 8108 South Deer Creek Road, is necessary for the construction of the SLAR pipeline, and that the General Manager and counsel are authorized to initiate eminent domain proceedings to acquire said easement. Ms. Comarell seconded the motion and the motion passed unanimously.

Parcel No.: 63 - Axson

The Engineering Committee discussed this item on August 27, 2024 and supported the proceedings. Mr. Stevens explained the purpose of a partial replacement of a wall located along the easement and Mr. Axson's property. The District will replace the portion of the wall that will be removed for the project. However, the portion of the retaining wall outside the scope of the project and District's easement will be left intact.

Mr. Axson addressed the board on behalf of his family. He explained the challenges and inconvenience he has experienced with the project. He explained his coordination with District staff to work through the complications. Mr. Axson requested the entirety of the wall be replaced

during construction, including the portion outside the District's easement toward the front of his property.

Ms. Comarell asked Mr. Axson if he was aware of the easement prior to purchasing the home. Mr. Axson said he was aware of the SLAR pipeline but was not aware of the Little Cottonwood Conduit. Ms. Cromer asked what precautions will be in place to protect the homeowners and any pets during construction. Mr. Stevens explained there will be fencing around the construction zone. The board discussed alternatives for the remaining portion of the wall on Mr. Axson's property.

Based on the findings in the staff report and information shared during the meeting, Mr. Kirkham motioned that the proposed SLAR easement, in location, width, and form of agreement, at 7323 South Hickory Hill, is necessary for the construction of the SLAR pipeline, and that the General Manager and counsel are authorized to initiate eminent domain proceedings to acquire said easement. Ms. Comarell seconded the motion and the motion passed unanimously.

Consider approval of Change Order #002 to COP Construction for the SLAR-CC

On February 26, 2024 the Board of Trustees awarded a contract to COP Construction for construction of the Cottonwoods Conduit Reaches 1 and 2. The Cottonwoods Conduits are the CC in SLAR-CC, are being paid by Salt Lake City through reimbursement to the District, and will be conveyed to the city following construction. During installation of the pipeline east of Wasatch Boulevard and outside the seismic zone, Salt Lake City requested the contractor use a cementitious low strength material (CLSM), which is a low strength flowable concrete, for backfill. The added cost for this material is \$77,549.00. Salt Lake City approved the additional cost, which will be fully paid for by Salt Lake City through reimbursement to the District.

The Engineering Committee discussed this item on August 27, 2024 and recommended approval of the contract by the full board.

Mr. Kirkham motioned to approve Change Order #002 to COP Construction for \$77,549.00 to install CLSM on Cottonwoods Conduit Reach 1 east of Wasatch Boulevard. Ms. Cromer seconded the motion and the motion passed unanimously.

Capital Projects report

Mr. Godfrey welcomed any questions regarding the capital projects report.

Consider approval of sole source procurement

The Utah Procurement Code provides that an award of contract may be made without engaging in a standard procurement process when there is only one source for the procurement item. To be compliant with Procurement regulations, the District identified a vendor that would qualify as sole source.

Proposed sole-source procurement notice was posted on the District's website on August 1, 2024. Any party that did not agree with the proposed sole source procurement had until August 8, 2024, at 5:00 PM to contact the District. No parties contacted the District to disagree with the proposed sole source procurement. The Executive Committee reviewed the proposed sole source procurement for work order management software during the September 5, 2024 committee meeting and recommended approval by the full board.

Mr. Kirkham motioned to approve the sole source procurement. Ms. Cromer seconded the motion and the motion passed unanimously.

Consider approval of amendment to Hartman Management Group MOU

The District found need to amend its agreement with Hartman Management Group MOU to include increased legislative and public affairs activities. These terms will be in effect until June 30, 2025, non-cancellable. Additional one-year terms beginning July 1, 2025 may be renewed with the Board of Trustees approval. The Executive Committee discussed the

amendment during the September 5, 2024 committee meeting and recommended approval by the full board.

Ms. Comarell motioned to approve the amendment to Hartman Management Group MOU. Mr. Kirkham seconded the motion and the motion passed unanimously.

Consider approval of vehicle surplus

The District is interested in making surplus District vehicles available to its employees to encourage proper use, care, and maintenance of vehicles. Mr. Slack reported that minimum starting bids were determined after a review of applicable sources, including the NADA, Kelly Blue Books, and coordination with local dealerships. The minimum starting bids for two vehicles were advertised in a surplus auction. Vehicles included two 2015 Chevrolet 2500 trucks.

Mr. Kirkham motioned to approve surplus of a 2015 Chevrolet 2500 for \$16,610 and a 2015 Chevrolet 2500 for \$13,555 to staff. Ms. Comarell seconded the motion and the motion passed unanimously.

Consider acceptance of financial reports

Mr. Kirkham noted the June financial statements will be included as part of the financial audit.

Mr. Kirkham motioned to accept the June 2024 financial statements. Ms. Comarell seconded the motion and the motion passed unanimously.

Consider approval of Board Meeting minutes dated August 12, 2024

Ms. Comarell noted a change to be made to the language following the approval of Resolution 1936. Ms. Munsey stated the full motions for each parcel will be included in the minutes for the eminent domain process.

Ms. Cromer motioned to approve the Board Meeting minutes dated August 12, 2024 with the aforementioned changes. Mr. Kirkham seconded the motion and the motion passed unanimously.

Reporting/Scheduling items

Mr. Sorensen provided a water supply update for the board. He explained recent precipitation levels and water demand for Salt Lake City, Sandy City, and the totals for both cities combined. He described the District's use of its supply and reviewed the forecasted winter projections.

Mr. Kirkham noted the Sandy City Public Utilities Advisory Committee meeting for September has been cancelled. Mr. Godfrey noted the recent tours hosted for Salt Lake City council members.

Other business

Mr. Godfrey extended the board's welcome to new employee Adam Pett and congratulated James Snow on his promotion.

Items to be discussed at future meetings

Ms. Cromer seeks to evaluate approval limits for the Cottonwoods Connection Project.

Closed Session

Mr. Kirkham motioned to go into closed session to discuss the purchase, exchange, or lease of real property, including water right(s) or water share(s), when public discussion of the transaction would disclose the appraisal or estimated value of the property under consideration or prevent the District from completing the transaction on the best possible terms. Ms. Cromer

seconded the motion and the motion passed unanimously. The following board members were present: Mr. Godfrey, Mr. Kirkham, Ms. Comarell, Ms. Cromer, and Ms. Degiorgio. The following staff were also present: Ms. Munsey, Mr. Cook, Ms. Jackson, Mr. Allen, Mr. Stevens, and Ms. Cepernich.

Mr. Kirkham motioned to go out of closed session. Ms. Cromer seconded the motion and the motion passed unanimously.

Adjourn

At 6:32 p.m. the board meeting adjourned.

Tom Godfrey, Chair

Patricia Comarell, Secretary