

MONDAY, FEBRUARY 27, 2023

Minutes of the 869th meeting of the Metropolitan Water District of Salt Lake & Sandy Board of Trustees held Monday, February 27th, 2023 at 4:30 p.m. electronically via Zoom webinar.

The following trustees attended the board meeting virtually:

Tom Godfrey	-Chair
John S. Kirkham	-Vice Chair
Patricia Comarell	-Secretary
Cindy Cromer	-Trustee
Joan Degiorgio	-Trustee
John H. Mabey, Jr.	-Trustee
Donald Y. Milne	-Trustee

The following staff and guests attended the board meeting virtually:

Annalee Munsey, Assistant General Manager
Wayne Winsor, Assistant General Manager - Chief Engineer
Ryan Nicholes, IT Manager
Gordon Cook, Maintenance Manager
Sonya Shepherd, HR Program Manager
Cláudia Bauleth, Laboratory Manager
Matthew Tietje, Operations Manager
Nathan Scown, Assistant Operations Manager
Ammon Allen, Engineering Supervisor
Kelly Stevens, Senior Engineer
Breana Jackson, Executive Assistant
Shawn Draney, Snow, Christensen & Martineau
Dani Cepernich, Snow, Christensen & Martineau
Laura Briefer, Salt Lake City Public Utilities
Jesse Stewart, Salt Lake City Public Utilities
Marian Rice, Salt Lake City Public Utilities
Tom Ward, Sandy City Public Utilities
Keith Denos, Provo River Water Users Association
Dave Faux, Provo River Water Users Association
Dan Hartman, Hartman Management Group
Mike Wilson, CRS Engineers
Brad Buswell, Carollo Engineers
Gerard Yates, Central Utah Water Conservancy District
William Powley, Sandy City resident

Work Session Agenda

1. District-wide Multi-hazard Mitigation Plan Phases B and C
2. District Safety Team report
3. Seismic disaster resilience presentation to Utah legislators
4. Other

Board Meeting Agenda

1. Call to order
2. Public comment
3. Legislative update
4. Engineering Committee report
 - a. Consider appeal of William and Maralee Powley
 - b. Consider approval of professional services agreement for WIFIA funding strategist
 - c. Reporting items
5. Consider approval of Board Meeting minutes dated January 23, 2023
6. Consider acceptance of financial reports

7. Reporting/Scheduling items
 - a. Water supply and demand update
 - b. FY 2024 budget schedule
8. Other business
9. Items to be discussed at future meetings
10. Closed session
 - a. Pending or reasonably imminent litigation
 - b. Character, competence, or health of an individual
11. Adjourn

Work Session

District-wide Multi-hazard Mitigation Plan Phases B and C

Mr. Winsor provided an update on the District's Multi-hazard Mitigation Plan. The District's proposal for BRIC funding requires a District-wide multi-hazard mitigation plan. This project creates a comprehensive report of 20 assets, prioritized into four tiers. Phase A of the project included planning, identifying stakeholders and a project team. Phase B includes a risk assessment and Phase C the mitigation strategy.

District Safety Team report

Ms. Munsey reviewed the District's safety program. She discussed District Training and updates to the Safety Manual made in the last year. She explained the purpose of the Safety Team, reviewed safety suggestions, and explained how the District implements changes based on approved safety suggestions. Ms. Munsey discussed PPE provided to employees, explained the District's E-Mod score, and reviewed FY22 accidents and incidents.

Seismic disaster resilience presentation to Utah legislators

Envision Utah and the Utah Seismic Safety Commission have identified four major aqueducts that were recommended for seismic disaster resiliency during the 2023 legislative session, one of which is the Salt Lake Aqueduct (SLA). Ms. Munsey mentioned the four segments of the SLA identified as the highest priority to be considered in the seismic resiliency program.

Board Meeting

Call to order

At 4:30 p.m. the Chair called the meeting to order and welcomed board members, staff, and visitors.

Public comment

No comments were made by the public.

Legislative update

Mr. Dan Hartman provided the board with an update on the current legislative session. He highlighted HB 491 and HB 538. Mr. Hartman then highlighted some appropriations from the Executive Appropriations Committee.

Consider appeal of William and Maralee Powley

Address: 9470 Ksel Drive, Sandy

Interest: Tract 419 (fee)

William and Maralee Powley have utilized District property behind their home for turf and fencing for many years. The use was formally permitted by agreement in 2012, then renewed in 2017. The agreement expired on June 11, 2022. District staff met with the Powleys in April of 2022 to discuss renewal of the agreement. At that time it was discovered a sport court had recently been placed that encroached into District property. Blue Stake tickets were reviewed and it does not appear a request was made for placement of the sport court.

District staff considered various solutions leading up to the December 5, 2022 Board Meeting. Staff recommended the option to sell off a 5-foot width of property adjoining the Powley lot at an estimated value of \$11,620.50 plus any additional survey related costs to be paid by the Powleys. Mr. Powley said he hadn't been made aware of several of the options presented to the Board. The Board directed staff to revisit options with the Powleys.

Mr. Powley addressed the board. He requested consideration of option two: allow the encroaching portion of the sport court to remain, by agreement, until December 1, 2029, by which time the encroaching portion of the sport court shall be removed. Landscape uses of District land may continue by agreement. He thanked the board and District staff, then said he accepts any decision to be made by the board.

Mr. Kirkham asked about "landscaping uses" mentioned in options one and two. Ms. Comarell asked about the detriments of allowing the Powleys an additional two years to remove the encroaching segment. The Engineering Committee felt the District could encounter similar issues with other properties during this time frame. Ms. Cromer specified the contract ends with the Powleys and will not be passed along with the home's ownership.

Mr. Milne motioned to approve option one: allow the encroaching portion of the sport court to remain, by agreement, until December 1, 2027, by which time the encroaching portion of the sport court shall be removed. Landscaping uses of District land may continue by agreement. Ms. Comarell seconded the motion and the motion passed unanimously.

Consider approval of professional services agreement for WIFIA funding strategist

On January 23, 2023, the District's Board of Trustees authorized staff to prepare and submit an application to obtain funding through the Water Infrastructure Finance and Innovation Act (WIFIA).

The selection committee met on February 9, 2023. Each member of the committee rated each SOQ on a scale of one to five in the five categories. The resulting composite score ranked the combined team of Lewis Young Robertson & Burningham and HBW Resources, LLC as the preferred consultant. Staff negotiated scope and fee and recommend award to assist the District in preparing a WIFIA LOI and application in an amount not to exceed \$93,550.

Mr. Kirkham asked if Mr. Draney had any issues with the form of contract included in the board packet. Mr. Draney noted one typo, but expressed no other concerns.

Mr. Kirkham motioned to award a professional services agreement to Lewis Young Robertson & Burningham for \$93,550. Ms. Degiorgio seconded the motion and the motion passed unanimously.

Reporting Items

Mr. Godfrey welcomed questions regarding the capital projects report. Mr. Milne asked if the ASR Well and Monitoring Wells project mobilized on February 6, 2023 as planned.

Consider approval of Board Meeting minutes dated January 23, 2023

Ms. Cromer motioned to approve the Board Meeting minutes dated January 23, 2023. Mr. Milne seconded the motion and the motion passed unanimously.

Consider acceptance of financial reports

Mr. Kirkham mentioned impacts from the audit on the financial reports.

Mr. Kirkham motioned to accept the November and December 2022 financial reports. Ms. Comarell seconded the motion and the motion passed unanimously.

Reporting/Scheduling items

Mr. Tietje provided a water supply and demand update for the board. He reviewed the impacts from the recent storm. He described the snow water equivalent, precipitation, and nearby lake levels.

The District's March work session will include a presentation on the FY24 budget.

Other business

Mr. Godfrey extended his congratulations to Blake Bowles and Jimmy Cade for their promotions. They recognized Brice Meier and Ryan Nicholes for 20 years of service at the District.

Items to be discussed at future meetings

No items were discussed.

Closed Session

Mr. Milne motioned to go into closed session to discuss pending or reasonably imminent litigation. Mr. Kirkham seconded the motion and the motion passed unanimously. All board members were present; the following staff were also present: Ms. Munsey, Mr. Winsor, Ms. Jackson, Mr. Nicholes, Ms. Shepherd, Mr. Draney, and Ms. Cepernich.

The board proceeded in closed session to discuss the character, competence, or health of an individual. All board members were present. Ms. Shepherd was also present.

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

Adjourn

At 5:20 p.m. the board meeting adjourned.

Tom Godfrey, Chair

Patricia Comarell, Secretary