

Tab 6

Consider approval of Board Meeting minutes



MONDAY, DECEMBER 16, 2024

Minutes of the 888th meeting of the Metropolitan Water District of Salt Lake & Sandy Board of Trustees held Monday, December 16, 2024 at 4:42 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
John H. Mabey, Jr.	-Trustee

The following staff and guests attended the board meeting:

Annalee Munsey, General Manager
Gordon Cook, Assistant General Manager – Chief Operating Officer
Wayne Winsor, Assistant General Manager – Chief Administrative Officer
Darin Klemin, IT Manager
Ammon Allen, Engineering Manager
Kelly Stevens, Senior Engineer
Gardner Olson, Senior Engineer
Nathan Scown, Operations Manager
Josie Taber, Laboratory Supervisor
Sonya Shepherd, HR Manager
Andy Reidling, Maintenance Manager
Josh Croft, Accountant
Breana Jackson, Executive Administrator
Dani Cepernich, Spencer Fane
Jesse Stewart, Salt Lake City Public Utilities
Tom Ward, Sandy City Public Utilities
Jeff Budge, Provo River Water Users Association
Brittany Sorenson, Brown & Caldwell
Trevor Lindley, Brown & Caldwell
Brad Jeppson, Stantec
Clint Rogers, Stantec
John Richardson, Black & Veatch
Mike Whimpey, Central Utah Water Conservancy District
Joyce Stevens, Draper City resident
Steve Van Maren, Draper City resident

Closed Session Agenda

1. Closed Session
 - a. Strategy sessions to discuss pending or reasonably imminent litigation.

- b. Strategy sessions 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.
- c. Discussion of the character, professional competence, or physical or mental health of an individual.

Board Meeting Agenda

1. Call to order
2. Public comment
3. Resolution of Appreciation for Donald Y. Milne
4. Consider approval of eminent domain (condemnation) proceedings for select SLAR easement
 - a. Parcel Number 24, Ludlow
5. Finance Committee report
 - a. Consider approval of Resolution 1937 amending the fiscal year 2025 budget
 - b. Consider acceptance of financial reports
 - c. Reporting items
6. Engineering Committee report
 - a. Consider approval of monitoring well in Highland
 - b. Consider approval of addendum to right of way agreement with EP GT3, LLC
 - c. Consider approval of Cottonwood Heights City agreements for SLAR discharge and easements
 - d. Consider approval of professional services agreement for 2025 Master Plan Update
 - e. Consider approval of professional services agreement for Remote Sites Radio Evaluation and Upgrade Project
 - f. Consider approval of contract for POMWTP Security Fence Project
 - g. Consider approval of procurement of UPS equipment and services
 - h. Consider approval of easement and temporary construction easement for the SLAR with the Corporation of the Presiding Bishop of the Church of Jesus Christ of Latter-day Saints
 - i. Consider approval of land acquisition in Pleasant Grove
 - j. Capital project report
7. Consider approval of Board Meeting minutes dated October 21, 2024
8. Reporting/Scheduling items
 - a. Water supply and demand update
9. Other business
10. Items to be discussed at future meetings
11. Adjourn

Closed Session

Mr. Mabey motioned to go into closed session to discuss strategy sessions to discuss pending or reasonably imminent litigation and strategy sessions 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. All board members were present, the following staff were also present: Ms. Munsey, Mr. Cook, Mr. Winsor, 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.

Mr. Kirkham motioned to go into closed session to discuss the character, professional competence, or physical or mental health of an individual. Mr. Mabey seconded the motion and the motion passed unanimously. All board members were present.

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

Board Meeting

Call to order

At 4:42 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.

Resolution of Appreciation for Donald Y. Milne

Mr. Kirkham read the Resolution of Appreciation for Donald Y. Milne. The resolution highlighted Mr. Milne's time with the District, his extensive expertise, experience, and dedication to service. Ms. Comarell shared that the board was also grateful for Don's mentorship and that were in a better place because he passed through our lives. A copy was presented to his daughter, Ms. Alicia King.

Mr. Kirkham motioned to accept the Resolution of Appreciation to Donald Y. Milne. Ms. Comarell seconded the motion and the motion passed unanimously.

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

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.

Of the 64 identified easements, 11 have yet to be acquired. Eminent domain was approved previously for four of the remaining properties. The District desires to complete easement acquisition quickly to meet the contractor's schedule and District 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. Before considering condemnation, the project team must reasonably negotiate with the property owner and determine non-condemnation closure is unlikely. The project team has made this finding for the identified property. 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 parcel has been identified for this process:

Parcel No.: 24 - Ludlow

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

The Engineering Committee discussed this item on November 19, 2024 and supported the proceedings. Representatives for the Ludlow property did not attend the board meeting to provide comment on the proceedings.

Mr. Kirkham motioned that the proposed SLAR permanent easement, in location, width, and form of agreement, across the Kevin and Kitt Ludlow 1010 Trust property at 8433 South Danish 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. Mr. Mabey seconded the motion and the motion passed unanimously.

Consider approval of Resolution 1937 amending the fiscal year 2025 budget

Mr. Croft provided background on the proposed budget amendment. In the FY2025 budget, Salt Lake City's (SLC) cost for the Cottonwoods Connection was accounted for as part of the District's capital projects and the corresponding reimbursement as revenue. Upon further discussions with our accounting consultants (WSRP) and the Utah State Auditor's office, it has been made clear that costs paid for by SLC must be included in the District's Operations and Maintenance budget, not the capital projects budget. As a result, the District is required to revise the FY 2025 budget to reflect these changes. This item has not been presented to any board committee but was discussed with the Finance Committee Chair and Board Chair.

Mr. Mabey motioned to approve Resolution 1937 amending the FY 2025 budget to reclassify the SLC portion of expenditures for the Cottonwoods Connection project from capital projects to O&M. Mr. Kirkham seconded the motion and the motion passed unanimously.

Consider acceptance of financial reports

Mr. Kirkham motioned to accept the August 2024 and September 2024 financial reports. Ms. Comarell seconded the motion and the motion passed unanimously.

Reporting items

No items were discussed.

Consider approval of monitoring well in Highland

Mr. Allen provided a staff report on the monitoring well for Central Utah Water Conservancy District's (CUWCD) Aquifer Storage and Recovery project at the mouth of American Fork Canyon. The work is in partnership with the North Utah County Aquifer Council, and requires at least two compliance monitoring wells down gradient from the basin. CUWCD requested to install one well on District property north of SR-92.

Staff recognizes how the project and monitoring well may benefit water resources. The proposed well would operate on the edge of the District's property, roughly 70 feet from the Salt Lake Aqueduct, and is not anticipated to unreasonably interfere with the District's use of the property. The Engineering Committee discussed this item on November 19, 2024 and supported approval by the full board.

Mr. Mabey motioned to permit the monitoring well, authorizing the District's General Manager and counsel to develop an agreement for the use. Ms. Degiorgio seconded the motion and motion passed unanimously.

Consider approval of addendum to right of way agreement with EP GT3, LLC

Mr. Olson provided a staff report on the proposed addendum to the right of way agreement. EP GT3, LLC, obtained property from UDOT that was previously under agreement with the District. EP GT3 is now in the process of constructing a car dealership on the property. EP GT3 has provided a fixed access that meets the requirements of the Right of Way Agreement. The proposed addendum replaces the floating easement with a metes-and-bounds description for access. The Engineering Committee discussed this item on November 19, 2024 and supported approval by the full board. Mr. Kirkham asked about the size of the parcel and the District's ownership.

Mr. Kirkham motioned to enter into the Addendum to Right of Way Agreement. Ms. Degiorgio seconded the motion and the motion passed unanimously.

Consider approval of Cottonwood Heights City agreements for SLAR discharge and easements

Mr. Stevens provided a summary of the Cottonwood Heights City agreements for SLAR discharge and easements. The Cottonwoods Connection project is being constructed entirely within Cottonwood Heights City. The District and city entered into a streets agreement in early 2024 to describe how the District and city would work through construction within public right-of-way. Both documents have been reviewed by the city. The form of the Blowoff Agreement has been approved by District and city staff. The Easement Agreement is mostly complete, with minor resolution needed regarding uses by a third party. Both documents will require approval by the Cottonwood Heights City Council in addition to the District's Board of Trustees.

The Engineering Committee discussed this item on November 19, 2024 and supported approval by the full board. The board discussed the ways in which these agreements differ from the District's typical agreements.

Mr. Mabey motioned to enter into the easement agreement and blowoff agreement with Cottonwood Heights City, with authority granted the District's General Manager and counsel to address minor changes to the form as determined to be in the District's best interest. Mr. Kirkham seconded the motion and the motion passed unanimously.

Consider approval of professional services agreement for 2025 Master Plan Update

Mr. Allen reviewed the need for a Master Plan Update. The District's Master Plan of System Improvements was last updated in early 2020. Since that time, the District has completed several site-specific hazard mitigation plans, a system-wide multi-hazard assessment, a process improvement plan, and similar related documents. Staff seeks professional services to aid in the update of the Master Plan.

A Request for Statements of Qualifications was advertised on Tuesday, October 15, 2024. Proposals were due Thursday, October 31, 2024. Five SOQs were received, one each from AE2S, Bowen Collins, Hazen and Sawyer, Kimley-Horn, and Stantec. The selection committee met on November 5, 2024. The committee's recommendation to begin negotiations with Stantec Consulting Services, Inc. was approved by the General Manager. The Engineering Committee discussed this item on November 19, 2024 and supported approval by the full board. Ms. Cromer asked that a list of acronyms accompany reports with technical language.

Ms. Degiorgio motioned to enter into a professional services agreement with Stantec Consulting Services, Inc. for \$74,875.32. Ms. Cromer seconded the motion and the motion passed unanimously.

Enter into a Professional Services Agreement with SKM Engineering for the Remote Sites Evaluation and Upgrade Project

Mr. Klemin reported on the proposed agreement for the Remote Sites Evaluation and Upgrade Project. The District's remote sites are monitored and controlled through a complex radio network. The project, for the boards consideration, seeks to enhance system reliability, performance, safety, and security.

A Request for Statements of Qualifications was advertised on Wednesday, October 17, 2024. Proposals were due Thursday, October 31, 2024. Three SOQs were received, one each from Black & Veatch, Hazen and Sawyer, and SKM. The selection committee met on November 5, 2024. The committee's recommendation to begin negotiations with SKM was approved by the General Manager, and began on November 5, 2024. The Engineering Committee discussed this item on November 19, 2024 and supported approval by the full board.

Ms. Degiorgio motioned to authorize the General Manager to enter into a Professional Services Agreement with SKM Engineering for the evaluation of the District's remote sites and the development of a comprehensive design for the necessary upgrades. Mr. Kirkham seconded the motion and the motion passed unanimously.

Consider approval of contract for POMWTP Security Fence Project

Mr. Ammon updated the board on the Security Fence Project at the Point of the Mountain Water Treatment Plant. The contractor will install approximately 4,000 feet of chain link fence with barbed wire on top, 2,500 feet of barbed wire on existing fence, and installation of two gates. A Notice Inviting Bids was advertised beginning October 17, 2024. Nine bids were received and opened on October 31, 2024. The Engineering Committee discussed this item on November 19, 2024 and supported approval by the full board.

Mr. Mabey motioned to award \$108,661.00 to Vinyl Industries for the POMWTP Security Fence Project. Ms. Cromer seconded the motion and the motion passed unanimously.

Consider approval of procurement of UPS equipment and services

Mr. Ammon provided a staff report to the board. The FY 2025 budget includes \$100,000 to replace the uninterruptable power supply (UPS) in the LCWTP pipe gallery. This critical UPS provides backup power to the lab and treatment processes and instrumentation. The Engineering Committee discussed this item on November 19, 2024 and supported approval by the full board.

Mr. Kirkham motioned to award \$73,011.73 to Fidelis Power Solutions, LLC to purchase a new UPS system for the LCWTP pipe gallery. Ms. Degiorgio seconded the motion and the motion passed unanimously.

Consider approval of easement and temporary construction easement for the SLAR with the Corporation of the Presiding Bishop of the Church of Jesus Christ of Latter-day Saints

The board previously authorized eminent domain proceedings for permanent and temporary construction easements across property owned by the Church of Jesus Christ of Latter-day Saints. Shortly thereafter the District filed a motion for occupancy and a hearing was scheduled for December 5, 2024. An offer was received along with an agreement permitting the District occupancy on the property. This item has not been presented to any committee of the District, however it was discussed with the board chair.

Mr. Kirkham motioned to accept the counteroffer from the Church of Jesus Christ of Latter-day Saints for the reduced permanent easement. Ms. Degiorgio seconded the motion and the motion passed unanimously.

Consider approval of land acquisition in Pleasant Grove

The District was approached in 2022 by the Trust for Public Land (TPL) with an offer to purchase property in Pleasant Grove. The 9.79 acres was appraised in November 2024 for \$760,000. TPL must exercise its purchase option by December 31, 2024, and close by January 16, 2025. The land purchase from TPL would then occur before mid-February. The Engineering Committee discussed this item on November 19, 2024. The board thanked TPL's efforts to bring together interested parties to purchase the land.

Mr. Kirkham motioned to purchase both parcels for up to \$760,000. Ms. Degiorgio seconded the motion and the motion passed unanimously.

Capital projects report

Mr. Godfrey referred board members to the capital projects report in the packet. Mr. Kirkham asked if the Cottonwoods Connection was on schedule. Mr. Stevens said construction is slightly behind because of delayed pipe delivery. The acquisition process is also moving slower than anticipated.

Consider approval of Board Meeting minutes dated October 21, 2024

Ms. Cromer motioned to approve the Board Meeting minutes dated October 21, 2024. Ms. Comarell seconded the motion and the motion passed unanimously.

Reporting/Scheduling items

Mr. Sorensen provided a water supply update for the board. He reported on the end of water year totals including supply use, treatment and distribution numbers, as well as current and projected snowpack.

Other business

Mr. Godfrey extended the board's welcome to new employee Shaun Stone and congratulated Mike Hone on his service anniversary. He also asked staff to relay congratulations to Blake Burch on his retirement and noted Mr. Winsor's upcoming retirement.

Items to be discussed at future meetings

No items were discussed.

Adjourn

At 5:42 p.m. the board meeting adjourned.

Tom Godfrey, Chair

Patricia Comarell, Secretary

Unapproved