

**Bear River Water Conservancy District  
Board Meeting  
Wednesday, January 23, 2013 7:00 p.m.  
Bear River Water Conservancy District Conference Room  
102 West Forest Street, Brigham City, Utah**

**Minutes**

**Present:** Trustees: Chairman Clinton Burt, Vice Chairman Ross Rudd, Financial Chairman LaRall Thompson, Charles Holmgren, LuAnn Adams, Brent Baugh, Richard Day, Dave Forsgren and Tyler Vincent

Staff: General Manager Voneene Jorgensen, System Operator Bob Phippen, Administrative Assistant Judy Hartvigsen

Visitors: Bill Bigelow – Hansen Allen and Luce

Excused: Board Members Brent Rose and Roger Fridal

**Invocation:** Board Member Tyler Vincent

**Adoption of the Agenda – Chairman Clint Burt**

A motion was made by Vice Chairman Ross Rudd to approve the agenda as written. The motion was seconded by Board Member Richard Day. Chairman Burt, Vice Chairman Rudd, Financial Chairman Thompson and Board Members Holmgren, Baugh, Day, Forsgren and Vincent voted in favor of the motion.

**Approval of the Minutes for the Board Meeting held December 12, 2012**

The minutes of the meeting held December 12, 2012 were included with the packet that was mailed to the Board Members.

A motion was made by Board Member Dave Forsgren to approve the minutes for the meeting held December 12, 2012. The motion was seconded by Board Member Tyler Vincent. Chairman Burt, Vice Chairman Rudd, Financial Chairman Thompson and Board Members Holmgren, Baugh, Day, Vincent and Forsgren voted in favor of the motion.

**Trustee Oaths – Marla Young, Box Elder County Clerk  
Clinton Burt – Independent Water Companies  
Charles Holmgren – Bear River Canal Company  
Richard Day – Mantua, Perry and Willard**

Box Elder County Clerk, Marla Young administered the oath of office to re-appointed Board of Trustees Members, Clint Burt, Charles Holmgren and Richard Day. They were re-appointed by the County Commission on December 5, 2012.

**Trustee Reports – Board Members**

**Ross Rudd:** reported he has talked with a few of our water users and those near him are happy with our service. He has had complaints about not enough fire hydrants in Fielding.

**LaRall Thompson:** No report

**Brent Baugh:** reported speaking with Chris Reeder. There was a big push from the chicken plant to buy the land from him but their investors have pulled out and he doesn't think anything will happen there for a long time.

**Tyler Vincent:** reported Brigham City has also been informed that the investors have backed out and they are looking for corporate money but he doesn't think another company will come in. Brigham is concerned about the reasoning for the investors backing out. Board Member Holmgren stated they would be paying so much more for corn here than in the Midwest. Board Member Vincent was concerned another development wanting to come in may not get the support next time because of all the support given for this one that fell through.

**Dave Forsgren:** reported the cold weather proves where all the weak points are in the water line.

**Richard Day:** No report

**Charles Holmgren:** reported the Canal Company is moving ahead with the new manager and office manager. He stopped to see Bonnie Sorenson today and found out no one has been nominated to serve on the Canal Board. There are three terms that are expiring. He contacted the nominating committee and they did not have any names yet. The State Engineer has approved the filing on the Bear River for P&G. They are asking for a little over 6 CFS. The filing describes the points of diversion and return. There were hearing comments in the State Engineer's announcement. Apparently that will move forward but he does not know the time frame. The Canal Company is going to try to amend their articles to include different classes of stock such as municipal, industrial, duck club etc. There is a special need for shares in Bear River City and that will be another class of stock.

Board Member LuAnn Adams arrived at the meeting from the County Commission meeting during the Trustee reports.

**Clint Burt:** reported he was skeptical about the chicken plant when it was presented. They wanted the water before the end of the year. He knew they couldn't move that fast.

**LuAnn Adams:** No report

### **General Manager's Report – Voneene Jorgensen**

#### **February Board Meeting**

Chairman Burt brought up the issue that the February Board Meeting is scheduled on February 27<sup>th</sup> when the Rural Water Conference is being held in St. George. General Manager Jorgensen stated the meeting could be cancelled or moved a week earlier to February 20<sup>th</sup>. She asked the Board Members for their preference.

Board Member Richard Day moved to change the meeting to February 20<sup>th</sup>. The motion was seconded by Board Member Charles Holmgren. Chairman Burt, Vice Chairman Rudd, Financial Chairman Thompson and Board Members Holmgren, Baugh, Day, Adams, Forsgren and Vincent voted in favor of the motion.

#### **Update of BRWCD Bylaws**

General Manager Jorgensen explained a draft of the updated bylaws was provided for the Board Members at the last meeting for their review and recommendations. She requested some wording changes to the draft that included the wording on Page 10, Sections 3.1.2 and 3.2.2. She suggested the word "resolution" be changed to "approval" of the board and "board approval" in order to make a change to the meeting schedule or meeting place. Also to add, any change to the meeting date shall be properly noticed. She also suggested changing the word from "resolution" to "board approval" on Page 12, Section 3.4.5 regarding the notice of meeting changes. Chairman Clint Burt asked a question about the bond for the Trustees in Section 2.3.3. General Manager Jorgensen explained the District provides the bond for the trustees in the amount of \$10,000.

Board Member LuAnn Adams made a motion to approve the bylaws update incorporating the suggested changes of the General Manager. The motion was seconded by Board Member Brent Baugh. Chairman Burt, Vice Chairman Rudd, Financial Chairman Thompson and Board Members Holmgren, Baugh, Day, Adams, Forsgren and Vincent voted in favor of the motion.

General Manager Jorgensen continued her report referring to the Weather Modification report that was included with the packet mailed to the board members. There were three storms seeded in December. She gave information on the number and location of the generator sites and the amount of hours they were used.

She went on to the precipitation reports giving the percentages of snow water content for December. The Sno Tel information was also included with the packet.

The new purchasing policy that was approved at the last meeting was provided for the board members.

The schedules for the conferences for Rural Water Association and Utah Water Users were included in the packet. General Manager Jorgensen stated the presentations looked very good and she encouraged the board members to participate.

The South Willard Pipeline Project is complete. Ormond Construction has been paid and they did an excellent job. We are now working on the impact fee process and the water rates. These will be approved at a future meeting.

The Park Valley School Project is continuing. Bill Bigelow is working with the school district for the design and they are excited to have the improvements. They want to add a SCADA system, water softener, water heater and a building. The District will be assisting only with the engineering and design costs of the storage and chlorination. We want to be able to have the storage tanks going in during the summer. Larry Hess from the school district and his people have been very good to work with.

Mark Larson of Ukon Water Company called and apologized for not getting back to the District sooner regarding the new lease agreement. The Ukon board will be discussing it and then he will get back to us.

The Newman Well pump replacement project is progressing. We have ordered the pump from C. H. Spencer & Company. She has not heard what the time frame will be before we receive it.

The District received the contract and a check for \$19,163.00 that is 75% of the state participation for the cloud seeding program.

Senate bill 187 has been renumbered for this year. It is now 109. That process is still going on. There are still people who want some changes. She explained some of the history of the bill. Jodi Hoffman is an attorney for a lot of developers and also for the League of Cities and Towns. There are so many water attorneys and so many people trying to bring this bill to a consensus but Ms. Hoffman does not want the State Engineer to be able to look at historical use of a water right. The bill would require any water right change application to be adjudicated by the courts and any protestor would be a party to a court proceeding rather than giving the State Engineer any authority. The Legislature will start on Monday. The Utah Association of Special Districts holds a meeting at noon each Tuesday to vote on proposed legislation that affects districts to decide the association's position.

The board members were given W4 forms to be signed for the District and they received W2 forms for their earnings of 2012 at the meeting. The IRS is now requiring the District to withhold Social Security and Medicare from the board member fees. Board members are considered employees of the District. General Manager Jorgensen stated she will leave it up to the board to decide if they want to have an increase in the fee to cover the withholdings.

Board Member Dave Forsgren moved to leave the board member's fees at the present rate of \$60.00 per meeting. The motion was seconded by Board Member Brent Baugh. Chairman Burt, Vice Chairman Rudd, Financial Chairman Thompson and Board Members Holmgren, Baugh, Day, Adams, Forsgren and Vincent voted in favor of the motion.

### **Beaver Dam Project Update**

General Manager Jorgensen stated the District received the plan approval from DDW for the development of the Sleepy Hollow Springs. DDW approved the modifications specified by Bill Bigelow. She explained when the board approved replacing the old spring box at the last meeting, we opened a Pandora's box. A slide show of spring development was presented by Bob Phippen. He showed a section of pipe taken from the area that was inundated with tree roots. The old spring box of galvanized metal was shown with roots inside. The springs area was excavated. The soil and gravel inundated with tree roots was removed and hauled away. Slides showed the amount of water coming into the trench, the installation of the new cement spring box and the development of the springs with a clay wall, gravel, liner and backfill. The spring had to be completely redeveloped in order to comply with DDW standards that will allow the District to obtain an operating permit to use the springs in the water system. Most of the water rights for the system come from Sleepy Hollow Springs making it necessary for development to DDW standards.

Bill Bigelow explained the development is almost complete. Some sod will be placed to cover the excavation area. General Manager Jorgensen explained the reasoning for getting the spring development done now while the ground is frozen to minimize the impact on the park. We would not be able to use the water from the spring which we need for the system without doing the redevelopment. Our final request for reimbursement for the project is ready to be sent to DDW for the final \$209,000. The road improvements and this spring development will be basically be financed by District funds. The slides showed the road improvements that were completed recently.

The board discussed offering incentives to residents in Beaver Dam to connect to the new system. They could pay a discounted price for impact and connection fees or be allowed to make payments over time so they can connect now. General Manager Jorgensen explained this was done when the Harper Ward system was installed. Those who signed up early took advantage of a lower price. General Manager Jorgensen explained the history of the Beaver Dam Water Company dealing with noncompliance issues and their funding received from the Corps of Engineers and DDW. They were not able to qualify for the funding because they were a private water company. The District was asked to sponsor them in order for the system to qualify and have the future water service operated by a public entity.

Board Member Forsgren suggested keeping the fees the same and give it more time to see if there is any interest for more connections. Chairman Burt suggested tabling the decision on incentives.

General Manager Jorgensen asked for a motion to approve the additional expenditures involved with the development of the springs.

Vice Chairman Ross Rudd moved to approve the expenditures for the development of the springs. Board Member Dave Forsgren amended the motion to specify the amount of \$115,000 for the spring improvements and seconded the motion. Chairman Burt, Vice Chairman Rudd, Financial Chairman Thompson and Board Members Holmgren, Baugh, Day, Adams, Forsgren and Vincent voted in favor of the motion.

Board Member Holmgren asked for some clarification regarding the Park Valley School Project. Bill Bigelow explained the wells are the school's water source. He gave some history of the two wells owned by the school district. Neither well produces enough water to handle peak demand at the school. The project will add water storage facilities that can be filled by the well at low demand times and then used to sustain the demand during the day. There will not be any fire protection. The well owned by the church is not part of the project. The church has been contacted about participating but they are slow to respond.

Board Member Holmgren reported our Snow pack at 77%.

### **Financial Business – LaRall Thompson Approval of Financial Statements**

The financial statements were prepared and provided to the Board Members in the packet that was mailed to them. Financial Chairman Thompson asked for the Board to review the statements and approve them.

A motion was made by Vice Chairman Ross Rudd to approve the financial statements as presented. The motion was seconded by Board Member Richard Day. Chairman Burt, Vice Chairman Rudd, Financial Chairman Thompson and Board Members Holmgren, Forsgren, Vincent, Adams, Day and Baugh voted in favor of the motion.

### **Public Comment**

There were no public comments

### **Adjourn**

A motion to adjourn the meeting was made by Vice Chairman Ross Rudd . The motion was seconded by Financial Chairman LaRall Thompson. Chairman Burt, Vice Chairman Rudd, Financial Chairman Thompson and board members Holmgren, Vincent, Day, Baugh, Forsgren and Adams voted in favor of the motion.

The meeting adjourned at 8:40 p.m.