

**Bear River Water Conservancy District
Board Meeting
Wednesday, February 20, 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, Roger Fridal, 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
Kirby Snideman – Zion’s Bank

Excused: Board Member Brent Rose

Invocation: Board Member Ross Rudd

Adoption of the Agenda – Chairman Clint Burt

A motion was made by Board Member Charles Holmgren 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, Fridal, Day, Forsgren and Vincent voted in favor of the motion.

Approval of the Minutes for the Board Meeting held January 23, 2013

The minutes of the meeting held January 23, 2013 were included with the packet that was mailed to the Board Members.

A motion was made by Vice Chairman Ross Rudd to approve the minutes for the meeting held January 23, 2013. The motion was seconded by Board Member Roger Fridal. Chairman Burt, Vice Chairman Rudd, Financial Chairman Thompson and Board Members Holmgren, Baugh, Day, Fridal, Vincent and Forsgren voted in favor of the motion.

**A PUBLIC HEARING TO RECEIVE INPUT FROM THE PUBLIC
REGARDING THE SOUTH WILLARD CULINARY WATER SYSTEM
IMPACT FEE FACILITY PLAN, IMPACT FEE ANALYSIS AND THE
PROPOSED SOUTH WILLARD CULINARY WATER SYSTEM IMPACT
FEE ENACTMENT RESOLUTION**

Kirby Snideman representing Zion's Bank Public Finance gave a power point presentation outlining the impact fee analysis that was performed by Zion's Bank for the South Willard Culinary Water System. He explained impact fee analysis summary and the figures used to arrive at the recommended impact fee. The presentation included a table showing the impact fees for various sizes of water meters. The basic impact fee proposed is \$3,446.00 for a residential 3/4" meter. He stated this is the true cost for the system connection calculated by the number of connections that will be available and the actual cost to build the water system. He explained the options the board members have following the public hearing. They can choose to adopt the proposed impact fee, adopt a different impact fee, not adopt a fee at all or postpone the adoption of a fee. The impact fee would take effect 90 days after it is adopted by the board.

Board Member LuAnn Adams arrived at the meeting during the presentation by Mr. Snideman.

Bill Bigelow of Hansen Allen & Luce gave the board an explanation of the Impact Fee Facilities Plan he has prepared. General Manager Voneene Jorgensen stated the Impact Fee Enactment Resolution was written by our attorney Craig Terry. The Impact Fee Analysis Summary was also prepared by Zion's Bank and it is required that the summary is written for a lay person to understand. The resolution includes the service area map, the Impact Fee Facilities Plan, the Impact Fee Analysis and the Impact Fee Analysis Summary. General Manager Jorgensen stated all of the required notices for the development and approval of an impact fee and the public hearing have been completed and all of the required documents have been prepared. The draft documents were provided to the board members in the packet that was mailed to them. General Manager Jorgensen stated the board members have received amended documents at the meeting that are the final ones to be voted on. Board members asked questions and were answered by Mr. Snideman and General Manager Jorgensen.

The resolution provided by Mr. Terry included the approval of the Impact Fee Facilities Plan and the adoption of the proposed impact fees pertaining to the South Willard Culinary Water System. The resolution provides the authority of the Bear River Water Conservancy District to collect and use impact fees for the South Willard Culinary Water System. General Manager Jorgensen went over and explained different aspects of the resolution and read parts of it to the board members.

Board Member Tyler Vincent made a motion to open the public hearing regarding the impact fees pertaining to the South Willard Culinary Water System. The motion was seconded by Board Member Dave Forsgren. Chairman Burt, Vice Chairman Rudd, Financial Chairman Thompson and Board Members Holmgren, Baugh, Day, Fridal, Adams, Vincent and Forsgren voted in favor of the motion.

Chairman Burt asked for any public comment. There were no public comments.

A motion to close the public hearing was made by Board Member LuAnn Adams. The motion was seconded by Board Member Roger Fridal. Chairman Burt, Vice Chairman Rudd, Financial Chairman Thompson and Board Members Holmgren, Baugh, Day, Fridal, Adams, Vincent and Forsgren voted in favor of the motion.

CONSIDERATION OF A RESOLUTION FOR THE APPROVAL AND ADOPTION OF THE IMPACT FEE FACILITY PLAN AND THE IMPACT FEE ANALYSIS AND THE SUMMARY THEREOF PERTAINING TO THE SOUTH WILLARD CULINARY WATER SYSTEM

CONSIDERATION OF THE ADOPTION OF THE ENACTMENT RESOLUTION FOR THE IMPOSITION OF IMPACT FEES PERTAINING TO THE SERVICE AREA OF THE SOUTH WILLARD CULINARY WATER SYSTEM

Board Member LuAnn Adams moved to adopt Resolution 01-2013 for the approval of the impact fee facility plan, analysis and summary and impose the proposed impact fees for the South Willard Culinary Water System. The motion was seconded by Vice Chairman Ross Rudd. Chairman Burt, Vice Chairman Rudd, Financial Chairman Thompson and Board Members Holmgren, Baugh, Day, Fridal, Adams, Vincent and Forsgren voted in favor of the motion.

Project Updates – Bill Bigelow and Bob Phippen

Systems Operator, Bob Phippen gave a slide presentation of photos from the Sleepy Hollow Spring development in Beaver Dam. The slides showed excavation of the spring, placement of a liner as a root barrier, installation of concrete collection boxes and the spring liner, adding the clay layer and the grading and finishing of the site. The project was necessary for this spring, as part of the water sources to the system, to come into DDW compliance and be approved. The spring development project is complete with the exception of laying new sod when the weather permits.

Trustee Reports – Board Members

LuAnn Adams: No Report

Charles Holmgren: reported the Canal Company will be holding the annual meeting next Wednesday night. Proxies have been sent out for those unable to attend to vote on a change to the articles of incorporation. The change would include different classes of stock. Currently all

of the shares are irrigation shares. The change will add municipal shares. The attorney for the Canal Company will be coming to the meeting to explain the new stock. Board Member Holmgren expressed his desire for the shareholders to approve the amended articles to allow the municipal shares. There was some confusion with the transfer of some Bear River City shares in 1981. He stated this is the first time that there has been no opposition for incumbent board members. The meeting will also deal with an increase in the assessments of \$2.00 per share.

Board Member Holmgren has been going to Salt Lake City with General Manager Jorgensen to attend legislative meetings. There is a lot of anger over Senate Bill 109 between water users and the League of Cities and Towns. General Manager Jorgensen explained Board Member Holmgren has replaced Dan Davidson as a board member for the Utah Water Users Association. The association has now formed an irrigator's caucus that is working with the Utah Irrigators Alliance to consider legislative issues.

Richard Day: No report

Dave Forsgren: No report

Roger Fridal: reported there is a remote possibility for a large water user coming in to use some of our water in the near future. He could not give more information at this time.

Tyler Vincent: expressed his appreciation of the General Manager's efforts and hard work to make sure the District complies with all of the laws regarding the impact fees.

Brent Baugh: No report

LaRall Thompson: No report

Ross Rudd: concurred with Board Member Vincent and expressed appreciation of the General Manager and all the time she puts in to keep us abreast of what is going on. She stated the impact fee process is complicated and it has to be done right to be in compliance and is not challenged.

Clint Burt: reported he talked with someone who told him we have more snow here than at 8000 feet. With the sun every day, it is melting pretty fast even though it is cold at night. He wanted to compliment the General Manager and the staff. She has put us on the map in the state, not only with water people.

General Manager's Report – Voneene Jorgensen

General Manager Jorgensen began by referring to the weather modification report that was included with the packet. It shows the snow water content in the Raft River as above normal at 104%. The Bear River Basin is at 85%. Western Box Elder County does need some help and the state is looking at some improvements. We only had four storms seeded because the inversion and cold temperatures were not conducive to seeding.

She then reported the contract with Brigham City for the USU Campus CDA has been reviewed by our attorney Craig Terry and has been signed by Chairman Burt for the District.

She received a call from Neil Capener of Riverside/North Garland Water Company. A bridge in their area is being replaced and entails relocating their pipeline under the Malad River. She agreed the District could help with plan review and contract review for them.

The Division of Drinking Water is requiring Bothwell Water Company to do a hydraulic model. She has offered them help with the costs for this up to \$5,000 to have this done for them by Hansen Allen & Luce.

The Park Valley School project design is near completion. Bill Bigelow will be turning that over to the School District soon for them to go out for bid.

Bill Bigelow is working on the record drawings for the Sleepy Hollow Spring in Beaver Dam. They will soon be submitted to DDW for the operating permit to use the spring in the system.

The audit is progressing. Cody Cardon of Wood Richards and Associates has been doing the financial compilation and begun the audit. He will come to our office on March 1st again to continue working on it. The audit will be reported at our annual meeting in March.

General Manager Jorgensen then reviewed some of the legislative issues that are being discussed in meetings she has attended. There is a Senate Bill 77 requiring the minutes and a link to a recording of a public meeting to be placed on the public website within a short time period after the meeting prior to the minutes being approved. She was concerned about the cost of the technology to do this for the District. The written minutes are the legal record of the actions taken at the meeting. Senate Bill 109 regarding the power of the State Engineer to review historical use of a water right has been a difficult issue. There is an amendment now giving municipalities preferential treatment by not requiring them to have the state engineer review water right change applications. She will continue to keep the board posted on legislative issues.

Financial Business – LaRall Thompson Approval of Financial Statements

The check register was prepared and provided to the Board Members in the packet that was mailed to them. The balance sheet was provided at the meeting. General Manager Jorgensen stated there was no income received to be posted for the profit and loss statement for January. Financial Chairman Thompson asked for the Board to review the financial 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, Fridal, 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 Board Member Richard Day. Chairman Burt, Vice Chairman Rudd, Financial Chairman Thompson and board members Holmgren, Vincent, Day, Fridal, Baugh, Forsgren and Adams voted in favor of the motion.

The meeting adjourned at 8:46 p.m.