

**Bear River Water Conservancy District
Board Meeting
Wednesday, August 28, 2013 7:00 p.m.
BRWCD 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, Roger Fridal, Brent Baugh, Dave Forsgren, Tyler Vincent, Jay Carter and Richard Day

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

Visitors: Bill Bigelow – Hansen Allen and Luce
Lance Postma
Paul Larsen – Brigham City

Invocation: Board Member Dave Forsgren

Adoption of the Agenda – Chairman Clint Burt

A motion was made by Board Member Brent Baugh to adopt 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, Adams, Baugh, Day, Fridal, Carter and Forsgren voted in favor of the motion.

Approval of the Minutes for the Board Meeting held July 31, 2013

The minutes of the meeting held July 31, 2013 were included with the packet that was mailed to the Board Members. There were no changes to the minutes. Board Member Roger Fridal commented on a statement in the minutes that insurance is required for employees working 20 hours or more. He stated the requirement is actually 30 hours. Board Member Adams acknowledged she had misstated the requirement.

A motion was made by Board Member Richard Day to approve the minutes of the meeting held July 31, 2013 as written. The motion was seconded by Board Member Roger Fridal. Chairman Burt, Vice Chairman Rudd, Financial Chairman Thompson and Board Members Holmgren, Adams, Baugh, Day, Fridal, Carter and Forsgren voted in favor of the motion.

Project Updates – Bill Bigelow

District Engineer, Bill Bigelow reported on the completion of the project for a water tank at the school in Park Valley. He inspected the project on Monday. The storage tank is to be used as a peaking source so they don't have to pump their well so hard. They are using the well to flush toilets and temporarily, bottled water for drinking. He received a copy of the successful bacteriological report and will be applying for a temporary operating permit until the chlorinator is installed. Once the operating permit is obtained the storage tank will provide sufficient water for the all school's needs.

Collinston Project

Mr. Bigelow then reported the Collinston project is moving along. Progress is being made with the blending plan with Ukon's and Deweyville's water. The blending plan has to be approved by the state before the project design can be completed. He has been talking with Blaine Rupp to purchase land for the storage tank and easements that need to be purchased. There will be pipelines owned by the District in the area of the Ukon Tank that will require easements. There will also be an easement needed to get up to the tank. He is working on soil tests and there will be a crew starting those. He has started working on the NEPA process. It should go smoother working with the State than it was in Beaver Dam with the Army Corps. We are also starting a pre-qualification process to qualify contractors to bid on the project.

General Manager Jorgensen explained the blending plan has been very complex and difficult with different flow rates for the springs involved and different amounts of arsenic at different times of the year. She will be having a conference call with the Division of Drinking Water on September 3rd to go over all requirements for the committal of funds. She and Bill met with Tommy Vigil of UDOT and were told that UDOT's shuts-off date is October 15th for any construction on state highways. The District won't be able to start construction on the Collinston project before then because we need to get all the paper work done. We will be holding off until February to start. The bond closing will be scheduled during the conference call. It will probably be about January 15th with the bidding for the project in December. She and Bill believe it will be a better bidding season for us. This is the project schedule that will be proposed to the Division of Drinking Water. It will give us a well thought out and well-designed project with time to have all the requirements completed with proper procedure. It will also give the contractors time to get their bid requirements. The District can still meet the completion deadline of December 2014.

Chairman Burt commented about the variance of the arsenic. Mr. Bigelow stated it has been studied and records from Ukon show each spring is a little different. We will work closely with Ukon to make sure it is working well and they will be responsible to take enough water for compliance.

Board Member Vincent arrived at the meeting during the report on the Collinston Project.

Trustee Reports – Board Members

LuAnn Adams: reported on her husband's recent health issues. She corrected her statement at the last meeting about the requirement for insurance is 30 hours and not 20 hours as she stated. She then reported on the success of the recent County Fair. A new building replaced one that was not very safe and was done with money the county had been saving for a long time. Board Members

expressed appreciation for the fair and wanted her to commend the committee. There was a great rodeo and all of the volunteers made it possible.

Jay Carter: commented on the school tank project in Park Valley. It was the first day of school Tuesday. They would not have been able to hold school without the new tank. The power was out in the area so they could not have pumped water for restrooms.

Charles Holmgren: reported the Canal Company is pulling hard on the river and has used 12,000 acre feet more than at this time last year. He reported on a meeting to be held tomorrow regarding a dispute with Idaho canal companies and Pacificorp. There are some details in the Bear Lake settlement agreement that need to be resolved. He is hoping to get 5,000 to 10,000 acre feet additional water to use until October. He was watching the weather report. During the last three months new temperature records have been set making 2013 the hottest summer on record. The Canal Company Manager, Darren McFarland is trying to get an understanding to use the Canal Company's natural water and not have the Bird Refuge take any on October 1st. He hopes for a good wet winter to recharge Bear Lake. Crops are ahead of last year so they won't have to pull so much water for them. Board Member Holmgren commented on Governor's water conferences that were held. He admired the efforts and patience of the General Manager and the work she puts out to help the people of the state with participation in the Governor's program.

Richard Day: reported most subdivisions in South Willard are out of secondary water. Pineview has shut them off. Therefore, culinary will be used to water those lawns. He is hoping to get the secondary water system going by next summer.

Dave Forsgren: No report

Roger Fridal: reported he went to the fair and rodeo. A man talked to him at the fair and thanked him for the water pressure at Country View Subdivision. They have a temporary fix that is working for them.

Tyler Vincent: agreed with the comments that the water situation is very scary. Our community is concerned. We have had a very dry summer. Brigham officials are keeping a close eye on the mountains for fires. General Manager Jorgensen stated the fire hydrants in Harper Ward and South Willard are now available in case of fires.

Brent Baugh: reported the area is fortunate the church donated money to make the hydrants possible. He explained changes the church is making which will make it a long time before growth will warrant a new church building in Harper Ward.

LaRall Thompson: commented on the fair. There were a lot of accomplishments. Many told him this is the best one they ever had. He did not hear any negative comments. Everyone worked together.

Ross Rudd: agreed with the comments on the fair and the good condition of the grounds.

Clint Burt: commented on the fair stating he worked the auction for many years. It is staggering how 700 animals can be sold so far over market price.

General Manager's Report – Voneene Jorgensen Interlocal Cooperation Agreement - Brigham City

General Manager Jorgensen explained Paul Larsen brought the Interlocal Cooperation Agreement between the Redevelopment Agency of Brigham City and the District to the last meeting and copies were given to the Board Members to review. General Manager Jorgensen stated she has read the agreement and drafted a resolution for the Board to agree to enter into the agreement. Mr. Larsen was in attendance to answer any questions the Board might have. General Manager Jorgensen explained the agreement provides that the Redevelopment Agency of Brigham City will be given any tax increment funds for Block 2, RDA #1 over the next twenty years for development of the Dance Academy RDA. She read Resolution 04-2013 stating the District's intent to enter into the agreement providing the tax increment revenues.

Board Member Roger Fridal moved to adopt the Resolution 04-2013 entering into the Interlocal Cooperation Agreement with the Redevelopment Agency of Brigham City for RDA #1. The motion was seconded by Vice Chairman Ross Rudd. Chairman Burt, Vice Chairman Rudd, Financial Chairman Thompson and Board Members Holmgren, Adams, Baugh, Day, Vincent, Fridal, Carter and Forsgren voted in favor of the motion.

Cache Valley Property

General Manager Jorgensen explained she received a letter from Lance Postma stating his desire to purchase the District's Cache Valley property. His letter was included in the packet mailed to the Board Members. Mr. Postma presented his business plan at the meeting in June and spoke to the Board to report his findings after meeting with representatives from UDOT. He was told there are two granted right of ways for the property and he would have no problem with obtaining the access. He may have some engineering costs. He has not been able to speak with power authorities to confirm power to the property but he assumes there is power to neighboring buildings. He has spoken with county officials and found there is no problem with re-zoning for retail use and he will need septic tank and water facilities.

General Manager Jorgensen explained she has spoken to the attorney and was advised the District has the authority to sell the property. It would be classified as surplus property. The attorney is looking into the process the District would need to follow for the sale. It is not used as collateral to any loan and there are no water rights associated with the wells. The District has a water rights filing but there was never an approved application. The property is leased on a yearly basis and the District is not obligated to continue the lease that expires on December 31st. There are 18 shares of Logan Cow Pasture Irrigation that were included with the appraisal. The property was appraised in 2008 for approximately \$199,000. Mr. Postma stated the discussion in the previous meeting was for a long term lease option but his bank did not look favorably at financing his improvements on leased property. Board Member Fridal stated the property has a value to Mr. Postma and the District could use the money for something that has value to the District. Chairman Burt explained he and Board Member Forsgren were on the Board when the property was

purchased. People in Cache Valley thought the District was going to steal water from them. This sale would make peace with some of the old timers.

Vice Chairman Ross Rudd moved to sell the Cache Valley property subject the process required and acceptance by Mr. Postma. The motion was seconded by Board Member Roger Fridal.

The board continued to discuss issues with the sale of surplus property. General Manager Jorgensen stated she is waiting for the attorney to get back to her on the required process for the sale of government property. Mr. Postma stated it would also be contingent on his financing. Board Member Baugh brought up issues with property tax that will need to be investigated. Mr. Postma has looked at the property tax issues. He said he can develop 5% of the property without changing the taxes. Mr. Postma would pay for an appraisal that will be required for his financing. Chairman Burt stated it is the seller that is responsible for paying the back taxes when the land is taken from greenbelt so that would have to be included in the price.

Board Member Brent Baugh proposed an amendment to the motion that we agree to pursue selling the property and the General Manager will take all the necessary steps to see that all legal requirements are met. The amendment was seconded by Board Member Richard Day. Chairman Burt, Vice Chairman Rudd, Financial Chairman Thompson and Board Members Holmgren, Adams, Baugh, Day, Vincent, Fridal, Carter and Forsgren voted for the amendment to the motion. A second vote was taken and all approved the previous motion that was amended.

General Manager Jorgensen referred the Board to information contained in their packet regarding the precipitation and reservoirs levels as of August 1st compared with last year.

Weather Modification

She has received the letter from the State regarding the Cloud Seeding Program for 2013-2014. The District has a standing motion to participate if Cache County participates. The State will fund up to 50% of the cost again this year. She needs to send in a letter of intent to participate to the State. When she receives the estimate of costs from North American Weather Consultants, she will bring the amount to the board for authorization to move forward.

Fall Conferences

The Utah Water Summit will be held on Wednesday, October 30th. The Governor will be there to report on the Utah's Water Future meetings that were held. They have a good agenda and she read some of the agenda items. She thinks it will be a good program. She asked the Board Members to let us know if they want to attend so reservations can be made.

The conference for the Utah Association of Special Districts will be held November 6th through 8th in Provo at the Utah Valley Convention Center. This conference includes the annual training for Board Members. The training can also be obtained by reading online or having LeGrand Bitter from the UASD come to our meeting and give the training. The training will be on the Thursday of the conference.

UASD Board Membership

General Manager Jorgensen explained her term on the Board of the Utah Association of Special Districts is expiring and she will need a resolution from the board to be nominated for her re-appointment. She stated it is a real asset to be involved in this board because she receives the information about any legislation that impacts districts. She would like to continue to serve on this board.

Vice Chairman Ross Rudd moved to approve Resolution 05-2013 to approve the nomination of Voneene Jorgensen to the Utah Association of Special Districts Board. The Motion was seconded by Financial Chairman LaRall Thompson. Chairman Burt, Vice Chairman Rudd, Financial Chairman Thompson and Board Members Holmgren, Adams, Baugh, Day, Vincent, Fridal, Carter and Forsgren approved the motion.

General Manager Jorgensen reported she is very happy to have the water tank at the Park Valley School completed.

She had a conference call with the Governor's office today regarding what comes next after the summer meetings. The Gang of 6 will each be giving a 10 minute summary at the Water Summit and writing papers on 4 subjects. They will then be analyzed and will be used to help formulate Utah's policies for water development.

She attended the canal safety committee meeting attended by Rep. Johnny Anderson. He wanted to know how we are going to improve canal safety. He wants a study to deal with the alignments of the canals. Debbie Roper and Bob Fotheringham and she discussed the work that had been done in Cache and Box Elder Counties. There have been 100 irrigation companies helped with compliance for the alignments and emergency response plans. They told Rep. Anderson that the program is working well and they would like support and funding to continue. With the support of Farm Bureau she hopes to convince him this is much less expensive and more effective. There was discussion about having a canal safety program like the dam safety program. Rep. Anderson favors legislation to mandate resolutions with cities and counties regarding encroachment on the bank of a canal. A land use task force will be meeting in October but with developers and the League of Cities and Towns in attendance, there will be resistance. Constituents from the Jordan Canal break area were very upset. Board Member Fridal suggested involving the Farmer's Union. In HB 60, it is stated the Division of Natural Resources must report on the response to the legislation. Small canal companies were not aware of the legislation but were grateful for the help provided to them.

She then reported announcements have been put in the papers for the job openings of Part-time Operator and Administrative Assistant. We are receiving applications. However, we may want to put off hiring the Part-time Operator now that the Collinston Project is not starting until February. We have had very few applications for this job opening.

At the fair, we received some appreciation from the people in Beaver Dam for the water. The people in Collinston are excited to have the water coming and we have 54 contracts signed.

Board Member Holmgren asked about when the public comment period ends for Utah's Water Future. It will close at the end of August.

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

The financial statements for July 2013 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 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 Tyler Vincent. Chairman Burt, Vice Chairman Rudd, Financial Chairman Thompson and Board Members Holmgren, Forsgren, Vincent, Fridal, Baugh, Day, Adams, and Carter voted in favor of the motion.

Unfinished Business – Chairman Clint Burt

There was no unfinished business discussed.

Public Comment

There were no public comments.

Adjourn

A motion to adjourn the meeting was made by Board Member Richard Day. The motion was seconded by Vice Chairman Ross Rudd. Chairman Burt, Vice Chairman Rudd, Financial Chairman Thompson and Board Members Holmgren, Fridal, Adams, Day, Baugh, Vincent, Carter and Forsgren voted in favor of the motion.

The meeting adjourned at 8:33 p.m.