

MT. NEBO WATER AGENCY MEETING

Minutes of the Mt. Nebo Water Agency meeting, held on March 24, 2014, in the City Council Chambers of Salem City.

MEETING CONVENED AT: 8:30 a.m.

CONDUCTING: Mayor Randy Brailsford

Mayor Brailsford welcomed everyone and asked them to introduce themselves. Mayor Brailsford also welcomed Marcus Faust who will be present with this meeting by way of the phone. Marcus Faust is a lobbyist in Washington D.C. and has been involved in this process.

DIRECTOR'S PRESENT:

Mayor Randy Brailsford, Salem City's Director
Richard Davis, Spanish Fork City's Director
Gary Anderson, Utah County Commission's Director
Mayor Rick Moore, Payson City's Director
Gene Shawcroft, Central Utah Water District Director
Warren Peterson, Goshen Valley Local District Director
Danny Throckmorton, Highline Canal Director

ALTERNATE DIRECTOR'S PRESENT:

Mayor Steve Leifson, Spanish Fork City
Larry Ellertson, Utah County
Jamison Thornton, Highline Canal
Soren Christensen, Salem City
Tyler Coon, Goshen Valley Local District
Steve Clyde, Central Utah Water District

PUBLIC PRESENT:

Jeremy Sorensen
Wayne Andersen
Martin Larson
David Tuckett
Mark Sorenson
Greg Sorenson
Chris Hansen

STAFF PRESENT:

Steve Clyde
Junior Baker
Carylee Baker

Mayor Randy Brailsford again welcomed everyone and told them that Carylee Baker will be taking the minutes for this first meeting. He told everyone that this is Mt. Nebo Water Agency's first meeting and it has been advertised that it will take place.

SWEARING IN CEREMONY:

Mayor Randy Brailsford next informed everyone that the swearing in ceremony needs to take place and Jeff Nielson from Salem City will proceed with that. Jeff Nielson asked if they want the Director's and Alternates together or done separate. It was decided among everyone that they will do both of them together. Mr. Nielson proceeded to give the oath of office to the directors and alternate directors.

APPOINT CHAIRMAN OF COMMITTEE:

Mayor Brailsford proceeded by telling everyone that it is now time to appoint a chairman to be over the committee.

MOTION: Gary Anderson nominated Warren Peterson.

SECONDED BY: Mayor Rick Moore

Nominations closed by acclamation.

VOTE: All Affirmative

Mayor Randy Brailsford then turned the meeting over to the newly appointed chairman, Warren Peterson.

APPOINT OTHER OFFICERS:

Warren Peterson proceeded by asking for a vice chairman to be appointed and reported that the chairman and the vice chairman shall be appointed to serve one year terms.

MOTION: Mayor Randy Brailsford nominated Gene Shawcroft.

SECONDED BY: Richard Davis

Nominations closed by acclamation.

VOTE: All affirmative

Warren Peterson said the other office that is called for in the agreement is secretary/treasurer.

MOTION: Mayor Randy Brailsford nominated Richard Davis.

SECONDED: Gary Anderson.

Nominations closed by acclamation.

VOTE: All affirmative

FILING INTERLOCAL AGREEMENT WITH LIEUTENANT GOVERNOR:

Warren Peterson said the first thing they need to do is get a signature copy of this agreement. Warren asked Junior Baker if they are ready to sign it. Junior said the code requires a certified copy of the inter-local agreement to be submitted to the Lieutenant Governor's office for this group to become formally recognized. The Lieutenant Governor's Office then will issue Mt.

Nebo Water Agency a certificate stating that they are now recognized as a legal entity Junior said they need signed copies so the Agency has a fully executed copy. They also need to make sure all the members have a copy of it. Junior asked if there is anyone that has done one of these agreements previously that would be willing to help. Junior said since this is a fairly new requirement, he has not done one previously, but would be willing to go step by step through the code and try to figure it out. Junior said if there is anyone that is already familiar with this new requirement, it might be well to speed up the process up if they would be willing to advise us on this matter.

Warren Peterson said it would seem appropriate for the board to designate someone to be responsible to gather all the signatures. Gary Anderson said Junior Baker has done such a great job so far and asked if he would be willing to do that. Junior said he would, but asked all the Directors if they would help him with their entities in getting the signature page signed, scanned, and sent to him. Junior told them that their county clerk and attorney need to sign it before it is ready to give to him. Warren Peterson asked the board if he could assign their secretary/treasurer, Richard Davis, to work with Junior to get a signature final of the document prepared and have it circulated among them.

Warren Peterson said they will need a motion to have the secretary/treasurer take the final document when it is complete and file it with the Lieutenant Governor.

MOTION MOVED BY: Gary Anderson

SECONDED: Rick Moore

VOTE: All Affirmative

DISCUSSION OF BYLAWS:

Warren Peterson asked Junior to talk about this. Junior said one of the first actions that the board needs to take is to adopt some bylaws. Junior said he asked Central Utah Water to bring theirs and he thanked Gene Shawcroft for bringing that. Junior said he also brought some bylaws that he got from SUVMWA which is a similar type entity in South Utah County that consists of the ten cities in South Utah County. Junior said he also had Jamison Thornton bring the Highline Canal bylaws so they have some examples of what needs to be done. Mayor Randy Brailsford said he would like copies to be made of those and distributed to the Directors so they can review them, and discuss this at the next meeting. Mayor Brailsford would also like the alternate Directors to be given a chance to look at these copies also, so they can give the committee their input. Richard Davis said he would help Junior in getting copies of these to everyone. Warren Peterson said this is a good idea since the committee doesn't have anything to consider at this point. Warren said, as this is a technical matter where this is a public agency instead of a corporate agency, it would be good to refer to those as Rules of Operation or Administrative Code since Bylaws is a term used in a corporate context. Gene Shawcroft will send a copy of the Central Utah Water Conservancy District administrative code by e-mail since it is so large, and Junior will distribute hard copies of Strawberry Highline and SUVMWA bylaws this morning.

DISCUSSION OF MISSION STATEMENT:

Warren Peterson asked what the group wants the mission statement to be. Junior said a few weeks ago Highline Canal put a draft together that he felt like would be a really good start. Junior proceeded to hand out a copy of that to everyone. Mayor Randy Brailsford suggested they have time to look it over and discuss it more at their next meeting to make sure they do it right. Warren suggested they keep it simple.

MOTION: Warren Peterson made a motion to defer this until next meeting.

SECONDED: Mayor Rick Moore

VOTE: Affirmative

DISCUSSION OF COMMITTEES:

Warren Peterson asked the board if any committees should be established at this time. Warren suggested that the technical committee should be focused on the major project that is before them at this time, and asked if they are ready to create a technical committee and identify members to do that and charge them with the responsibility or is that something that they want to try to develop through the administrative code?

Marcus Faust asked if he could make a comment by phone. Warren Peterson said yes. Marcus Faust said that in his experience that he has had representing other similar agencies and authorities, the technical committee is a critically important committee whose ongoing responsibility is to work together with the technical expertise of all of the individual members to create opportunity for advanced supply and reliability and unless they have a group charged with the ongoing responsibility to help as an agency to interconnect for just fire reliability. Marcus asked them to broaden the concept of what the technical committee's responsibilities are beyond the obvious first responsibility which is to enclose the Highline Canal, and also to look at it more broadly on an ongoing basis, weighing in which the technical committee can bring back to the board their recommendations to enhance the water supply and the liability of the agency and its members on an ongoing basis.

Gary Anderson said he would think that with each project they do, they would bring in experts or consultants they need for that particular project. Gary said from what he understands with what Marcus has said that they would need an ongoing permanent technical committee to advise the board, and he said from his standpoint, the obvious person to help from the County would be Richard Nielsen who is their public works director, and he would be really good. Gary asked if it would be appropriate for each of the Directors to designate someone like that to form the permanent technical committee and they can advise what would be needed for each project. Warren Peterson said it is really important to look at the technical committee in a broader context as Marcus has suggested. Richard Davis said it would be good to have at least an engineer or two from each city or district to help on this. Warren Peterson said finance should be a part of it too, and Marcus Faust suggested they have a separate finance committee.

Warren Peterson also suggested having some legal participation on it too, since the agency is just beginning.

Gary Anderson made a motion to establish a legal overview committee, and the chairman of that committee would be Junior Baker, and each entity on the board would designate a legal representative to be on that committee.

MOTION: Gary Anderson

SECONDED: Rick Moore

VOTE: Affirmative

Richard Davis asked that Gary Anderson act as liaison on that committee to the Board.

Mayor Randy Brailsford said he would like to nominate Wayne Andersen as Chairman of the Technical Committee, Gene Shawcroft as the liaison to the board, and each member of the agency will appoint someone to be on that committee.

MOTION: Mayor Randy Brailsford

SECONDED: Danny Throckmorton

A discussion took place as to whose representative Wayne Andersen would be. Mayor Brailsford withdrew his motion and the motion was tabled until next meeting.

DISCUSSION OF AN AGENCY LOGO:

Warren Peterson made the suggestion that they defer this action.

MOTION: Gene Shawcroft

SECONDED: Gary Anderson

VOTE: Affirmative

DISCUSSION OF ADMINISTRATIVE MATTERS:

Warren Peterson made the suggestion that they need to decide how they are going to prepare minutes for these meetings, setting up the notices under the open public meetings act, and they also need to establish a calendar of meetings for this group as it is mandatory under the open public meetings act. They need to approve and make available the minutes of the entire meeting.

Warren Peterson said they also need an address for the agency. For the time being it will be the Spanish Fork Canyon Field Office of the Central Utah Water Conservancy District and that will be the place for those meetings as well. Junior Baker said it needs to be posted at that location and it needs to be put on the State public notice webpage, and if any other entities request notice, it needs to be provided to them.

Commissioner Anderson volunteered the Utah County staff to provide the agenda, notices, and minutes.

Mayor Rick Moore made the motion that Utah County will supply the agenda and minutes for the meetings.

Mayor Randy Brailsford said it would be helpful if the Director's had the name and phone number of the person that is going to do it so they can contact them if there is a question.

MOTION: Mayor Rick Moore

SECONDED: Gary Anderson

VOTE: Affirmative

DISCUSSION OF FREQUENCY AND LOCATION OF MEETINGS:

Warren Peterson asked where the next meetings should be and how often. He suggested that they adopt an annual meeting schedule with quarterly meetings. This meeting could be the meeting for the first quarter of this year

Warren proposed the fourth Monday of the last month of each quarter at 8:30 am to be the quarterly meeting schedule, with the place of meeting to be the Spanish Fork Field Office of Central Utah Water Conservancy District.

MOTION: Gary Anderson

SECONDED: Richard Davis

VOTE: Affirmative

Junior Baker asked Gary Anderson if he will take care of getting the annual noticed published and Gary said yes.

Warren Peterson said they will need legal counsel, and asked if they can continue to borrow Junior Baker for that purpose. Steve Leifson said yes. Gary Anderson said he is in full favor of that and asked if Central Utah Water Conservancy District will loan them Steve Clyde to work with Junior Baker. Both Junior and Steve agreed to do that. Warren said he doesn't feel that they need to make a motion on that.

Junior Baker said they need to discuss having a webpage, putting a map together, and entering into a contract with the Highline Canal as to how their involvement takes place and how they will coordinate that. Junior reported that the Highline Canal is not a government entity so they are not formally a member of the board. They need to be brought in through an extraneous contract. Junior said they also need to discuss a budget so the cities can budget for it.

Junior Baker reported that with Gene Shawcroft's help, they were able to put a map together that they handed out. Junior said they need to discuss the map today because it is an interlocal agreement and if the map needs to change a little, they need to get this done. Gene said his understanding on the map, the eastern line represents lands that were included in the Strawberry Water Project lands until it intercepts with I-15 and from there to the west they follow the Utah County line. Junior Baker said the northern boundary is the boundary between Spanish Fork City and Springville extending east and west with a straight line, and the rest of the map follows the Strawberry Water boundaries as best as they can. Mayor Randy Brailsford said the discussion on the map needs to be put on the next agenda. Junior said the interlocal agreement won't be complete until that map is done. Warren Peterson said they can't be acting as a public agency until the boundaries are set. Gene Shawcroft suggested they use the declaration boundaries from Mapleton through the intersection with I-15 on the east side and where they intercept I-15 and the Utah Juab county boundaries that they follow that to the west. Junior said that would be good. Warren Peterson said on the north it would be the boundary line between Springville and Spanish Fork. Junior said that that would extend east to west in a straight line. Warren Peterson said from I-15 to the west it would be the County boundaries. Wayne Andersen asked if the drainage areas that come into this area should be incorporated into this boundary too. Warren Peterson said they could look into that later, and adopt a new boundary at that time.

Junior Baker said he liked that as a proposal and Richard Davis made it a motion.

MOTION: Richard Davis

SECONDED: Mayor Rick Moore

VOTE: Affirmative

Warren Peterson said the webpage and the budget need to be on the agenda for the next meeting. The next meeting will be April 21st at 8:30 am, since Gene Shawcroft won't be available on April 28th.

OTHER BUSINESS:

Marcus Faust informed the committee that Washington DC has an interest in what is being done in this meeting. Marcus has talked to Senator Hatch and Representative Chaffetz and they are interested in the progress that is being made with this agency. Marcus said as they move forward it is good to maintain that level of communication and support as to what is happening because they are hearing from those that have opposed this agency.

Marcus Faust said he also talked to a representative of Northwest pipeline and they are all challenged because of a lack of funding. They would like to bring together a group of twenty or thirty people from around the west to create, with all the involved entities, a list of projects that are in progress and how they can fund pipeline projects. Marcus said he has been invited to participate in that and he will report back with the details of what happens.

Marcus Faust congratulated everyone in the progress they are making with this agency. He reported that he has never seen an agency come together as quickly in all of his experience, and they are all to be commended on it, and in twenty years they will see the fruits of their labors today. Marcus said as they look around the world today, it is the water infrastructure that make civilizations, and tell what they achieve. South Utah County is going to be ahead with what is being formed today with this agency.

Junior Baker said he has asked Sara Randle to come and take pictures of this historic event, and she will make available any pictures that anyone wants. These pictures can be used for the website that they form.

Mayor Randy Brailsford made the motion to adjourn.