

**Mt. Nebo Water Agency Meeting**  
**August 18, 2014**

**Board Members:** Chairman Warren Peterson, Goshen Valley, Vice Chairman Gene Shawcroft, Central Utah Water; Richard Davis, Spanish Fork City; Randy Brailsford, Salem City; Larry Ellertson, Utah County (alternate); Danny Throckmorton, Strawberry Highline Canal Company,

**Board Alternates:** Jamison Thornton, Highline Canal; Soren Christensen, Salem City; Tyler Coon, Goshen Valley; Steve Leifson, Spanish Fork City.

**Technical Committee:** Chris Thompson, Spanish Fork City; Chris Hansen CUWCD; Richard Nielson, Utah County.

**Staff:** S. Junior Baker, Angie Warner, Steve Clyde.

**Public present:** Jeremy Sorensen, David Tuckett.

Chairman Warren Peterson called the meeting to order at 7:36a.m.

**ADOPTION OF MINUTES**

Larry Ellertson presented changes to the minutes. Warren Peterson had previously emailed changes to the minutes.

Larry Ellertson **moved** to **approve** the June 23, 2014, amended minutes.  
Gene Shawcroft **seconded** and the motion **passed** with all in favor.

**STATUS UPDATE FILING INTERLOCAL AGREEMENT WITH LIEUTENANT GOVERNOR**

Junior Baker said this has become a bigger challenge than expected but he has received an EIN from the IRS, tax exempt status from State Tax Commission and a letter from the State Retirement Board. Those items were sent to the Lt. Governor's office asking for certification of existence. Mr. Baker received a reply that they cannot issue it because the map needs to be a plat. A plat can be costly and was not budgeted for so Mr. Baker requested some assistance from others for this process.

Gene Shawcroft commented that the details should be done so it shouldn't take too much time.

Junior Baker noted that the Utah County land surveyor would need to approve it as well.

Danny Throckmorton **moved** that Larry Ellertson & Gene Shawcroft work with Junior Baker to prepare a plat for filing with the Lt. Governor's office.

Richard Davis **seconded** and the motion **passed** with all in favor.

### **REGIONAL WATER PLAN PROPOSAL:**

Warren Peterson said that he and vice chair Gene Shawcroft had been discussion the next step for the Agency to become effective in regional water planning. Mr. Peterson proposed to have the Technical Committee start work to advise the Board on creating a regional water plan. He noted that there is not a chair of the Technical Committee appointed at this time so he suggested that the committee make nomination of the member to serve as its chair an order of business in their first meeting. Mr. Peterson presented the following proposal:

#### *Mt. Nebo Water Agency Water Supply Plan*

1. *Prior to next MNWA Board Meeting:*
  - a. *Survey previously conducted studies, including population growth projections and water supply plans.*
  - b. *Considering work previously conducted, develop the scope of work for a regional water supply plan for the area within the MNWA boundary.*
  - c. *Prepare a preliminary cost estimate and schedule for creating the plan.*
2. *Present scope, cost estimate, and schedule at the next MNWA Board Meeting.*
3. *Subsequent to next MNWA Board Meeting:*
  - a. *Revise scope based on Board comments*
  - b. *Prepare request for proposal*
  - c. *Conduct public procurement process*
  - d. *Manage consultants as they carry out work*

Gene Shawcroft commented that Highline has provided a great start on a regional water plan as part of planning the enclosure for the Highline Canal. He said it is not fair to impose the burden of regional planning on a private entity such as Highline. He thanked Highline for their work but it seems now with this agency created that it would be a great project for the Agency.

Gene Shawcroft **moved to proceed** with the Technical Committee completing items #1 & #2 listed in the Mt. Nebo Water Agency Water Supply Plan document presented and give an update next meeting. Danny Throckmorton **seconded** and the motion **passed** with all in favor.

## **DISCUSSION OF ADMINISTRATIVE CODE (BYLAWS)**

### Comments/Changes

Junior Baker said it was decided at the last meeting to have bylaws. This is a draft still waiting for changes or additions. Mr. Baker would like to have the changes made and ready for adoption at the next meeting.

Larry Ellertson reviewed his questions and corrections:

- Does a PO Box and zip code need to be included in the first paragraph?
- Page 2, Section 4 & 5: referencing article 7, make sure they are consistent.
- Article 7, Section 2: spell out fiscal year.

Richard Davis pointed out that it would be better to have the fiscal year match the calendar year because that is when the new city council members take office.

The board agreed.

Larry Ellertson continued:

-Section 2: compensation & allowances, asked if this includes or does not include regular board meetings. Mr. Ellertson asked to clarify the differences between training and regular board meetings. Mr. Ellertson noted that some travel farther than others for the regular meetings.

Junior Baker said the intent is that Board members volunteer their time for meetings, but time above and beyond board meetings could be reimbursed. Mr. Baker will change it for "out of area travel" and also change it to "may be reimbursed".

*\*Steve Leifson left the meeting.*

Larry Ellertson continued:

- Page 2, section B: the notice required for emergency meetings.

Junior Baker said he would add on page 3, if there is an emergency will follow the notice requirements of the Utah Open and Public Meetings Act.

Chairman Warren Peterson questioned the provision on page 3, allowing a majority of those voting as constituting Board action is there is barely a quorum. He said this would allow action

to be taken with approval from less than a majority of the Board. Mr. Peterson suggests that the wording be "a minimum of 4 votes or at least a majority of the Board".

Junior Baker pointed out that if we know that we have an important vote coming up that a board member could call in for that section of the meeting to be able to vote.

Larry Ellertson asked if we can notice each meeting with the telecommunications option and add it to every agenda.

Junior Baker said that he will add the telecommunications option to the bylaws.

Larry Ellertson continued:

- Page 6, custody of the seal, change to "responsible use of".
- Keep all financial books kept, say "responsible for".
- Records will be kept where? Junior's office or Salem City.

Junior Baker recommended that a file cabinet for the Mt. Nebo Water Agency be here at the Salem City Office.

Larry Ellertson continued:

- indemnification, are there other members beside the directors.

Junior Baker will indicate alternate directors and technical committees, etc.

Randy Brailsford made a **motion** to **table** the Bylaws to the next meeting. Richard Davis **seconded** and the motion **passed** all in favor.

#### **STATUS OF PROPOSED CONTRACT WITH STRAWBERRY HIGHLINE CANAL COMPANY**

Danny Throckmorton/Steve Clyde/Junior Baker

Danny Throckmorton said a draft was sent to Junior Baker and Steve Clyde and then they will take those changes and send it to the Agency.

Junior Baker said David Wright, who is counsel for High Line, submitted to Steve Clyde & himself a draft agreement that addresses the concerns of the High Line Canal Company. Mr. Baker said they sent comments back last week but there are still some issues to work through.

Chairman Warren Peterson asked that the contract be moved to the September 15<sup>th</sup> meeting agenda.

*Richard Nielsen and Dave Tuckett joined the meeting 8:18am*

### **AGENCY SEAL AND LOGO STATUS UPDATE**

Vice Chairman Gene Shawcroft said that Chris Hansen sent out some designs and did not receive much response. Mr. Hansen will resend the email to all again and to please email back your opinions so it can be narrowed down to be able to vote on it next meeting.

### **ADOPTION OF MISSION STATEMENT:**

Danny Throckmorton presented the mission statement:

*The mission of the Mount Nebo Water Agency is that through cooperation and collaboration the precious water resources in South Utah County can be protected and preserved for the benefit of agriculture, municipal, industrial, and future economic expansion.*

Chris Hansen commented that this proposal sounds great, but a few things need to be corrected grammatically. Mr. Hansen proposed a little change to the statement:

*The mission of the Mount Nebo Water Agency is to protect the precious water resources in South Utah County through cooperation and collaboration for the benefit of agriculture, municipal, industrial, and future economic expansion.*

Chairman Warren Peterson commented that the thoughts are all there and does agree with Mr. Hansen. Mr. Peterson proposed that Danny Throckmorton, Chris Hansen and he work together to finalize the statement.

### **REPORT ON BANK ACCOUNT:**

Junior Baker said they have an account setup at Zion's Bank with one issue. The bank only allows 5 authorized signers on the account where the Board wanted 7.

Junior Baker said he would like to have the five closest members so he does not have to be chasing all over for signatures.

Gene Shawcroft **moved** to **approve** the Chair Warren Peterson, Vice Chair Gene Shawcroft, Secretary Richard Davis, Randy Brailsford, & Rick Moore as signatory on the account. Larry Ellertson **seconded** and the motion **passed** with all in favor.

Randy Brailsford asked about the status of the Post Office box.

Junior Baker said as soon as he gets the names on the bank account then we will be able to issue a check to sign up for Post Office box.

### **BUDGET DISCUSSION:**

FY 2014

Junior Baker said he sent invoices out to all members except Highline Canal because we do not have their contract in place yet. The cost is equal across the board but High Line Canal, in the draft agreement, is asking about a lower cost. Mr. Baker received payment from Spanish Fork City and Salem City. Mr. Baker presented a W-9 form to other members so they make their payment. Mr. Baker said he is holding on to a few bills that are waiting to be paid and there is a need to purchase some supplies.

Chairman Warren Peterson asked if the tentative budget was adopted.

Junior Baker said yes and a hearing is scheduled for September to adopt the final budget.

### **TECHNICAL COMMITTEE REPORT:**

High Line Enclosure Meeting

Chairman Warren Peterson said there has not been a technical committee meeting yet and proposed that Chris Hansen act as the tentative chair until they have their first meeting where they can appoint a chairman.

Richard Nielson reported that some members of the Technical Committee have been working with Jay Franson of Franson Civil Engineers for a number of months as part of Highline Canal Company work to plan for enclosure of the Highline Canal. Mr. Nielson gave a quick overview of what was discussed at the meetings. Franson has put a preliminary timeline of 2016 to begin construction and a completion date of the summer of 2019.

Jamison Thornton said they are moving forward and waiting on submittals. Mr. Thornton said they are discussing financing and getting ready to go into predesign.

#### **DATE & LOCATION OF NEXT MEETING:**

Chairman Warren Peterson said the next meeting will be held Monday, September 15, 2014, at the Salem City Offices at 7:30 a.m.

Junior Baker noted that he will be absent from that meeting.

Tyler Coon commented that September 15<sup>th</sup> is a short timeframe for the Technical Committee to report back.

Chairman Warren Peterson said that the Board would like to just hear a status update.

Randy Brailsford **moved** to **approve** the next meeting to be held September 15, 2014 at Salem City Office at 7:30 a.m. Larry Ellertson **seconded** and the motion **passed** with all in favor.

#### **OTHER BUSINESS**

Randy Brailsford noted that once the Agency looks at the High Line Canal contract, know that this contract could potentially be a model for future contracts.

#### **ADJOURN**

Randy Brailsford **moved** to **adjourn** to a closed session to discuss personnel. Richard Davis **seconded** and the motion **passed** with all in favor at 8:48 a.m. The meeting then adjourned to a closed session.

Richard Davis **moved** to **adjourn** out of closed session and reconvene back to open meeting. Larry Ellertson **seconded** and the motion **passed** at 9:23 a.m.

Richard Davis **moved** to **adjourn**. Randy Brailsford **seconded** and the motion **passed** at 9:23 a.m.