

**Mt. Nebo Water Agency Meeting
November 17, 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); Jamison Thornton, Strawberry Highline Canal Company (alternate).

Board Alternates: Steve Leifson, Spanish Fork City; Tyler Coon, Goshen Valley.

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

Staff: S. Junior Baker, Shelley Hendrickson, Steve Clyde, Marcus Faust (via telephone).

Public present: David Tuckett, Marty Larson, Dan Ellsworth, Calvin Crandall, Jeremy Sorensen, Dave Oyler, Jeff Davis.

Chairman Warren Peterson called the meeting to order at 7:41 a.m.

Public Comment

There was none.

Adoption of Minutes

Discussion was held regarding changes to the minutes. Gene Shawcroft **moved to approve** the October 20, 2014 minutes with the noted changes. Jamison Thornton **seconded** and the motion **passed** with all in favor.

Status of filing Interlocal Agreement with Lieutenant Governor

Junior Baker reported that as far as he knew the Mylar of the plat was being circulated amongst the County Commissioners and that Larry Ellertson would be bringing it to this meeting. He said that the Lieutenant Governor's office wants a copy of the signed Mylar submitted electronically. The Mylar will need the Mt. Nebo Water Agency Chairman's signature.

Report on Sub-Committee

Randy Brailsford excused Soren Christensen from the meeting.

Randy Brailsford explained that discussion was held in the last meeting about putting together a sub-committee. He said that he would like to name the committee and get it approved. He proposed the following names for the sub-committee: Chris Hansen, Richard Davis, Soren Christensen, Richard Nielson, Jamison Thornton, Randy Brailsford and Warren Peterson. He recommended that the committee start to meet after the holidays. This will still give the committee a few months to meet before the Agency meets again in March of 2015.

**Larry Ellertson arrived to the meeting at 7:49 a.m.*

Randy Brailsford **moved** to **appoint** the sub-committee names as discussed. Richard Davis **seconded** and the motion **passed** with all in favor. Randy Brailsford explained what the purpose of the sub-committee would be.

Technical Committee Report

Regional Water Study – Chris Hansen explained that the technical committee had formulated what they think will work for an RFP for a regional water study. The committee proposes submitting an RFP in a two phase approach. The first phase would be to give the Agency a good summary of the information and to see if there are any gaps in the information. The second phase would be the full blown study. He asked the board for direction and whether or not what the committee is proposing was acceptable. Warren Peterson expressed the need to assign a value to the Cities' water studies and proposed that the Agency recognize back to the cities what they have already provided. Gene Shawcroft explained that the district would be pursuing a Regional Water Demand Study but that it will be in conjunction with this Agency and that they had not started. Gene Shawcroft **moved** to authorize the Technical Committee to prepare a scope of service for Phase 1 which would include a summary of: 1) the existing information, 2) identification of gaps, 3) a scope of work 4) an estimate of the value of the Cities studies, 5) a cost estimate for what the Highline has done, and 6) a recommendation for the planning work needed in Juab County. Randy Brailsford **seconded**. Richard Davis asked if it was going to cost the Cities more money. Chris Hansen said that the value of what the cities have already paid will be taken into consideration. Tyler Coon asked if a special meeting would need to be held before March in order to do the RFP. Junior Baker said "no" that this would be an agenda item for an Agency project. The motion was then **passed** with all in favor.

Highline Enclosure Status – Chris Hansen said that the Technical Committee had not talked about the Highline since the Agency's last meeting.

Forest Service Statement re Water – Discussion was held regarding the forest service proposing policy guidelines on ground water. Richard Davis said that this was brought up back in the 80's and asked if Calvin Crandall could remember the outcome. Gene Shawcroft said that he thought the comment period for the proposed policy guidelines had ended. Warren Peterson said that he felt it was still good to look into it.

Action on Contract with Washington Counsel

Warren Peterson explained that he had a problem with the reported \$30,000 payment to Mr. Faust to act as Washington counsel for the Agency because there had been no prior Board authorization for it and therefore there is no contract between Mr. Faust and the Agency. He said Mr. Faust had provided valuable work to help create and to advise the Agency and would like the Board to review the proposed contract. He said he has reviewed it and recommended approval of it. He noted that the proposed contract called for an hourly rate rather than a retainer and

that the proposed hourly rate is lower than typical for such services. Randy Brailsford expressed that he felt the Agency should go back to an hourly basis as needed giving the Chairman and Vice Chairman the authority to call on Washington counsel's services. Junior Baker said that the Board would need to discuss how that will work in the budget, as no sums are budgeted for that. Gene Shawcroft **moved to approve** the Chairman and Vice Chairman to work with Junior Baker and Marcus Faust to generate a contract based on an hourly rate on an as needed basis and that the chair and vice chair will determine when to use Marcus's services. Richard Davis asked how that would work in the budget. Junior Baker said that the Agency would need to hold a public hearing in order to amend the budget. Larry Ellertson **seconded** the motion. Discussion was held regarding Washington counsel. Marcus Faust explained what was currently happening in the Department of the Interior he then told the board that the draft agreement before the board today, which Junior Baker drafted, is exactly what the Agency just discussed. The motion then **passed** with all in favor.

Letter from Strawberry Highline Canal Company on Fee Assessment

Jamison Thornton explained that an invoice was sent, from the Agency, to the Highline Canal for just over \$13,000 and that the High Line Canal Board rejected the invoice. He read a letter dated November 7, 2014, from the Strawberry High Line Canal Company addressed to Chairman Warren Peterson of the Mt. Nebo Water Agency that read: The Strawberry High Line Canal Company (SHLCC) is in receipt of an invoice from Mt. Nebo Water Agency dated 10/27/14 and post marked 11/4/14. Pursuant to Section 1. Paragraph c. of the Participation Agreement between the Strawberry High Line Canal Company and Mt. Nebo Water Agency dated October 9, 2014 SHLCC respectfully objects to the proposed annual assessment. SHLCC would like an opportunity to meet with Chairman Peterson and Vice Chairman Gene Shawcroft to discuss in detail the rejection of the invoice and make an effort to come to an amiable solution. The letter was signed by Martin Larson, the President of SHLCC. Richard Davis expressed that he felt what SHLCC was doing relative to the annual assessment might happen and that maybe the SHLCC should not be part of the board, but advisors to the Agency. That way, he said, they wouldn't have to take care of the assessments but would still have a voice. Jamison Thornton expressed that he felt the High Line has worked to find solutions for the future relative to water and that they are not opposed to contributing but are opposed to paying for money that was never discussed or approved before being billed. They are analyzing and looking for ways to look at the future and not segregate areas but meet the needs of the future.

Gene Shawcroft expressed that he felt the Agency had done an excellent job in getting this Agency going and applauded the High Line Canal Company. He proposed accepting the SHLCC's letter and talking through a broader budget and contribution. It was determined by the board that the Chairman, Vice Chairman and Treasurer of the Agency will meet with the High Line Canal and report back to the board.

Meeting Schedule

Junior Baker explained that the 3rd Monday in January and February of 2015 were both holidays and that is why the next meeting was proposed for March. Discussion was held regarding meeting dates. Larry Ellertson **moved to approve** the following 2015 meeting schedule: January 15, 2015, March 16, 2015, May 18, 2015, June 15, 2015, August 17, 2015 & November 16, 2015. Randy Brailsford **seconded** and the motion **passed** with all in favor.

Other Business

Junior Baker explained that Shelley Hendrickson had received an email from Cameron Mansen, the Local Government Records Analyst for the State Archives notifying the Agency that state law requires a record officer to be certified. Junior Baker further explained that the Agency would need a records officer for GRAMA purposes and he proposed appointing Shelley unless the Board would like someone else. He said that if the Agency adds the record officer to the clerk description then no action will be needed. The Board agreed with Junior Baker's proposal.

Junior Baker explained that the computer he purchased, for Shelley, is a little over budget and asked for the board's approval for the difference (\$40.65) along with other miscellaneous office supplies.

Tyler Coon advised the Board of a meeting that would be held by the Utah Division of Water Rights regarding a ground water study in the Goshen area.

Gene Shawcroft **moved** to **adjourn**. Richard Davis **seconded** at 8:50 a.m.