

MONDAY, FEBRUARY 22, 2010

Minutes of the 738th meeting of the Metropolitan Water District of Salt Lake & Sandy

The Board Meeting of the Metropolitan Water District of Salt Lake & Sandy on Monday, February 22, 2010 began at 4:30 p.m. in the District's Board Room located at 3430 East Danish Road, Cottonwood Heights, Utah 84093.

The following Trustees were present:

Leland J. Myers	-Chair
John S. Kirkham	-Vice Chair
Lee Kapaloski	-Secretary
Donald Y. Milne	-Trustee
Tom Godfrey	-Trustee
David L. Buhler	-Trustee
Kathy W. Loveless	-Trustee

Also present:

Michael Wilson, General Manager
Michael DeVries, Assistant General Manager/Information Services Manager
Josh DeBry, Controller
Steve Slack, Assistant Operations & Maintenance Manager
Wayne Winsor, Engineering Manager
Annalee Munsey, Executive Assistant/HR Officer
Cláudia Wheeler, Environmental Services Manager
Shawn Draney, Snow, Christensen & Martineau
Tom Ward, Salt Lake City Public Utilities
Shane Pace, Sandy City Public Utilities
Mike Collins, Bowen Collins & Associates
Chris Finlinson, Central Utah Water Conservancy District
Steve Cain, Provo River Water Users Association
Mike Marchant, Brown and Caldwell
Shannon Bond, Stanley Consultants
Alan Packard, Jordan Valley Water Conservancy District
Bayne McMillan, River Oaks resident
Wayne Bickley, River Oaks resident
Betty Bickley, River Oaks resident
Barry Harman, River Oaks resident

Board Meeting Agenda

1. Call to order
2. Public comment
3. Consider ratification of Provo River Project Subscription Contract

4. Consider approval of resolution 1837 regarding the proxy for the annual meeting of the Provo River Water Users Association
5. Engineering Committee:
 - a. Consider approval of General Services Agreement(s) for surveying services
 - b. Consider approval of changes to chapter 16 of the District's Policies and Procedures
 - c. Reporting items
6. Conservation Committee report
7. Consider acceptance of financial reports
8. Consider approval of Board Meeting Minutes dated January 11, 2010
9. Reporting/Scheduling items
 - a. Legislative update
 - b. Budget schedule
10. Other Business
11. Items to be discussed at the next meeting
12. Closed session (if necessary)
13. Adjourn

Board Meeting

Call to order

At 4:36 p.m. the Chair called the meeting to order and welcomed board members, staff and guests.

Public comment

The Chair invited any public comment. No public comment was made.

Consider ratification of Provo River Project Subscription Contract

Mr. Wilson reviewed the four subscriptions contracts between the District and the Provo River Water Users Association. Changes were made to the 46,000 shares subscription contract. It was noted that Lehi City changed its capacity from 23 cfs to 9 cfs which impacts the pro ration of capacity and cost. This translates to a \$600,000 increase to the District. Mr. Wilson reported that by February 24th the financing for the Provo Reservoir Canal Enclosure project will be complete as well as the construction contract awarded.

Mr. Godfrey motioned to ratify all Provo River Project Subscription Contracts as amended; Ms. Loveless seconded the motion and it passed unanimously.

Consider approval of Resolution 1837 regarding the proxy for the annual meeting of the Provo River Water Users Association

Mr. Myers reported that the Executive Committee met and is not recommending any changes to the existing directors of the Provo River Water Users Association.

Mr. Kirkham motioned to approve Resolution 1837 regarding the proxy for the annual meeting of the Provo River Water Users Association; Mr. Kapaloski seconded the motion, and the motion passed unanimously upon roll call:

Mr. Buhler	-aye
Mr. Godfrey	-aye
Mr. Kirkham	-aye
Mr. Kapaloski	-aye
Ms. Loveless	-aye
Mr. Milne	-aye
Mr. Myers	-aye

Consider approval of General Services Agreement(s) (GSAs) for surveying services

Engineering staff has been working to confirm ownership and boundaries of tracts within the Salt Lake Aqueduct (SLA) corridor. Two surveyors were selected and awarded GSA contracts in August of 2009. Prior to award, it was expected that each survey assignment would take three to four weeks to complete. However, the complex and long history of these tracts has shown surveys to take substantially longer. Staff recommends awarding GSAs to Stanley Consultants and Project Engineer Consultants (PEC) to facilitate survey of the SLA corridor. The addition of two GSAs will not financially impact the approved budget.

Mr. Milne motioned to approve the General Services Agreements for surveying services; Ms. Loveless seconded the motion and the motion passed unanimously.

Consider approval of changes to chapter 16 of the District's Policies and Procedures

Mr. Winsor reported on the analysis conducted by Bowen, Collins & Associates. The tree and vegetation analysis reviewed the landscape within 20 feet of the Salt Lake Aqueduct (SLA), either side, for the entire SLA corridor. The following conclusions were provided: trees restrict access and roots may be a concern where the SLA has five feet or less cover. The report recommended that the SLA be monitored from within for roots where the aqueduct is shallow, remove existing trees and vines within 20 feet of the SLA centerline, remove all saplings and any new growth, and continue inspections of the pipeline. Based on the findings of the tree and vegetation analysis, staff recommends changes to Policy and Procedure (P&P) Chapter 16-7 which would not allow new trees or vines within 20 feet either side of the SLA corridor.

Mr. Kirkham motioned to approve the changes to chapter 16 of the District's P&P, with amendments noted; Mr. Kapaloski seconded the motion and it passed unanimously.

Conservation Committee report

Mr. Wilson summarized the conservation committee meeting. The State of Utah selected R&R Partners as the media agent for the Governor's Water Conservation Media Campaign which was the recommendation of the District and the member cities. The Conservation Committee discussed the funding for the Utah State University water audits. Staff will provide a list of Water Week activities in next month's board packet.

Consider acceptance of financial reports

Mr. Milne motioned to accept the December 2009 financial reports; Mr. Buhler seconded the motion, and the motion passed unanimously.

Consider approval of Board Meeting Minutes dated January 11, 2010

Mr. Milne motioned to approve the Board Meeting Minutes dated January 11, 2010; Mr. Godfrey seconded the motion and it carried unanimously.

Reporting/Scheduling items

Mr. Wilson reported on the legislative activities. The adverse possession legislation, Senate Bill 103, has passed both the House and the Senate. Senate Bill 172 has been expanded to include all local districts. The bill impacts the ability of local districts to levy taxes.

The Management Advisory Committee and Finance Committee meeting has been rescheduled for March 11th. The Board was referred to the budget schedule.

Other Business

No other business was discussed.

Public Hearing

Open Public Hearing

Mr. Kirkham motioned to open the public hearing; Mr. Godfrey seconded the motion and the motion carried unanimously.

Presentation of River Oaks de-annexation process

Mr. Wilson reported on the River Oaks de-annexation process. An area known as the River Oaks subdivision (approximately 1600 East Creek Road) is currently within Sandy City boundaries (paying property taxes to MWDSL) while receiving retail water service from Jordan Valley Water Conservancy District. Approximately 30-40 properties are included in this

subdivision. In January 2009, MWDSLs agreed with Sandy City to proceed with the de-annexation process.

On January 11, 2010 the Board approved resolution 1836 which initiated the withdrawal process of the River Oaks subdivision as outlined by state statute. Registered voters in the River Oaks subdivision received via mail a public hearing notice on February 1, 2010. In addition, notices were posted in the subdivision. This hearing will allow the public to ask questions and obtain further information about the proposed withdrawal and issues raised by it and allow for any interested person to address the board of trustees concerning the proposed withdrawal. Following the public hearing, the board on its next scheduled board meeting (March 22, 2010) will consider another resolution to approve or reject the de-annexation. It is anticipated that the process will be complete as early as April or May.

Public comment

The Chair invited any public comment. Mr. Bayne McMillan commented that the residents of the River Oaks subdivision are also taxed by Jordan Valley Water Conservancy District. Everyone agrees that there should not be two taxing entities. The residents are appreciative of this resolution.

Close Public Hearing

Mr. Buhler motioned to close the public hearing; Mr. Godfrey seconded the motion and it passed unanimously.

Mr. Kirkham motioned for the staff and legal counsel to prepare a resolution for the de-annexation of the River Oaks subdivision for approval at next month's Board meeting; Ms. Loveless seconded the motion and it carried unanimously.

Adjourn

At 6:07 p.m. Mr. Godfrey motioned to adjourn; Mr. Myers seconded the motion and the motion passed unanimously.

Chair

Secretary