

**MONDAY, NOVEMBER 16, 2009**

Minutes of the 736<sup>th</sup> meeting of the Metropolitan Water District of Salt Lake & Sandy

The Board Meeting of the Metropolitan Water District of Salt Lake & Sandy on Monday, November 16, 2009 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 Stocking, Operations & Maintenance Manager  
Steve Slack, Assistant Operations & Maintenance Manager  
Wayne Winsor, Engineering Manager  
Annalee Munsey, Executive Assistant/HR Officer  
Gardner Olson, Project Engineer  
Ammon Allen, Project Engineer  
Shawn Draney, Snow, Christensen & Martineau  
Tom Ward, Salt Lake City Public Utilities  
Jeff Niermeyer, Salt Lake City Public Utilities  
Mike Marchant, Brown & Caldwell  
Greg Loscher, Bowen Collins & Associates  
Chris Finlinson, Central Utah Water Conservancy District  
Alan Packard, Jordan Valley Water Conservancy District  
Mike Zuhl, R&R Partners  
Kristopher Cox, Haynie & Company  
Scott Reams, Haynie & Company  
David Robertson, Lewis, Young, Robertson & Burningham  
Scott Robertson, Lewis, Young, Robertson & Burningham  
Duane Jensen, Carollo Engineers  
Adam Murdock, CH2M Hill  
Jeff Budge, Provo River Water Users Association  
Keith Denos, Provo River Water Users Association

**Work Session Agenda**

1. Provo Reservoir Canal Enclosure Project
2. Salt Lake Aqueduct
  - a. Landscape Replacement Study
  - b. Relocation Alternatives in Sandy City
3. Other

**Board Meeting Agenda**

1. Call to order
2. Public comment
3. Finance Committee

- a. Consider acceptance of annual financial audit report
- b. Consider approval of Resolution 1835 appointing a representative to serve on the taxing entity committee for the Redevelopment Agency of Salt Lake City
- c. Consider approval of consulting contract for financial advisor services
- d. Report on review of quarterly check register and semi-annual investment report.
4. Consider approval of response to Government Records and Access Management Act (GRAMA) appeal
5. Engineering Committee
  - a. Consider approval of contract for final design of the Terminal Reservoir Replacement Project
  - b. Reporting items
6. Conservation Committee
7. Consider acceptance of financial reports
8. Consider approval of Board Meeting Minutes dated October 19, 2009
9. Reporting/Scheduling items
  - a. Consider cancellation of board meeting scheduled for December 21, 2009
  - b. Consider approval of meeting calendar for 2010
10. Other Business
11. Items to be discussed at the next meeting
12. Closed session (if necessary)
13. Adjourn

#### Work Session

#### Provo Reservoir Canal Enclosure Project

Mr. Jeff Budge, from the Provo River Water Users Association, and Mr. Adam Murdock, from CH2M Hill, presented an overview of the Provo Reservoir Canal Enclosure Project.

#### Salt Lake Aqueduct

The District's Policies & Procedures does not hold the District responsible for any landscaping replacement costs in the event the District would need to repair or replace the Salt Lake Aqueduct (SLA). The District commissioned a study to determine the cost if the District were to replace landscaping along the SLA in Sandy and along the entire corridor. The total expense for replacing landscaping in Sandy City is \$3.2 million and \$15 million along the 42 mile corridor. Based on the results of the study, the District will maintain its current policy.

The District also commissioned an alignment study to determine options to relocate the SLA in the boundary limits of Sandy City, thus not disturbing existing landscaping and structures. The three alternatives studied included abandoning the SLA and constructing a new pipe along a new corridor (specifically Wasatch Boulevard), lining the current SLA, or placing a new pipe next to the SLA. In summary, relocating the aqueduct does not appear to be a feasible option.

#### Other

No other business was discussed.

#### Board Meeting

#### Call to order

At 4:54 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.

**Finance Committee**

Mr. Scott Reams from Haynie & Company presented the findings of the annual financial audit report for FY 2009. He reviewed the audit opinion, financial highlight, and the management letter. Mr. Kirkham reported that the Finance Committee had reviewed the results of the audit.

**Consider approval of Resolution 1835 appointing a representative to serve on the taxing entity committee for the Redevelopment Agency of Salt Lake City**

The Redevelopment Agency of Salt Lake City has established a taxing entity committee which consists of six members, with two members appointed by the Salt Lake City School District, two members appointed by Salt Lake City, one member from the State Board of Education and one member from the following taxing entities: Metropolitan Water District of Salt Lake & Sandy, Central Utah Water Conservancy District, Salt Lake City Mosquito Abatement District, and Salt Lake City Public Library. The District will appoint a representative to serve on the taxing entity committee for a two year period from September 15, 2011 to September 14, 2013.

Mr. Kirkham motioned to approve Resolution 1835 as amended; Mr. Godfrey seconded the motion, and the motion passed unanimously upon roll call:

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

**Consider approval of consulting contract for financial advisor services**

Mr. Kirkham reported that District staff and the Finance Committee felt it was appropriate to review the contractual status of the District's financial advisor who has been serving the District for more than 11 years (since May 15, 1998). Requests for proposals were sent on October 23, 2009 to four firms offering financial advisor professional services: George K. Baum and Company; Lewis, Young, Robertson, and Burningham (LYRB); Wells Fargo; and Zions Bank Public Finance (ZBPF). Proposals were received from LYRB and ZBPF. George K. Baum and Company and Wells Fargo expressed interest in providing underwriting services rather than financial advising services.

Proposals from LYRB and ZBPF were received and distributed to the members of the Finance Committee, the Controller, and the General Manager for review and ranking. Both firms interviewed with the Finance Committee prior to the Board Meeting on November 16, 2009. The Finance Committee is prepared to make a recommendation to the Board.

Mr. Kirkham motioned to approve the consulting contract for financial advisor services to Zions Bank Public Finance; Ms. Loveless seconded the motion and it carried unanimously.

Mr. Kirkham motioned to recognize Lewis, Young, Robertson, and Burningham for their financial advisor services; Mr. Milne seconded the motion and it passed unanimously.

**Report on review of quarterly check register and semi-annual investment report.**

Mr. Kirkham reported that the members of the Finance Committee received and reviewed the quarterly check register and semi-annual investment report.

**Consider approval of response to Government Records and Access Management Act (GRAMA) appeal**

An Ad hoc committee, consisting of Mr. Kirkham, Mr. Godfrey, and Mr. Buhler, met and reviewed the GRAMA appeal. The committee recommended that the determination of the Board, together with a description of Mr. Garside's appeal rights, be mailed to Mr. Garside as soon as practicable. Per the records law, the committee erred on the side of disclosing not withholding information. The Board discussed the creation of a standard form for GRAMA requests.

Mr. Godfrey motioned to approve the response to the GRAMA appeal; Mr. Buhler seconded the motion and the motion carried unanimously.

**Engineering Committee**

Mr. Myers referred the Board to the items that have been reviewed and accepted by the General Manager. The project reports were included in the Board packet for review. The improvements to the twenty waste washwater gates at the Little Cottonwood Water Treatment Plant are complete and the results are significant.

The District solicited bids for the Corner Canyon Coyote Hollow Drainage and Erosion Mitigation Project. The Engineering Committee had not acted on the bids; therefore, the committee is recommending the Board approve the award of contract.

Mr. Milne motioned to approve the construction contract for the Corner Canyon Coyote Hollow Drainage and Erosion Mitigation Project to Wardell Brothers, not to exceed \$60,618.00; Mr. Kapaloski seconded the motion and the motion passed unanimously.

**Consider approval of contract for final design of the Terminal Reservoir Replacement Project**

The Engineering Committee reviewed three proposals for the final design of the Terminal Reservoir Replacement Project. The District has reached an understanding with member cities regarding cost allocation for the project. Capacity improvements would require the approval from the member cities.

Mr. Milne motioned to approve the contract for final design of the Terminal Reservoir Replacement Project to Bowen, Collins & Associates, not to exceed amount of \$699,850.00; Mr. Kirkham seconded the motion and it passed unanimously.

**Conservation Committee**

Mr. Kapaloski reported that the Conservation committee met and reviewed a draft of the Request for Proposals for the Governors' Water Conservation Media Campaign. Ms. Alane Boyd made a presentation to the Conservation Committee regarding the District's participation in an educational program.

**Consider acceptance of financial reports**

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

**Consider approval of Board Meeting Minutes dated October 19, 2009**

Mr. Milne motioned to approve the Board Meeting Minutes dated October 19, 2009; Mr. Kirkham seconded the motion and it carried unanimously.

**Reporting/Scheduling items**

Mr. Wilson recommended cancellation of the board meeting scheduled for December 21, 2009. A 2010 board meeting and committee calendar was included in the board packet.

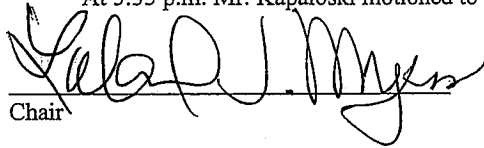
Mr. Kirkham motioned cancellation of the December 21, 2009 board meeting, unless otherwise needed, and approval of the board meeting calendar for 2010; Ms. Loveless seconded the motion and the motion carried unanimously.

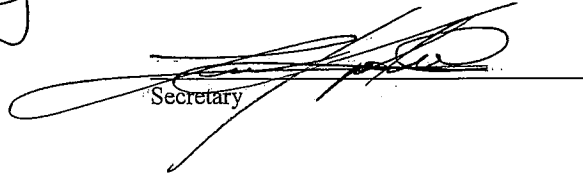
**Other Business**

The Board recognized and welcomed back Ms. Loveless.

**Adjourn**

At 5:35 p.m. Mr. Kapaloski motioned to adjourn and the motion passed unanimously.

  
Chair

  
Secretary

**METROPOLITAN WATER DISTRICT OF SALT LAKE & SANDY  
RESOLUTION NO. 1835**

A RESOLUTION REGARDING THE APPOINTMENT OF A REPRESENTATIVE TO  
SERVE ON THE TAXING ENTITY COMMITTEE FOR THE REDEVELOPMENT AGENCY  
OF SALT LAKE CITY

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WHEREAS, the Redevelopment Agency of Salt Lake City ("Agency") was created to transact the business and exercise the powers provided for in Section 17C-1-101 et seq. of the Utah Code, Limited Purpose Local Government Entities---- Community Development and Renewal Agencies (the "Act"); and

WHEREAS, Section 17C-1-402 of the Act requires that the Agency create a taxing entity committee for any urban renewal or economic development project area plan; and

WHEREAS, pursuant to Section 17C-1-402, the taxing entity committee for the Agency will consist of six members, with two members appointed by the Salt Lake City School District, two members appointed by Salt Lake City, one member appointed by the State Board of Education and one member "selected by majority vote of the legislative bodies or governing boards of all other taxing entities that levy a tax on property within the agency's boundaries, to represent the interests of those taxing entities. . . ." Currently those "Remaining Taxing Entities" are Metropolitan Water District of Salt Lake & Sandy ("MWDSL"), Central Utah Water Conservancy District, Salt Lake City Mosquito Abatement District, and Salt Lake City Public Library; and

WHEREAS, each of the Remaining Taxing Entities, desires, in lieu of election of a representative to the taxing entity committee, to rotate the appointment of the joint representative of the Remaining Taxing Entities to the taxing entity committee by allowing each Remaining Tax Entity the right to appoint a representative for a period of two years according to an agreed upon schedule.

NOW, THEREFORE, BE IT RESOLVED, that the person representing the Remaining Taxing Entities on the taxing entity committee for any redevelopment or economic development project area adopted by the Agency and the Salt Lake City Council for each two year period commencing on November 15, 2009 shall be appointed on a rotating basis by the governing board of the Remaining Taxing Entity listed below next to the specified two year period:

September 15, 2009 - September 14, 2011 Central Utah Water Conservancy District

September 15, 2011- September 14, 2013 of Metropolitan Water District of Salt Lake & Sandy

September 15, 2013 - September 14, 2015 Salt Lake City Mosquito Abatement District

September 15, 2015 - September 14, 2017 Salt Lake City Public Library;

BE IT FURTHER RESOLVED, that this district's GM will alert this board in advance of the date for each selection of a taxing entity committee representative for the Remaining Tax Entities. This will allow this board to determine whether it will revise or revoke this Resolution in advance of the selection process, and will allow for timely notice to other Remaining Taxing Entities.

APPROVED by the Board of Trustees of the Metropolitan Water District of Salt Lake & Sandy, this 16th day of November, 2009, upon roll call as follows:

David Buhler, Trustee	-aye
Tom Godfrey, Trustee	-aye
Lee Kapaloski, Trustee	-aye
John S. Kirkham, Trustee	-aye
Kathy W. Loveless, Trustee	-aye
Donald Y. Milne, Trustee	-aye
Leland J. Myers, Trustee	-aye