

MINUTES OF THE MEETING OF THE TRUSTEES  
OF THE CENTRAL WEBER SEWER IMPROVEMENT DISTRICT (CWSID)  
HELD MONDAY, DECEMBER 11, 2023 AT 5:00 PM, AT THE DISTRICT OFFICE  
LOCATED AT 2618 WEST PIONEER ROAD, MARRIOTT-SLATERVILLE, UTAH.

**Trustees Present:** Mark Allen, Bart Blair, Josh Blazzard, Leonard Call, Dale Fowers, Rich Hyer, Gage Froerer, Braden Mitchell, Russ Porter, Michelle Tait, Scott VanLeeuwen, and Rod Westbroek.

**Trustees Excused:** Neal Berube, Mike Caldwell, and Rob Vanderwood

**Others Present:** Kevin Hall, Camille Cook, James Dixon, Paige Spencer, Mark Anderson, Shawn Wilson, Keith Larson (Bowen Collins & Associates), Jeff Beckman (Bowen Collins & Associates), Ryan Child (Child, Richards & Associates), Jon Parry (Weber Basin Water Conservancy District), Darren Hess (Weber Basin Water Conservancy District), Parry Osborn (Hazen and Sawyer), and John Cardon.

**Call to Order**

Chair Allen called the meeting to order at 5:00 p.m.

The pledge of allegiance was led by Trustee Tait.

The invocation was offered by Trustee Blazzard.

**Public Comment**

There were no public comments.

**Minutes of November 20, 2023 Board Meeting Approval**

It was moved by Trustee Call and seconded by Trustee Mitchell as follows:

**That the November 20, 2023 Board meeting minutes be approved as presented.**

The motion carried by the affirmative vote of Trustees Allen, Blair, Blazzard, Call, Fowers, Hyer, Froerer, Mitchell, Porter, Tait, VanLeeuwen, and Westbroek.

**Ratification of Vouchers**

Camille Cook reminded the Trustees about vouchers that previously were approved by the Board prior to payment, and recommended ratification of the November 2023 Check Register, which is an itemized list of all payments made by the District during the month, in the total amount of \$5,990,783.76.

It was moved by Trustee Call and seconded by Trustee Hyer as follows:

**That the November 2023 Check Register be ratified and approved as presented in the total amount of \$5,990,783.76.**

The motion carried by the affirmative vote of Trustees Allen, Blair, Blazzard, Call, Fowers, Hyer, Froerer, Mitchell, Porter, Tait, VanLeeuwen, and Westbroek.

### **Consideration of Purchases, Capital Projects, and Expenditures**

James Dixon explained that the District currently takes sludge from the sewage treatment plant and holds it in digesters, where it is allowed to break down prior to being placed in drying beds located at the north end of the sewage treatment plant. When finished digesting, the sludge is run through belt filter presses to remove as much remaining water as possible.

The belt presses are located in the dewatering building, along with pumps, conveyors, an operations control room, and employee lockers. The building was constructed in 1995. A large portion of the building is heated by a direct-fired furnace, which pumps furnace exhaust into the building, rather than out through a flue or chimney. In November of 2023, operators found that the furnace can no longer burn clean enough, and carbon monoxide (CO) is being pushed into the building. While not immediately hazardous, CO levels are high enough to pose long-term health concerns. District staff members have attempted repairs and modifications, but were unable to eliminate the CO problem. In addition, digester gases (such as hydrogen sulfide and ammonia) and moisture from the sludge are also being released into the building, which can damage equipment and pose health risks to employees.

Due to the nature of the concerns and the criticality of the process, District management believes that an expedited response to the issue is justified.

The District approached the Hazen and Sawyer engineering firm about providing a design to correct the air quality issues in the building, and staff has negotiated a contract with the engineering firm. Kevin Hall advised the Trustees that he and Mark Anderson have reviewed the contract and are working to finalize edits to the contract. In response to a question from Trustee Mitchell, Mr. Dixon explained that the contract is limited to engineering services. Trustee Blazzard asked whether the system will be changed, or merely upgraded? Mr. Dixon responded that the new system must be more robust to handle the problems that are being encountered.

It was moved by Trustee Call and seconded by Trustee Porter as follows:

### **That a contract be awarded to Hazen and Sawyer for the HVAC re-design of the Dewatering Building at a cost of \$265,230, pending legal review.**

The motion carried by the affirmative vote of Trustees Allen, Blair, Blazzard, Call, Fowers, Hyer, Froerer, Mitchell, Porter, Tait, VanLeeuwen, and Westbroek.

### **Project Updates of Major Capital Projects**

James Dixon presented a financial and construction status update for major capital projects that are under construction.

The Hooper Pipeline Rehab Phase 2 Project is progressing well. The Project is on track to be completed in the Spring of 2024. The pipelines have been installed in the roadways, and the only portion of the work remaining is the installation of pipes in the fields. This Project includes uncovering manholes and lining sewer pipes.

The Phase 2 Expansion and UV (ultraviolet light) Project work curve has started to increase. District staff anticipates that the spend rate will remain high, and then slow down. This Project

will take years to complete. The contractor, Gerber Construction, has poured the concrete for the floors and is now building the walls. The Project is proceeding well. The contractor has been creative and responsive in dealing with existing pipelines throughout the Project area. Gerber Construction is starting with the chlorine contact basins as work begins on the UV portion of the Project.

### **Certification of Annexation/Withdrawal Petitions**

Kevin Hall advised the Board that the Annexation Petition submitted by 4608 Associates, LLC that was included in the Board meeting packet has been withdrawn. This property currently is part of the North Davis Sewer District. The petitioner plans to withdraw from the North Davis Sewer District before requesting annexation into the Central Weber Sewer Improvement District.

### **Consideration of Annexation Approvals**

Kevin Hall presented the following annexation approval Resolution for consideration by the Board:

Resolution 2023-21, Singletree Acres - a 10-acre residential development in Weber County.

It was moved by Trustee Hyer and seconded by Trustee Tait as follows:

**That Resolution 2023-21 be adopted, thereby approving the annexation.**

The motion carried, by a roll call vote, with Trustees Allen, Blair, Blazzard, Call, Fowers, Hyer, Froerer, Mitchell, Porter, Tait, VanLeeuwen, and Westbroek voting in the affirmative.

### **Consideration of the FY 2023 Audit Report**

Chairman Allen advised the Trustees that Trustee Berube, who chairs the Audit Committee, was unable to attend tonight's Board meeting. The Audit Committee met and reviewed the FY 2023 Audit Report, and recommend that it be accepted by the Board. Chairman Allen turned the time over to Ryan Child, who is with Child Richards, the firm that conducted the independent audit. Mr. Child reviewed the audit booklet that each Trustee received. Mr. Child stated that the audit went well, noting that this is the first full year fiscal audit since the District transitioned to a July 1 to June 30 fiscal year. The auditors recommended that the collection of impact fees be improved. Mr. Child stated that, in response to that recommendation, District staff members have worked to put a plan in place to collect impact fees in a more timely matter. Mr. Child asked if there were questions, and there were none.

It was moved by Trustee Westbroek and seconded by Trustee Blair as follows:

**That the FY 2023 Audit Report be accepted as presented.**

The motion carried by the affirmative vote of Trustees Allen, Blair, Blazzard, Call, Fowers, Hyer, Froerer, Mitchell, Porter, Tait, VanLeeuwen, and Westbroek.

## **Consideration of Impact Fee Study**

Kevin Hall reminded the Board that a Master Plan was approved earlier this year. With the Master Plan in place, the District has been able to move forward with the preparation of an Impact Fee Facilities Plan (IFFP) and an Impact Fee Analysis (IFA). Mark Anderson and Mr. Hall are revising the Impact Fee Policy for the Board's future review. Mr. Anderson and Mr. Hall are also working on an Impact Fee Resolution that will incorporate conclusions and recommendations from work completed by Bowen Collins and Central Weber staff to evaluate non-standard residential impact fees, as the Board previously requested.

Keith Larsen, with Bowen Collins & Associates, presented the impact fee study. Mr. Larsen reviewed growth charts showing additional residential units, pipeline improvements, and treatment plant projects that are included in the District's Capital Facilities Plan. Mr. Larsen explained that existing users should pay for some of the existing facilities and infrastructure projects, but new users should pay a proportionate share of the costs for growth and capacity projects. Although conservation efforts have improved, construction costs have increased significantly. Due to the increased costs, the impact fee is proposed to increase from \$2,631 to a maximum of \$3,537, as the base fee for FY 2024.

A hearing must be scheduled to receive public input on the proposed Resolution, the Impact Fee Facilities Plan, and the Impact Fee Analysis. It was recommended that the public hearing be included in the January Board meeting agenda. A public hearing notice, the IFFP, the IFA and the Impact Fee Resolution will be posted and made available to the public prior to the public hearing as required by law. The new impact fees may become effective no sooner than 90 days after the public hearing. Ms. Cook proposed that the fees be effective on July 1, 2024, which is the beginning of the District's fiscal year.

Chair Allen asked Mr. Larsen if most entities adopt the maximum allowed impact fee amount. Mr. Larsen and Mr. Anderson both stated that, in their experience, most districts adopt the maximum allowed impact fee per equivalent residential unit (ERU). Trustee Mitchell asked for a clarification that the recommended impact fee amount is per ERU, which was confirmed. Mr. Hall added that District staff will propose methods to calculate impact fees for multi-family units. Trustee Hyer asked if water use is based on the amount of water delivered to a particular customer or the amount of water discharged by the customer into the sanitary sewer system. Mr. Hall stated that either approach could be used when calculating the number of equivalent residential units to be served, but that the metered water amount is preferred because the data is more readily available.

Chair Allen asked if the District Board previously adopted the maximum possible impact fee amount. Mr. Larsen responded that, in 2018, the District chose to adopt the maximum allowed impact fee. Mr. Larsen reminded the Trustees that there will be a set base impact fee that will change from year to year due to various credits that will be applied, as reflected in the adopted impact fee schedule. The credits will diminish and expire over time, resulting in an annual impact fee escalation.

## **Set a Public Hearing to Receive Input and consider Approval and Adoption of the Impact Fee Resolution, Impact Fee Facilities Plan, and Impact Fee Analysis**

It was moved by Trustee Hyer and seconded by Trustee Porter as follows:

**That a public hearing be held on January 22, 2024, commencing at 5:30 p.m., to receive input and consider the approval and adoption of the Impact Fee Resolution and the Impact Fee Facilities Plan.**

The motion carried by the affirmative vote of Trustees Allen, Blair, Blazzard, Call, Fowers, Hyer, Froerer, Mitchell, Porter, Tait, VanLeeuwen, and Westbrook.

### **Consideration of Weber Basin Water Conservancy District Request**

Mr. Hall noted that an updated letter prepared by the Weber Basin Water Conservancy District had been printed and provided to each Trustee.

Jon Parry reminded the Board that the Weber Basin Water Conservancy District (WBWCD) mission statement includes meeting the water demands of our community and the environment and continuing to study water conservation plans and efforts, but it is flexible and can pivot as and where needed to serve the community. In accordance with state statutes, Mr. Parry presented a letter that laid out the plans for WBWCD's tertiary treatment plant. The letter purports to hold Central Weber harmless regarding the effects of the tertiary plant. The plan includes mitigating impacts to the Great Salt Lake. Central Weber staff and Trustee Hyer have not had any success in obtaining an opinion statement from the Great Salt Lake Commission regarding the potential impact of Weber Basin's proposed water reuse project on the Great Salt Lake. Mr. Parry asked the District to sign the letter, either by the Board Chair or by delegation to staff.

Trustee Mitchell noted that WBWCD currently has commitments to Ogden Bay and, by moving forward as stated in the letter, Weber Basin would no longer need to use snowpack to meet those commitments. Mr. Parry confirmed that Trustee Mitchell was not wrong -- WBWCD currently is using high elevation reservoirs to meet water conservation requirements.

Darren Hess stated that the public needs to understand that outdoor irrigation is detrimental to the Great Salt Lake. The majority of irrigation water evaporates and does not seep deep enough into the ground to get into the aquifer. In contrast, Mr. Hess stated that approximately 95% of water that is used indoors is released to the Great Salt Lake.

Trustee Hyer asked for clarification regarding the use of most of the water from the tertiary plant that will go into Willard Bay. Mr. Hess responded that water in Willard Bay currently is being utilized for irrigation and agriculture water purposes. Mr. Hess stated that WBWCD plans to build a drinking water treatment plant in that area in the future. Water in Willard Bay could then be treated for indoor water use. Trustee Hyer and Mr. Hess discussed the feasibility of locating a future water treatment plant near Central Weber's sewage treatment plant. That would make sense financially, but the public might not support a water treatment facility located next to a wastewater treatment plant. WBWCD is also looking at options to build the reuse facility near the new water treatment plant.

Mr. Hess stated that this is an important flagship water reuse treatment project. He recommended that Central Weber reach out to Tim Davis, the Great Salt Lake Deputy Commissioner, for input regarding the proposed water reuse project. Trustee Hyer will continue to work with Mr. Hall to obtain an opinion statement from the Great Salt Lake Commission.

Mr. Hess mentioned that he serves on the Great Salt Lake Trust Board, where he looks out for the interests of water districts. In response to a question from Trustee Mitchell, Mr. Hess stated

that the updated letter identifies the correct addressee and states that Central Weber's river permit levels will not need to change.

Mr. Hall mentioned that WBWCD has been responsive to comments from Central Weber's Long Range Planning Committee, which wants to separate the Central Weber Sewer Improvement District from the water reuse project, but Weber Basin will need Central Weber's cooperation to be able to connect to the sewage treatment plant to intercept the effluent.

Mr. Hess told the Trustees that, by co-signing the proposed letter, the Central Weber Board will be agreeing to work out the details with WBWCD. Mr. Parry stated that there will be a lengthy process during which public comments and buy-in by environmental partners will be sought.

Trustee Porter expressed a concern about litigation, which is addressed in the last paragraph of the proposed letter. Trustee Hyer noted that Central Weber's Long Range Planning Committee wanted to ensure that this effort is undertaken responsibly, and had liability concerns that are addressed by the hold harmless statement in the letter.

Trustee Froerer stated that the water reuse project will be a "game changer" for Weber County. He expressed his appreciation for WBWCD and the planning that has gone into addressing future water needs. Water is critical to growth in western Weber County, and this project will give Weber County the opportunity to participate in the growth the Governor has outlined. State Senate and House leadership have been involved with this plan and are supportive of WBWCD's efforts.

The Trustees discussed the option of tabling a decision until the January 22, 2024 Board meeting.

Mr. Hall asked the WBWCD representatives if they will have more details regarding where WBWCD plans to connect to Central Weber's system and have design information to share by the January 22, 2024 Central Weber Board meeting. Mr. Hess stated that they will not have started work on the design and will not have the details that soon. Mr. Hall also asked if WBWCD will know what water is intended to be used for the water reuse project, which may impact Central Weber's long term plans. Mr. Hess did not provide clarification on the planned water use.

It was moved by Trustee Michell and seconded by Trustee Hyer as follows:

**That consideration of the Weber Basin Water Conservancy District request be tabled until the January 22, 2024 Board meeting.**

The motion carried by the affirmative vote of Trustees Allen, Blair, Blazzard, Call, Fowers, Hyer, Froerer, Mitchell, Porter, Tait, VanLeeuwen, and Westbroek.

**Possible Closed Meeting Concerning Pending & Threatened Litigation, Purchase of Real Property and/or Personnel Issues**

There was no need to go into a closed session.

**General Manager**

Mr. Hall advised the Board that he and Ms. Cook met with Ogden City representatives regarding an impact fee that was recently assessed to an industry in BDO (Business Depot Ogden). The

impact fee calculation was based on projected wastewater discharges, which is expected to be very high. Trustee Hyer noted that YaYa Foods has met with Ogden City. Mr. Hall explained that Ya Ya Foods plans to send a formal appeal or request to the Board. Based on the District's Impact Fee Policy, Mr. Hall recommended that an evidentiary hearing committee be formed to be ready to hear the details of the appeal request. Mr. Hall added that a representative from the Governor's Office of Economic Opportunity expressed the support of the Governor's Office in bringing YaYa Foods to Utah.

Trustee VanLeeuwen and Trustee Tait left the Board room.

Chair Allen affirmed the need for an Impact Fee Appeals Committee to be in place. The four member Committee would have a temporary assignment to address impact fee appeals. Chair Allen appointed Trustee Tait, Trustee Call, James Dixon, and Camille Cook to serve on the Committee.

Mr. Hall and the Board thanked Trustees Blazzard and Fowers, who will be retiring from the Board, for their service and expertise on the Board and on the Long-Range Planning Committee.

### **Attorney**

Mr. Anderson had no additional business to present.

### **Other Business**

None.

### **Adjournment**

There being no further business to come before the Board, it was moved by Trustee Call and seconded by Trustee Blazzard as follows:

**That the Board meeting be adjourned.**

The motion carried by the affirmative vote of Trustees Allen, Blair, Blazzard, Call, Fowers, Hyer, Froerer, Mitchell, Porter and Westbroek.

Chairman Allen declared the meeting to be adjourned at 6:18 p.m.

Approved by the Board of Trustees of the Central Weber Sewer Improvement District on the 22nd day of January, 2024.

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Mark C. Allen, Chairman

ATTEST:

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Camille Cook, Clerk