

**AGENDA OF MEETING OF THE BOARD OF DIRECTORS
OF THE TOQUERVILLE SECONDARY WATER SYSTEM
BOARD OF DIRECTORS
WASHINGTON COUNTY, UTAH**

Board of Directors of the Toquerville Secondary Water System, Washington County, Utah
will meet in session at 5 p.m. on Wednesday, May 8, 2019,
at Toquerville Town Hall Toquerville, Utah.

AGENDA

- 1) Meter Information
 - a) Meter install update
 - b) Conservation Newsletter update
 - c) Water use stats
 - i) Ag water use comparison from 2018 to 2019
- 2) Water Users Request
 - a) Chris Andersen
 - b) Terry Brown
 - c) Allen Mills
 - d) Cholla Creek HOA agreement
- 3) Approval of Board Meeting Minutes on February 13, 2019

Dated this 6th day of May 2019.

TOQUERVILLE SECONDARY WATER
SYSTEM

By _____
Ronald W. Thompson, Secretary

**MINUTES OF MEETING OF THE BOARD OF DIRECTORS
OF THE TOQUERVILLE SECONDARY WATER SYSTEM
BOARD OF DIRECTORS
WASHINGTON COUNTY, UTAH**

Board of Directors of the Toquerville Secondary Water System, Washington County, Utah
met in session at 5 p.m. on Wednesday, May 8, 2019,
at Toquerville Town Hall Toquerville, Utah.

Meeting called to order at: 5:06 p.m. by Mayor Chamberlain

Attending: Mayor Chamberlain, Dave Jessop, Ron Thompson, Ty Bringhurst

- 1) Meter Information reported by Dave Jessop
 - a) Meter install update
 - i) Currently all meters installed, but just some issues on about 30 customers to resolve.
 - ii) Conservation Newsletter update
 - (1) Working on getting a newsletter developed to mail out to each customer to include:
 - (a) water use information and how they compare to similar properties in their neighborhood
 - (b) water efficient landscape tips
 - b) Water use stats
 - i) April 2018 to 2019 (please see attached slides of what Dave Jessop presented to the board)
 - c) Van Kleinman made a comment he's only getting his home water use from his meter account and not his ag information. Julie will get with him and troubleshoot to find and link accounts.
- 2) Water Users Request
 - a) Chris Andersen – points made:
 - i) Billing side of the secondary system not disclosed
 - ii) Attorney advised to try and seek a resolution before pursuing legal action
 - (1) Seeking what's appropriate and what's fair, mentioning statute of limitation for only 4 years back. Mentions Utah Code § 70-2-725 and Utah Code § 78B-2-309
 - (2) Refers to a Ponzi scheme of a “daddy's” mistake that even though he's been a beneficiary of using the water, he didn't know that the fees were not paid, or annual assessments were not being paid.
 - iii) He feels it's reasonable and fair to only pay 4 years back and sign the agreement
 - iv) Ron added that his home was using water for years, as an illegal connection and usually this is considered a felony offense.
 - v) Chris stated the culpability is not on him
 - b) Terry Brown – sent an email, did not appear (see attached).
 - c) Allen Mills – Kristy Mills presented
 - i) They were their own contractor and that when went to Chester he said that the irrigation water was paid for this impact fee of the city.
 - ii) Felt due diligence was done on their part to get all fees paid, but now 15 years later they have a bill

- iii) Also, recommends paying the 4 years for the statute of limitation as recommended by Chris
- iv) Ron understands where Mill's is at. However, when the meters were installed, illegal connections were found. Illegal connections are anomalies. Most residents paid the connection fee. The board can't make fair, but we tried to make it the best we can. So, we concluded to waive the impact fee but collect the annual water use.
- v) Anita spoke about Ash Creek Point subdivision, and how the irrigation system was set up with fees. Anita knew that she would need to pay a connection fee for secondary water access.
- vi) The board decided to check into the legality of the statute of limitations.
- vii) It was recommended to table the issue until a legal opinion can be given
 - (1) Ron made the motion to table this issue until consultation with legal counsel is made.
 - (2) Dave seconded the motion
 - (3) All voted aye.
 - (4) Ron motioned to keep the water users hooked up to avoid landscape damage but required water users to sign a water service agreement
 - (a) indicate in the agreement the amount owed is in dispute
 - (b) scheduled a board meeting for July 11 at 5 p.m. to resolve this issue and make a board action on the matter
 - (5) Dave seconded the motion
 - (6) All voted aye.
- d) Cholla Creek HOA agreement
 - i) Greg Walker spoke his concerns of the agreement being signed by the HOA board.
 - (1) Cross out paragraph #1
 - (2) Cross out paragraph #10
 - ii) TSWS board agreed to have the HOA cross out the paragraphs, initial the cross outs, sign it and get it turned into Julie.
- 3) Approval of Board Meeting Minutes on February 13, 2019
 - a) Ron made a motion to approve the minutes of February 13, 2019.
 - b) Dave seconded the motion
 - c) All voted aye.

Meeting adjourned at 6:10 p.m.

From: [Terry Brown](#)
To: [Julie Gillins](#)
Subject: TOQUERVILLE SECONDARY WATER SYSTEM - PROPERTY ADDRESS 1158 CHOLLA
Date: Wednesday, May 1, 2019 1:19:02 PM

Julie

Further to your letter of March 8, 2019 and my numerous calls to you about the TSWS water situation I want to set out our position with respect to the past annual assessments.

The March 8, 2019 letter indicates that the board met on June 11, 2018 and almost one year later we are just hearing about the water situation. In speaking with a few of our neighbors I also found out that you're not assessing everyone at the same time. You're doing a little at a time. Probably hoping that everyone won't catch on. Surprise it didn't work because the neighbors are talking about it.

Where I'm confused is the City of Toquerville knew when all the houses were built as permits had to be granted. Why wasn't the secondary water situation addressed with the original builders/owners (and in our case back in 2004)? You are now coming after us 12 years AFTER we purchased the house. As I mentioned to you we were told by the previous owners and possibly the realtor that the secondary water was included. Obviously we don't have anything in writing to that effect, it was just what we were told.

I can tell you that I have also consulted with an attorney. They indicated that without a meter how do you even know that we used any secondary water and without a meter there is nothing to show how much was used, if any. The meter was only installed last fall 2018 after the water system was turned off for the winter.

We are willing to pay the yearly fees of \$190.00 starting 2019 but have a hard time entertaining having to pay 12 years of past annual assessments. We want to try and work out a resolution and would consider signing the Agreement for Secondary Non-Potable Water Service. We would also prefer to send a check for the \$190.00 fees annually and that they fees not be included in our already high taxes.

When I mentioned some of this to you in my April 25, 2019 phone call you indicated that you would have to forward it to the board.

I trust we can come to a resolution of this matter. I look forward to hearing from you with the outcome of the board's decision.

Thank you for your time

Terry & Rodney Brown

1158 S Cholla, Toquerville

435-817-1336



Meeting Sign-In Sheet

TSWS MEeting
Date: May 8, 2019

Attendees

Print Name	Signature
Lynn Williams	
GREG WALKER	
Kristy Mills	
Ally Milk	
LONNY & BARRY CHANDLER	
Joccy Campbell	
Morgan Jensen	
Paul Heideman	
DAN JAMES	
SUSAN WHITING	
Van Heinman	
Rebecca Hansen	
Chuck William	
Chris Anderson	
Keen Ellsworth	
Anita Eaton	