



BOARD OF TRUSTEES MEETING MINUTES
October 6, 2021

Minutes of a public meeting of the board of trustees of the Washington County Water Conservancy District, held on October 6, 2021, at 533 East Waterworks Drive, St. George, Utah, with a work meeting beginning at 4 pm and a board meeting at 6 pm. Those board members present for the meeting were: Chair Ed Bowler, Ken Neilson, Chris Hart, Victor Iverson, Adam Bowler, and Michele Randall. Kevin Tervort was not present. Also present were General Manager Zach Renstrom and Associate General Managers Corey Cram and Brie Thompson. Jodi Richins, WCWCD legal counsel, Karen Barnum, Senior Accountant and Roberta McMullin, secretary, were also present. The other guests at this meeting are shown on the attached Attendee List.

Ed Bowler welcomed new board member Michele Randall.

The first item on the agenda was a **discussion of the budget being prepared for 2022**. Zach mentioned a few items that need to be considered in next year's budget. Social Security cost-of living adjustments could be going up by 6% next year, the highest increase since 1983. The cost-of-living adjustment is typically 2 to 3% so that is something to consider. Another issue is when the district gets engineers estimates and they are two to three times over the estimate because it is difficult for them to get material, the higher cost of the materials and having shortages with their labor. Zach asked how the cities are looking at cost of living adjustments, etc. There was discussion among the board about what their cities are doing and what Washington County is going to do. Washington City just gave a 6% increase across the board, Enterprise is looking at about 6% for a cost-of-living increase and Washington County is probably going to go up on cost-of-living increases and adjust their salary scale also. Zach said he will use 6% as a gauge and proceed forward. The preliminary budget will be presented at the November 17 meeting for consideration of approval.

Status reports on projects:

Lake Powell Pipeline – Zach said they are still working through models and getting that finalized so there hasn't been a lot of change since his last report.

Ash Creek Project – On a map of the reservoir site Zach showed where some wells owned by the district are located across the highway. A three-million-gallon tank will be built there soon. All around it is BLM land. Toquerville City is approaching the BLM about building a sports complex in this area. They want to put together some trails through district property to try and connect the proposed sports facility with the new reservoir. The sports field would be artificial turf. The wells the district has there are some of the best wells in the county. This sports complex is still very preliminary and will probably be down the road quite a few years.

Development of Secondary Water – Zach showed a map with Ivins Reservoir, Kayenta and Dry Wash on it. There is a reservoir site right in that area and the district has met with Ivins City about this proposed reservoir. Several landowners were upset, and the district agreed to start working with Terry Martin to limit the impact of it. Terry would like to move the reservoir and has suggested a proposed site where it could be moved to. Zach showed that proposed location and said it would be a difficult site. Terry suggested the district drill some test holes there. The cost to drill those holes would be \$130,000 and Zach said they decided that was too much money to drill holes. To put the reservoir where the district wants to would require about 5 acres of land from Terry Martin, but he doesn't want to do that and doesn't want the reservoir there. The district will continue to work with him. Mayor Hart said that Ivins needs this reservoir and that it is essential. Without it, Ivins will have to shut down growth.

This reservoir would be a part of the plan for secondary water in that side of the county (Ivins, Santa Clara, St. George west side). SITLA said they will put this on hold for one year, so Zach said the district needs to move on this quickly and put the pieces together to try and move it forward.

Manager's report –

Reservoir levels – Zach reported Sand Hollow Reservoir is at 70%; Kolob 50% and Quail Creek is at 58% but they are dropping it down to do some work. Gunlock is at 50%, so we have carryover for next year.

On a soil saturation graph Zach showed the improvement since the monsoonal rains came. Above Zion last year at this time, it was the lowest soil saturation ever recorded. It has come up to a little below average. If we can keep the soil saturation good, then the snow will make it to the reservoirs.

On a precipitation graph from National Resources Conservation Services (NRCS) Zach pointed out how the monsoonal rains have also helped raise the precipitation level.

Zach said the cities during this drought asked the district to come up with some **water conservation ideas and plans**. They wanted to do some things collectively on water conservation and wanted the district's help. He told the board the district has met with the homebuilders and with every city council.

Some things discussed and proposed for new homes were:

Indoors – hot water recirculation system

Outdoors – limiting landscape to 10% or a max of 750 sq. ft. Zach said there was lots of discussion on this one. Also drips systems for other landscaping had a lot of discussion. A requirement to plant approved trees and shrubs and pool covers were other possible ideas. An alternative to the maximum of 750 sq. foot landscaping would be to do a water certification and the homeowner would pay an application fee and get a water budget and choose how they want to use that water. This gives the homeowner more flexibility and the homebuilders association likes this idea.

Commercial – would have no negative impact on any of these conservation suggestions. Already efficient indoors. Outdoors lawns could be prohibited or limited unless they apply for waiver if they can demonstrate it is functional. Prohibiting decorative water features and misting only being allowed if it is over 90 degrees.

Golf course – Should new courses be prohibited? This has been a point of discussion. Some areas are allowing new courses but give them a water budget.

Zach suggested the next step would be to have a water summit for the city councils so they can talk to each other. We don't make the decisions; we are just helping the cities with ideas.

An **excess water surcharge** that this board has been discussing and working on for some time was discussed. Zach reminded the board that 20% of our water users are

using about 40% of the capacity. When a user goes over 36,000 gallons of water a month they would be charged a surcharge of a \$1.00 for every 1,000 gallons used over 36,000 gallons.

Zach said two questions that came up from public feedback were:

Large families – Zach said a study done in New Mexico showed that once they got to about six people in a household, the water use doesn't go up as much.

Cattle – a large bull in summer months will drink about 20 gallons of water a day and less than that in cooler environment. There are few people stock watering from city water, but it is only maybe only three or four who bring their cattle down for three or four months and then put them back on the mountain. For over 20 head of cattle, we would waive surcharge attributable to cattle watering.

There was some discussion if these excess water fees would be enough to deter use. Zach said this would still be a good start. He said he would bring the surcharge resolution back to the board next month.

Zach introduced *Wendy Crowther who is an attorney at Parsons, Behle & Latimer*, and has worked with the district about ten years on water right issues.

Zach asked Wendy to come and talk about water supply and water right matters.

Wendy reviewed the Regional Water Supply Agreement (RWSA) and came up with some discussion points and some recommendations and potentially revising it. The intent of the RWSA was to avoid having the cities doing take-and-pay contracts. This requires the district to do some capital facility planning.

As growth has occurred so rapidly one thing which is not clear in the RWSA is when there is shortage in the water supply who decides about usage and what mechanism is used to handle this.

The RWSA needs clear checks and balances to make sure development is not exceeding supply. She suggested one possibility is that the district provide will-serve letters if the water is available. Another option is to keep it with the municipalities unless a development is above a certain size, then they come to the district.

Wendy said there is no mechanism in place in the RWSA to limit growth based on water supply. The district doesn't have authority under the RWSA to say "no" to development. The cities retain this authority, but they keep developing until the

district says “no”. There are a lot of ways to go about this, but it needs to be resolved.

There was some discussion about water dedication. Wendy said the district could be requiring developers to dedicate water. Ultimately that dedication will have an impact on the impact fee.

Zach said he will have Jodi start working on amending the RWSA and working with the cities. Wendy suggested we will have to look at ordinances for cities while drafting this.

Introduction of new employee – Zach introduced Emily Kagan who will be an assistant to Brie.

6:00 PM Meeting

Zach introduced Tim Tippits with Western Mortgage and their engineer Karl Rasmussen. Zach said he talked to the board about this land swap at Dixie Springs with the board at the August board meeting. The district owns land north of sand Hollow Reservoir in the Green Springs area that is on a hill. The district will build a water treatment plant in this area sometime in the future. Western Mortgage approached the district and the school district who owns the other half of the hill regarding a property swap. The district would get flat land which would be better for the future water treatment plant. Zach said the district has two wells located on the existing property that we would need to retain, and we would need an agreement to protect the well protection zones. Karl Rasmussen showed the board the property on the screen. It is 30.536 acres and so it would be an acre for acre trade.

Zach said we cannot approve this at tonight’s meeting. Jodi will have to prepare a draft agreement and we will put it on the agenda for the next meeting.

The next item on the agenda was **consideration of approval of renewal of Finlinson & Finlinson agreement.** Last year the board approved the contract with Finlinson & Finlinson. This agreement is for consulting with the P60 group between Finlinson & Finlinson, PLLC, and our district and the other three water districts. Every year that contract has a provision that we must come back and renew the agreement. After discussion, the following motion was made

Ken Neilson moved to approve the renewal of the Agreement for Consultant Services with Finlinson & Finlinson. The motion was seconded by Victor Iverson and all voted aye

The next item of business was a **property easement request at Bench Lake**. The district owns property in Bench Lake and Zach showed the board the property on a map. It is in the south fields of Hurricane. The district purchased it when building Sand Hollow Reservoir because it has good clay on it. We have kept it for the clay for future dams. The City of Hurricane approached the district because they are having an issue with connectivity of water lines with all the growth. The city requested we provide an easement across the property on the north end for a pipeline. The developer agreed they would pay the district for it. They had an appraisal done and the appraisal valued the land at \$40,000 an acre and the easement was \$20,000. Zach disagrees with this value for the easement. The city said they will try and push the pipeline as close to the property line as possible. They have prepared a proposed easement. Zach said we always try and work with the cities as partners.

There was discussion. Chris Hart said he thinks it would be fair to ask them to harvest the clay for us because that is the purpose of the land for the district. Zach suggested if they harvest the material, we could accept the appraisal value. The easement is 20' and there are 1.55 acres.

Chris Hart made a motion to approve the easement as outlined under the condition they pay the appraised value and excavate to a depth of 20' and stockpile the clay. Michele Randall seconded the motion and all voted aye.

Ash Creek Dam Outlet Modification Project – Corey gave a report on the status of this project. Ash Creek Reservoir has a tower in middle of the reservoir where water flows in. The first step is to do a modification of the tunnel. This was put out for bid and the low bidder was Whitaker Construction for \$254,650. The other bidder was Interstate Rock for \$457,900.

Michele Randall moved to approve the bid to Whitaker Construction for \$254,650 for constructions services for the Ash Creek Dam Outlet Modification Project. The motion was seconded by Chris Hart. All voted aye.

Approval of P card for Emily Kagan, new employee:

The next item on the agenda was to consider approving a purchase card for a new employee, Emily Kagan, introduced earlier in the meeting.

Ken Neilson moved to approve a purchase card for new employee Emily Kagan. Chris Hart seconded the motion and all voted aye.

Item #5, Consider approval of Title XVI Water Reuse Feasibility Study Agreement with Bowen Collins/Stantec was tabled.

The last item on the agenda was to **consider approval of the Board of Trustees Meeting minutes from the September 15, 2021 meeting.** After review, the following motion was made:

Ken Neilson made a motion to approve the Board of Trustees Meeting Minutes from the September 15, 2021 meeting. Chris Hart Seconded the motion and all voted aye.

There was no further business, and the **meeting was adjourned upon motion.**
