BIG PLAINS WATER AND SEWER SPECIAL SERVICE DISTRICT MEETING

BOARD OF DIRECTORS, REGULAR MEETING
1777 N Meadowlark Dr, Apple Valley
Thursday, April 01, 2021 at 6:00 PM

AGENDA

Notice is given that a meeting of the Water District of the Town of Apple Valley will be held on **Thursday, April 01, 2021**, commencing at **6:00 PM** or shortly thereafter at **1777 N Meadowlark Dr, Apple Valley**.

Chairman | Harold Merritt
Boardmembers | Dale Beddo | Ross Gregeson | Jerry Jorgensen

Pursuant to the Executive Order issued by Governor Gary Herbert on March 18, 2020, regarding Electronic Public Meetings, please be advised that the Big Plains Water and Sewer Special Service District Meeting will be held electronically and will be broadcast via Zoom. Persons will be allowed to comment during the meeting via Zoom or by calling in. Meeting details and dial-in phone numbers will be provided when the agenda for the meeting is published on the Town website or via https://www.utah.gov/pmn

Zoom Meeting ID: 833 4573 8818
Zoom Link: *https://us02web.zoom.us/j/83345738818*

CALL TO ORDER / PLEDGE OF ALLEGIANCE / ROLL CALL

CONFLICT OF INTEREST DECLARATIONS

APPROVAL OF MINUTES

1. Minutes from December 3rd, 2021.
2. Minutes from January 7th, 2021
3. Minutes from February 11th, 2021.
4. Minutes from February 17th, 2021.

FINANCIAL REPORT – John Barlow

WATER SUPERINTENDENT REPORT – Dale Harris

ENGINEERING – Rod Mills

DISCUSSION AND ACTION

5. Discussion and Possible Action on an Amendment to Article 2 of the Purchasing Policy for Big Plains Water and Sewer Special Service District

POLICIES / PROCEDURES

REQUEST FOR A CLOSED SESSION

ADJOURNMENT

Interested persons are encouraged to attend public hearings or present their views in writing at least one day prior to the meeting.

CERTIFICATE OF POSTING: I, Taylor Pledger, as appointed Administrative Assistant for the Town of Apple Valley, hereby certify that this Meeting notice was posted at the Apple Valley Town Hall, the Utah Public Meeting Notice website http://pmn.utah.gov, and the Town Website www.applevalleyut.gov on the **30th day of March, 2021**.

Taylor Pledger, Administrative Assistant

Town of Apple Valley

THE PUBLIC IS INVITED TO PARTICIPATE IN ALL COMMUNITY EVENTS AND MEETINGS
In compliance with the American with Disabilities Act, individuals needing special accommodations (Including auxiliary communicative aids and services) during this meeting should call 435-877-1190.

OPENING

Chairman Merritt brought the meeting to order at 6:10 p.m. welcomes all in attendance and leads the Pledge of Allegiance.

PRESENT

Chairman Harold Merritt
Mayor Marty Lisonbee
Board Member Ross Gregerson
Board Member Jerry Jorgensen (not present)
Board Member Dale Beddo

STAFF

John Barlow (Town Administrator)
Rod Mills (District Engineer)
Dale Harris (Water Superintendent)

CONSENT AGENDA

A. Board Meeting Minutes for June 11, 2020

MOTION: Chairman Merritt moves to approve Board Meeting Minutes of June 11, 2020.

SECOND: Mayor Marty Lisonbee

VOTE:

Board Member Gregerson	Aye
Chairman Merritt	Aye
Mayor Lisonbee	Aye
Board Member Beddo	Aye
Board Member Jorgensen	Not present

The vote was unanimous of the members present and the motion carried.

B. July 2020 Expense Report

C. July 2020 Operational Budget Report

John Barlow notes that there is an error on the agenda items. The Expense Report is for October and November. The Operational Budget is current as of today.

MOTION: Mayor Marty Lisonbee moves to accept the financial report corrected to be 10/1/2020 through November 2020 and the expense report for October and November.

SECOND: Board Member Gregerson

VOTE:

Board Member Gregerson	Aye
Chairman Merritt	Aye
Mayor Lisonbee	Aye
Board Member Beddo	Aye

Board Member Jorgensen Not present
The vote was unanimous of the members present and the motion carried.

STAFF REPORTS

Chairman Merritt: Mr. Mills has an engagement so we'll switch he and the water superintendent.

1. **Rod Mills, District Engineer**

Rod Mills- Reports there is a small area on Desert Dr. that is still accepting applications in the basin for water rights. Otherwise, the Basin is essentially closed to new applications. This does not affect currently existing water rights, only new rights.

The impact fee study is complete and is now waiting for Town Council approval. In the past, we the board has always looked at these impact fee studies and has chosen to lower the amounts suggested to a more reasonable number. He would recommend that we don't increase impact fees despite what the study shows. He feels the study does not accurately represent the layout of Apple Valley and the areas we serve water too.

Board Member Beddo- What is the current impact fee?

Rod Mills- $12,000 for residential connection for approximately 1 acre. The commercial impact fees are based on meter size. The minimum impact fee for commercial would be $12,000.

Board Member Beddo- States that Rod has mentioned before that he finds it wrong for someone to have to pay for a 400 ft extension by themselves. Why do you consider that wrong?

Rod Mills- If it's not adjoining their property and doesn't benefit them specially then it is inappropriate.

Board Member Beddo- Mentions he might have understood what was said differently. Beddo presents an example of a project that would require a hefty connection process. What is wrong with making the developer of that project pay for the entire infrastructure costs to support his development?

Rod Mills- It's based on a case by case basis. If that development is the main reason the infrastructure is required, then there is nothing wrong with charging the full amount on that developer or having them install the infrastructure and have the district maintain and operate it.

Board Member Gregerson- States Rod has mentioned the board should take action on the impact fee study. What action are you referring too? Keeping It the same?

Rod Mills- Legally, the board should adopt the impact fee study to make it a legal instrument. But then the board will have the obligation to set the impact fee. Legally it can be set at or below the suggested numbers.

Chairman Merritt- The Board has already accepted the impact fee study and has forwarded it to the Town Council for review. Just because the impact fees study suggest we charge a specific amount does not mean we have to charge that amount. The Town can decide what the costs can be as long as they are the same as or below what the study shows. Adopting the study allows us to use it in the scenario that someone says we are charging too much for an impact fee. In that scenario we could refer to the study to show that we are charging what was recommended or less than what was recommended.

Mayor Lisonbee- My understanding is that the main complaint the Town Council had was that there wasn't a scope of service. There was nothing written that said this is the service we are paying for and who we are paying it too. We were asking for further explanation to where the money is going and for what services. Rod mentioned that he forwarded the impact fee study to the town, just to clarify, it's the study that we received just some documents stating that you would like this particular company to complete the study. We don't have the actual study. Requests paperwork that states what is being requested to charge and who the charge is going to.

Chairman Merritt- We will work on getting that paperwork.

Board Member Gregerson- Is the town of the district paying for the impact fee study?

Rod Mills- The district would be paying for the impact fee study.

Chairman Merritt- Asks rod if he would have the paperwork requested ready for the next meeting?

Rod Mills- Yes, I could just print out the state code because that's the code we would follow.

Mayor Lisonbee- The scope of service that I'm looking for states what services are being provided, how much it costs, and who is providing these services.

Rod Mills- Discusses the Canaan springs project. Expresses things have gone really well. The project is not anywhere near finished. We have completed stabilizing the spring development itself and now we have to work on getting pipes connected and getting water back into the system. We have sufficient budget for all of that. Explains this is a grant for rehabilitation from damages caused by a catastrophic event. We are currently waiting on one piece of paper from the contractor stating all equipment is American made only. Waiting for that document could hold up other parts of the project. The contractor has followed every instruction and been careful with their work. We are getting 40 gallons per minute. As stabilized, we might get a little more. We need to get some additional storage in that area so we are capturing the water. Carolee Farrar has contacted me regarding the infrastructure needed to service their property. They need to cross the road to meet fire codes. Others will be benefitted when that happens. How do you fairly pay for this infrastructure? We are talking about the nature of pioneering agreements.

Chairman Merritt: Have we contacted adjacent property owners to see if they are interested in participating in this.

Mayor Lisonbee: We could look at Rocky Mountain Power and the pioneering agreements with someone paying for an extension. You get some back but it is limited. Could also look at Ash Creek sewer district.

Rod Mills: I do not want to increase the district's liabilities – not be financially obligated with two private property owners.

Chairman Merritt: advise to go with Mayor's suggestion to look at other agreements.

Board Member Beddo: I am involved in pioneering agreements. Pioneering agreements with teeth are moved back to development agreements. Regarding obligations, whoever provides will-serve letters is responsible for distribution, it goes back to the server of the development agreement.

2. Dale Harris, Superintendent

Dale Harris: I would like to elaborate a little bit about the spring. Before the slide came, that spring was feeding since it was built, perking from the bottom with no pipe coming in. The work has cleaned up the water source and I don't have to do as much flushing to keep the water clean. The Cook well is complete. We have all our draw-down information. It is pulling at 35 gallons a minute. The equipment we have now helps us considerably. The Jepson well is done too. We have a 15 horsepower in there. It has cleared up. We are getting solid 35 gallons a minute. I have samples to take for all three systems. Things are running smooth. We have a lot of development coming. It's been busy. The district is growing.

Chairman Merritt: Have you heard anything of the pipeline going down Coyote?

Dale Harris: No

Mayor Lisonbee: I can talk to them. We do have a developer agreement, first round. I feel there should be something from the district in this agreement. How many units can we build without worrying about prior service? UDOT's going to require an acceleration lane. The original plan was 100 units on 50 acres. We might put verbiage in the agreement that this is subject to the district's discretion on water needs. It comes back to the pioneering agreement. Hooking onto the pipeline – we talked about connecting two systems for the fire flow. This needs to be communicated.

Dale Harris: It would be a great idea to get all parties into one room to talk.

Mayor Lisonbee: At what point?

David Zolg Jr: The problem I see is access and I don't know if that has been brought up. I haven't spoken to them. They have to have fire roads.

Mayor Lisonbee: Black top along their property line at least. A deceleration lane. They know they need to do fire access all along the way.

Chairman Merritt: They will most likely need a tank over there for more storage. The springs will cover all of Apple Valley when they're hooked together. But the springs need to run 24 hours a day to fill storage and then in the daytime the tanks go down a bit. We need enough tanks to gather the water produced by the springs at night.

Dale Harris: We did a study for when Eckhart's were going to be able to do their project. Hydraulically it showed we would be able to meet fire code with pumps on. Anything over 500' has to go to the state engineer. The study will be done or checked by the state.

Mayor Lisonbee: These guys want to build 40 to 50 units in the first phase. The first stage may be to approve his first request so he knows he has an agreement to move forward and then go the developer agreement with the hydraulic study. We need break points at which we need improvements to the system.

Board Member Beddo: As someone comes here and does development, there is some pioneering that goes with their projects. Want to know they can do a project before spending a bunch of money but at the same time, we want to know the impact fees will be there to help build the community.

3. DISCUSSION AND POSSIBLE ACTION ON IMPACT FEES

Chairman Merritt: the impact fees are going to stay where they are at.

4. DISCUSSION AND POSSIBLE ACTION ON THE PURCHASE OF STANDBY GENERATOR

Chairman Merritt: After looking for a generator for a month, and sending info to Ross, he got tired of it and said, "I have one."

Board Member Ross Gregerson: I just need to work on it. It's 130 kw – little bigger than what we need but is the right voltage.

Chairman Merritt: the maintenance on it is exhaust gaskets.

Board Member Beddo: What is the weight on it?

Board Member Ross Gregerson: About 8,000. 7 or 8 feet long. About 6 feet high.

Board Member Beddo: I may have a trailer I could donate.

Chairman Merritt: We'll have a standby generator. If power goes out, we can keep Cedar Point and Apple Valley in water.

ADJOURNMENT

MOTION:	Chairman Merritt moves to adjourn tonight's meeting.	
SECOND:	Board Member Gregerson	
VOTE:	Board Member Gregerson	Aye
	Chairman Merritt	Aye
	Mayor Lisonbee	Aye
	Board Member Beddo	Aye
	Board Member Jorgensen	Not present

The vote was unanimous of the members present and the motion carried.

Meeting adjourned at 6:50 p.m.

Date approved: ______________________

____
Harold Merritt, Chairman

ATTEST BY: ____
Michelle Kinney, Recorder

OPENING

Chairman Merritt brought the meeting to order at 6:00 p.m. welcoming all in attendance and led the Pledge of Allegiance.

PRESENT

Chairman Harold Merritt
Board Member Ross Gregerson
Board Member Dale Beddo
Mayor Marty Lisonbee
Jerry Jorgensen (VIRTUAL)

Staff:
John Barlow
Taylor Pledger
Dale Harris
Rod Mills

CONSENT AGENDA

A. **Board Meeting Minutes**
B. **Expense Report**
C. **Operational Budget Report**

Consent Agenda skipped as items listed were not present

STAFF REPORTS

1. **Dale Harris, Superintendent**

Dale Harris- Noticed there was a lot of questions about water from the planning commission last night. He would like to clarify what is happening on north Rome. When they put the new water system together, they knew that there were problems with flow and pressure on north Rome. They talked with the state about those issues and received an exception on two homes on north Rome. The flow does meet the minimum pressure requirement of 20lbs. They meet the fire flow requirements with the pumps turned on. Current tank storage is 440,000 gallons. Going forward with any development there will be hydraulic modeling, apparatuses, pipes, tanks, and more if the need is shown. Mentions the tanks are never below 20,000 gallons.

Board Member Beddo- States with 60 minutes of flow we're putting out only 10% of our capacity. We want to be clear that state code says we have to have 1,000 gallons a minute of pressure. Our capabilities are much higher than the magnitude of the problems on north Rome.

Dale Harris- Mentions he would like to make recommendations on the drought. We are currently in a D-4 which is the worst drought we have had in 1,500 years. Well 59 has lost 20 feet of static head this year going from 73 down to 53 in standard water. He recommends that we pay attention to what these aquifers are doing. He also recommends that we come up with some type of a program where we aren't building so fast that we exceed our water capabilities. Dale believes it's imperative to get Canaan moving as soon as possible, especially to relieve Cedar Point. There are iron algae in the Cedar Point systems that have been there for years.

Chairman Merritt- States we tend to focus too much on the developments that want 50-60 houses and we often don't notice the subtle bunches of 4-5 houses that are going up everywhere. He agrees that Canaan springs will be our salvation.

Dale Harris- Mentions he regularly gets questions on whether we have enough water. His answer is always yes we have water, but at any moment we could lose our water. All we have to rely on is our aquifer. The SSD will always do its best to take care of the aquifer and make sure we have plenty of water.

Board Member Gregerson- States that his understanding is the Jessop well is becoming unusable.

Dale Harris- Explains he deactivated that well on Monday. What has been coming out of that well is black and smells like oil.

Board Member Gregerson- What is the distance from the springs to the million gallon tank?

Rod Mills- 2 miles.

Board Member Beddo- What size line is it?

Rod Mills- 12inch line. From an engineering perspective he would like a bigger pipe.

Board Member Beddo- What would it cost to treat the well?

Rod Mills- Explains they aren't even looking at treatment, the well doesn't produce enough water to make it cost effective.

Board Member Gregerson- Is there something we can do with the state regarding emergency water? Could we take the issues in Cedar Point to the state?

Rod Mills- Mentions they have had that discussion and have started that conversation. If we get to the point of an emergency there is a funding source.

Board Member Beddo- Have you noticed a change in the overflow at Canaan springs?

Dale- We checked on Tuesday and it's flowing just as much today as it was on the day we received it.

Chairman Merritt- We have a tank that's empty that hasn't been used in a long time. Would it be wise to rehab that tank in the next 2-3 weeks to add 50% of our storage?

Dale Harris- Yes but we would need to sand blast and coat it.

Rod Mills- We did an 80,000 gallon tank last summer which cost about $75,000 to refurbish. Mentions it would be substantially less than that but will still be more than we estimated a few years ago.

Board Member Gregerson- Mentions he has access to a sand blaster and we can sand blast it ourselves for significantly less.

2. Rod Mills, District Engineer

Rod Mills- Explains we are in a very serious drought. We have a little bit more water in the overall system; however, it's not connected yet. He believes we need some plans in place to service what we have. Explains we had a source protection plan with the Jessop Well but we don't have one with the Cooke Well. We have a source protection plan for well 59 that is still in the process of being approved. In addition to the source protection plan, we had to move water rights around. Expresses that he is very happy with the outcome of the spring rehabilitation and the output we are getting. He thinks we can get it to stabilize with an even higher number than we are getting now.

DISCUSSION AND ACTION

3. Discussion and possible action on adoption of meeting schedule

MOTION:	Mayor Lisonbee moves to adopt the 2021 meeting schedule	
SECOND:	Board Member Gregerson	
VOTE:	Chairman Merritt called for a vote:	
	Board Member Gregerson	Aye
	Chairman Merritt	Aye
	Board Member Beddo	Aye
	Mayor Lisonbee	Aye
	Board Member Jorgensen	Aye

The vote was unanimous and the motion carried

4. Discussion on purchase of standby generator and trailer

Chairman Merritt- We has purchased the generator and a board member has a trailer we can use. This has already been approved and taken care of on the Town Council level.

5. Discussion and possible action on resolution authorizing users for Public Treasurer's Investment Fund (PTIF)

MOTION: Mayor Lisonbee moves to approve the appointment of Harold Merritt, Ross Gregerson, and John Barlow as individuals to see the big plains water and sewage special district accounts. Any time money is transferred, Harold Merritt will be notified.

SECOND: Board Member Gregerson

VOTE: Chairman Merritt called for a vote:

Board Member Gregerson	Aye
Chairman Merritt	Aye
Board Member Beddo	Abstain
Mayor Lisonbee	Aye
Board Member Jorgensen	Aye

The vote was passed with one abstention and the motion carried

6. Discussion and possible action on Long-Term Bulk Water Usage Policy

John Barlow- Explains the problem we are trying to solve here is that there is a system in place for bulk water usage and that system works well; however, there are people who use the bulk water more frequently and for extended periods of time for different reasons. We would like to leave one the bulk water system in place and create a new system to allow people to rent a bulk water meter for an extended period of time. For example, if someone wanted to come in and pay a $1,000 nonrefundable fee and an additional $500 deposit, they can rent a meter and hold on to that meter for a long period of time at such point it would be the customer's responsibility to come in and have that meter read monthly.

Board Member Beddo- Recommends we allow long term bulk water users to be able to purchase their own water meter and donate it to the town allowing them to check it out meter and not pay the $1,000 fee.

John Barlow- Agrees with Board Member Beddos suggestions and gives further detail and clarification to the policy.

Board Member Beddo- Suggested changing the wording in section 15.2.4 from "hydrant" to "hydrants". Also suggests changing the amount listed in section 15.2.5 to better identify the fee they will have to pay. Further recommends we increase the $500 deposit to a $1,000 deposit.

MOTION: Mayor Lisonbee moves to approve the Long-Term Bulk Water Usage Policy with the corrections as discussed.

SECOND: Chairman Merritt
VOTE: Chairman Merritt called for a vote:

Board Member Gregerson	Aye
Chairman Merritt	Aye
Board Member Beddo	Aye
Mayor Lisonbee	Aye
Board Member Jorgensen	Aye

The vote was unanimous and the motion carried

7. Discussion and possible action on Customer Billing Error Policy

John Barlow- Explains we are addressing the problem when customers come in to the town office, for various reasons, people will have usage that is higher than what they expect. Sometimes our readers read wrong, sometimes there is a leek and other times they use more water than they expected. One thing that is not an error is the actual meter malfunctioning.

Dale Harris- Clarifies that the meters will not error on a high reading. They are specifically designed to never over read but they can possibly under read if something is broken.

John Barlow- Expresses that with our current policies, when people come in with usage concerns it feels like a dead on how we can help them. Explains that what is being proposed would be to add more processes to address these issues. If a customer formally disputes a bill we will give them reprieve until it is figured out. We would like to require staff to fill out a customer complaint form and then staff will schedule an appointment for Dale Harris to go out and check the meter. Dale's findings from his assessment will be considered final. At that point the only thing the customer can do is appeal it to the board. The board can then decide if staff has followed the appropriate process.

Dale Harris- Suggests that if a water leak is found, we will adjust the charges to match the amount they paid for the same month in the previous year.

Board Member Beddo- Expresses his discrepancies with section 3.3.11. He feels that the wording does not allow the board to have any decisions. He thinks we need to have the town attorney look over the wording on this policy so we can come up with a solution.

Mayor Lisonbee- Suggests we remove policy 3.3.11 altogether for now and can amend the policy later on.

MOTION: Mayor Lisonbee moves to approve the Customer Billing Error Policy with the corrections as discussed and the removal of the policy 3.3.11.
SECOND: Board Member Beddo
VOTE: Chairman Merritt called for a vote:

Board Member Gregerson	Aye
Chairman Merritt	Aye
Board Member Beddo	Aye
Mayor Lisonbee	Aye
Board Member Jorgensen	Aye

The vote was unanimous and the motion carried

Chairman Merritt opens the public comment

No public comments made

Chairman Merritt closes the public comment

ADJOURNMENT

MOTION: Board Member Gregerson moves to adjourn the meeting
SECOND: Chairman Merritt
VOTE: Chairman Merritt called for a vote:

Board Member Gregerson	Aye
Mayor Lisonbee	Aye
Board Member Beddo	Aye
Board Member Jorgensen	Aye

The vote was unanimous and the motion carried.

Meeting adjourned at 7:55 p.m.

Date approved: ______________________

____
Harold Merritt, Chairman

ATTEST BY: ____
Deputy Recorder

BIG PLAINS WATER AND SEWER SPECIAL SERVICE DISTRICT

BOARD OF DIRECTORS, REGULAR MEETING
1777 N Meadowlark Dr, Apple Valley
Thursday, February 11, 2021 at 6:00 PM

MINUTES

Notice is given that a meeting of the Water District of the Town of Apple Valley will be held on **Thursday, February 11, 2021**, commencing at **6:00 PM** or shortly thereafter at **1777 N Meadowlark Dr, Apple Valley**.

Pursuant to the Executive Order issued by Governor Gary Herbert on March 18, 2020, regarding Electronic Public Meetings, please be advised that the Planning Commission Meeting will be held electronically and will be broadcast via Zoom. Persons will be allowed to comment during the meeting via Zoom or by calling in. Meeting details and dial-in phone numbers will be provided when the agenda for the meeting is published on the Town website or via https://www.utah.gov/pmn

Zoom Meeting ID: 835 1487 2596
Zoom Link: *https://us02web.zoom.us/j/83514872596*

Call to Order / Pledge of Allegiance / Roll Call

Chairman Merritt calls the meeting to order at 6:05 p.m. and leads in the pledge of allegiance.

PRESENT
Chairman Harold Merritt
Boardmember Dale Beddo
Boardmember Marty Lisonbee
Boardmember Jerry Jorgensen

ABSENT
Treasurer/Boardmember Ross Gregerson

Staff: Taylor Pledger, John Barlow (Virtual)

Approval of Minutes

1. **BP Meeting minutes for October 1st, 2020**
   Motion: Moves to approve the minutes for October 1st, 2020.

   Motion made by Chairman Merritt, Seconded by Boardmember Lisonbee.
   Voting Yea: Chairman Merritt, Boardmember Beddo, Boardmember Lisonbee, Boardmember Jorgensen

2. **Meeting minutes for August 6th, 2020**

   Mayor Lisonbee- Points out that there was an error on the minutes for the meeting from August 6th, 2020. It claims he said Aye on multiple votes but he was absent from that meeting also noticed there were other members listed that were not present. Recommends to make a motion on the condition the items are corrected before the final is signed.

   Motion: Moves to approve August 6th, 2020 minutes under the condition the Items are corrected in the finalized minutes.

Motion made by Boardmember Lisonbee.
Voting Yea: Chairman Merritt, Boardmember Beddo, Boardmember Lisonbee, Boardmember Jorgensen

Financial Report – John Barlow

3. **January Invoice Registry**

Boardmember Lisonbee- Mentions he went over the report and didn't find any issues.

Motion: Moves to accept the January Invoice Registry

Motion made by Boardmember Lisonbee, Seconded by Boardmember Beddo.
Voting Yea: Chairman Merritt, Boardmember Beddo, Boardmember Lisonbee, Boardmember Jorgensen

4. **Financial Statements**

Motion: Moves to accept the Financial Statements.

Motion made by Boardmember Lisonbee, Seconded by Boardmember Beddo.
Voting Yea: Chairman Merritt, Boardmember Beddo, Boardmember Lisonbee, Boardmember Jorgensen

Water Superintendent Report – Dale Harris

Dale Harris: Informs the town that some recent water modeling was done on the Apple Valley and Cedar Point System. We are currently source deficient with our water modeling for the Cedar Point System. We are not producing enough water for the lots that are there right now. He recommends to no longer offer will serve letters for Cedar Point. Also mentions that we are at our storage capacity limit. Would prefer not to issue any will serve letters until we have fixed our storage capacity and our sources for Cedar Point. Mentioned we lost about 50,000 gallons a minute from Well 59. We can only get 35,00 gallons a minutes from the Cook Well. The quality of water for human consumption passed, even though the water looks red. Suggests we need the Canaan line connected to Cedar Point as soon as possible.

Board Member Beddo- The pipeline from Canaan is what you recommend as the solution and halting all Will Serve Letters?

Dale Harris- That is correct.

Chairman Merritt- Explains he doesn't see any other option than to halt the will serve letters.

Boardmember Beddo- How many current connections are out in Cedar Point?

Dale Harris- There are 100 and 18 that have already been issued will serve letters. We have no choice but to honor those connections.

Chairman Merritt- He feels we are in over our heads and it won't get better unless we can slow down our building until the pipeline comes in.

Boardmember Lisonbee- From his understanding we can use the Frank well if we get a lease.

Dale Harris- Explains he is under the impression we have to own the well.

Boardmember Lisonbee- Explains the sources he has reached out to have claimed that a lease would do just fine.

Dale Harris- We have to treat that well like any other source that we own.

Boardmember Lisonbee- And a lease laying out that we would have control of that well wouldn't suffice?

Dale Harris- No it would have to be out of access by Frank and it would have to be fenced off and secured by the town.

Boardmember Lisonbee- Expresses he will do some more research and see if this can be discussed further.

Mayor Lisonbee- Mentions that Hank from the Jepson Canyon project had previously offered to put in a temporary tank in order to start building faster. Feels the first thing we should ask Hank to start is the million gallon tank that was discussed in previous meetings.

Boardmember Beddo- Agrees that we should push for the million gallon tank.

Mayor Lisonbee- Mentions the agreement talks about offering the developer a credit on impact fees if the town is in need of more water to service the project than was originally discussed. Mentions he will be meeting with the town attorney over the weekend to clean up some of the wording in the agreement.

Engineering – Rod Mills

Rod Mills- Expresses the situation in the Town of Apple Valley has changed dramatically in the last year or two. He feels the Jepson Canyon agreement may not be an appropriate agreement based on these changes. Mentions there have already been some amendments and changes to the agreement since these issues came to light. He briefs the board on the Canaan Springs project. Mentions the contractor has finished some of the spring portion of the project. We have already processed a payment and the efforts to getting the government grant are moving along. Mentions there is only about 45 days worth of pipeline work that still needs to be done. He also mentions there has been discussion about expanding the Canaan Springs project. Expresses we are significantly underbudget on the project. There might be more issues as we continue along that might put us closer to budget, but at this point form a financial perspective we are in a very good spot. Rod brings up that they have been in discussions with Kenstal and an agreement is being discussed today. Kenstal has their own water rights in the spring and the idea is to partner with Kenstal to come up with a mutually benefiting agreement to work further on the spring. What is being discussed is an easement that would give us a better engineering route than the one we are currently planning. The agreement also provides an allocation of water once the water becomes available. The agreement further states that we will issue a will serve letter that will allocate that water up to 48 buildable units to Kenstal. There are some infrastructure issues the SSD will need to address that are not outlined in the agreement. Rod expresses that the agreement is favorable in regards to what we are getting from it.

Discussion and Action

5. **Agreement with Kenstal, LLC (Property Easement)**

Boardmember Lisonbee- Asks why we would be building a tank for this agreement.

Rod Mills- Explains we already have the tank; it would just need to be put in service before the end of this agreement. There is a 100,000-gallon tank that is currently not in service.

Boardmember Lisonbee- Asks if we would still have to jump through a few hoops for the state and get water modeling and other things done in order to service the units outlined in this agreement.

Rod Mills- States that is correct.

Dale Harris- We bought a 100,000-gallon tank and a 50,000-gallon tank and at that time we received a letter from the fire chief stating that he is ok with that tanks going into service. Informs the board members that once all of the springs in Canaan have been rehabilitated, we should receive about 110 gallons a minute for water.

Boardmember Beddo- Asks how many gallons of storage would you need for the 48 homes?

Dale Harris- 110,000 gallons. To be clear, fire flow is 2,000 gallons a minute for 2 hours which is a110,000 gallons.

Rod Mills- Adding additional homes does not increase the fire requirements unless the building criteria changes such as commercial buildings.

Boardmember Beddo- What is the limit of homes that can be serviced out of the 110,000-gallon tank?

Dale Harris- Expresses he could service 50-55 homes with the 110,000-gallon tank.

Boardmember Lisonbee- The will serve letter we would give out for this agreement would be for indoor water only. We can place a conservation agreement restricting people from using water for outdoor sources. The agreement also mentions BLM land, however, we have no control over what can be done on BLM land. Even if we could, he does not feel comfortable giving someone access to mess around on BLM land and effect the Town's standings.

Boardmember Beddo- Expresses he shares the same concern. He feels there is better language that could be used to arrive at an appropriate agreement regarding BLM land.

Boardmember Lisonbee- Even if we could do that, do we want to? What happens if this private party messes with BLM land and somehow affects our standings with BLM? He also mentions that he doesn't agree with the agreement stating that we agree to purchase an unallocated number of acre-feet of the springs for fair market value of $10,000 per acre foot or fair market value, whichever is higher. He doesn't understand why the board should agree to that at all.

Boardmember Beddo- He feels the adjective of the applicant is to protect their water rights. The applicant probably feels that if the district were to crumble and sell to a third party then this part of the agreement is what will protect their rights.

Dennis Parker- States that from the beginning it has been brought to his attention that the family was not in agreement to selling the water rights to the district and they want to ensure they get an equal share of the water. They wanted to develop the springs on their own but were told they could not since the Big Plains SSD is developing it. Kendra wants to make sure she gets her fair share out of selling the water rights.

Boardmember Beddo- Expresses this is a delicate conversation and we are just trying to get a grasp on how we collectively go forward. We are happy to help come up with a solution that would help solve Kendra's issues but without it being at the expense of the town.

Mayor Lisonbee- Are there additional water rights that we haven't talked about?

Dennis Parker- Expresses that no there are no water rights that aren't on the table. The 48 rights represent the water rights from all of the springs.

Boardmember Beddo- Who owns the balance of the flowable, drinkable water?

Dennis Parker- You would get about 1/3rd of that.

Boardmember Beddo- Clarifies that if she gets 2/3rds of the water, depending on how many gallons of water we receive when springs are fully developed, she could own water rights to service an additional 50+ homes on top of what is already in this agreement.

Dennis Parker- Explains that Kendra is giving the district the water rights to then develop the springs and then give water back to her in the sum of 48 connections.

Rod Mills- Expresses that once we meet our obligations in this agreement then those water rights become deeded water rights of the district and cannot be taken back.

Boardmember Beddo- If we issue the will serve letter to her then we have in a sense bought the water at that point. So why would we agree to pay her $10,000 for rights after that has been issued?

Dennis Parker- This gives Kendra protection in the event the district doesn't honor the 48 connections laid out in the agreement. If another district is to take over, we assume they would take over the agreement and honor the connections, however that is not a guarantee. This ensures that if someone takes over the district and they choose not to honor the connections then Kendra is protected.

Boardmember Lisonbee- Feels the wording does not reflect that. Feels the attorney should look at the language and see if there is a better way to word it to offer protection for Kendra without compromising the district. Also recommends dropping item 2 as we cannot dictate with that BLM does.

Boardmember Beddo- Mentions on section 7 they will be taking out the $10,000 agreement and will adjust it to be fair market value at the time of sale.

Boardmember Lisonbee- Suggest tabling this item until all of the documents are provided and the wording has been corrected.

Motion: Moves to table the agreement with Kensal, LLC until all of the documents have been provided and wording corrected.

Motion made by Boardmember Lisonbee, Seconded by Boardmember Beddo.
Voting Yea: Chairman Merritt, Boardmember Beddo, Boardmember Lisonbee, Boardmember Jorgensen

Request for a Closed Session

Adjournment

Motion: Moves to adjourn tonight's meeting.

Motion made by Boardmember Beddo, Seconded by Boardmember Lisonbee.
Voting Yea: Chairman Merritt, Boardmember Beddo, Boardmember Lisonbee, Boardmember Jorgensen

ABSENT
Treasurer/Boardmember Ross Gregerson

Meeting adjourned at 7:46 PM.

Interested persons are encouraged to attend public hearings or present their views in writing at least one day prior to the meeting.

CERTIFICATE OF POSTING: I, John Barlow, as duly appointed Administrator for the Town of Apple Valley, hereby certify that this Hearing notice was posted at the Apple Valley Town Hall, the Utah Public Meeting Notice website http://pmn.utah.gov, the Town Website www.applevalleyut.gov

Dated this 28th day of January 2021

John Barlow, Town Administrator

Town of Apple Valley

THE PUBLIC IS INVITED TO PARTICIPATE IN ALL COMMUNITY EVENTS AND MEETINGS
In compliance with the American with Disabilities Act, individuals needing special accommodations (Including auxiliary communicative aids and services) during this meeting should call 435-877-1190.

Date approved: ___________________

____

Chairperson

ATTEST BY: ______________________________________

BIG PLAINS WATER AND SEWER SPECIAL SERVICE DISTRICT MEETING

BOARD OF DIRECTORS, REGULAR MEETING
1777 N Meadowlark Dr, Apple Valley
Wednesday, February 17, 2021 at 5:00 PM

MINUTES

Notice is given that a meeting of the Water District of the Town of Apple Valley will be held on **Wednesday, February 17, 2021**, commencing at **5:00 PM** or shortly thereafter at **1777 N Meadowlark Dr, Apple Valley**.

Chairman | Harold Merritt
Boardmembers | Marty Lisonbee | Dale Beddo | Ross Gregeson | Jerry Jorgensen

Pursuant to the Executive Order issued by Governor Gary Herbert on March 18, 2020, regarding Electronic Public Meetings, please be advised that the Big Plains Water and Sewer Special Service District Meeting will be held electronically and will be broadcast via Zoom. Persons will be allowed to comment during the meeting via Zoom or by calling in. Meeting details and dial-in phone numbers will be provided when the agenda for the meeting is published on the Town website or via https://www.utah.gov/pmn

Zoom Meeting ID: 862 2270 5101
Zoom Link: *https://us02web.zoom.us/j/86222705101*

CALL TO ORDER / PLEDGE OF ALLEGIANCE / ROLL CALL

Chairman Merritt calls the meeting to order at 5:00 PM and leads in the pledge of allegiance.

PRESENT
Chairman Harold Merritt
Treasurer/Boardmember Ross Gregerson
Boardmember Dale Beddo
Boardmember Marty Lisonbee
Boardmember Jerry Jorgensen

Staff: Taylor Pledger, John Barlow and Rod Mills

DISCUSSION AND ACTION

1. **Amendment to DA with Jepson Canyon**
2. **Agreement with Kenstal, LLC (Property Easement)**

   Chairman Merritt- Informs everyone that this item will be tabled as the Kenstal representatives could not be here today.

   Chairman Merritt moves to table this item.

   Motion made by Chairman Merritt, Seconded by Boardmember Beddo.
   Voting Yea: Chairman Merritt, Treasurer/Boardmember Gregerson, Boardmember Beddo, Boardmember Lisonbee, Boardmember Jorgensen

3. **Discussion and possible action on appointing attorney**

   Chairman Merritt- Explains that we already agreed to have Shawn Guzman as the water districts attorney for specific meetings.

Mayor Lisonbee- Explains they cannot appoint Shawn as the attorney for specific meetings as the district already has an attorney on record, Ben Rousch.

Chairman Merritt- Expresses he spoke with Ben and he is fine with having Shawn represent him during his absence.

Mayor Lisonbee- Requests that Ben gives something in writing indicating he is comfortable with Shawn representing in his absence.

Boardmember Beddo- Moves to approve having Shawn Guzman as the representative for the Big Plains Sewer and Water District pending a written notice from Ben Rousch.

Motion made by Boardmember Beddo, Seconded by Chairman Merritt.
Voting Yea: Chairman Merritt, Treasurer/Boardmember Gregerson, Boardmember Beddo, Boardmember Lisonbee, Boardmember Jorgensen

POLICIES / PROCEDURES

REQUEST FOR A CLOSED SESSION

ADJOURNMENT

Chairman Merritt- Moves to close tonight's session.

Motion made by Chairman Merritt, Seconded by Treasurer/Boardmember Gregerson.
Voting Yea: Chairman Merritt, Treasurer/Boardmember Gregerson, Boardmember Beddo, Boardmember Lisonbee, Boardmember Jorgensen

Meeting adjourned at 5:15 PM

Interested persons are encouraged to attend public hearings to present their views. Comments can also be submitted in writing at least one day prior to the meeting by emailing administrator@applevalley.gov. Comments submitted in writing will be read on the record during the meeting.

THE PUBLIC IS INVITED TO PARTICIPATE IN ALL COMMUNITY EVENTS AND MEETINGS
In compliance with the American with Disabilities Act, individuals needing special accommodations (Including auxiliary communicative aids and services) during this meeting should call 435-877-1190.

Date approved: ______________________

____
Harold Merritt, Chairman

ATTEST BY: ____

Deputy Recorder

7) "Purchasing agent" means the person duly authorized by the Board of the District to enter into and administer contracts and make written determinations with respect thereto.

8) "Purchase description" means the words used in a solicitation to describe the supplies, services or construction to be purchased, and includes specifications attached to or made a part of the solicitation.

9) "Request for proposals" means all documents, whether attached or incorporated by reference, used for soliciting proposals.

ARTICLE 2
OFFICE OF THE PURCHASING AGENT

The Board shall appoint a purchasing agent. The purchasing agent shall be responsible to make procurements, solicit bids and proposals, enter into and administer contracts, and make written determinations for the Board.

ARTICLE 3
SOURCE SELECTION AND CONTRACT FORMATION - GENERAL PROVISIONS

A) Purchases not requiring sealed bids **or Board approval**.

1) Purchases ~~costing less than~~ **up to** $1,000 in total, shall not require bids of any type. (Purchases shall not be artificially divided so as to constitute a small purchase under this section.)

2) Purchases costing more than $1,000 ~~but less than $2,000~~ **up to $5,000** in total ~~(2 to 3 telephone bids required)~~ **require at least two (2) telephone bids**. **Must be under advisement of Chairman.**

3) Purchases made through the cooperative purchasing contracts administered by the State Division of Purchasing.

4) Purchases made from a single-source provider.

5) Purchases required during an emergency, i.e., an eminent threat to the public's health, welfare, or safety. Emergency purchases should be limited to amounts necessary to the resolution of the emergency and as much competition as practical should be utilized.

6) Purchase orders will be required for all purchases over $100.

B) Purchases requiring sealed bids.

1) Contracts shall be awarded by competitive sealed bidding except as otherwise provided by this policy.

2) An invitation for bids shall be issued when a contract is to be awarded by competitive sealed bidding. The invitation shall include a purchase description and all contractual terms and conditions applicable to the procurement. Public notice of the invitation for bids shall be given at least [illegible] days prior to the date set forth therein for the opening of bids. The notice shall comply with the requirements of Utah Code Annotated 63G-6A-406.