



City of LaVerkin

435 North Main St., LaVerkin Utah, 84745

(435) 635-2581 Fax (435) 635-2104

www.laverkin.org

LAVERKIN CITY WATER BOARD MINUTES

Wednesday, February 27, 2019 3:00 p.m.

435 North Main Street, LaVerkin, UT

Present: Richard Prince, Anna Andregg, John Valenti, Richard Hirschi, Derek Imlay, Kyle Gubler, Kelly Wilson, Kevin Bennett and Christy Ballard.

Alan Olsen was excused.

I. Call to Order by Mayor Richard Hirschi at 3:04pm.

II. Approval of Minutes: October 24, 2018 minutes.

Motion was made by Anna Andregg to approve the October 24, 2018 minutes, second by John Valenti. Gubler-yes, Valenti-yes, Hirschi-yes, Andregg-yes. Motion carried unanimously.

III. Reports:

A. Financials:

Kyle passed out the financials. Fund 51 shows the balance is a little low but that will increase as the revenue from the water rate increase comes in. That increase went into effect November 2018.

The Water Fund is doing okay. Kyle is waiting to see how the revenue comes in before he starts working on next year's budget. The engineer cautioned water usage goes down right at first when there is a rate increase, so the City has budgeted very conservatively.

The Irrigation Fund, Fund 53, is showing a similarly low percentage but that will change once the assessments go out in March.

Both budgets are doing well financially.

Richard Prince arrived at 3:07pm

B. Water Contracts:

Kyle reported the delinquent notices will go out in April or May.

C. Culinary Water Management update

D. Irrigation Water Management update

Derek was not at the meeting but did email Kyle with his report.

Kyle reported the City has an 8% slippage overall for the year in our irrigation water. According to the Rural Water Association anything under 10% is considered excellent. Slippage is water used but unaccounted for.

The City has also stayed well under its water rights.

Kyle passed out a letter from Sunrise Engineering regarding SB 303 that passed last year. It requires the information in the letter be sent to the Utah Division of Water Rights for the purpose of setting system-specific source and storage minimum sizing requirements.

Richard Prince pointed out if the City doesn't use all the water, the State could take it away from us.

Kyle responded that is always a possibility, but the City can keep water for anticipated growth. At some point we may want to consider changing the ordinance because it states anything "on the La Verkin bench" and that does not include the topside. That would help protect the City's water.

Water Law is a specific category so the City Attorney has not felt comfortable handling those situations so Kyle will recommend, when the time comes, the City hire a water attorney to make/verify any changes.

The City did have a water attorney verify the City's water rights were properly assigned so there was no way we could lose our water rights.

Anna mentioned the ordinance also states the Water Board needs to meet monthly so that could be changed at the same time. The Board voted several years ago to meet quarterly but the ordinance was never changed.

In the past she has requested the Board be notified when the Washington County Water Conservancy District (WCWCD) meetings were along with any other meetings relative to water, and that hasn't happened.

Kyle explained the meeting he and Kelly Wilson attended was the Rural Water Association meeting because they were discussing SB 52 that the City is opposed to. He notified the Council and asked them to write letters to our State Representatives voicing the concerns. It would have been a good idea for him to notify the Board members as well, he will do that moving forward. Kevin will be coming into the meeting when SB 52 is discussed during the business section of the meeting to help us understand the legalese in the bill.

Anna stated the Water Board attended all the WCWCD meetings back when Tom Stocks was the Mayor and she has requested to each mayor since then that the Board be notified of the meeting so they can attend.

Kyle will let the Board members know the meeting schedule for the District. He did attend a Virgin River Water User meeting. He gave a brief report on that meeting.

Derek arrived at 3:15pm

IV. Business:

1. Discussion on SB52 regarding secondary water metering.

Kyle passed out a copy of SB 52. He invited Kevin to this meeting to discuss the legal part of this Bill.

Kevin passed out a copy of the Washington County Water Conservancy District Revised Regional Water Supply Agreement for the Board members to review between now and next Wednesday when it goes before the City Council for approval.

Kevin explained this is the third substitute bill regarding the metering of the irrigation water system. The first half of the Bill clarifies everything that dealt with nonuse, forfeiture and

abandonment that applies to the secondary water as well as the culinary water. In the past it stated water, which everyone thought it included all water, but this just clarifies that. If a community doesn't file a nonuse application and seven years pass, the community loses the water.

The concern with this bill is the metering. The people that should be fighting for us, the State Water Task Force and Utah League of Cities and Towns, are not saying anything or are hesitant to get too involved with this issue because they are working with Senator Andregg on an item that would be beneficial to the cities.

This bill works fine for most of the cities along the Wasatch Front where most of the water goes into a settling pond and is clean. When you have irrigation water that comes from the Virgin River, it's a whole different ball game.

There has been some communication back and forth with a representative from La Verkin and our State Representatives, one of which has been trying to help us with this issue.

They have exempted out everyone that is not in a 2nd or 3rd class county, Washington County is 2nd class so that doesn't help us.

There are two exemptions that could make it so we do not have to meter everyone. Rule one, if this bill is adopted it states by early next year anyone coming in for a new connection will be required to be metered with reporting that begins next year. The City would have until 2039 to get everyone in the city metered individually.

The problem is; there has been a check on the meters being used up north, and it is being touted, that we will not receive a warranty that the meters will work. We all know how the Virgin River water is on the City's filtration system. He read the provision that appears to give us some comfort, possibly, that states "if after testing", the City would be required to do the testing, "there is no meter that a meter manufacturer will warrant for the water in a specific location".

This would require the City to prove a negative. We would have to prove there is no meter anywhere out there that will work and that the City can get a warranty for.

If the City does not get exempted out, it will cost about 3-4 million dollars to meter every residence.

Kyle said if the bill is passed there will be grants and loans available but even with those options, the City will be required to pay at least 25% of the total amount.

Kelly Wilson arrived at 3:30pm

Anna Andregg left at 3:30pm

Kevin commented that he hopes more is going on than we know about up north, but right now we are being compared to a city in Davis or Weber County where the water is clear. Our water is not.

Kyle reported he has spoken with Ed Bowler who is a member of the Water Task Force and a board member of the Washington County Water Conservancy District who originally seemed like he would help La Verkin City with this issue. Now, Kyle feels that Ron Thompson, who runs the WCWCD, is in favor of metering the irrigation water.

Beaver and Parowan were on our side, but those counties have been exempted out so it's not their fight anymore.

He agrees with Kevin that the wording needs to be changed so the City is not required to test every meter that is created before being exempted out.

Kelly Wilson reported there are meters out there that can handle the water, but they are thousands of dollars.

Kevin said the bill doesn't state an affordable meter, it states no meter that will work and is warrantied.

If the City chose not to install the meter, the State could sue us but what would likely happen is they would not give La Verkin City anymore water grants or loans.

Kyle feels the language is trying to say what we would like but the wording isn't correct so perhaps that should be pointed out to them.

According to the water meter manufacturer, the meter Weber Basin is using is not warrantied. Weber Basin is stating they have it in writing from the manufacturer they will warranty the meters. Kyle has tried to get a copy from Weber Basin, but they have not sent him anything.

Kelly mentioned Toquerville shouldn't have any issue with the meter, their irrigation water is very clean but it is not culinary grade water so the warranty will not cover it.

Kevin pointed out the language in the bill doesn't say they will exempt you, it says they may exempt you.

It also doesn't state what the penalty would be if a community chose not to participate.

Kyle stated it will cost the City almost 2 million dollars just to install the meters they are recommending that are not covered by a warranty and would maybe last 2 years. The City would have to keep spending money to replace the meters. That is why he is hoping they exempt La Verkin City out.

One of the things he has heard them say is that they would make it mandatory residents use irrigation water regardless of the cost.

Kevin read the section in the bill that states that.

Kyle said if the City is required to meter irrigation water, the cost could very well exceed the cost of culinary water for our residents.

Kevin reported there is one other exemption and that states "If the estimate recharge into the aquifer or response level in ground water has a significant impact on the quality of water and the availability."

Kelly stated this would not apply to us, we do not recharge the water. We take our water out of the Virgin River.

Kyle asked Kevin to provide sample language for the water meter exemption to send to the Utah League of Cities and Towns.

There was a discussion on whether a community can sell or lease its unused water. The State Constitution states you can't but State Law states you can.

Derek reported he attended a meeting today during Water School regarding SB 52. Derek brought up La Verkin City's issue of water quality and filtering. He was basically told to discuss

that with their State Representative. They admitted they have better water quality up north and that they were only doing it to conserve water.

He also spoke with all the water meter representatives attending the school and there is nothing on the market that would work for us.

Kyle said Hurricane is not in favor of metering the irrigation water either and they have a settling pond.

Another potential cost is the lack of $\frac{3}{4}$ inch connections, they are all 1-inch.

No one is lobbying for us and it is very frustrating.

V. Public Concerns for Board Consideration:

No comments were made.

VI. Board Member Concerns:

No comments were made.

VII. Adjourn:

Motion was made by Derek Imlay to adjourn. Valenti-yes, Imlay-yes, Gubler-yes, Hirschi-yes, Prince-yes. Motion carried at 3:55pm.

Minutes were taken by Christy Ballard.


Chairman

