



City of LaVerkin

435 North Main St., LaVerkin Utah, 84745
(435) 635-2581 Fax (435) 635-2104

www.laverkin.org

LA VERKIN CITY WATER BOARD AGENDA

THURSDAY, February 23, 2023, 3:00 p.m.

435 North Main Street, La Verkin, UT

- I. **Call to Order:**
- II. **Council appointment of new Board Members:**
 - Swearing in
- III. **Approval of Minutes:** October 27, 2022, minutes
- IV. **Reports:**
 - A. Water Purchase-Kyle Gubler
 - B. Virgin River Distribution System Water Users meeting-Kyle Gubler
 - C. Culinary Water Management update-Derek Imlay
 - D. Irrigation Water Management update-Derek Imlay
 - Water back in system on March 15th
- V. **Business:**
 - A. Discussion and possible action to recommend approval of a resolution increasing the excess water use surcharge.
 - B. Discussion and possible action to recommend approval of the Washington County Water Conservancy District's Drought Contingency Plan.
- VI. **Public Concerns for Board Consideration:** Identification of issues for consideration of future meetings.
- VII. **Board member concerns**
- VIII. **Adjourn**

In compliance with the American with Disabilities Act, individuals needing special accommodations (Including auxiliary communicative aids and services) during this meeting should notify Christy Ballard, City Recorder (435) 635-2581 at least 48 hours in advance.

Certificate of Posting

The City Recorder does hereby certify that the agenda was sent to each member of the board, sent to the Spectrum newspaper, posted on the La Verkin City website www.laverkin.org, the Utah Public Meeting Notice website <http://pmn.utah.gov>, and the city office buildings at 435 N. Main and 111 S. Main on February 17, 2023.

Christy Ballard
City Recorder

City of LaVerkin
435 N. Main St., LaVerkin Utah, 84745
(435) 635-2581 Fax (435) 635-2104

RESOLUTION R-2023-_____

A RESOLUTION INCREASING THE EXCESS WATER USE SURCHARGE

WHEREAS, this area—like much of the West—has been in the midst of a lengthy and severe drought; and

WHEREAS, drought conditions, coupled with significant and continuing growth in the area, have significantly and adversely affected the available water to meet the needs of area residents, businesses, and agricultural operations, and are expected to worsen in the future; and

WHEREAS, the Washington County Water Conservancy District (“WCWCD” or “District”) has implemented, and is in the process of implementing, various water-conservation methods, and tools to control and/or reduce water usage; and

WHEREAS, such tools include various fees and charges, including tier assessments; and

WHEREAS, in accordance with the provisions of Article 8 of the *Revised Regional Water Supply Agreement (January 1, 2019)* (“*Revised Supply Agreement*” the board of the WCWCD, or District, adopted *A Resolution of the Washington County Water Conservancy District Board of Trustees Authorizing an Increase in the Water Development Surcharge for Excess Water Use* (“*the 2021 Resolution*”), on December 1, 2021, increasing the surcharge provided for therein and to pass such increase on to the City of LaVerkin, Utah (“City” or “the City”), as set forth herein, by assessing an Excess Water Use Surcharge to the City, a charge which may be passed on to the end user or retail customer of such water; and it was represented that the District intended to make the assessment and collection of the surcharge (from the City) effective January 1, 2023; and

WHEREAS, in accordance with subsection A.2 of Section 8-1-3 of *The LaVerkin City Code* (“LVCC”), the City Council may, from time to time, establish and fix by resolution the fees (including surcharges) for and associated with culinary water rates and charges; and

RESOLUTION R-2023-_____

WHEREAS, after review and consideration of the surcharge fees by City Staff and the City's Water Board, and subsequently by the City Council, it was the considered determination of the LaVerkin City Council that the 2021 Resolution fees, as set forth in the District's December 1, 2021, resolution, were fair, reasonable and commensurate with the value received by those properties upon which said fees are to be assessed, and in the best interests of the City and its residents and businesses; and

WHEREAS, the City adopted said fees in **Resolution R-2022-18**, on August 17, 2022; and

WHEREAS, in accordance with the provisions of Article 8 of the *Revised Regional Water Supply Agreement (January 1, 2019)* ("Revised Supply Agreement the board of the WCWCD, or District, adopted *A Resolution of the Washington County Water Conservancy District Board of Trustees Authorizing an Increase in the Excess Water Use for New Connections Made on or after January 1, 2023* ("the 2022 Resolution"), on December 7, 2022, increasing the surcharge provided for therein and to pass such increase on to the City of LaVerkin, Utah ("City" or "the City"), as set forth herein, by assessing an Excess Water Use Surcharge to the City, a charge which may be passed on to the end user or retail customer of such water; and it was represented that the District intended to make the assessment and collection of the surcharge (from the City) effective January 1, 2023; and

WHEREAS, after review and consideration of the surcharge fees by City Staff and the City's Water Board, and subsequently by the City Council, it was the considered determination of the LaVerkin City Council that the 2022 Resolution fees, as set forth in the District's December 7, 2022, resolution, are fair, reasonable and commensurate with the value received by those properties upon which said fees are to be assessed, and in the best interests of the City and its residents and businesses; and

WHEREAS, is has been represented to the City by the District (and it is the informed understanding of the City Council) that:

1. The 2021 Resolution and the 2022 Resolution are each intended to be effective January 1, 2023; and
2. The 2021 Resolution applies only to those connections which existed on or before December 31, 2022; and the 2022 Resolution applies only to those connections which are made on or after January 1, 2023; and

WHEREAS, it was not known to the City Council at the time that it adopted Resolution R-2022-18 (on August 17, 2022) that said Resolution would only apply to water connections made on or before December 31, 2022, and the resolution did not—by its terms—limit its application as such.

RESOLUTION R-2023-_____

NOW THEREFORE, BE IT RESOLVED by the LaVerkin City Council that:

PART I. Limitation of application of Resolution R-2022-18 (adopted by the LaVerkin City Council August 17, 2022) (a copy of which is attached hereto as **Exhibit A**).

Resolution R-2022-18 is hereby amended to include the following “BE IT FURTHER RESOLVED” clause, to be inserted before Section F and the current “BE IT FURTHER RESOLVED” clause:

BE IT FURTHER RESOLVED that this Resolution shall apply to all water connections to the City’s culinary water system that are in existence on or before 11:59 p.m., December 31, 2022.

PART II.

There is hereby established an increased **Excess Water Use Surcharge** to be calculated and assessed as follows:

Section 1. Amount of Excess Water Use Surcharge. For new connections to the district's regional system connecting on or after January 1, 2023 ("New Connections"), Excess Water Use Surcharge established in "A Resolution of the Washington County Water Conservancy District Board of Trustees Authorizing an Increase in the Water Development Surcharge for Excess Water Use," adopted by the Board on December 1, 2021 (2021 Resolution), shall be increased to Ten Dollars (**\$10.00**) per thousand gallons of potable water exceeding the thresholds set forth in Sections 2 and 3, below. [The base surcharge of the Water Development Surcharge shall remain at One Dollar and Seventy-Five Cents (**\$1.75**) for all New Connections.]

Section 2. Residential Thresholds. The Excess Water Use Surcharge will be charged monthly for each new residential connection for which water use exceeds the monthly threshold, which varies by type of residential connection and by season, as set forth in the following table:

RESOLUTION R-2023-_____

Residential Thresholds for New Connections

Season	Winter (December, January, February)	Spring (March, April)	Summer (May, June, July, August, September)	Fall (October, November)
Residential Connection¹	8,000 gallons per month	15,000 gallons per month	20,000 gallons per month	15,000 gallons per month
Potable and Non-Potable Residential Connections²	8,000 gallons per month	8,000 gallons per month	8,000 gallons per month	8,000 gallons per month

Section 3. Non-Residential Thresholds. The Excess Water Use Surcharge will be charged monthly for each new non-residential connection for which water use exceeds the monthly threshold, which varies by meter size as set forth in the following table:

Non-Residential Thresholds for New Connections

Meter Size	Monthly Threshold
3/4" meter	36,000 gallons per month
1" meter	80,000 gallons per month
1.5" meter	260,000 gallons per month
2" meter	420,000 gallons per month
3" meter	850,000 gallons per month
4" meter	1,400,000 gallons per month
6" meter	2,600,000 gallons per month
8" meter	4,200,000 gallons per month

Section 4. Allocation of Revenue. To help cover administrative costs of collecting the excess water use surcharge for New Connections provided for herein, the City shall withhold and retain ten percent (10%) of the proceeds from the excess water use surcharge for New Connections. The City shall remit the remaining ninety percent (90%) of the proceeds to the District to be budgeted in the appropriate fund for water conservation.

¹ For those properties without access to secondary water.

² Including those properties with access to secondary water.

RESOLUTION R-2023-_____

BE IT FURTHER RESOLVED that (a) if any part of this resolution shall be declared invalid, such declaration shall not affect the validity of the remainder of this resolution; (b) all resolutions or policies in conflict herewith are hereby repealed to the extent of any such conflict; and (c) the LaVerkin City Council specifically finds that it is necessary for the immediate preservation of the health, safety and welfare of the present and future inhabitants of the City of LaVerkin that this Resolution take effect immediately upon passage, as provided by Section 10-3-719, *Utah Code Annotated* (1953, as amended).

PASSED, ADOPTED AND APPROVED this _____ day of _____, 2023.

KELLY WILSON, Mayor

ATTEST:

CHRISTY BALLARD, City Recorder

Exhibit A



City of LaVerkin
435 N. Main St., LaVerkin Utah, 84745
(435) 635-2581 Fax (435) 635-2104

RESOLUTION R-2022- 18

A RESOLUTION INCREASING THE WATER DEVELOPMENT SURCHARGE

WHEREAS, this area—like much of the West—is in the midst of a lengthy and severe drought; and

WHEREAS, drought conditions, coupled with significant and continuing growth in the area, have significantly and adversely affected the available water to meet the needs of area residents, businesses, and agricultural operations; and

WHEREAS, the Washington County Water Conservancy District ("WCWCD" or "District") has implemented, and is in the process of implementing, various water-conservation methods and tools to control and/or reduce water usage; and

WHEREAS, such tools include various fees and charges, including tier assessments; and

WHEREAS, in accordance with the provisions of Article 8 of the *Revised Regional Water Supply Agreement (January 1, 2019)* ("Revised Supply Agreement" the board of the WCWCD, or District, has voted to increase the surcharge provided for therein and to pass such increase on to the City of LaVerkin, Utah ("City" or "the City"), as set forth herein, by assessing an Excess Water Use Surcharge to the City, a charge which may be passed on to the end user or retail customer of such water; and

WHEREAS, it has been represented that the District intends to make the assessment and collection of the surcharge (from the City) effective January 2023; and

WHEREAS, in accordance with subsection A.2 of Section 8-1-3 of *The LaVerkin City Code* ("LVCC"), the City Council may, from time to time, establish and fix by resolution the fees (including surcharges) for and associated with culinary water rates and charges; and

WHEREAS, after review and consideration of the surcharge fees by City Staff and the City's Water Board, and subsequently by the City Council, it is the considered determination of the LaVerkin City Council that the fees, as set forth herein, are fair, reasonable and commensurate with the value received by those properties upon which said fees are to be assessed, and in the best interests of the City and its residents and businesses.

RESOLUTION R-2022- 18

NOW THEREFORE, BE IT RESOLVED by the LaVerkin City Council that there is hereby established an increased **Water Development Surcharge** to be calculated and assessed as follows:

- A. **Base Surcharge.** City customers will continue to pay a Water Development Surcharge equal (i) One and 75/100 Dollars **(\$1.75)** per Equivalent Residential Connection (ERC) per month (base surcharge).
- B. **Excess Water Use Surcharge.** In addition to the base surcharge, for each issued meter, City customers will pay an "excess water use surcharge" in the amount of One Dollar **(\$1.00)** per each thousand gallons of water used that exceed the designated monthly demand threshold for volume of water per meter size as shown in the table below:

<u>Meter Size</u>	<u>Monthly Demand Threshold (gal)</u>
3/4" meter	36,000
1" meter	80,000
1.5" meter	260,000
2" meter	420,000
3" meter	850,000
4" meter	1,400,000
6" meter	2,600,000

- C. **Billing Labeling.** The cost of the Excess Water Use surcharge shall be passed on to the City's retail customers, and may be identified on the City's utility bill as an Excess Water Use Surcharge being paid or forwarded on to the District by the City).
- D. **Administrative Fee.** To help cover administrative costs of collecting the excess water use surcharge provided for in Section 2, the City shall withhold and retain five percent (5%) of the proceeds of the excess water use surcharge, as an administrative fee, and remit the remainder of the proceeds to the District. When remitting the payment to the District, the City shall clearly indicate the percentage of said administrative fee and the total amount retained by the City.

RESOLUTION R-2022- 18

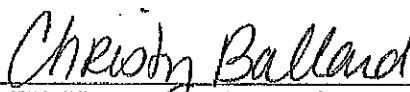
- E. **Leak Rate.** The City offers a leak rate program to its City retail customers that provides a short-term reduction in said customer's bills when a leak is suspected and repaired (*see* Resolution No. R-2012-14, adopted June 20, 2012). To the extent that the leak is identified, reported to the City, and fixed or otherwise corrected within 30 days of the bill reflecting the excess usage for the alleged leak (*except under extreme circumstances where the Municipal Customer may extend the time*), and to the extent that the increase in the bill exceeds the mandatory minimum billing increase provided therein for relief, the City may reduce the excess water use surcharge to the City retail customer in the same manner by which it reduces the regular billing.
- F. **Commercial, Industrial and Institutional Water Users.** Where a commercial, industrial, and institutional water user incurs excess water use surcharges because it is using more water than its designated monthly demand threshold(for volume of water per meter size, as shown in the table in Section 2 above), it may upsize its meter(s) (to increase its designated monthly demand threshold for volume of water per meter size) to reduce the excess water use surcharge, *provided that* it pays the District the Impact Fee associated with upsizing the meter at the time the meter is upsized. The City shall ensure that the Impact Fee is paid prior to upsizing a meter or adjusting the excess water use surcharge for such commercial, industrial, or institutional water user.

BE IT FURTHER RESOLVED that (a) if any part of this resolution shall be declared invalid, such declaration shall not affect the validity of the remainder of this resolution; (b) all resolutions or policies in conflict herewith are hereby repealed to the extent of any such conflict; and (c) this resolution shall take effect 12:01 a.m., January 1, 2023.

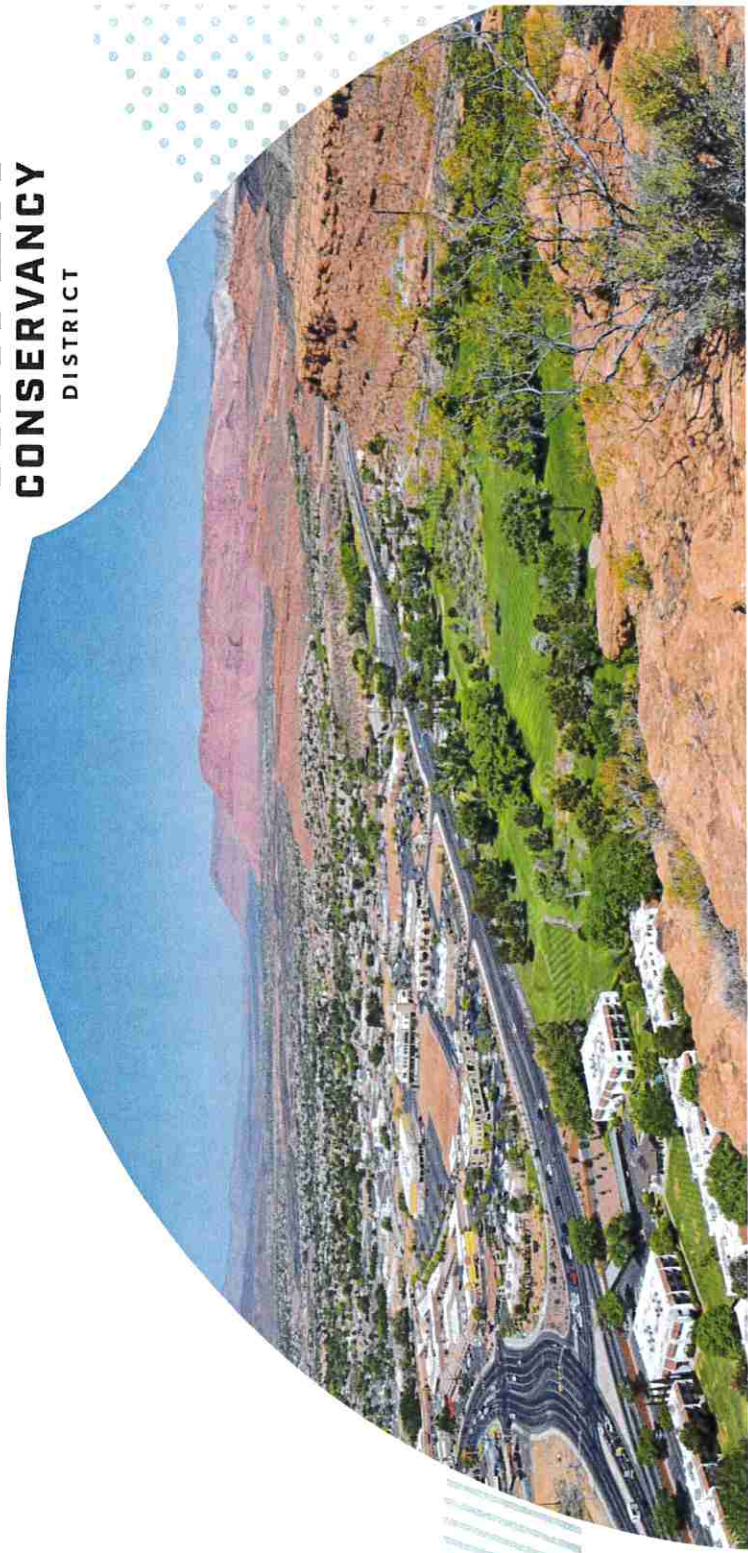
PASSED, ADOPTED AND APPROVED this 17 day of August, 2022.


KELLY WILSON, Mayor

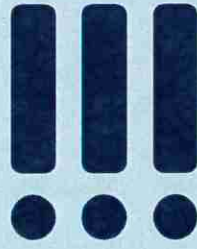
ATTEST:


CHRISTY BALLARD, City Recorder

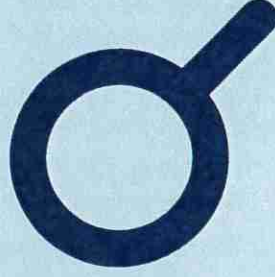
Washington County Water Conservancy District



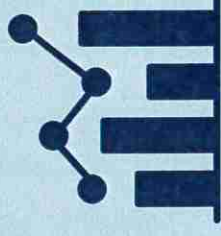
Drought Contingency Planning Components



Establish
Drought
Stages

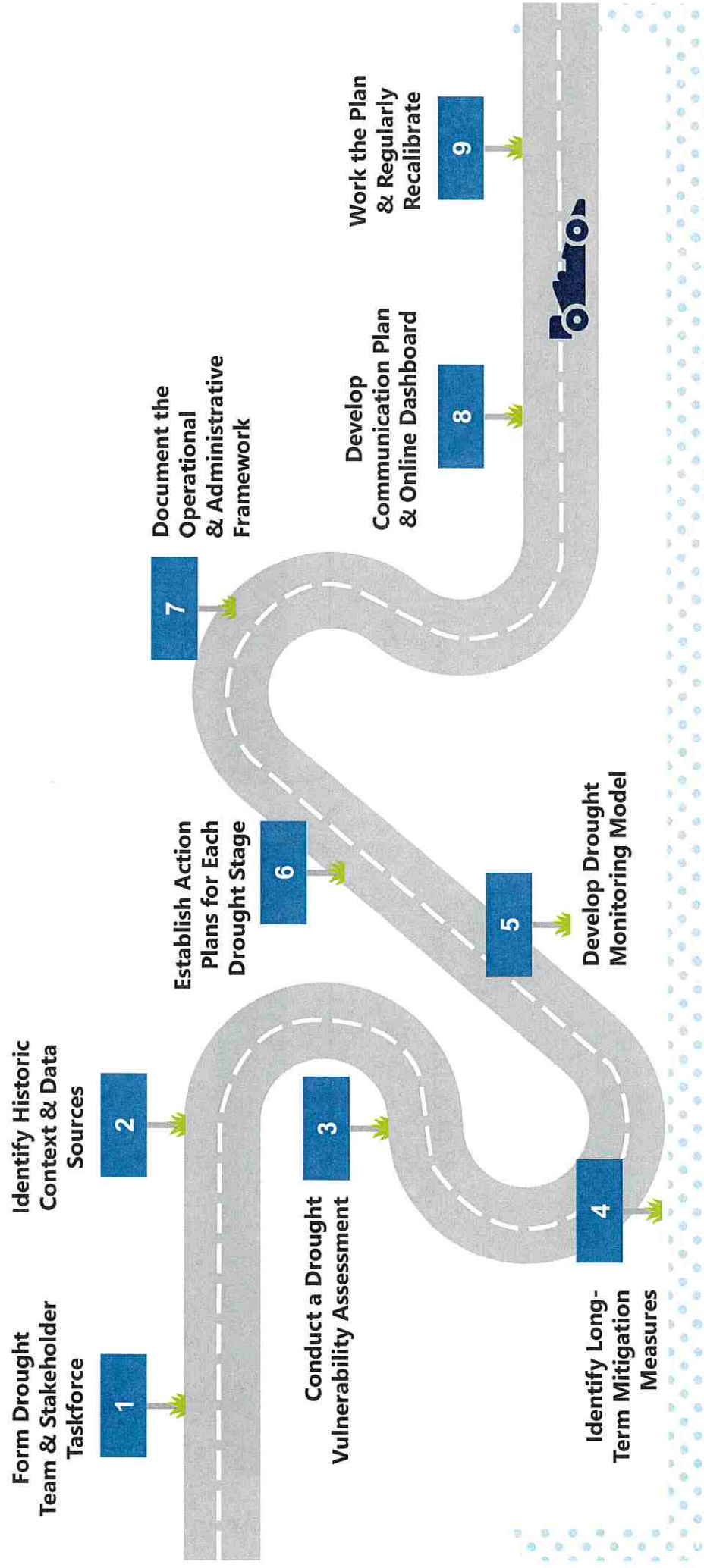


Identify Action
Plan for Each
Stage

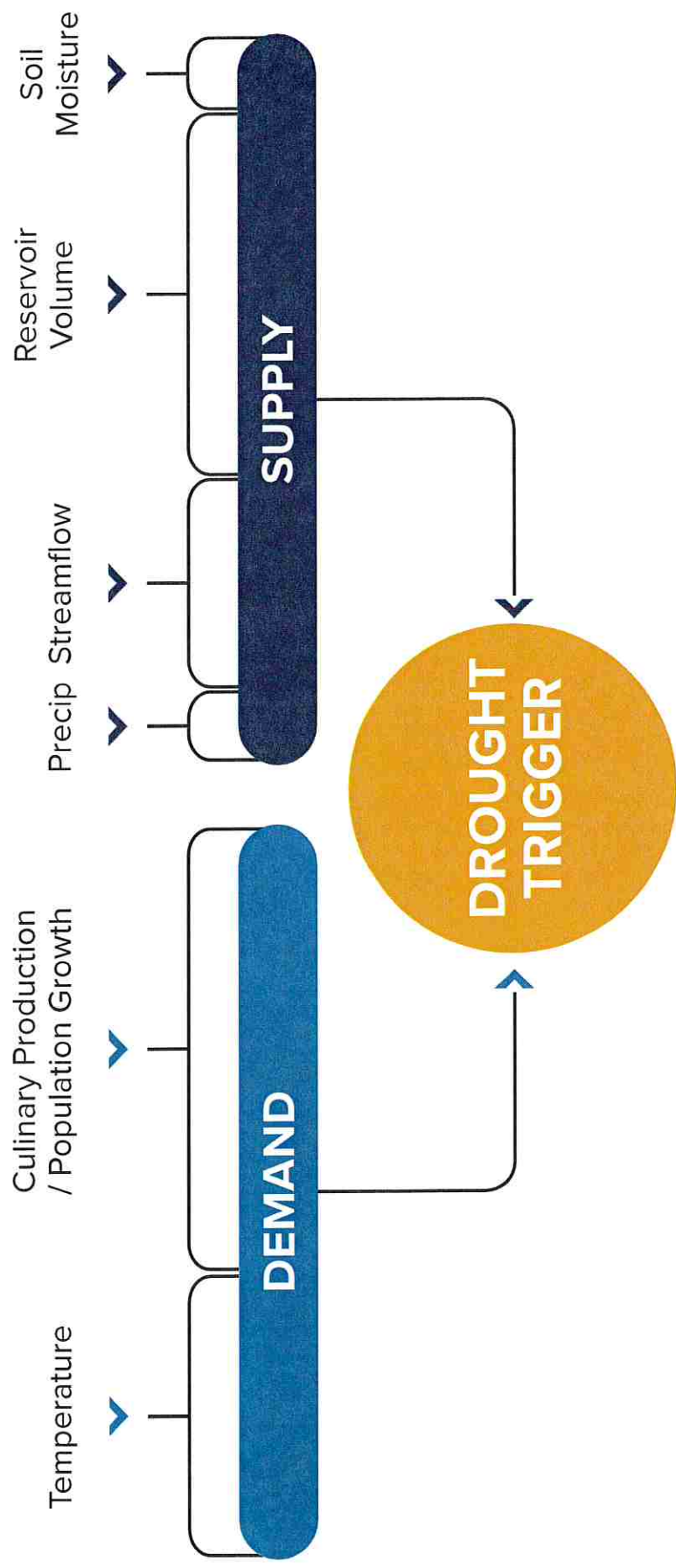


Ongoing
Monitoring
Procedure

WaterSmart Framework



Model – Based on Local Data

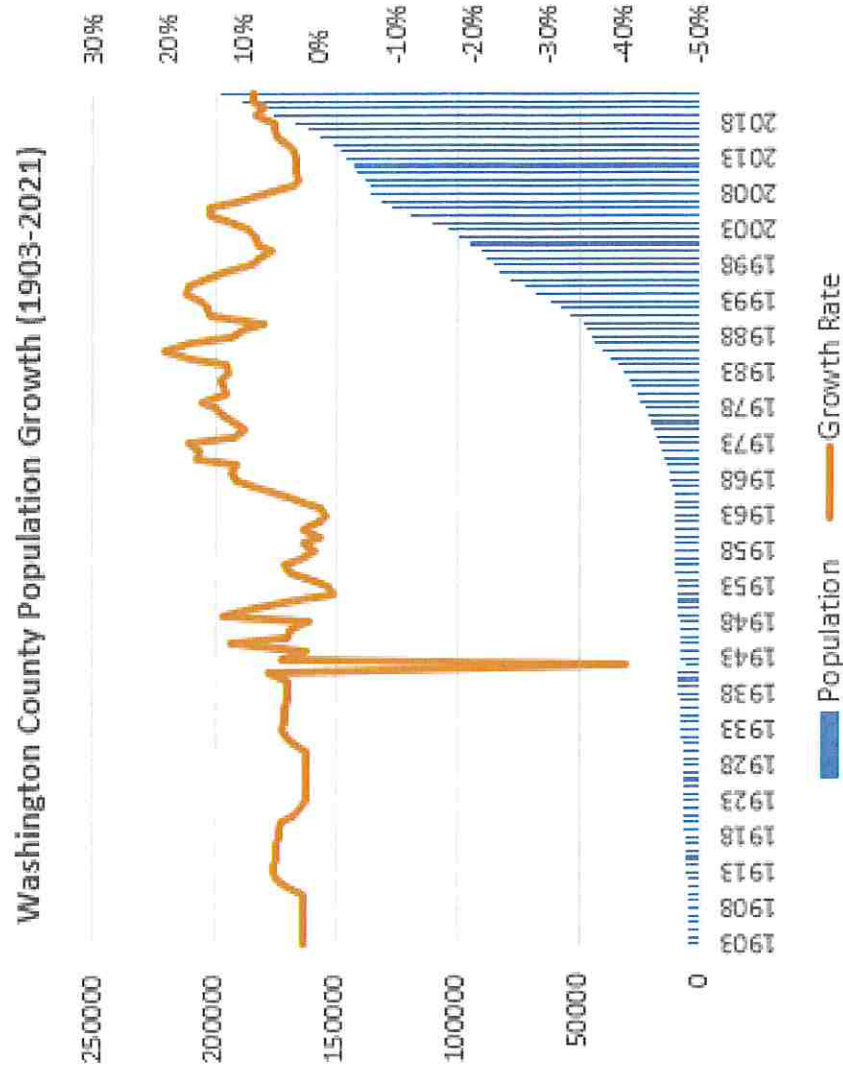
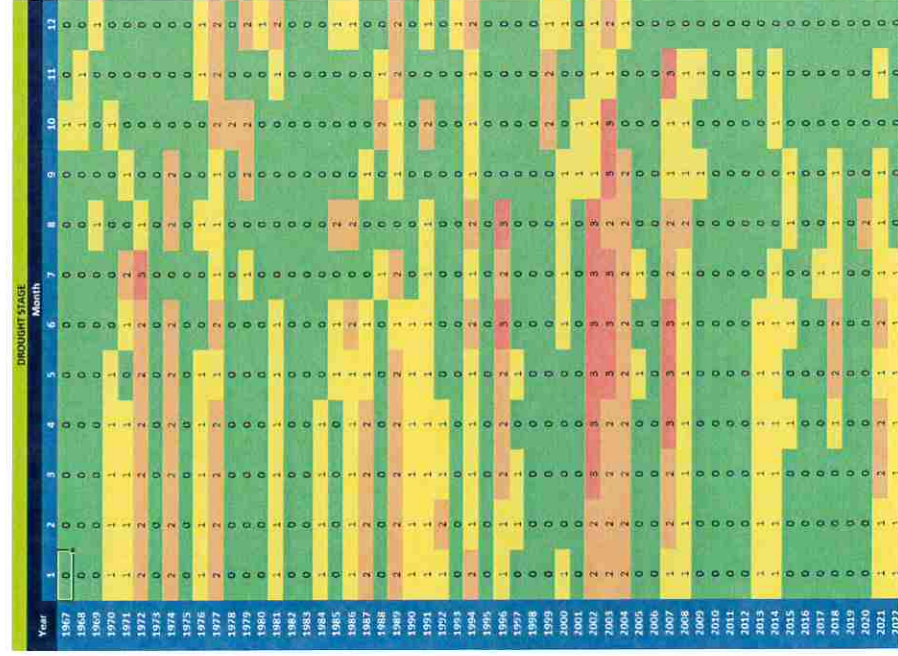


Drought Stages

WATER AVAILABILITY AND RESPONSE STAGES					
	Stage 0	Stage 1	Stage 2	Stage 3	Stage 4
Water Availability	NORMAL Sustainable Supply	ABNORMALLY DRY Supply Drawdown	PROLONGED DROUGHT Diminished Supply	ESCALATED DROUGHT Deteriorated Supply	EXTREME DROUGHT Depleted Supply
Response Stage	CONSERVE	CAUTION	CONCERN	CRISIS	CATASTROPHIC



Historic Drought Model vs Pop. Growth



Drought Stages

WATER AVAILABILITY AND RESPONSE STAGES			
Drought Stage	Residential	Municipalities	WCWCD
STAGE 0 CONSERVE	Follow the district's recommended seasonal irrigation schedule.	Encourage/incentivize water wise landscaping.	Consistently communicate water conservation objectives.
	No irrigation in the summer between 10 a.m. and 8 p.m.	Communicate water consumption data to residents.	Provide public communication materials to all communities.
	Repair leaks and water use inefficiencies.	Model sustainable water use strategies.	Reinforce sustainable use messaging.
	Participate in district rebate programs and free community classes.	Encourage restaurants to serve water by request only.	Conserve and secure additional water sources for population growth.
		Minimize hotel laundry use by encouraging patrons to reuse linens and towels.	Develop and maintain infrastructure. Identify and repair leaks. Plan and prepare for future drought.



Drought Stages

WATER AVAILABILITY AND RESPONSE STAGES			
Drought Stage	Residential	Municipalities	WCWCD
STAGE 1 Caution	Reduce irrigation frequency and/or duration. Raise lawn mower blades to 3-4 inches. Voluntary limit indoor water use.	Reduce irrigation of public facilities by 20% Communicate drought conditions to the public. Target indoor conservation messaging to high water users.	Update communications for drought stage. Focus water management to maintain reservoir and aquifer levels. Increase water use education through smart, comparative billing. Monitor groundwater use to avoid depletion



Drought Stages

WATER AVAILABILITY AND RESPONSE STAGES			
Drought Stage	Residential	Municipalities	WCWCD
STAGE 2 Concern	Follow mandatory irrigation schedule; irrigation of only trees and shrubs recommended. Grass installation prohibited. Enhanced monitoring for failing to comply with irrigation schedule and/or other water waste activities. Car washing restricted to commercial facilities. Non-essential draining and refilling of swimming pools prohibited. Reduce indoor water use by 10%.	Reduce irrigation of public facilities by 40%. Restrict construction water use. Prohibit use of misting systems. Prohibit use of ornamental fountains. Raise tiered water rates. Designate staff to assist with enforcement and public outreach.	Provide communication materials to communicate severity of drought stage. Petition State for limitation on aquifer drawdown. Increase leak detection and repair efforts. Begin voluntary transfers of irrigation water right to potable use. Implement indoor water audit incentive program. Suspend non-essential system maintenance activities, including flushing.



Drought Stages

WATER AVAILABILITY AND RESPONSE STAGES			
Drought Stage	Residential	Municipalities	WCWCD
STAGE 3 Crisis	Grass irrigation prohibited; irrigation of trees and shrubs only allowed via drip irrigation or by hand watering. Discourage new landscaping. Conduct water audits. Reduce indoor water use by 20%	Prohibit irrigation of non-functional grass. Implement enforcement measures for failure to comply with conservation measures. Turn off outdoor water features, including recreational water splash pads. Provide indoor water audits. Restrict high commercial water use. Institute a temporary building moratorium. Prohibit use of water for dust control, except as required to protect public health.	Provide crisis communication and enforcement support to municipalities. Rebalance water deliveries by population not limited by delivery contract. Actively negotiate temporary transition of municipal irrigation water rights to supplement potable water supplies.



Drought Stages

WATER AVAILABILITY AND RESPONSE STAGES			
Drought Stage	Residential	Municipalities	WCWCD
STAGE 4 Catastrophic	No outdoor water use. Reduce indoor water use by 30%.	Eliminate all outdoor irrigation. Prohibit recreational water use. Aggressive enforcement including water shutoffs.	Provide emergency communication services. Limit contract water deliveries.



[illegible]

OPTION 2

EMERGENCY WATER MANAGEMENT PLAN



STAGE	RESPONSE	LOCAL MUNICIPALITY	WCWCD
Concern	Normal = Sustainable Supply - Monitor system for identifying leaks and waste - Voluntary outdoor conservation measures - Continue to practice smart water use strategies		
Caution	Abnormally Dry = Decreasing Supply - Voluntary curf of indoor water use by 10% considering dishwasher and clothes washing - Encourage reduction in frequency of standing and refilling swimming pools - Washing down of impervious surfaces with water is prohibited - Water hose frozen: replace to 2-4 inches		
Alarm	Prolonged Drought = Diminishing Supply - Voluntary landscape trees and shrubs watering only - Mandatory day of week watering - Prohibit watering from 10 am to 8 pm. Enforce with fines - No new turf - Replace water waste from non-essential leaks. Insulate sprayer head, water running off the property - Car washing restricted to commercial car washes - Encourage reduction in frequency of standing and refilling swimming pools - Washing down of impervious surfaces with water is prohibited		
Crisis	Enforced Drought = Depleting Supply - No turf grass, landscape trees and shrubs watering only - Prohibit watering from 10 am to 8 pm. Enforce with fines - Prohibit new landscaping - Prohibit water waste Extreme Drought = Depleting Supply - Reduce indoor water use by 20% - No outdoor use		

Current Drought Stage

DATE: 01/31/2023

CURRENT DROUGHT STAGE

1

SCORE DRIVEN BY DEMAND

	Stage 0	Stage 1	Stage 2	Stage 3	Stage 4
Water Availability	NORMAL Sustainable Supply	ABNORMALLY DRY Supply Drawdown	PROLONGED DROUGHT Diminished Supply	ESCALATED DROUGHT Deteriorated Supply	EXTREME DROUGHT Depleted Supply
Response Stage	CONSERVE	CAUTION	CONCERN	CRISIS	CATASTROPHIC



Next Steps



Consolidate Stakeholder Comments



Get Bureau of Reclamation Comments



District Board Approval



Ongoing Use and Calibration



Questions?



| Advanced Engineering and Environmental Services, LLC

Water Purchased by the City

Name	Shares	Cost	Date
Budget Amendment 2/2/2021 (\$20,000)			
Norman Gates (Darren)	5	\$ 10,000.00	2/15/2021
Deon Gubler (Gaye Lynne Wiser)	3	\$ 6,000.00	2/15/2021
Kent Clayton	1	\$ 2,000.00	2/15/2021
Aaron Esplin	0.25	\$ 500.00	2/19/2021
Tom Wood	1	\$ 2,000.00	3/5/2021
Totals	10.25	\$ 20,500.00	
Budget Amendment 6/2/2021 (\$22,000)			
Ben DeMille	3.25	\$ 6,500.00	3/18/2021
Deon Gubler (Gaye Lynne Wiser)	4	\$ 8,000.00	7/7/2021
Claire Sullivan	3	\$ 6,000.00	7/7/2021
Totals	10.25	\$ 20,500.00	
Budget 7/1/2021 (\$22,000)			
Claire Sullivan	3	\$ 6,000.00	7/19/2021
Jackson Construction	8	\$ 16,000.00	7/19/2021
Totals	11	\$ 22,000.00	
Budge Amendment February 2022 (\$22,000)			
Jay & Dorothy Frazier	4	\$ 8,000.00	4/6/2022
Totals	4	\$ 8,000.00	
Budget 7/1/2022			
James Jeppson	1	\$ 2,000.00	10/11/2022
William & Sharon Collins	0.25	\$ 500.00	2/13/2023
Totals	1.25	\$ 2,500.00	
Total Shares Purchased	36.75	\$ 73,500.00	

