

# Grand Water & Sewer Service Agency

Operating Committee Meeting  
February 21, 2001

The meeting was called to order by President Gary Wilson at 7:00 p.m. at the Agency Office, 3025 E Spanish Trail Road, Moab, Utah. Other Operating Committee members present were Ned Dalton, Neal Dalton, Dan Holyoak, and John Keys. Absent: Paul Morris and Karl Tangren. Those in attendance established a quorum. Other Board members present were Jerry McNeely, Bill McDougald, James Walker, Al McLeod, and Kyle Bailey. Absent: Karla VanderZanden.

Others present were Dale Pierson, Rhonda Riberia, Marsha Modine, Rex Tanner, Lola McElhaney, Barbara Morra, Franklin Seal, and Bill Love.

After calling for additions or corrections to the minutes of the Full Agency meeting of February 7, 2001 and hearing none, President Wilson asked that the minutes be approved as circulated to the Board. Motion: James. Seconded: Neal. Gary – aye, Ned – aye, Neal – aye, Dan – aye, John – aye, Bill – aye, James – aye, Al – aye, Kyle – aye, Jerry – aye. Motion carried.

## **Citizens To Be Heard**

**Bill Love** spoke regarding asking for a letter from the Agency Counsel regarding the contestation of the SITLA agreement. Bill referred to Utah Code 11-13-20 in which he felt there must be a publication of enactment in order to commence a contestation period. Dale explained that this section of Code was primarily for bonded indebtedness, and as per 11-13-20, 3a, was optional not mandatory. Gary noted that most likely a legal opinion of this nature would have to come from a lawyer hired by Bill, not the Agency's Counsel. Gary thanked Bill for his comments.

Bill Love

**Barbara Morra** spoke regarding concern that the Board would think she was anti-development. She assured them she was not, but was pro-ethic. She noted most of the Board members are ethical and appreciated their hard work. Gary noted that he would prefer she correct the comment as all the Board members are ethical. He thanked her for comments.

Barbara Morra

**Agenda Item Sequence Changed** Kyle motioned to move agenda items 4 and 5 - *George White Water Right* and *Executive Session* behind item 7 - *Water Project Report*. Second by John. Gary – aye, Ned – aye, Neal – aye, Dan – aye, John – aye, Bill – aye, James – aye, Al – aye, Kyle – aye, Jerry – aye. Motion carried.

**Legal Opinion – Agency vs. District Vote** Dale relayed his conversation with Brent Rose to the Board noting that Brent was not concerned about the vote as it was advertised, and a majority was present. The only thing that may be a concern is the meeting was not advertised as a joint SVW & SID and GW & SSA meeting. From that end Brent felt there may be a need to readdress the item by SVW & SID adopting a resolution accepting the agreement with SITLA. Dale added that in addition, there was concern about the repayment of impact fees stipulation conflicting with Utah Code which requires that funds cannot be committed outside of one year's budget. Dale noted that Brent was continuing his research and further information would be forthcoming. Gary noted this process would need to be completed in a timely manner or the Agency may have to consider borrowing money to cover the SITLA portion. Dale noted that options included using the letter of credit or Capital Improvement reserves. John asked if another public hearing would be required, to which Dale responded no. He added that if another meeting was required it would be an SVW & SID meeting at which all Agency members would be welcome, but only SVW & SID Directors could vote. Bill Love expressed concern regarding compound interest and unlimited payback for unused impact fees. Discussion followed.

Agency vs.  
District Vote

**Water Project – Report** Dale presented a report to the Board discussing the tank, well site, and piping portions of the project.

Water Project

**George White Water Right** Dale recapped the history of the 1981 agreement with George White, noting that 30 years remain. Dale explained that George was ready to sell the 134 acres and was offering the property to the Agency. Options were discussed including keeping the land in part or in whole as conservation easements to preclude development, use of a private developer, and congressional aid. All options were in mind of keeping the water rights regardless. Further discussion followed with questions from both the attending public and Board members.

George White  
Water Right

Ned reported that Tracey Balsley has land north of the reservoir along with a well that he is in the process of selling. Tracey wants to prove the water and use the well for culinary purposes. Gary asked Ned to have Tracey contact Dale. Gary noted that if the Board wished to discuss specific financial information regarding George White's land an Executive Session would need to be called. Gary explained to the attending public that if the Session was called, they would be asked to step into the front office for the duration, but were welcome to return after the Session had closed.

James motioned at 7:55 p.m. to call an Executive Session for the purpose of discussing acquisition of real estate. Second by Dan. Gary – aye, Ned – aye, Neal – aye, Dan – aye, John – aye, Bill – aye, James – aye, Al – aye, Kyle – aye, Jerry – aye. Motion carried.

Motion to close Executive Session at 8:10 p.m. by James, second by John. Gary – aye, Ned – aye, Neal – aye, Dan – aye, John – aye, Bill – aye, James – aye, Al – aye, Kyle – aye, Jerry – aye. Motion carried.

**Financial Report** The financial report for January was presented to the Board.

**Check Approval** John motioned to approve the checks totaling \$180,691.57, second by Kyle. Gary – aye, Ned – aye, Neal – aye, Dan – aye, John – aye, Bill – aye, James – aye, Al – aye, Kyle – aye, Jerry – aye. Motion carried.

### **Items from Board**

**Legal Opinion** James asked regarding the final legal opinions regarding the SVW & SID Board positions. Dale responded that Brent Rose and Mark Anderson had not spoken for a number of days due to other commitments, but that the talks were still in process.

Legal Opini

**SVW & SID Resolution Request** Al noted that even though this was not an SVW & SID meeting he would like to present a request to the Board. Al requested that SVW & SID consider passing a resolution that would make SVW & SID Board membership an elective office. He noted the earliest this could be done would be in November, clarifying that the five Board positions of SVW & SID would be filled by election. He added that only those residents served by the District would be able to vote. Discussion followed.

Request for  
SVWSID  
Election  
Resolution

**Paper Chase** Gary relayed Karla's concern that the duplication of paperwork for Board meetings (one set mailed, one set inserted in the packets) was cost prohibitive both for materials and man-hours. Karla's suggestion is to a) have as many items as possible emailed to Board members who in turn would be responsible for printing them, or b) print them once only for the mailing. Both options would require Board members to bring the printed items to the meeting. Gary asked the Board to consider Karla's request noting it could be discussed again at the next meeting.

Paper  
Chase

### **Items from Staff**

**Public Information Hearing** Dale reminded the Board of the February 22, 2001 North Corridor Public Information Hearing, 7:00 p.m. at the Grand County Courthouse. Dale noted that the Nature Conservancy (a property owner in the North Corridor Area) had sent a written comment that would be available at the hearing. Dale noted that the hearing was primarily to gage the level of support for the project, as funding was not completed at this time.

Public  
Information  
Hearing

**Snow Report** Dale noted the current snow pack report was not available this week, but that if the snow pack stays between 60-70% the Board would need to discuss options. The options might include a later start date, restrictions, penalties, pumping personal wells and paying for the electric, etc. James requested a graph showing where the lake water is now, and where it should be. James also suggested procuring a professional opinion regarding whether starting to water crops late or stopping early would be best for the crops. James added that the option could then be given to the irrigation customers.

Snow  
Report

President Wilson declared the meeting adjourned at 8:20 p.m.

ATTEST:

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Gary N. Wilson, President

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Dale F. Pierson, Secretary/Treasurer