

# *Roy Water Conservancy District*

## **Minutes of Board Meeting**

July 14, 2021

5:00 p.m.

The following are minutes of the Board of Trustees regularly scheduled board meeting that was held at Roy Water Conservancy District, located at 5440 S. Freeway Park Drive, Riverdale, UT 84405, on Wednesday, July 14, 2021, at 5:00 p.m.

**Present:** Chad Zito, Chair; Mark W. Ohlin, Vice-Chair; Darl R. Field, Gary L. Newman, and Jay L. Cottle, Trustees; Rodney Banks, Manager/Treasurer; Brent Rose, Clyde Snow Sessions; Linda Toupin, District Clerk; and Courtney Harris, Records Clerk; Adam Peterson, 2593 West 5175 South, Roy; Tony Kent, 5987 South 2200 West, Roy.

**I. CALL TO ORDER.** Chair Zito called the meeting to order at 5:00 p.m. and welcomed everyone present.

**II. PLEDGE OF ALLEGIANCE.** The Pledge of Allegiance was led by Mr. Ohlin.

**III. APPROVAL OF MINUTES.** Mr. Field made a motion to accept and approve the minutes of June 9, 2021, board meeting as written. Mr. Newman seconded the motion. The motion carried unanimously.

### **IV. BUSINESS.**

**A. Public Comments.** Chair Zito read rules of conduct for public comments.

Mr. Peterson said he is in favor of water conservation and has received two meter usage reports so far as his meter was installed earlier this year. Mr. Peterson said the report does not tell him what his usage should be, and when he called the office to inquire, he was told he was doing it all wrong by watering every other day. Mr. Peterson said he was told to follow the watering guidelines on the District website. Mr. Peterson set his timer to the recommendation on the website and calculated his usage would increase by 20-25%. Mr. Peterson wanted to know if it was more important to follow the guidelines or lower usage. Mr. Peterson said he would like more flexibility with watering days. Mr. Peterson asked if he was going to get in trouble every time he turned on the tap to make repairs or water gardens or if he needed to use water only on his two allowed watering days.

Mr. Kent asked how the Board would address the communication breakdown that happened in the past couple of weeks. Mr. Kent said the recommendations he found were to water once every three days which would put him at odds a couple of times per month with the two-day-per-week directive. Mr. Kent said instead of warnings being sent out, a notice telling residents to only water twice per week should have been sent out. Mr. Kent said Roy City told him if you need to water by hand, do not water the same spot more than twice per week. Mr. Kent asked if the District is allowed to fine people with meters based on usage since the entire District is not yet metered or if it would be considered entrapment. Mr. Kent asked how many of the District Board members have a meter.

Chair Zito said the Governor of Utah directed residents to water only twice per week. Chair Zito said he and the Board would like to see adjustments of sprinkler heads happen on one of the two watering days allowed per week. Chair Zito said even gardens are not exempt and need to be watered on one of the two watering days allowed per week. Chair Zito said Mr. Field and one of the past Board members have a meter. Mr. Cottle said meters are primarily being installed in subdivisions undergoing infrastructure upgrades. Chair Zito said the cost is about \$25 million to meter the entire District system, and there is no state funding available for meters or

installation although meters are now required by law. Attorney Rose said the only way to meter the entire system would be to raise rates.

Mr. Ohlin agreed there is some confusion where the meter report says the residence is using a reduced amount of water or is within the allotment for the property. Chair Zito said because the entire system is not yet metered everyone needs to water only twice per week because the District does not know how much water is being used on the unmetered connections. Chair Zito said metered usage is not being monitored every day but is looked at regularly to give the Board an idea of how water is being used in the District. Mr. Kent said it was not fair that he could be issued a fine because he has a meter but a neighbor across the street without a meter would not. Chair Zito said no one would be hit with any fines right now. Chair Zito said there are other districts that are much stricter. Mr. Kent said he had never been given a warning about watering twice per week. Chair Zito said residents are allowed to pick their two days. Chair Zito said the amount of water used was not currently being monitored but the days per week were. Mr. Peterson asked if there is a percentage he should be aiming for. Mr. Banks said the estimated need on the meter report is based on evapotranspiration rates and asked that the percentage be kept under 100%. Mr. Banks said it is interesting in a drought year because the estimated need does not take water supply into account.

Attorney Rose said the rules have to be enforced as fairly and equally as possible, and limiting days per week makes it easier to enforce. Attorney Rose said everyone recognizes that there is a disparity between metered connections and non-metered connections, but it is a work-in-progress, and the District is trying to be as fair as possible. Attorney Rose said districts are looking at the water situation more closely this year than ever before because of the severity of the drought.

Mr. Newman asked how many fines have been issued. Mr. Banks said over 1,200 violation notices have been sent out with 860 of those being to unmetered connections. Mr. Banks said three fines have been issued this year and all of those are to unmetered connections. Mr. Banks said the resolution that was adopted is what is being enforced.

Mr. Peterson said it would be nice if there was an anonymous way to report violations on the District website. Chair Zito said complaints are kept anonymous when reported to the office by phone.

**B. Consideration of Resolution 2021-07 Amended and Restated Rules and Regulations.** Mr. Banks said this update was needed because the watering rules and regulations were updated last month. Mr. Banks said some changes were only technical.

Mr. Banks said the update on page five has to do with the requirement that the District submit a water conservation plan to the State every five years. Mr. Banks said the change to 6.4.3 on page fifteen addresses customers who use more than their contractually allotted amount of water. Attorney Rose said enforcement of this will be tricky because not everyone is metered, but it does give the District tools for enforcement in the future or for habitual over-use. Mr. Banks said section seven adds the watering rules and regulations to the uniform rules and regulations of the District. Mr. Banks asked if the drought declaration needs to be made by a formal motion. Attorney Rose said the District Board should make a declaration at the beginning of the year in a formal motion, which can be changed if the drought situation changes.

Mr. Cottle expressed concern that a third offense requires a meter to be installed and paid for by the violator. Mr. Cottle said most meters installed in the District were done through a grant or budget. Mr. Cottle said it is not fair to have violators pay for a meter when no one else in the District has had to pay for their meter. Attorney Rose said the District may or may not have the violator pay for the meter at the discretion of the Board. Mr. Banks said money from the reconnection fee may be used to pay for the meter. Attorney Rose said the \$1,000 reconnection fee can be used to pay for the meter or the meter can be an additional expense to the

violator as determined by the Board on a case-by-case basis. Mr. Banks said it would have to be a Board decision. Mr. Cottle said shutting the violator off and imposing a \$1,000 fine should get the attention of anyone. Mr. Cottle said he was okay with using the fine money to purchase a meter but not with charging for a meter in addition to a fine. Attorney Rose said it gives the Board a choice on how to deal with repeat violators.

Mr. Cottle made a motion to approve the articles as written with the exception that if a \$1,000 fine is imposed, the money would be applied to the cost of a meter without the ability to charge the cost of a meter in addition to the fine to the violator. The motion died for lack of a second.

Mr. Newman made a motion to approve Resolution 2021-07 Amended and Restated Rules and Regulations as written. Mr. Field seconded the motion. Chair Zito, Mr. Field, Mr. Ohlin, and Mr. Newman voted, "aye"; Mr. Cottle voted, "nay".

**C. Consideration of Roy Dental Office Development Agreement.** Mr. Banks said this development will be built on the southeast corner of 6000 South and 3500 West. Mr. Banks said water has been previously allocated to this parcel. Mr. Banks said the developer will have to install a service to this pad.

Mr. Ohlin made a motion to approve the Roy Dental Office development agreement. Mr. Newman seconded the motion. The motion carried unanimously.

**D. Consideration of Holiday Oil Development Agreement.** Mr. Banks said this development for a gas station and convenience store is on the northwest corner of 4300 West and 5500 South. Mr. Banks said the developer will be required to bring water as there was no previous water allotment to the parcel.

Mr. Field made a motion to approve the Holiday Oil development agreement. Mr. Newman seconded the motion. The motion carried unanimously.

## **V. REPORTS FROM MANAGER AND TRUSTEES.**

**A. Manager & Trustees Reports.** Mr. Banks said there is a company providing software with grant money to create a customer portal for entities. Mr. Banks said a customer portal would be a place for customers with meters to be able to login and see their usage. Mr. Banks said Weber Basin has their own customer portal system. Mr. Banks said he would be meeting with them on Friday.

Mr. Cottle said Roy City has been updating their meters so they can be read by having employees drive around and get the meter readings. Mr. Banks said Weber Basin installed their own towers so the meter information is automatically transmitted at certain intervals without having to be gathered by employees. Mr. Cottle said the Roy City Mayor did not know meter information could be transmitted that way. Mr. Banks said he could call the Mayor with information on using Weber Basin's towers. Mr. Banks said the District is charged about \$1.50 per meter for the entire season to utilize Weber Basin's towers.

Mr. Banks said East Canyon was 64% full and Echo Reservoir was 28% full. Mr. Banks said the portion of water D&WCCC has in Echo Reservoir will be gone by September 1<sup>st</sup>, when they will switch to taking water from East Canyon Reservoir. Mr. Banks said Hooper Irrigation and Pineview have talked about hoping to make it to August 15<sup>th</sup>. Mr. Banks said Wilson Irrigation is looking at shutting down August 27<sup>th</sup>. Wilson Irrigation provides water to the West Haven system, meaning the West Haven system will be turned off when Wilson shuts down. Mr. Banks said the secondary system of D&WCCC will shut off September 1<sup>st</sup>. Mr. Banks said he did not have a projected date for the District but thinks the District will be lucky to make it to September 15<sup>th</sup>.

Mr. Banks said Weber Basin is having a Weber River watershed tour on August 31<sup>st</sup> from 7:30 am to 3:30 pm. Chair Zito, Mr. Newman, Mr. Ohlin, and Mr. Field said they would like to attend.

Mr. Banks said the reservoir was treated twice with copper sulfate to help with the clam shrimp issue. Mr. Banks said he would recommend continuing copper sulfate treatments over chlorine because copper sulfate helps kill algae as well.

**B. Review of Monthly Bank Statements and Cancelled Checks.** Mr. Ohlin said the audit committee, consisting of himself, Mr. Banks, and Ms. Toupin, met July 13, 2021, and reported no problems or issues with the monthly bank statements, credit card statements, and cancelled checks.

#### **VI. APPROVAL OF FINANCIAL REPORTS.**

**A. Monthly Financial Report.** Mr. Newman made a motion to approve the monthly financial report. Mr. Ohlin seconded the motion. The motion carried unanimously.

**B. 2<sup>nd</sup> Quarter Financial Report.** Mr. Newman made a motion to approve the 2<sup>nd</sup> quarter financial report. Mr. Ohlin seconded the motion. The motion carried unanimously.

#### **VII. APPROVAL OF CHECKS.**

**A. Current Checks.** Mr. Field made a motion to approve the checks for July 14, 2021. Mr. Newman seconded the motion. The motion carried unanimously.

**VIII. ADJOURNMENT.** Mr. Newman made a motion to adjourn at 6:16 p.m. Mr. Ohlin seconded the motion. The motion carried unanimously.

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Minutes Approved

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Chad Zito, Chair

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Recording Secretary