



BIG PLAINS WATER SPECIAL SERVICE DISTRICT MEETING

BOARD OF DIRECTORS, REGULAR MEETING

1777 N Meadowlark Dr, Apple Valley

Wednesday, November 08, 2023 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 **Wednesday, November 08, 2023**, commencing at **6:00 PM** or shortly thereafter at **1777 N Meadowlark Dr, Apple Valley**.

Chairman | Barratt Nielson

Board Members | Frank Lindhardt | Harold Merritt | Ross Gregerson | Andy McGinnis |

CALL TO ORDER- Chairman Nielson called the meeting to order at 6:00 p.m.

PLEDGE OF ALLEGIANCE

PRAYER- Prayer offered by Board Member Merritt

ROLL CALL

PRESENT

Chairman Barratt Nielson

Board Member Harold Merritt

Board Member Ross Gregerson

ABSENT

Board Member Frank Lindhardt

Board Member Andy McGinnis

DECLARATION OF CONFLICTS OF INTEREST

None declared.

DISCUSSION AND POSSIBLE ACTION

Chairman Nielson noted the impending arrival of the District Attorney's assistant Nathan Reeve and suggested the relocation of agenda item number one to the end of the meeting's agenda.

2. Consider Approval of Amending the Policy and Procedures Manual, Resolution-BPW-R-2023-13.

Chairman Nielson read the presented amendment from the agenda packet during the meeting.

It was discussed to amend the policies regarding reimbursement for administrative, engineering, and legal services provided by or through the District. The proposed addition, labeled item B, specified that all such services would be reimbursed by the property owner at actual cost. This encompassed pre-administrative, pre-engineering, and pre-legal services performed before submitting applications to the Town or the District. The need for this amendment was explained, citing instances where individuals sought legal counsel or engineering advice before formal applications, leading to incurred costs for the District. Chairman Nielson shared an example of an email received wanting to discuss water rights issues with our attorney, emphasizing the importance of obtaining approval before incurring expenses. An email was sent to the attorney, Ben Ruesch, instructing that any contact initiated without prior approval would not be covered by the District unless approved retroactively. Similar instructions were extended to Nate Wallentine at Sunrise Engineering to ensure that any expenses incurred with them had prior approval. The purpose of these measures was clarified: not to generate profit but to cover costs associated with services provided.

MOTION: Board Member Gregerson motioned that we approve Resolution-BPW-R-2023-13.

SECOND: The motion was seconded by Board Member Merritt.

VOTE: Chairman Nielson called for a Roll Call vote:

Board Member Merritt - Aye
Board Member Gregerson - Aye
Chairman Nielson - Aye

The vote was unanimous and the motion carried.

3. Consider Approval of the District Employee Handbook Update, Resolution-BPW-R-2023-14.

MOTION: Board Member Merritt motioned BPW-R-2023-14 approve that amendment.

SECOND: The motion was seconded by Board Member Gregerson.

VOTE: Chairman Nielson called for a Roll Call vote:

Board Member Merritt - Aye
Board Member Gregerson - Aye
Chairman Nielson - Aye

The vote was unanimous and the motion carried.

APPROVAL OF MINUTES

4. Minutes: September 21, 2023.
5. Minutes: September 22, 2023.
6. Minutes: October 11, 2023.

MOTION: Board Member Gregerson motioned to approve the minutes from the SSD Board Meeting on September 21, 2023, September 22, 2023, and October 11, 2023.

SECOND: The motion was seconded by Board Member Merritt.

VOTE: Chairman Nielson called for a vote:

Board Member Merritt - Aye
Board Member Gregerson - Aye
Chairman Nielson - Aye

The vote was unanimous and the motion carried.

1. Water Bank Setup Workshop.

The Board discussed with District Attorney's assistant Nathan Reeve on the establishment of a water bank in response to concerns about water rights. The water bank would allow individuals to park their water rights to protect them from forfeiture or confiscation. The primary motivation behind this

initiative was to help people retain ownership without the obligation to pump water, particularly in areas with large pivots. The concept of the water bank expanded to address issues related to water shares and water rights. The discussion highlighted the need for clarification in differentiating between these terms. The Board expressed the intention to formalize the water bank, setting up policies and procedures in accordance with the state statute. Concerns were raised about the potential complexities involved, including legal aspects, verification of water rights, and associated fees. The Board acknowledged the need to involve legal expertise to ensure legitimacy and address any complications. Proposed names for the water bank were considered, aligning with the town's boundaries. The idea of mirroring the water bank's service area with the District's boundaries gained consensus. The meeting also touched upon the mechanics of the water bank, discussing the necessity of signatures for water transactions and the potential involvement of engineers. The Board explored the idea of requiring a minimum of two signatures, involving the Chairman and an additional Board Member, for transactions within the water bank. The need for accountability and transparency in water transactions was emphasized to prevent misuse or unauthorized transfers. Overall, the meeting initiated the groundwork for establishing a water bank, addressing key considerations such as legal, administrative, and logistical aspects.

MOTION: Board Member Merritt motioned to table this until we have sufficient information from the Board and our legal counsel to proceed.

SECOND: The motion was seconded by Board Member Gregerson.

VOTE: Chairman Nielson called for a vote:

Board Member Merritt - Aye

Board Member Gregerson - Aye

Chairman Nielson - Aye

The vote was unanimous and the motion carried.

REQUEST FOR A CLOSED SESSION: IF NECESSARY

No request due to two thirds of the public body not being present.

ADJOURNMENT

MOTION: Board Member Gregerson motioned to adjourn.

SECOND: The motion was seconded by Board Member Merritt.

VOTE: Chairman Nielson called for a vote:

Board Member Merritt - Aye

Board Member Gregerson - Aye

Chairman Nielson - Aye

The vote was unanimous and the motion carried.

The meeting was adjourned at 6:56 p.m.

Date Approved: _____

Approved BY: _____
Chairman | Barratt Nielson

Attest BY: _____
Recorder | Jenna Vizcardo

DRAFT