



**BIG PLAINS WATER AND SEWER SPECIAL SERVICE
DISTRICT PUBLIC HEARING AND MEETING
BOARD OF DIRECTORS, REGULAR MEETING
1777 N Meadowlark Dr, Apple Valley
Wednesday, November 09, 2022 at 6:00 PM**

MINUTES

Chairman | Andy McGinnis

Board Members | Frank Lindhardt | Harrold Merritt | Ross Gregerson | Jarry Zaharias

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

PLEDGE OF ALLEGIANCE- Led by Board Member Zaharias.

ROLL CALL

PRESENT

Chairman Andy McGinnis

Board Member Harold Merritt

Board Member Jarry Zaharias

ABSENT

Board Member Frank Lindhardt

Board Member Ross Gregerson

DECLARATION OF CONFLICTS OF INTEREST

None declared.

APPROVAL OF MINUTES

1. Approval of minutes from October 12, 2022.

Chairman McGinnis asked the Board Members if they had any deletions or corrections. Chairman McGinnis called for a motion .

MOTION: Board Member Zaharias motioned to accept the minutes for October 12, 2022.

SECOND: The motion was seconded by Board Member Merritt.

VOTE: Chairman McGinnis called for a vote:

Board Member Merritt - Aye

Board Member Zaharias – Aye

Chairman McGinnis - Aye

The vote was unanimous and the motion carried.

Chairman McGinnis clarified that the minutes are approved from October 12, 2022 and it was a unanimous vote.



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PUBLIC HEARING

- 2. Public Hearing:** Consider the proposal to change the name of Big Plains Water and Sewer Special Service District to Big Plains Water Special Service District.

Chairman McGinnis opened the public hearing.

No public comments.

Chairman McGinnis closed the public hearing.

DISCUSSION AND ACTION

- 3. Discussion and Action:** Consider the proposal to change the name of Big Plains Water and Sewer Special Service District to Big Plains Water Special Service District, Resolution BPW-R-2022-14.

Chairman McGinnis read the resolution aloud. Chairman McGinnis called for a motion.

MOTION: Board Member Zaharias motioned to accept, Resolution-BPW-R-2022-14, Resolution changing the name of the District.

SECOND: The motion was seconded by Board Member Merritt.

VOTE: Chairman McGinnis called for a Roll Call vote:

Board Member Merritt - Aye
Board Member Zaharias – Aye
Chairman McGinnis - Aye

The vote was unanimous and the motion carried.

- 4. Discussion and Action:** Consider approval of well drilling permit. Applicant: Cortney Barlow.

Chairman McGinnis asked the Board members if they had any questions, concerns, or input.

Board Member Merritt asked if this is going to be for stock water and irrigation with no intent for culinary water and as per State code it would be meter and valved. Chairman McGinnis answered yes.

Ben Ruesch District Attorney's recommendation is to approve with conditions. He continued the Board has the policy that requires the application to be turned in, which was done. The board really can't adjudicate water rights necessarily, that role is for judges in the State of Utah and there's also a part of that process that the state Engineer's office is part of as well. The resolution passed back in June



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establishing a well drilling policy which was never challenged within the 30 days. The District has the authority to approve this well with conditions. The 3 conditions he recommended, are as follows:

- 1.) The requirement of the measuring device be put on which is compliance within the State Engineer's order.
- 2.) Access be granted to the District as well to detect the measuring device.
- 3.) Also, part of the State Engineer's order, evidence that the here before water diversion is ceased and terminated.

Board Member Merritt commented given what counsel has recommended, he is ok moving forward.

Chairman McGinnis called for a motion contingent upon signing of the conditions that Ben Ruesch District Attorney just mentioned.

MOTION: Board Member Merritt motioned that we approve application for Courtney Barlow on the well in question on the agenda, with the requirements specified by counsel and special emphasis on backflow prevention and access to the well site, access should be reasonable and that we would feel comfortable with having to contact them before going onto their property that would require them to allows us to do that from time to time. Applicant to submit proof that the old well is no longer in use and has been permanently closed if applicable.

SECOND: The motion was seconded by Board Member Zaharias.

VOTE: Chairman McGinnis called for a vote:

Board Member Merritt - Aye
Board Member Zaharias – Aye
Chairman McGinnis - Aye

The vote was unanimous and the motion carried.

- 5. Discussion and Action:** Consider approval of well drilling permit. Applicant: Kendra Webb, Property Owner: Kenstal LLC.

Chairman McGinnis reported irrigation, stock water and added part time indoor domestic use. Applicant commented it would be part time use.

Chairman McGinnis asked applicant about the domestic water use. Applicant answered , family doesn't have any plans to live full time because we all have homes elsewhere in other places. When asked questions from the State Engineer that is what was put by the State based on those questions. Applicant states if someone does live full time then they would change the order.



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District Attorney, Ben Ruesch similar input as previous application. He continued the State Engineer did approve this change application. The District does have the authority to allow the well to be drilled as well because of the resolution enacted back in June. The same 3 conditions should apply to the approval on this one as well. The 3 conditions he recommended, are as follows:

- 1.) The requirement of the measuring device be put on which is compliance within the State Engineer's order.
- 2.) Access be granted to the District as well to detect the measuring device.
- 3.) Also, part of the State Engineer's order, evidence that the here before water diversion is ceased and terminated.

Attorney online with applicant asked for clarification on those conditions. He was confused on the conditions that would allow the District to maintain and monitor the well.

Chairman McGinnis commented that part of our job as the District is to watch over our valley's water use. As part of our well drilling permit process, we have put in place a well drilling permit that we will fill out. It's not doing anything more than allowing us access to the things that the State Engineer has already asked for. Mainly because we want to make sure the inner workings of the backflow prevention devices and the meters are working properly when they're installed, so that's the only thing we added, we just want to be able to make sure the equipment's working.

Chairman McGinnis called for a motion.

MOTION: Board Member Merritt motioned to approve the application on Kendra Webb or Kenstal to drill a well and to have permission to connect to a small building. All the State requirements would be involved in this, as in all wells being drilled in our District and it will be approved upon the conditions specified on the well drilling permit that will be filled out by the District and signed by the applicant.

SECOND: The motion was seconded by Board Member Zaharias.

Chairman McGinnis commented that we accept this well drilling application with the contingency that the well drilling permit condition page is signed by the applicant.

VOTE: Chairman McGinnis called for a vote:

Board Member Merritt - Aye
Board Member Zaharias – Aye
Chairman McGinnis - Aye



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The vote was unanimous and the motion carried.

- 6. Discussion and Action:** Consider approval of request to sublease BLM/Wilderness leased agreement - Spring#1 and #2. Applicant: Kenstal LLC.

Tabled to next meeting at applicant's request.

- 7. Discussion and Action:** Consider approval to adopt bylaws of the District, Resolution-BPW-R-2022-15.

Town Administrator, Jauna McGinnis commented with advice of the District Attorney, this is to put the District bylaws that follow the charter that was set up by the Town. This is the start of the official document.

MOTION: Board Member Zaharias motioned to accept Resolution-BPW-R-2022-15, which is the resolution adopting the bylaws of the District.

SECOND: The motion was seconded by Board Member Merritt.

VOTE: Chairman McGinnis called for a Roll Call vote:

Board Member Merritt - Aye

Board Member Zaharias – Aye

Chairman McGinnis - Aye

The vote was unanimous and the motion carried.

- 8. Discussion and Action:** Consider approval of amendment to Policy and Procedures Manual, Resolution BPW-R-2022-16.

Board Member Merritt commented he has read through and big improvements have been noticed.

Chairman McGinnis commented cleaning these policies up, making them more concise as well as changing the name. Some housekeeping items with numbers to be cleaned up as well were noted.

District Attorney, Ben Ruesch commented you may want to look at chapter 13 as well, it looks like you eliminated chapter 13 and then the well drilling policy shows chapter 13 but then it still shows 14.0 that needs to be cleaned up. As well as chapter 15 should be chapter 14, standing in 16 and anything thereafter should be corrected, enumerated.

Chairman McGinnis called for a motion.



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MOTION: Board Member Zaharias motioned that we approve Resolution BPW- R-2022-16 with the changes to be made as earlier stated on chapters 13, 14, and 16.

SECOND: The motion was seconded by Board Member Merritt.

VOTE: Chairman McGinnis called for a Roll Call vote:

Board Member Merritt - Aye
Board Member Zaharias – Aye
Chairman McGinnis - Aye

The vote was unanimous and the motion carried.

WATER SUPERINTENDENT REPORT

Chairman excused water superintendent because of being sick.

ENGINEERING

Rod Mills reported active in the final construction elements of the Canaan Spring projects and report as of today they have completed the pipe laying portion. They have laid just beyond 600 linear feet of six-inch pipe and they have been asked to re-grub the springs to bring within compliance of state requirements. Some things required road work. Last phase of this final phase is valving and metering, that is ongoing over the next few days. That will be complete and USDA has been informed and requested to do a final walk through. In process of getting contractor for fencing, state preliminary approved 4 strand barbed wire fence. Our intent is to enclose. This is the final phase of the project. District Attorney mentioned about public meetings and quorum. Rod Mills continued, reported working on will serve letters and doing due diligence in the West Temple project. Crimson Peak and West Temple projects are being developed by Travis Holm. Commented on the Cedar Point pipeline application. They are in the process of reviewing the application. They are still at the State level with the Engineer here in Utah.

REQUEST FOR A CLOSED SESSION

No request.

ADJOURNMENT

Motioned to adjourn meeting

MOTION: Board Member Merritt motioned to adjourn the meeting.

SECOND: The motion was seconded by Board Member Zaharias.

VOTE: Chairman McGinnis called for a Roll Call vote:



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Board Member Merritt - Aye
Board Member Zaharias – Aye
Chairman McGinnis - Aye

The vote was unanimous and the motion carried.

Meeting adjourned at 6:49 p.m.

Date Approved: _____

Approved BY: _____

Chairman | Andy McGinnis

Attest BY: _____

Town Clerk/Recorder | Jenna Vizcardo

DRAFT