

Minutes of the Hurricane City Council special emergency meeting held on August 23, 2024, in the Council Chambers at 147 North 870 West, Hurricane, Utah at 8 p.m.

Members Present: Mayor Nanette Billings and **Council Members:** David Hirschi, Kevin Thomas, Clark Fawcett, Drew Ellerman, and Joseph Prete.

Also Present: City Manager Kaden DeMille, City Attorney Dayton Hall (online), Water Superintendent Ken Richins, and City Recorder Cindy Beteag.

AGENDA

8:00 p.m. - Call to Order –

Mayor Billings welcomed everyone and called the meeting to order.

Prayer and Pledge led by Connie Stratton

OLD BUSINESS

1. Consideration and possible approval of a water savings agreement for the irrigation expansion project.

Mayor Billings explained that the Washington County Water Conservancy District (District and/or WCWCD) made a few changes to the agreement and approved it earlier today. After reviewing the changes with Dayton Hall, Kaden DeMille, and Mac Hall, she believes it's appropriate for the Council to approve it as well. She mentioned that the Canal Company would maintain the same agreement with the District and that 193 acre-feet of a City-owned water would be conserved for the river.

Joseph Prete questioned the urgency of holding a special Friday night meeting, given that the issue was only continued the day before. Mayor Billings explained that the District held a special meeting that morning and approved the agreement. With bids expiring on Monday, finalizing the agreement now would demonstrate the City's commitment. Although Mr. Prete acknowledged the contractor's willingness to extend their bid, he questioned the need to rush approval before the planned September 19th meeting. Mayor Billings noted that acting now would secure bid prices and NRCS funding, but Mr. Prete remained uncertain about the urgency.

Ken Richins explained that the water savings agreement has been a significant obstacle for many years, and reaching a consensus to show Fish and Wildlife that all parties are aligned will expedite the grant process. He stated that this is the final hurdle. While Clark Fawcett agreed to move forward with the approval, he voiced concerns about proceeding without Fish and Wildlife's approval. Mayor Billings concurred, suggesting that the Council approve the agreement tonight but hold off on awarding bids. She read an email from NRCS attorney Nathan Bracken, stating that The Nature Conservancy needs confirmation from Fish and Wildlife that the agreement meets their requirements, but this may not be confirmed before the special meeting. She added that the City, District, and Canal Company would sign today,

with the hope that the other parties would follow on Monday. Lance Smith from NRCS indicated that once The Nature Conservancy signs, he will send a letter of recommendation. Mr. Prete asked what the agreement obligated the City to do. Dayton Hall explained that the agreement commits the City to making its 193 acre-feet of water available for instream benefits, which the District can use in its pump-back program to ensure adequate water flows in the river. However, this obligation is contingent on NRCS providing a 75% match for the project. David Hirschi inquired about any concerns regarding putting that much water back into the river. Mr. Richins clarified that the water is already in the river, and this agreement is the best compromise, quantifying an amount that The Nature Conservancy supports. Mayor Billings read a portion of the agreement written by the District's attorney, which outlines the authorization for WCWCD to annually divert up to 193.38 acre-feet of the city's water into Quail Creek and Sand Hollow Reservoirs for use in the Virgin River Program's pump-back system. This section will be effective from October 1, 2024, until September 30, 2044.

Mac Hall explained that the plan is to store the water in the reservoir during the winter and use it in the summer. The agreement allows them to store water when it affects the City the least and pump it back when it's needed most. When asked by Mr. Hirschi about water savings, Mac Hall explained that the water in question was part of a 1954 agreement between the City and the Canal Company. The change application for the water had lapsed and was returned to the Canal Company before the City recently bought it. This water, which has had some issues, can now be used to benefit The Nature Conservancy without impacting the City's or Canal Company's current usage. Clark Fawcett confirmed that the City wouldn't need to cut back on any existing water use. Drew Ellerman noted that Mr. Smith mentioned Fish and Wildlife didn't need to sign off on the agreement, to which Mr. Richins responded that this has been debated, with the District wanting them included. He added that Fish and Wildlife had recently helped with a mitigation plan regarding the City's settling ponds. Mac Hall highlighted that The Nature Conservancy won't sign until Fish and Wildlife is satisfied with the agreement. Mr. Prete acknowledged that the Water Department, Canal Company, District, and City Attorney all support the agreement.

David Hirschi motioned to approve the Water Savings Agreement as amended by the Washington County Water Conservancy District and the Canal Board approval. Seconded by Kevin Thomas. Joseph Prete asked what the changes were that the District made. Mayor Billings explained that language was added stating the Canal Company would deliver their water the same as its original agreement in 1991 and the 193 acre feet is the only water savings to the river. Dayton Hall confirmed changes are not problematic. Motion carried unanimously.

2. Consideration and possible approval of a bid to construct phase 1 of the City's irrigation expansion project - Ken Richins

Mayor Billings stated that although Interstate Rock is the lowest bidder, the City has not yet received the letter from NRCS confirming the funding. She explained that when she called the meeting, she believed the letter would be provided after the District signed the agreement.

However, she later discovered that NRCS requires all parties to sign the agreement before issuing the letter. As a result, this item needs to be continued until the agreement is fully signed.

Kevin Thomas motioned to continue the bid to construct phase 1 of the City's irrigation expansion project because the City has not received a letter from NRCS committing funds. The Mayor expressed that she thought they were going to be able to move forward but then NRCS decided they wanted a signed agreement before they would send the letter. Seconded by Drew Ellerman. Clark Fawcett asked if the date is undetermined if it created a problem for Interstate Rock. Craig Stratton stated they will work with the City. They will work with their suppliers next week on prices and hopefully they will honor the prices until the end of September. Motion carried unanimously.

3. Consideration and possible approval of a bid to construct the irrigation pond, filters, and booster station for the irrigation expansion project - Ken Richins

Kevin Thomas motioned to continue the award of the bid to construct the irrigation pond, filters, and booster station for the irrigation expansion project based on the fact that we do not have the letter from NRCS committing funds. Seconded by David Hirschi. Motion carried unanimously.

Adjournment: Kevin Thomas motioned to adjourn the meeting at 8:27 p.m. Seconded by Joseph Prete. Motion carried unanimously.