



MINUTES
Springville City Council Work/Study Meeting - JANUARY 05, 2021

MINUTES OF THE WORK/STUDY MEETING OF THE SPRINGVILLE CITY COUNCIL HELD ON TUESDAY, JANUARY 05, 2021 AT 5:30 P.M. AT THE CIVIC CENTER, 110 SOUTH MAIN STREET, SPRINGVILLE, UTAH.

Presiding and Conducting: Mayor Richard J. Child

Elected Officials in Attendance: Liz Crandall
Craig Jensen
Patrick Monney
Matt Packard
Mike Snelson

City Staff in Attendance: City Administrator Troy Fitzgerald, Assistant City Administrator/City Attorney John Penrod, Assistant City Administrator/Finance Director Bruce Riddle, Deputy Recorder Jennifer Grigg, Building and Grounds Director Bradley Neel, Community Development Director Josh Yost, Golf Pro Craig Norman, Interim Police Chief Dell Gordon, Public Works Director Brad Stapley, Recreation Director Corey Merideth, Operations Manager Rod Oldroyd, Library Director Dan Mickelson, and Museum of Art Director Rita Wright.

CALL TO ORDER

Mayor Child welcomed everyone and called the Work/Study meeting to order at 5:30 P.M. He reviewed the details for tonight's meeting.

COUNCIL BUSINESS

1. Calendar

- Jan 12 - Work/Study Meeting 5:30 p.m.
- Jan 18 - Martin Luther King Jr. Day Observed (City Offices Closed - Monday)
- Jan 19 - Work/Study Meeting 5:30 p.m., Regular Meeting 7:00 p.m.
- Jan 26 - Budget Retreat 2:00 p.m.

2. Discussion on this evening's Regular Meeting agenda items

- a) Invocation - Councilmember Jensen
- b) Pledge of Allegiance - Councilmember Snelson
- c) Consent Agenda

1. Approval of minutes for the December 15, 2020, Work Study and Regular meetings.

Mayor Child asked if there was any discussion on tonight's consent agenda or the calendar. There was none. He welcomed the council and directors.

3. DISCUSSIONS/PRESENTATIONS

- a) **Water Adjudication Update - John Penrod, Assistant City Administrator/City Attorney**

Attorney Penrod reported the water adjudication had reached a place where the City would be considering settlement agreements with some parties. The water adjudication is in the left fork of Hobble

Creek Canyon where there are many water rights to the tributaries joining Hobble Creek. He explained the elements of a water right including–

- Priority Date (date when water was first used; the lowest priority date is 1851; these rights have the most right to use the water and that right is never cut off)
- Type of Water
 - Irrigation
 - Stock watering
 - Domestic
 - Municipal
 - Mining
 - Power (unusual and has low priority; but the city does not consume that water; it leaves the creek, enters the power plant, and returns to the creek)
- Quantity of Water
 - Flow rate (CFS or cubic feet per second)
 - volume (acre-feet)

Councilmember Packard asked if there was seasonal water. Attorney Penrod answered yes, typically starting in March and ending in September. That water is cut off based on the priority date.

- Point of Diversion and Source of Water

Attorney Penrod explained a water right owner can take water from their designated point of diversion and source, not just any part of the creek. Mayor Child added that every drop of water is owned by the State of Utah or the Federal Government.

- Beneficial Use means if you have a water right and do not continually use it, you can lose it. Municipalities can hold a water right for foreseeable use of the city for 40 years without using it or losing it.

Attorney Penrod continued by explaining the State Engineer makes the proposed determinations. The PD is a book containing determinations regarding type, quantity, and priority. Entities who do not agree with the PD file objections. Most objections have sat undetermined for decades; some since 1934. Recently, the State appointed a Special Master to help the courts decide in each objection. The Special Master will recommend a determination; send it to the courts who decide whether to sign off. The Special Master set a deadline for the City to settle or go to court by September. Councilmember Snelson asked if the objections are filed by people who live in the left-hand fork of Hobble Creek Canyon and when it goes to court, do the water right owners go to court. Attorney Penrod answered yes and the objectors show evidence for priority, type, and quantity in court. Springville City has filed for summary judgment in some of the objections because the evidence shows the city owns the water and the objectors need to show evidence and/or consider settling. Councilmember Crandall asked if the state shows evidence. Attorney Penrod answered yes evidence is required just like a trial case. Administrator Fitzgerald added the Jordan River Water Conservancy District files the most objections not just the residence up the canyon.

Attorney Penrod continued by explaining a river commissioner is needed to enforce what is decided in the courts. The state asked for comments from all entities, which ended December 7, 2020. Springville City commented in favor of the idea of a river commissioner. Now the State will create a board, commissioner, and budget. This will cost the City to participate but helps maintain our water rights. Councilmember Snelson asked if the money comes from the City or the people using the water. Attorney Penrod compared this funding to a shareholder fee to the irrigation company. Councilmember Monney asked about recourse. Attorney Penrod answered the same as any criminal recourse, as well as shutting off the water and requiring measuring equipment for accuracy. Councilmember Monney asked who pays for the measurement systems. Attorney Penrod said the water rights owners pay for their measurement systems. Councilmember Monney asked if the expense would be determined by the shares we own.

Mayor Child answered yes once it is determined. Attorney Penrod said a river commissioner is very important and will encourage water right owners to settle. He also said Springville City shares have the highest priority date, which is 1851. He explained the Booth Decree (1901). Springville owns a large amount of Springville Irrigation Company water.

Attorney Penrod showed that there are about 72 water rights with priority dates from 1851 to 1918 in that area. Without a high priority date, water can be cut off to a water right owner in June when high water stops flowing. Administration Fitzgerald added that in a dry year high water could be cut off in May. Mayor Child said there might not even be enough snow for high water right holders this year. Attorney Penrod said a river commissioner will help with water adjudication and water owners will be encouraged to fall in line with state determinations. Councilmember Monney asked if the river commissioner works for Hobble Creek water owners, the state, or neighboring communities. Attorney Penrod said the state is still deciding. Councilmember Crandall asked if Springville City hires the commissioner, Attorney Penrod answered no the state created board will hire the commissioner, and Springville City is one of the biggest stakeholders in Springville Irrigation Company.

In addition to protecting Springville City's water rights in the canyon, Attorney Penrod said another issue is year-round property owners are asking for year-round water. Councilmember Packard asked for clarification between culinary/in-house water and irrigation/lawn sprinkling water use. Attorney Penrod said canyon property owners could buy a higher priority right in the canyon from Springville Irrigation Company or move their water rights to a well for year-round use similar to municipal water. The state requires the water right owner to accept only 60% of the water once it is part of a well. Some water rights owners in the canyon are working on settlement agreements which staff will bring before the council in the next few weeks. Councilmember Monney asked for clarification on drilling a well for year-round use. Attorney Penrod said the water right would be adjusted in the proposed determination book (PD). Mayor Child said the amount of water depends on what type of right they have. Attorney Penrod said the county allowed some subdivisions in the 1970s, but there are objections. Technically the water might not be theirs. Councilmember Jensen clarified that the water is metered now. He asked about private wells. Attorney Penrod mentioned the Hidden Creek Water Company. Councilmember Packard asked if this will ever be settled. Attorney Penrod said the state created a special master so this will be settled or go to trial within the year. Councilmember Packard said this council has become experts on water between the discussions on this water adjudication and the Highline Ditch.

b) Discussion Concerning COVID19 Leave - Troy Fitzgerald, City Administrator

Administrator Fitzgerald provided information on COVID19 leave. Congress wrote a 1600-page statute and enacted it with leave coverage through the CARES Act (The Coronavirus Aid, Relief, and Economic Security Act) money. Springville City Employees took advantage of that with 306.5 hours of leave in the last pay period. The CARES Act expired on December 31, 2020, and Congress did not renew the leave. Staff recommends continuing the leave to encourage employees to stay home when sick. CARES Act Money in the budget can pay for the leave. If 100 employees claim 80 hours of leave that expense approaches almost \$200,000. A survey last week showed 100% of Utah cities that responded are continuing the leave. He was concerned that if part-time employees become benefited, pension issues arise. URS (Utah Retirement Systems) indicated COVID19 leave is non-triggering when it comes to pension as long as the public health emergency stays in place at the state level, which did not expire as of yet.

Councilmember Snelson asked for clarification of the leave before December 31, 2020. Administrator Fitzgerald explained the policy allows up to 80 hours of leave, meaning hours accumulated in 2020 are carried forward and included in the limit of 80 hours total COVID19 sick leave per full-time employee. Part-time employees COVID19 leave is calculated based on hours worked per week. Councilmember Snelson asked what percentage of employees used up their 80 hours. Administrator

Fitzgerald answered 10 or 12, and there were 10 new COVID19 leave requests yesterday. There is no evidence of employees abusing the leave policy. Councilmember Monney clarified employees are required to show a note from a doctor following state and CDC policy. Councilmember Packard asked for a reason not to do this. Administrator Fitzgerald answered money aside, staff recommends keeping employees comfortable staying homesick. Crews can stay healthy and continue responding to the needs of the community. Councilmember Packard agreed stating this is very acceptable. Councilmember Crandall asked how this compares to the private sector. Administrator Fitzgerald answered the private sector can use their funds the same as the city if they have it in savings. The City budget funds are paying for this leave extension as well as some Cares Act money for private local companies. Councilmember Crandall asked about creating a fund for local businesses to pay for leave. Administrator Fitzgerald answered the council could create a fund for businesses from city revenue. Councilmember Monney said the state has that policy for the private sector.

c) Open and Public Meetings Training - John Penrod, Assistant City Administrator/City Attorney

Attorney Penrod gave a presentation and training on open and public meetings law which is required annually. The presiding officer (Mayor Child) is required by the state to assure Open Public Meetings Law training every year.

Attorney Penrod reviewed the state of Utah Open Meetings Law in the state code at §§ 52-4-103, 52-4-104, 52-4-203, 52-4-208, 52-4-210, 10-3-504, and 10-3-506. After five minutes Attorney Penrod said he would continue this training at a future time.

4. MAYOR, COUNCIL, AND ADMINISTRATIVE REPORTS

Mayor Child asked for any other comments. There were none.

5. CLOSED SESSION

The Springville City Council may temporarily recess the regular meeting and convene in a closed session as provided by Utah Code Annotated Section 52-4-205

There was none.

ADJOURNMENT

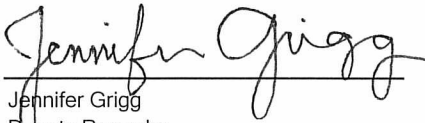
COUNCILMEMBER SNELSON MOVED TO ADJOURN THE WORK/STUDY MEETING OF THE SPRINGVILLE CITY COUNCIL AT 6:14 P.M.

COUNCILMEMBER JENSEN SECONDED THE MOTION, ALL VOTED AYE.

This document constitutes the official minutes for the Springville City Council Work/Study meeting held on Tuesday, January 05, 2021.

I, Jennifer Grigg, do hereby certify that I am the duly appointed, qualified, and acting Deputy Recorder for Springville City, of Utah County, State of Utah. I do hereby certify that the foregoing minutes represent a true and accurate, and complete record of this meeting held on Tuesday, January 05, 2021.

DATE APPROVED: February 02, 2021


Jennifer Grigg
Deputy Recorder

