

Topic: Enoch City Water Board Meeting
Time: Feb 10, 2022 04:30 PM Mountain Time (US and Canada)
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ENOCH CITY WATER BOARD
NOTICE AND AGENDA
February 10, 2022 at 4:30pm
City Council Chambers
City Offices, 900 E. Midvalley Road

- 1. CALL TO ORDER OF REGULAR MEETING**
 - a. Pledge of Allegiance –**
 - b. Invocation –Audience invited to participate.**
 - c. Approval of agenda for February 10, 2022 –**
 - d. Approval of minutes for January 13, 2022-**
 - e. Conflict of Interest Declaration-**
- 2. DISCUSS NEW WATER ORDINANCES**
- 3. PUBLIC COMMENTS**
- 4. BOARD/STAFF REPORTS**
- 5. ADJOURN**

In compliance with the Americans with Disabilities Act, persons needing auxiliary communicative aids and services for these meetings should call the City Offices at 586-1119, giving at least 48 hours advance notice.

CERTIFICATE OF DELIVERY

I certify that a copy of the forgoing "Notice and Agenda" was delivered to each member of the City Council, emailed to "Cedar City Daily News", posted on the Enoch City website, on the City Office door and published on the Utah Public Meeting Notice website on 2-7-22.

Lindsay Hildebrand, Deputy Recorder

Date

MINUTES
ENOCH CITY WATER BOARD
January 13, 2022 at 4:30pm
City Council Chambers
City Offices, 900 E. Midvalley Road

MEMBERS PRESENT: Doug Grimshaw, Steve Woolsey, Spencer Jones, Coby Zobell and Alan Miller

STAFF PRESENT: City Manager Rob Dotson, Council Member David Harris, Deputy Recorder Lindsay Hildebrand, and Public works Director Hayden White

PUBLIC PRESENT: none

1. CALL TO ORDER OF REGULAR MEETING

- a. **Pledge of Allegiance** – Coby Zobell
- b. **Invocation** – Audience invited to participate. Given by Doug Grimshaw
- c. **Approval of agenda for January 13, 2022** – Alan Miller made a motion to approve the agenda. Spencer Jones seconded the motion and all voted in favor.
- d. **Approval of minutes for October 14, 2021** – Spencer Jones made a motion to approve the minutes. Doug Grimshaw seconded and all voted in favor.
- e. **Conflict of Interest Declaration** – Spencer Jones said he owns water rights and is a developer and a home builder.

2. ADMINISTER OATH OF OFFICE TO NEW WATER BOARD MEMBER

Lindsay Hildebrand, Deputy Recorder, administered the Oath of Office.

3. ELECT CHAIRMAN AND CHAIRMAN PRO-TEM

Spencer Jones recommended Doug Grimshaw to be Chairman and Coby Zobell to be Chairman Pro-tem. He explained that the Chairmen Pro-tem will conduct the meeting if the Chairman is absent. Doug nominated Alan Miller for Chairman. Doug said that he would rather not be the Chairman.

Doug Grimshaw made a motion to be Chairman Pro-tem and Coby Zobell to be the Chairman. Spencer Jones seconded and all voted in favor.

4. OPEN AND PUBLIC MEETINGS TRAINING

City Manager Dotson said that the legislature requires a yearly training on open meetings and the intent is that we take our actions openly. He defined meetings as what they are and what they are not, public bodies, public noticing, minutes, and recordings. A meeting has to have an anchor location, which is the City office. There can be electronic messages as defined in code 52-4-207. This has been changed in the code because of COVID-19. A quorum is three members of a body. The quorum can conduct meetings from the anchor location. Certain topics are not allowed to be discussed when a quorum meets by chance, or a social meeting, where no public money is expended. Meetings are

open to the public and must be noticed. If only two members of a body show up, then the meeting does not take place. You can hold the meeting somewhere else, but it has to be noticed. It requires a 24 hour notice, unless it's an emergency. The notice is posted on the Utah Public notice website. You have to notice it in another location in the city. One place for every 2,000 residents, if there is a public hearing. We don't have to notice certain things in the newspaper anymore. If there is a challenging subject, the recorder will make sure to add extra detail. All electronic recordings are kept forever. The only public body that can hold a public meeting is the City Council. There must be 2/3 quorum have to approve. In closed meetings they can only talk about specific things as follows:

The character, professional competence, or physical or mental health of an individual, matters of pending or reasonably imminent litigation involving the City, Strategy session to discuss the purchase, exchange, or lease of real property if public discussion of the transaction would: (i) disclose the appraisal or estimated value of the property under consideration; or (ii) prevent the public body from completing the transaction of the best possible terms; or Strategy session to discuss the purchase, exchange or lease of real estimated value of the property if: public discussion of the transaction would: (i) disclose the appraisal of completing the transaction of the best possible terms; or Strategy session to discuss the sale of real property if: public discussion of the transaction would as listed above. Discussion regarding deployment of security personnel, devices, or systems; (Taken from State Code). The only recordings saved on a disc are the recordings from closed meetings. Only a judge can open the envelopes that contain those recordings. No action is taken or approved in a closed meeting. Any action has to come back out into a reopened public meeting to announce action. Electronic meetings have to be noticed as electronic meetings. If members of a body text or email each other, they would have to do it separately, so as not to have a discussion all together. This would not be a public record. It would be a closed deliberation and that is not allowed. City Manager Dotson said the City Council will often present each other with ideas before the meetings to state their opinions in advance. The reply should be to the individual and not "reply to all" to be ethical. Violation of closed meetings is determined by a judge if a lawsuit is brought. It can be a Class B misdemeanor for the officials if they violate closed meeting rules. If there is a disruption of meetings people can be forced out. We have procedures in our code for the structure of meetings.

5. INTRODUCTION TO NEW WATER ORDINANCES

City Manager Dotson said that for every acre we require an acre foot of water. We also charge \$29 for the first 30,000 gallons of water. The City has to take into account water rights, water rates, and a quantity of water that we are able to pump out of the ground. He gave an example. There isn't enough water under the ground to accommodate the value in water rights. He explained why the City won't accept water rights older than 1394. Now, it's extremely hard to find those water rights. There are none for sale. Those that are younger haven't been curtailed and we don't know if they will be. There are conversations that they might not be. The CICWCD wants to bring the West Desert water in. The Environmental Impact Study is out for public input right now. Once they go through the process, the next step is getting funding and easements. The projected timeframe is four to five years until construction will start. It will be potentially cheaper

water. The challenge is between now and then and what about the water rights that farmers have? Also, we don't have any money to participate in the West Desert Project. Our rates are not keeping pace with inflation. So, City Manager Dotson and an attorney included input from other places to come up with a solution. Cedar City has just changed there rates over three phases with higher rates. They aren't tying those rates into water rights for water use. This isn't something to vote on tonight.

City Manager Dotson introduced Step 12 – Water Right Exchange Rates. This is for subdivisions. We currently do not charge a water acquisition fee. It's up to the land owner to find that themselves. A developer can pay a water fee based on acreage paying cash for acceptable water rights, etc. The Water Rights Acquisition Fee Chart 2022 gives the value of water rights, with varying water priority dates, as a percentage of appraised value at time of appraisal. He explains this chart and gave an example regarding the acquisition fund which will allow the City to do what is needed with it. Washington County is doing something similar. They are figuring \$500 million in the next 10 years and can bring water into the valley. Alan noted that even though the City can use those funds, there is an obligation to provide that person with water for the next 15 years. City– yes, however, instead of becoming a customer the City could potentially use the money for the West Dessert Project.

City Manager Dotson introduced Water Units Transfer and gave an example. Doug asked whether someone could take a ½ acre-foot of water and deed the other half to someone else. City Manager Dotson said you can give the documents to the City and we would transfer the use of that water to someone else and your water bill will be lower because you moved to a different tier. Alan noted that the person would have sold their water off. Doug noted that the other option is to pay a big fee if you don't conserve the water. Chairman Zobell asked who else is doing this. David said that the County is looking for development to conserve by going to higher density housing. City Manager Dotson asked how do we incentivize and enforce. Council Member Harris said the Conservancy District recommends financial disincentives. You just charge them for the overuse. Spencer said the idea of "buying dry" is something similar. Council Member Harris said that when property changes hands, it is important to communicate the water rights and any changes to the new buyer.

City Manager Dotson went over the Exemptions portion. He said that zero-scaping, and using a bubbler drip system is a great solution for someone who needs the incentive. Open Space exemptions would be trees and shrubs that use less water. He went over the Acquisition Fee Schedule and said that if someone wants to change to a different tier and cut half of their lawn out, they can. Alan used an example of owning an acre of land and would have 100% an acre foot. If he went down to ½ acre then he would have 25% available of the acre foot of water. City Manager Dotson said exactly right. If you are on a lower tier, your initial rates will be lower than if you are on a higher tier. The Central Iron County Water Conservancy District is "buying dry" like in Vegas, but if you don't put it in to begin, it doesn't work. Currently, commercial development requires 5% landscaping. A lot of these places are changing their policy to where they can take out the water use landscaping and get credit for it. Chairman Zobell asked about all of this basing off of the 1934 priority date. What happens when someone wants to transfer some of their water rights, but the person they sell to has newer water rights? Spencer said that once the water right is given to the City, the value is all the same. City Manager Dotson said that it's all tied to the percentage value. That value still remains. Whatever the date is, the value will still have a percentage of value. City manager Dotson said you would end up owning a water use unit. By the nature of the connection to the City, you would own it, but you don't have access to it,

other than through your metered usage. There was a discussion going through an example to help understand the process. They used the Acquisition Fee Schedule in their example. Alan said the City is the one holding the risk in regards to finding an alternate source if that water is suspended. City Manager Dotson said that Cedar City caps it. Council Member Harris asked what the risk would be in 70 years when all the shares are curtailed. He also suggested that maybe we make sure we have enough water to supply every house with 10,000 gallons of water per month. City Manager Dotson said other cities are getting to that point. The other issue is reusing water from the treatment plant. There was a discussion on this. City Manager Dots said we are also getting more wells that are in use. He went over the spreadsheet with the nine tiers and added a base fee. Hayden White, Public Works Director, wants to replace water meters more often. The City is behind on doing that. This chart gives the idea that tier-one customers would pay less. Someone could calculate and sell their water unit to someone that needs it. However, you can only change your tier once. Doug said currently there is no incentive to conserve. City Manager Dotson said that tier ones are subsidizing other tiers. There is also the option to have fewer tiers and spread the gallons used out. Spencer said that he thought this idea is great. He liked the idea of transferring the units. He used the example that if Doug doesn't want to pay the \$84 dollars per month then he could ask someone for a certain amount of their units, which would drop him into a lower tier. The real issue that he sees is that we will need to figure out a way to fund the West Desert Project and conserve water. Council Member Harris asked if the City should bank some funds for the West Desert Project because what happens when everyone overpays and there isn't enough water for that. The City should bank those funds and make sure we have enough water. Spencer said there should be a percentage used for acquisition money and we should use it for other water functions, such as water right acquisition and the West Dessert. City Manager Dotson said the County has the water rights acquisition fee in their impact schedule. Their policy is that it should only be used to drill wells, reuse projects, West Desert water, and water rights. Spencer said the West Desert pipeline will come here one way or another. In 5 or 6 years, it should start. The wells are there. Every member of the Water Board has the experience and the discussions need to happen. Once this is finalized, it will go to the Planning Commission and eventually City Council. Council Member Harris noted that he would like to do something similar to what Cedar City and the County are doing just to be consistent.

6. PUBLIC COMMENTS – There were no comments

7. BOARD/STAFF REPORTS

Hayden White said Public Works is putting in a water line along Highway 91. The Little Eden Well is supposed to be test pumped next week. Year-end water reports should be finalized next week. There are some sewer and road projects.

City Manager Dotson said the City received ARPA funding of \$400,000 last march. We are applying that funding, and other funding from impact fees for the tank and sending the application to get a loan for the remainder. It will be submitted tomorrow. The tank should be here this summer, hopefully. Also, we are getting easements from homeowners for secondary irrigation lines. Also, there is the probiotic company that came and spoke about applying their probiotic to lawns that wipe out fungus and reduced watering by 90%. We want to do that on half of the soccer field and see what happens. Those types of things could have a great impact.

8. **ADJOURN** – Doug Grimshaw made a motion to adjourn. Spencer Jones seconded and all voted in favor. The meeting ended at 6:30 pm.

Lindsay Hildebrand, Deputy Recorder

Date

Meeting ID: 816 1063 3806