

**ENOCH CITY WATER BOARD
NOTICE AND AGENDA
March 9, 2023 at 4:30pm
City Council Chambers
City Offices, 900 E. Midvalley Road**

Join Zoom Meeting
<https://us02web.zoom.us/j/84042367462>
Meeting ID: 840 4236 7462
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- 1. CALL TO ORDER OF REGULAR MEETING**
 - a. Pledge of Allegiance –**
 - b. Invocation –Audience invited to participate.**
 - c. Approval of agenda for March 9, 2023 –**
 - d. Approval of minutes for November 10, 2022-**
 - e. Conflict of Interest Declaration-**
- 2. CONSIDER MULTIPLE WATER RIGHTS IN LEU OF A WATER ACQUISITION FEE AND MAKE A RECOMMENDATION TO THE CITY COUNCIL**
- 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 posted on the Enoch City website, on the City Office door and published on the Utah Public Meeting Notice website on **03/06/2023**.



Lindsay Hildebrand, City Recorder

3/6/2023

Date

**ENOCH CITY WATER BOARD
NOTICE AND AGENDA
November 10, 2022 at 4:30pm
City Council Chambers
City Offices, 900 E. Midvalley Road
Meeting ID: 833 8985 7214**

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

STAFF PRESENT: City Manager Dotson, Council Member David Harris, City Recorder Lindsay Hildebrand, Public Works Director Hayden White

PUBLIC PRESENT: There were none present.

1. CALL TO ORDER OF REGULAR MEETING

- a. **Pledge of Allegiance** – Led by Steve Woolsey
- b. **Invocation –Audience invited to participate.** Given by City Manager Dotson
- c. **Approval of agenda for November 10, 2022 – Alan made a motion to approve the agenda. Steve Seconded and all voted in favor.**
- d. **Approval of minutes for August 11, 2022- There were two changes to the minutes. Lindsay made corrections. Alan made a motion to approve the minutes with both changes. Steve seconded and all voted in favor.**
- e. **Conflict of Interest Declaration-** None stated

2. CONSIDER A SECONDARY IRRIGATION REQUIREMENT FOR DEVELOPERS

Hayden White, Public Works Director said the map given showed a pink color, which was everything that borders a secondary line. Those parcels touch the secondary irrigation line. It added \$5,000 for every lot to run secondary irrigation to new builds. Alan asked if that was just the materials. Hayden said materials, times two because the prices have changed since they last looked at it. The idea is to save the City money and keep people down on lawns. Alan said it would give you good information on what people use. City Manager Dotson said they had this discussion with the City Council and it didn't really go anywhere. They held off on it. The other issue is that Matt Kennedy calculated indoor/outdoor use and this was a good way to reduce the potential demand on the culinary system and extend the culinary life for a lot longer. The new customer coming in would bear the burden. The intention is to try to obtain some grant money and extend our existing system. We want to start connecting everything together. This is entirely for new development. The third sentence of the Enoch City Code 12.2600.2602 was crossed out because it is not the standard anymore. Steve asked if this was the standard for sewer, within so many feet, you have to extend it. City Manager Dotson said yes. Doug asked if there was any impact fee currently. Would there be? City Manager Dotson said potentially yes if as a developer, you install the infrastructure that is required and it takes away the impact from everyone else. Then you don't have to take the impact on that. Hayden showed the pink area on the map on the screen. He said Three Peaks Subdivision is all on secondary along with all other areas. Alan asked if he were a developer and came into the area where the City had the infrastructure, how would he compensate the City. City Manager Dotson said we don't have a system for that right now. Typically if we are expanding infrastructure for development, we use impact fees. He explained further. Alan asked does the developer does pay anything for the equity, for the existing

system, that he would hook up to. Hayden said only in your bill, which covers depreciation. City Manager Dotson asked Alan to clarify in that if a builder develops a 10-lot subdivision, they are paying for a portion of what they are connecting to. Alan said there is a value there and they couldn't connect to the line if it wasn't already there. City Manager Dotson said the developer before them has paid for that. Alan said if you bond for something and put it in, it was paid for by all of the citizens so it's a method of compensating through the City. City Manager Dotson said he could see how that would work. There was a discussion about impact fees. Alan said he is subsidizing growth. The direct reason for that bond is growth. Hayden said they are working on a plan so they quit paying the upgrade fee.

Doug said they had come up with a list of pros and cons. Alan said Council Member Dave Harris was here and he had concerns about the cost of development to do this. The cons were simply that the end user or purchaser of a residence pays for it. It is a responsibility on the city's part in that if you start requiring somebody to do something, you have to be able to utilize it at some point. The other con was cross-connection control and it's pretty significant, less so in this case. Also is the direct and indirect expense. Doug said regarding the cross-connection, at some point we are going to have surface water that will be available for secondary. Steve asked if we have anything cross connected now. City Manager Dotson said no. There was a conversation about backflow preventers. Steve wanted to clarify and asked if anything pink, on the map, had access to the irrigation. City Manager Dotson said there is an active irrigation pipeline going by certain property boundaries somewhere. Steve asked if Spanish Trails, at some point in the future, could have lines run. City Manager Dotson said yes. There was a short discussion about how residents are paying for it and it shows on their utility bills. City Manager Dotson said the City Council needs a recommendation. Alan asked if this area was based on elevation. Hayden said it's based on where the line is now. City Manager Dotson showed a map of the location where they talked about bringing irrigation water up and putting it into a tank that provides irrigation and expanding the system. Alan said in theory, anywhere within existing City boundaries is reasonable to be supplied secondary. Alan said the question is who should pay and how should it be administered. City Manager Dotson said the question is whether should we require it for development now. What does that look like? Doug asked if this was going to be a back lot line utility. Hayden said it's mostly back. Doug asked if the City would prefer the front. Hayden said yes they prefer a front. Steve asked if your main line would run down the street. City Manager Dotson said you have to maintain a distance from your sewer line. The front-lot line is a lot better. It's now in the back lot line because you can get it coming into older subdivisions. Alan asked Hayden if from an operational standpoint did he feel this was a positive way for the City to go. Hayden said yes, especially with the conversations being had over water rights and with the problems they have when a well goes down. He thinks everyone should be secondary.

Doug went over the list of pros and cons.

Cons:

- We would have a second system that would have to be maintained with separate meters being read.
- The actual cost goes to the developer and lot owner to install the system.
- There could be a cross-connection issue which could be a problem in the future when we have surface water rights to add to the secondary water system.
- It makes for more utility structures in the front of the lots.
- The City must be able to supply the water if we require to install it. The City will have a legal obligation to deliver the water.

Pros:

- There are fewer restrictions on irrigation water, including fewer values involved and you don't have to have a high-pressure pipe, etc.
- Any water that stays with a designation of irrigation water doesn't have to take a haircut.
- We use wells that don't meet public drinking water specifications.
- In the summer, if we had a problem with our primary water system, we could spread the demand for water usage.
- In the future, we will have surface water rights that we will use and if we had a system in place we could plug them into that secondary water system.

Doug asked if there was going to be an exemption for multi-family developments. He isn't seeing big lawns and park areas as we have had in the past. City Manager Dotson said the water rights acquisition ordinance does not exempt multi-family, but it reduces what we normally require for water rights. City Manager Dotson said there are potential future townhomes that may be developed and we want to have the lines extended. City Manager Dotson said you can send a recommendation on this ordinance specifically, but he preferred that they suggest a number for the footage. Regarding the first underlined sentence in E, Alan asked if we have an existing standard on any of the utilities that require so many feet. City Manager Dotson said sewer. The footage is 300. There was a conversation with proposals. Doug and Steve recommended 1320 ft. Alan asked if 1320 would make sense. City Manager Dotson said it won't matter that much right now because down the road it may change. Alan said it makes sense from a development standpoint.

City Manager Dotson said we have been talking about our need for another water source. The Mayor and Council have talked about finding a source capacity to provide water and how to obtain that. It's the impact of development that causes the increase in demand and we need a new source. He read the proposed addition to the code and gave an example. Currently, we would purchase a well for future development and get future water rights. We purchased the Grimshaw well for a discounted price and they gave us the water rights for the development of their property. This code is saying the development has to provide the source. At least it takes the pressure off of us as residents and the City to have to bond and get impact fees for it. Alan said the word "supply" has two different meanings. He asked for clarification. City Manager said it should read to say "source". It's a source capacity issue. Doug asked if we don't have that provision in place, can we deny a subdivision if we can see that we can't supply them the water that they need? City Manager Dotson said not according to our current code and the City is on the hook to find the source and put everything in. Steve said with future development this is smart because this takes the responsibility off of us a bit. We can't stop anyone from developing their land. City Manager Dotson said the critical components of the development are typically outside of our control. Steve said at some point we won't have any water at all. City Manager Dotson said the constraint will be to bring in a water right. We have to have it written a certain way for future constraints.

Alan made a motion to send a favorable recommendation to the City Council to adopt the language in the revised Ordinance No. 12.2600.2602, Improvements regarding water source, capacity, and secondary water for new development and also recommended a distance for secondary water of 1320 feet. Steve seconded and all voted in favor.

3. PUBLIC COMMENTS – There were no comments.

4. BOARD/STAFF REPORTS

Hayden White reported that they got the power meter and insulation installed with the walls up on the Grimshaw well, which is located across the street from the City Office. They are just waiting on Rocky Mountain Power. They got pipe laid under SR-130. Now he has to go 2800 feet to the north to connect secondary water. They are almost done with Highway 91. They are trying to get Village Green's fire flow up to par and laid 450 feet of pipe to go to the tie-in. They just found out half of the Cottonwood subdivision has ¾ inch meters and the other half has 1-inch meters so they are working to see if the multiplier is different. They need to be billed correctly. Alan said the multiplier should be the same. Doug asked when the new rates go into effect. City Manager Dotson said they will be a public hearing next week for that. Most likely, the rate change should go into effect on January first.

5. ADJOURN Alan made a motion to adjourn. Steve seconded and all voted in favor.

Lindsay Hildebrand, City Recorder **Date**

In response to a question by a neighboring land owner at the City Council meeting held February 15, 2023.

DRAFT Minutes:

2. *PUBLIC COMMENTS*

Merlin Mitchel said he owns a five-acre lot in Little Eden. He met with City Manager Dotson and spoke about water rights. His shares are 1960s and valued at 13% of what 1934 shares of worth. He has 9 shares and is butted up to a well that the city has purchased and is converting to culinary. He asked if he could transfer to the Enoch 8 shares of water at 13%, which would be a tad over the \$20,000 for those 8 shares of water. He then would get one share of hookup. City Manager Dotson said we would have to change our ordinance to allow someone to use that % of valuation of the appraisal. Council Member D. Harris said we should evaluate it. Mayor Chesnut said the administration will bring this back as an agenda item.

A potential addition to the Enoch City Ordinance regarding water rights:

12.2500.2503 MAJOR SUBDIVISION

Step 13.

B. Exemptions. The following are exempt from the Water Acquisition Fee.

4. Multiple Rights Exemption. A landowner requesting connection to the Enoch City water system may deed to Enoch City additional acre feet of water rights in lieu of the Water Acquisition Fee. Said water rights will be at the same valuation as described in Enoch City Ordinance 12.2500.2503 (step 3) (B). Any additional deeded water rights can only add up to the value of one acre foot for each connection.

MINUTES
ENOCH CITY COUNCIL
March 1, 2023 at 6:00pm
City Council Chambers
City Offices, 900 E. Midvalley Road

Members present:

Mayor Geoffrey Chesnut
Council Member David Harris
Council Member Richard Jensen
Council Member West Harris - Excused
Council Member Katherine Ross
Member Shawn Stoor

Staff present:

Robert Dotson, City Manager
Ashley Horton, Treasurer
Justin Wayment, City Attorney
Hayden White, Public Works Director
Lindsay Hildebrand, City Recorder Council
Jackson Ames, PD Chief - Excused

Public Present: Leonard Correa, Danica Hoyle, Delaine Finlay, Clint Pollock, Darrin Fraser, Sarilee Fraser, Chelsey Young, James Thelin, Tom Mitchell Dezaree Chesnut

9. CONSIDER MULTIPLE WATER RIGHTS IN LEU OF A WATER ACQUISITION FEE

Tom Mitchell said he owns a parcel of land and has some water shares that are attached to the city well. He spoke with City Manager Dotson said his water shares don't have the value that they used to. His shares have a priority date of 1963 and are valued at 13% of what 1934 shares of worth. He has 9 shares and is butted up to a well that the city has purchased and is converting to culinary. He asked if he could transfer, to Enoch, 8 shares of water at 13%, which would be a tad over \$20,000 for those 8 shares of water. He then would get one share of hookup. City Manager Dotson said he wrote a draft and read it. The water acquisition fee was important in order to have funding for the West Dessert Water project. He also added that the valuation is described in another section. He is concerned about deeding more water rights to us than the valuation that we are requiring of everybody else. His valuation of those 8 shares of water rights is \$2600 an acre-foot based on the current appraisal. If an acre-foot is \$20,000 then 8 shares are 104%. This means that potentially this may cause a situation where we owe him 4% more than his 8. He wanted to clarify that any additional water rights can only add up to the value of one acre-foot for each connection. Mayor Chesnut said, in this case, he would convey 7 shares and cover the additional in cash. Council Member Jensen asked if there was a reason that Mr. Mitchell couldn't decide to forfeit that extra percentage. City Attorney, Justin Wayment said no, however, he was concerned about the potential new law, this year, that states you can only require the exact amount of water that an average user uses over the last 5 years in your city. Which he says is not appropriate because you would never work from the average. City Manager Dotson said once that new law is enacted then there is no such thing as "grandfathering". Mayor Chesnut said they could bring it back as a proposed ordinance. City Manager Dotson said we have to have a public hearing and it has to go through the Planning Commission. Justin said he doesn't agree with the law and thinks it's wrong. Council Member D. Harris said he is ok to do this as long as it's legal. Council Member Ross said she would like to hear the Planning Commission discussion. Mayor Chesnut confirmed that it will go on the agenda for discussion pending the outcome of the legislative session.