

Central Iron County Water Conservancy District  
Board Meeting Minutes  
May 18, 2023



**Board Members**

Brent Hunter  
Tyler Melling  
David Harris  
Spencer Jones  
Tyler Allred  
Terri Hartley

**District Staff**

Paul Monroe-General Manager  
Mandi Williams-Office Manager  
Tracy Feltner-Water Operator  
Tyler Glover-Water Operator  
Christy Tullis-Billing Clerk  
Justin Wayment-Legal Counsel  
Kesten Steadman-Intern  
Jeff McKee-Water Operator

**Others in Attendance**

**CALL TO ORDER:** •Board Member Hunter called the meeting to order at 6:35 PM. Terri Hartley lead the Pledge of Allegiance. Mandi Williams offered the invocation.

**DECLARATION OF ABSTENTIONS AND/OR CONFLICTS OF INTEREST BY**

**BOARD MEMBERS:** •None.

*Paul Monroe excused Andy McCrea from the meeting tonight.*

**CONSIDER APPROVAL OF MINUTES FROM THE BOARD MEETING HELD April 20<sup>th</sup>, 2023:**

**Board Member Harris moved to approve the minutes from the Board Meeting held April 20, 2023. Second by Board Member Melling. Motion Unanimous at 6:37 PM. (8:48)**  
*Spencer Jones arrived at 6:37 pm*

**CONSIDER APPROVAL OF PAYMENT OF BILLS AND ADJUSTMENTS April 14, 2023 THROUGH May 11, 2023:**

•Williams- highlighted a payment to Amen Diesel for dump truck work. Several fire hydrant meter deposits, the dinner for DNR-a payment to Ray Masterson. Yearly Scada software update. The invoice that was paid to Transcon represents 93% of the total project, Transcon has billed 83% of their budget and Formation has done 94% of their budget. Each year the district pays USGS partnership on monitoring out in the west desert. Division of water rights annual payment for the monitoring. Got a new backhoe there is a credit for the months that were already paid for from old backhoe and full year lease starts in July. The way the trucks are going to be reported now will show the charge for the vehicle and what they gave for the trade in. Ended up paying \$3,900 for a brand-new truck. Payment to Zion's Public Finance for the bond for the construction loan for the water improvement project.

Credits & Debits register- ▪Williams highlighted had one meter that froze and broke, lid was left open the contractor or homeowner has to pay for that. Disconnections and fire hydrant security deposits or refunds.

**REVIEW 2023 FINANCIALS** ▪Monroe- 41% through the year. Public relations fund is a little more. The office lease is paid a year in advance. Capital projects- 2023 retire/trade ins. Finished the audit a couple weeks ago a line was added because the auditor wanted to see how the trucks are being moved on and off the books. Recharge have spent \$14,000. On airport road the district has been able to connect a city pit, right next to airport road, Paul Cozzens helped with that. All four pits are full of water. Water flows into the Schmidt pit then spills over into the county pit, then it goes to the west into a new pipe we installed and down into the City Pit by the airport runway. Water was coming down and hitting rock shooting about 30 feet in the air. Kelly Crane brought his drone down and flew all of that. Put in 280 ft of pipe, just over \$10,000 for the HDPE pipe. The operators have been busy dealing with the sediment load issues of Coal Creek and keeping diversions clean and flowing. The final documents from Bank of Utah hasn't shown up yet. Mandi is waiting for the payoff.

*Justin Wayment arrived at 6:47pm*

**Board Member Harris moved to approve the payment of bills from April 14, 2023 through May 11, 2023. Second by Board Member Melling. Motion Unanimous at 6:41 PM.**

**(21:05)**

*Curtis Nielson arrived at 7:13 pm*

**CONSIDER A RESOLUTION OF THE CENTRAL IRON COUNTY WATER CONSERVANCY DISTRICT TO ENCOURAGE THE COMMUNITIES WITHIN THE DISTRICT TO ADOPT LANDSCAPE ORDINANCES THAT SUPPORT THE STATEWIDE LANDSCAPE INCENTIVE PROGRAM.**

▪Monroe-This has been discussed throughout the communities, Cedar City and Enoch have both talked about it. What can we do to support our communities in adopting ordinances that will allow for the turf buy back program.

▪Jones-Enoch city talked about this on 5/17 he isn't in favor of it because it is a substantial infringement on property rights. If the city adopts it there is a restriction that is bound on everyone throughout the city of a limitation on 1500 sq ft of landscaping, there is another option that he would like to put on the agenda, he thinks it would accomplish a lot of the same objectives with a turf buyback program, but it doesn't take away from property rights. Extremely in favor of conservation and in favor of trying to do what we can for landscaping practices. He thinks that legislators are looking at amending this program in the next session. ▪Hunter- don't make a move until the legislature clarifies it? ▪Jones- maybe or do something else.

▪Monroe- if the legislature does change it great, existing homes don't have to do it. ▪Jones- it is only the new homes restricted to 1500. ▪ Monroe- On tab 3 those are the requirements that a city would have to look at. There are only 3 things that are required: No lawn or parking strips or areas less than 8 ft in width, no more than 50% of front and side yard landscaped area in a new residential developments as lawn, lawn limitations don't apply to small residential lots with less

than 250 sq ft, in a new commercial, industrial, institutional and multi-family development common area landscaped lawn area shall not exceed 20% of the total landscaped area outside of active recreation areas. Those are the things that the division is asking that a community adopt. There are multiple entities that have gone overboard. Ordinances within a city are changeable. ■Harris- Enoch city didn't have a problem with the mow strips or the commercial landscaping, he thinks there is a 5% landscape requirement for commercial, the enforcement was an issue, they were wondering who would go out with a measuring tape and start measuring the front lawns and then what do they do if they are 55% lawns. Property rights are a big issue for some of the city council. People in the community that are in favor of it, he would like to talk to Shelby and see if they can tweak things. ■Monroe-when we talked to Shelby there is no rule on enforcement. ■Harris said he is fine with the ordinance; most ordinances are only enforced when there is a complaint. He thinks it is still a property rights issue, even if it's restricting the right and not enforced, he thinks that is the issue. ■Monroe- If the city has something, draft the ordinance and send it up to Shelby and see if there is an issue.

■Jones- Discussed an alternative option. What if dry lots/property want to build and there is no water, minor lot subdivision it gives flexibility. There is a water right credit that is able to be acquired from an existing homeowner, the state is looking .33 of ac/ft domestic use, private individual approach on free market want to buy .15 or .2 of water right. Then the proponent would hire an engineer would go through and do a fixer account of the house and then go through and identify the landscape that would be remaining then an agreement signed, a form by the district, that would be recorded against property, lien against the property. The homeowner would be compensated by that person for the value of that .15 or .2 of ac/ft. If they need to provide to the district. The people will come regardless of a lot of different factors. What this is basically doing is pulling out turf and stretching the water right further. They are getting compensated on the open market to take out their turf, but there isn't a restriction on taking away property rights in any way. Then the enforcement side of it is there is a restrictive document recorded against the property and a billing process adjustment according to different homes. It would be on tiers. The penalty would be 400, 500 or 600 % more than what it typically would be because they are using water that they don't have a water right to. ■Monroe- thinks it's a great concept. ■Wayment- how do people get in the market? Would the district or the city, do it? There would be a program that people could get on to reduce lot size, and then they give permission and people come in and want to buy water right and they get a list of names to shop to find water. ■ Hunter- does that mean the water rights are going to be divided? ■Wayment- no they just get a credit. There is an out clause - ■Jones- Yes, it would be recorded on the property and the district would have that in the billing rate. ■Monroe – I see these as very similar parallel programs that could both be implemented, ■Wayment read the code R-356, limitation on all new residential development. People have read the statute it's not saying what it was and then the residential code was found, what it does is put a limitation. Have to show some good faith to somebody. The people that are fighting the district could say the district wants to bring water from the west desert but not willing to take any conservation management from the state when it is put out there. ■Wayment- the state didn't pass this law it was passed by the DNR, they can change. There is nothing in the state code about this ■Allred- Suggested the item be tabled for one more month that way can take in more input.

■Wayment- this resolution doesn't specify anything just encourages people to get on board and look at the system and do something.

**Board member Jones made a motion to table this and bring back a revision for the next meeting. Second by Board Member Harris. Motion Unanimous. At 7:37 PM (1:07:36)**

**PUBLIC COMMENT:** none

**WATER IMPROVEMENT PROJECT:** ▪Monroe- finished the BZI water line. Still haven't seen what the change order will be on the month and half it took to bore under the road. Working to wrap up easements with Frank Nichols. On some of the water lines that will be put in with the new tank. We still need to finish up cultural surveys on some waterlines and then this will be submitted to tribes for consultation. Submitted all the water lines to the USDA and should hear back soon on those. Closing of the loan, we locked in at 4.7% for the construction loan and with that we refinanced the 2 loans the district had with Water Resources (\$1.2 million and the \$600,000). There is \$12.1 million in the new account that will be used towards these projects. Once the \$12.1 million is expended, then the \$4 million of grant money will be available. At Cedar Highlands working on easements with the community, its back in their hands. ▪Wayment- Haven't heard from their attorney, they have made a lot of changes. They wanted the district to guarantee 80% of the system to them. We can't guarantee system because the district is a public entity. ▪Allred- who is on the hook for the hydrants? ▪Monroe-The district is, that was part of the agreement when the district took over the system. ▪Allred- It won't help to improve the ISO rating up there. ▪Wayment - The district committed to installing hydrants and we need to hold to the agreement. ▪Monroe- still working on a maintenance facility, looking to move office space into 1/3 of that building. Looking at doing a steel building structure something that potentially matches the look and feel of the SUU farm.

**SUNSET SUBDIVISION / HARVEST FIELDS:** ▪Monroe- close to wrapping that project up. The two pressure zones are working great. The next step is retrofitting the Vandenburg well.

**PINE VALLEY WATER SUPPLY PROJECT:** ▪Monroe- been reviewing the draft copy of water needs assessment from Carollo. Have the draft from the Ground Water Resource Assessment from Formation. Plan on getting comments back to both of those consultants. ▪Hunter- Did the district make an impression on the DNR, when they came down? ▪Monroe- had a good discussion with director Ferry. Made mention about resources, the district is top of his list to get resources down here. He likes what is happening down here. (1:20:28)

**WATER CONSERVATION: AQUIFER RECHARGE, REUSE WWTP WATER & SUBSIDENCE MONITORING:** ▪Monroe- approaching 3500 ac/ft on Western Rock, 1000 ac/ft on the Schmidt Pit in the last two weeks it's been flowing over 500 cfs there has been a tremendous amount of gravel coming down. Jeff Hunter can't keep diversions open. The pipe going into Western Rock is about 60% full of sediment. It's a lot of water with a lot of rock. Conservation- The Water Festival is June 17<sup>th</sup>. WWTP- met with some of the Clarks they seem amenable to do what needs to be done to provide water to that area. There is another ag optimization funding project that is due May 31<sup>st</sup>. Curtis did an analysis on the pipe and the pump to run over to the Clarks pivots. Looking at getting 18-24" pipe, could get by with 18" depends on the flows and where they come and storage. Flow 6,000 or 6,500 ac/ft annually, still somethings to work through. *There was some discussion among the board members on storage*

by the WWTP. Two years ago, the board made a decision that the district didn't want to have an affiliation with any political candidates. The purpose of the Water Festival is to educate people on water conservation. There was a request from the Libertarian Party, that they would like to have a booth at the Water Festival. It's different because it isn't an individual. As a government entity have to be careful about restricting speech and endorsing candidates. Prohibit all parties or not any at all. It is in the park and the district can't prohibit free speech at the park. ▪Harris-tell them if you want to show up and have a booth that is fine don't take any money from them. Try not to be where the districts booths are set up. Consensus- can't tell them no, don't take any money. ▪Wayment recommends- set up the districts part and they can go wherever they want. As long as they don't create a danger and violate the law, they can exercise their free speech.

**(1:46:19)**

**GENERAL MANAGER'S REPORT: OPERATIONS & PUBLIC EDUCATION:** ▪ Monroe highlighted-.

**BOARD MEMBERS REPORT:**

**A. Cedar City ▪**

**B. Enoch**

**C. Kanarraville-**Allred was at the northern legislative fundraiser. They passed around the fly-in invitations that will happen in July. They have 12 confirmed legislators coming to the fly in. 3 or 4 legislators said they couldn't come because of other obligations. Joel Ferry got a personal invite and thinks he will be here. They are guessing they will get around 30 people to come. The groups involved are the Shakespearean Festival, Iron County Tourism, The District, SUU Aviation, Inland Port, The State Home Builders Association and the Iron County Home Builders Association. Going to put the Legislatures into helicopters and fly out to the West Desert Project then come back to town and fly over the Inland Port and Cedar Breaks. Everybody that they have spoken with seems to be on board. It is July 7<sup>th</sup> & 8<sup>th</sup>. **(1:58:39)**

**ENGINEERING REPORT:** ▪ none

**NEXT MEETING DATE:** June 15<sup>th</sup>

**Board Member Jones motioned to close the regular session and go into a closed session for contracts, imminent litigation, or acquiring real property and/or water rights. Second by Board Member Harris. Motion Unanimous at 8:28 PM.**

**Roll Call as follows:**

**Melling-Aye**

**Harris-Aye**

**Hunter-Aye**

**Jones- Aye**

**Allred – Aye**

**Hartley-Aye**

**Board Member Harris motioned to adjourn the closed session and resume the regular session Board Meeting. Second by Board Member Jones. Motion unanimous at 9:15 PM.**

**Board Member Harris motioned to adjourn the regular session Board Meeting. Second by Board Member Allred. Motion unanimous at 9:15 PM.**

**Meeting Adjourned at 9:15 PM.**