

UINTAH CITY



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Office Hours M-W 9:00-5:00 Th-Fri 9:00-1:00

Mayor Gordon Cutler

Council Members:

Michelle Roberts

Jerry Smith

Dave Boothe

Kristi Bell

UINTAH CITY COUNCIL MEETING

TUESDAY, June 7th, 2022

7:00 PM

AGENDA

Planning – Robert Guiller

Building Inspector-Jeff Monroe

Treasurer – Mike Ulrich

Sheriff – Lt. Ryan

Fire Chief – Paul Sullivan

Attendees: Mayor Cutler, Council Member Dave Boothe, Council Member Kristi Bell, Council Member Michelle Roberts, Council Member Jerry Smith, Planning Commissioner Robert Guiller, City Recorder Michelle Mortensen, Broc Gresham, Dan Combe

1. **MEETING CALL TO ORDER:** Mayor Cutler called the meeting to order for June 7th, 2022. The Mayor stated that everyone is present.
PLEDGE OF ALLEGIANCE: Led by Council Member Roberts.
CONFLICT OF INTEREST: Council members are required by law to file a public disclosure statement with the City Recorder listing business interests and investments that could create a conflict of interest with the duties of the Council Member. When a matter in which a Council member has a business or investment interest appears on the Council agenda, the Council member must publicly disclose that interest.
Mayor Cutler asked the Council if they had any conflicts of interest with tonight's agenda; there were none.
2. **PUBLIC COMMENT (2 minutes per person):**
 - There was no public comment.
3. **APPROVAL OF CITY COUNCIL MEETING MINUTES HELD MAY 17th, 2022:**
Presenter: Mayor Cutler
 - Present City Council Members reviewed the minutes from May 17th, 2022.
 - Council Member Boothe motioned to approve the City Council minutes for May 17th, 2022.
 - Council Member Bell seconded the motion.
 - Mayor Cutler asked if there was any discussion on the motion; there were none.
 - All in favor; the motion carries unanimously.
4. **PLANNING COMMISSION REPORT TO COUNCIL:**
Presenter: Robert Guiller
 - Mr. Guiller conveyed to the Council that Uintah Springs is working on a concept plan for lot ten. Mr. Monroe did an onsite report, but the commission felt they needed some things clarified. We have invited Uintah Springs to come to planning commission on June 28th to discuss some of the items on the conceptual plan.
 - Mr. Guiller explained that they have an individual wanting to build a second building for her dad who is on hospice. Mr. Monroe met with them onsite to go over options, so they are going to extend the garage and Mr. Monroe is collaborating with them on that. Council Member Roberts commended the commission for doing that because it is very helpful to those who are building.
 - Mayor Cutler shared some of the conversation at last night's WACOG meeting regarding affordable housing. The Mayor from North Ogden has been in contact with his legislators and the discussion is that the state wants to take zoning away from the cities and put it in the hands of the state. Rich Hire from Ogden City stated that he had the same discussion with members of the legislature. I would like to have a work session with the planning commission to see what our vision is for the future. We do not want the state to dictate what we must do.
5. **DISCUSSION/ACTION ON RESOLUTION NO. 22-0607- DROUGHT; A RESOLUTION FOR DROUGHT CONDITIONS; MANDATING WATER USE AND RESTRICTIONS:**
Presenter: Mayor Cutler
 - Council Member Bell explained that this resolution explains that we are in drought conditions and need to impose certain restrictions on the City. Weber Basin imposes these restrictions, and some of the restrictions include a 30% reduction agricultural use, a 40% reduction in outdoor irrigation, a 10% decrease in indoor culinary use, and outdoor watering is limited to two times per week. The Mayor clarified that this is something we will only impose if the state has mandated drought condition to which Council Member Bell responded yes.
 - Council Member Smith asked where these percentages came from. Council member Bell stated that they came from Weber Basin and were recently downgraded from the original percentages. Council Member Bell also showed the drought response plan on the Weber Basin website. She explained how they will manage the drought and we will pattern our response to our citizens from what they give us. The Mayor commented that these figures are directly from the water experts.
 - Council Member Smith asked, how do we as a council help our citizens to conserve water. The Mayor mentioned that the easiest way to do that is to look at your usage monthly.
 - Council Member Bell stated that if this resolution passes, then I will put out some information in our next newsletter.

- Council Member Bell motioned to approve Resolution 22-0607- Drought.
- Motion was seconded by Council Member Roberts.
- All in favor; the motion carries unanimously.

*******OPEN PUBLIC HEARING*******

- Motion made by Council Member Boothe to close the regular meeting and open the public hearing.
- Motion was seconded by Council Member Roberts.
- All in favor; the motion carries unanimously.
- Dan Combe, owner of the Nursery, stood and shared that this hits home to him because his livelihood depends on water. His business is already down significantly. He has been conserving as much water as he is able to.
- It is unrealistic to cut his culinary consumption after reworking his utility situation. It is necessary for him to use the same amount that he always does to support his business. He explained that he saw this coming and changed his product base to more drought tolerant plants.
- His concern is that the lot size needs to be taken into consideration. I understand the need to conserve and am taking it seriously on the residential side.

6. PUBLIC HEARING ON AMENDING AND ADDING DROUGHT CONDITION RESTRICTIONS, FINES, AND PENALTIES TO THE CITY WATER ORDINANCE.

*******CLOSE PUBLIC HEARING*******

- Motion made to close public hearing and reconvened council meeting by Council Member Bell.
- Council Member Boothe seconded motion.
- All in favor; motion carries unanimously.

7. DISCUSSION/APPROVAL ON ORDINANCE NO. 268-22; AN ORDINANCE AMENDING THE UTAH MUNICIPAL ORDINANCE CODE, TITLE 8, CHAPTER 1, TO ADD NEW OR MODIFY EXISTING SECTIONS THAT WILL BETTER IMPLEMENT, CLARIFY AND DEFINE THESE SECTIONS CONCERNING WATER PENALTIES DURING DROUGHT OR WATER RESTRICTED PERIODS ON ALL AREAS WITHIN UTAH CITY AND TO PROVIDE FOR SEVERABILITY AND AN EFFECTIVE DATE.

Presenter: Kristi Bell

- Mayor Cutler explained that Council Member Bell has produced a solution to continue economic development by allowing business to stay open. Council Member Bell reiterated that the reason we passed the last resolution is because Weber Basin has put those restrictions on us. As a City, we are contracted to buy 468-acre feet and that is our bill, with the drought contingency they have the right to reduce that number which they have. We are going to have a revenue loss even though we must pay the full amount to Weber Basin. The fine that they can impose is two times per acre foot over what we use for the city's allotment. We must produce that money whether we use our savings or pass that along to our customers. I looked at our City ordinances and nothing stated that we could impose fines. This ordinance will allow us to enforce restrictions on water usage.
- The first time a customer goes over the usage amount, we will send out a letter. The second time there is a violation, they will receive a letter plus a \$100 fine, the third a letter and fine of \$250 will be imposed, and the fourth time, they will receive a fine of \$500. The fifth time they will have to disconnect their sprinklers. The sixth time they will be put on a list and must share the penalty fees. My estimate is that we are going to have to hit 320 feet an acre to avoid fees from Weber Basin.
- My goal is to keep us from getting fees and to do that, I do not want to punish the citizens that are conserving and are not high-water users. If we can bring our high users down, then we would not have to punish those who are conserving. We have two separate groups, residential and businesses. We need to reduce 87-acre feet to meet our goal. If we use as much as we used last year our fine will be \$122,000 if we do not hit our goals. The number each customer would need to meet on their water bill needs to be forty-five to meet our goals. In our resolution we can change this as needed, it is up to us to consider a high user.
- Council Member Roberts stated a business, such as a nursery and residential customers are two different things. I do feel like people are taking this a little more seriously. If we have gone to our businesses and told them to conserve, then can their usage be different than residential. Council Member Bell explained that the major reductions are to our residential customers. This is dependent on our weather and there is a lot of fluidity. Tonight, we are voting on the course of action for when people do not adhere to the drought restrictions within the City.
- Council Member Roberts questioned, to keep it fair, if we are shooting at having the residents to do most of the conserving and the businesses continue to conserve than their rules or fines should be different. Council Member Bell stated that within this resolution we can establish those types of rules. I have already reached out to several businesses that can conserve more water. Mayor Cutler mentioned that the first step in this process is education. Council Member Roberts mentioned that if we pass this and our council changes in the future can this change. Council Member Bell stated that we will revisit this every year during drought conditions. Mayor Cutler explained that a future council can amend this at any time.

- Council Member Smith asked who assesses the fines. Council Member Bell mentioned that it is added to the water bills. The Council can assess each fee on a case-by-case basis. Council Member Smith stated that this is a very complex issue.
- Council Member Bell proposed that we adopt an ordinance that gives us the ability to start water conservation with our citizens. In December when we get the bill from Weber Basin then we have this in place to give us the ability to pay our bills at the end of the year. Mayor Cutler stated it is fair to say that we need to do something and need to do it quickly. Council Member Smith stated that I like the thought of penalizing the high users, but I like that we have the latitude to tweak this as needed. Education is what we are going after, and this is the first step in figuring out how to do that.
- Motion made Council Member Bell to approve ordinance 268-22 amending the Uintah Municipal Code, Title 8, Chapter 1.
- Council Member Smith seconded the motion.
- Council Member Roberts asked that we reach out to our businesses to see how they are conserving water.
- All in favor; motion carries unanimously.

8. DISCUSSION/ACTION ON WATER RATE TIERS:

Presenter: Kristi Bell

9. DISCUSSION/APPROVAL ON RESOLUTION NO. 22-0607-WTR; NEW WATER RATE TIERS:

Presenter: Kristi Bell

- Council Member Bell explained that when we are in a drought situation, this would automatically put us into a drought rate structure to encourage conservation. There is no base rate increase. This is just a change in the tiers from ten down to four. By condensing the tiers and increasing the amounts between tiers, the higher users are paying more. The drought rates encourage conservation when the Mayor declares a drought. The Mayor mentioned that these numbers are reflective as to what is happening throughout the state.
- Motion made by Council Member Bell to approve Resolution 22-0607-WTR.
- Motion was seconded by Council Member Boothe.
- Motion carries unanimously.

10. DISCUSSION/APPROVAL TO INCORPORATE NATIONAL FREEDOM DAY "JUNETEENTH" HOLIDAY INTO THE CITY HOLIDAY SCHEDULE

Presenter: Mayor Cutler

- Mayor Cutler explained that Juneteenth is a new federal holiday and the City will incorporate that because we observe all federal holidays.
- Motion made by Council Member Boothe to incorporate National Freedom Day "Juneteenth" into the City holiday schedule.
- Motion was seconded by Council Member Roberts.
- All in favor; motion carries unanimously.

11. COUNCIL COMMENT TO PUBLIC COMMENTS:

None

CITY COUNCIL DEPARTMENT REPORTS: (2:00)

PARKS; BUILDINGS; NUISANCES; EMERGENCY PREPAREDNESS; PLANNING COMMISSION – DAVE BOOTHE

- None

WATER; GARBAGE; CTC; U-DAY; NEWSLETTER – KRISTI BELL

- Council Member Bell stated that we are redesigning our website so it will be more mobile friendly and more user friendly which is being done with our CTC grant. We are hoping for a good turnout for U-Days.

ANIMAL CONTROL; WEBER COUNTY TRAILS; EQUIPMENT; ROADS – MICHELLE ROBERTS

- None

CEMETERY; SERVICE PROJECTS; RAILROAD RELATIONS – JERRY SMITH

- None

STORM WATER & FLOODPLAIN; GRANTS; FIRE DEPARTMENT; WACOG– MAYOR CUTLER

- None

12. MEETING ADJOURNMENT:

Presenter: Mayor Cutler

Council Member Smith made the motion to adjourn council meeting.

Motion was seconded by Council Member Bell.

Mayor Cutler asked if there was any discussion on the motion; there was none.

All in favor; the motion carries unanimously. The meeting was adjourned 9:04 p.m.

APPROVED by City Council this 21st day of June 2022.

Michelle Mortensen

Michelle Mortensen, City Recorder