



City of Naples

Naples City Council Meeting Agenda
September 28, 2023 - 7:30 p.m.
1420 East 2850 South
Naples, UT 84078

Opening Ceremonies

1. Approval of Agenda
2. Approval of Minutes - September 14, 2023 Regular Council Meeting
3. Any Follow Up Matters from September 14, 2023
4. Approval of Bills
5. Discussion to Approve Expenditure for Storage Container - Szeth Simmons
6. Update on Trails System - Mayor Baker
7. Update on AVW&S Water Connections - Mayor Baker
8. Other Matters/Future Council Matters
9. Motion to Adjourn

In compliance with the Americans with Disabilities Act, individuals needing special accommodations during this meeting should notify the Naples City offices at 789-9090, 1420 East 2850 South, Naples, UT 84078 at least 48 hours in advance of the meeting. Meetings are held at 1420 East 2850 South, Naples, UT.

The undersigned, duly appointed City Recorder, does hereby certify that the above agenda was posted at the Naples City Office, on the City's website <https://naplescityut.gov/> and on the State Public Meeting Notice website <https://utah.gov/pmn> Nikki W. Kay

Naples City Council

September 14, 2023

Minutes

The regularly scheduled meeting of the Naples City Council was held September 14, 2023, 7:30 p.m., at the Naples City Office, 1420 East 2850 South, Naples, Uintah County, Utah.

Council members attending were Dean Baker, Gordon Kitchen, Ross Morton, Dan Olsen and Kenneth Reynolds. Robert Hall was excused.

Others attending were Wake Murray, Scott Major, Liz Major, Jaden Thomas, Payson Young, Emilee Linarte, Brooks Jones, Emerson H., Faith Gardner, Stephanie Adams, Szeth Simmons, Nathan Simper, Micheal Davis and Nikki Kay.

Mayor Dean Baker welcomed everyone and called the meeting to order at 7:30 p.m. Mayor Baker opened the meeting with the pledge of allegiance and Kenneth Reynolds offered the invocation.

Mayor Baker presented the agenda for approval. Dan Olsen **moved** to approve the agenda. Kenneth Reynolds **seconded** the motion. The motion passed with all voting aye.

The minutes of the regular city council meeting of August 24, 2023 were presented for approval. Ross Morton **moved** to approve the minutes of August 24, 2023. Dan Olsen **seconded** the motion. The motion passed with all voting aye.

Mayor Baker asked if anyone had anything they wanted to follow up on from the previous meeting. Councilman Reynolds asked about the cameras at the park. Micheal said they are still waiting on the Recreation District to decide what they are doing. Chief Simper said the quote he brought to them previously was still what he had. He also stated the building they would place the cameras on was managed by the Recreation District and would need their okay. Councilman Morton asked about a demonstration of the cameras. Micheal was able to bring the cameras up on the computer and Chief Simper explained how the system

DATE, TIME & PLACE OF MEETING

COUNCIL MEMBERS ATTENDING

OTHERS ATTENDING

OPENING CEREMONY

APPROVAL OF THE AGENDA

MINUTES APPROVED

FOLLOW UP ITEMS FROM PREVIOUS MEETING



worked.

Nikki Kay presented the bills for approval in the amount of \$115,909.42. Kenneth Reynolds **moved** to approve the bills in the amount of \$115,909.42. Dan Olsen **seconded** the motion. The motion passed with the following roll call vote:

Robert Hall	Absent
Dan Olsen	Aye
Ross Morton	Aye
Kenneth Reynolds	Aye
Gordon Kitchen	Aye

Scott Major came before the Council to speak about the Naples Elementary PTA. Mr. Major gave a little history on the PTA and explained how the PTA kind of faded out of the schools. He stated there is a need for parents in the classroom to provide a level of support for the kids and to be a good resource for the teachers. Mr. Major gave the Council a list of activities they would like to accomplish for the school year. He explained that PTA's are national nonprofit organizations with bylaws and they are also required to have insurance to make sure donated money is protected in case of fraud. Mr. Major asked the Council if the City would be willing to donate \$1,000 to support the Naples PTA. Mayor Baker said he thought it was a good idea, the school is in the City, and it would be a good cause. He asked Micheal to see if the money could be found in the budget. Councilman Morton said he was in favor of it and asked Mr. Major what drove this idea. Mr. Major said one of the fallouts from COVID was no more parents in the schools. He said there are parents who want to help but didn't know how to go about it. He said the PTA provides structure for parents who want to volunteer to help. Councilman Morton said this is a parent/teacher organization and he wanted to know how many teachers have signed up. Mr. Major said they just approached the school on Friday and don't have any teachers signed up yet. Liz Major stated the teachers are just now realizing what a huge support they could be for them. Stephanie Adams said the PTA has access to many resources they can bring into the schools. Mayor Baker said he would have Micheal look into the budget and they would get back with them.

Szeth Simmons presented Council members with two bids he received to replace the furnaces at the city office building.

APPROVAL OF THE BILLS

REQUEST FOR SPONSORSHIP - NAPLES PTA

DRAFT

BID FOR OFFICE FURNACES

Szeth stated the furnaces are nineteen years old and are requiring more service. He stated the expenditure for the purchase is in the budget and he recommended they go with the lower bid of \$11,500. Councilman Kitchen asked if the low bidder was local. Szeth stated they are out of Roosevelt. Gordon Kitchen **moved** to approve the bid of \$11,500 a per Szeth's recommendation. Dan Olsen **seconded** the motion. The motion passed with the following vote:

Gordon Kitchen	Aye
Kenneth Reynolds	Aye
Ross Morton	Aye
Dan Olsen	Aye
Robert Hall	Absent

Szeth Simmons presented three bids to install a boiler for the front sidewalks at the city office building. He said when they remodeled the front of the building a few years ago, they set it up to have a boiler to help heat the front sidewalks for safety purposes. Szeth recommended they go with the low bid of \$10,075. Kenneth Reynolds **moved** to go with the bid from DRVN Energy for \$10,075. Ross Morton **seconded** the motion. The motion passed with a majority vote. Councilman Kitchen abstained from voting as he was related to one of the bidders. Councilman Morton disclosed that he was also related to one of them. Council members didn't see a problem with him voting because of the bid process but to make sure there were no issues, Mayor Baker also voted and he voted in the affirmative.

***APPROVE BID FOR
SIDEWALK BOILER***

Szeth Simmons presented five bids he received for a new sea container. He said he would like a storage container at the City office to store lawn equipment, shovels, etc. Szeth explained four of the bids were for the containers only and one bid was for the container and to set and level it. Szeth stated he felt like he could set the container with equipment the City has but wasn't totally sure because he had never tried to before. Councilman Kitchen questioned if the City had ever passed an ordinance about the containers because he knew it had come up in discussion before. Mayor Baker stated he remembered talking about it but doesn't remember if anything was ever passed. Councilman Kitchen thought it should be checked on before moving forward with anything. Dan Olsen **moved** to table the matter while they look into it. Gordon Kitchen **seconded** the motion. The motion passed with all voting aye.

***APPROVE BID FOR
STORAGE CONTAINER***



Micheal presented the agreement with Sunrise Engineering for the 1500 South Trail Design. He reported the grant has already been received and he would like Sunrise Engineering to continue the work for the design and construction management portion of the project. Gordon Kitchen **moved** to approve the agreement with Sunrise Engineering. Kenneth Reynolds **seconded** the motion. The motion passed with the following roll call vote:

Robert Hall	Absent
Dan Olsen	Aye
Ross Morton	Aye
Kenneth Reynolds	Aye
Gordon Kitchen	Aye

***EXECUTE AGREEMENT
WITH SUNRISE
ENGINEERING***

Micheal wanted the Council to know Jones and Demille has started the street project and have placed traffic counters throughout the City as part of the project.

***OTHER MATTERS OR
FUTURE COUNCIL
MATTERS***

With no other business before the Council, Kenneth Reynolds **moved** to adjourn the meeting at 8:10. Gordon Kitchen **seconded** the motion. The meeting was adjourned by all voting in favor of the motion.

MOTION TO ADJOURN

APPROVED BY COUNCIL ON THE 28th DAY OF SEPTEMBER 2023

BY: _____

ATTEST: _____

DRAFT

Report Criteria:

Invoices with totals above \$0.00 included.

Only unpaid invoices included.

GL Acct No	Vendor	Vendor Name	Description	Invoice Number	Invoice Date	Invoice Amount
10-22250 WORKMENS COMPE	1084	Utah Local Gov't Ins. Trust	Workers Comp	1609429	09/13/2023	519.18
10-22500 HEALTH INSURANCE	740	Public Employees Health Prog	Health & Dental Insurance	0124014833	09/01/2023	20,389.39
10-22505 EAP/ BLOMQUIST - P	135	Blomquist Hale Consulting Group,	Mothly EAP	SEP23-2367	09/01/2023	162.50
Total :						21,071.07
40-40-256 TPA - MASTER PLAN	486	Jones & DeMille Engineering	Transporation Master Plan	0132101	09/18/2023	5,000.00
45-40-275 PLANNING & DEVEL	620	MTN Retail Advisors, LLC	Supermarket Sales Study	7143	08/25/2023	4,000.00
Total EXPENDITURES:						9,000.00
10-49-513 PUBLIC EMPLOYEE	1084	Utah Local Gov't Ins. Trust	Bond 71461638	1609428	09/13/2023	820.40
Total LIABILITY INSURANCE:						820.40
10-50-260 GROUNDS EQUIP/S	587	MF Landscape & Construction	Contract Lawn Care	3643	09/17/2023	225.00
10-50-260 GROUNDS EQUIP/S	587	MF Landscape & Construction	Contract Lawn Care	3644	09/12/2023	225.00
Total GENERAL GOVERNMENT BUILDINGS:						450.00
10-51-240 OFFICE SUPPLIES A	163	Business Solutions Group	Tax Forms	16419	09/20/2023	52.70
10-51-240 OFFICE SUPPLIES A	655	Northeastern Utah Office	ink cartridge	100911	09/14/2023	86.99
10-51-240 OFFICE SUPPLIES A	1210	Zion's First National Bank	paper, pens	9914997851	09/19/2023	122.35
10-51-245 COMPUTER SUPPO	19	AM Computers	Service contract	4658	09/08/2023	150.00
10-51-246 COMPUTER SOFTW	1210	Zion's First National Bank	ADOBE PRO	2559011009	09/22/2023	256.55
Total SUPPLIES/EQUIPMENT:						668.59
10-52-310 BOARD MEMBERS E	29	Adams, Scott	Board Members Expense	29-0323	09/26/2023	225.00
10-52-310 BOARD MEMBERS E	43	Arnold, Brock	BOARD MEMBERS EXPENSE	43-0323	09/26/2023	150.00
10-52-310 BOARD MEMBERS E	127	Bentley, Andrew	Board Members Expense	127-0323	09/26/2023	150.00
10-52-310 BOARD MEMBERS E	216	Clark, Christopher J	Board Members Expense	216-0323	09/26/2023	150.00
10-52-310 BOARD MEMBERS E	412	Hiatt, Kevin D	Board Members Expense	412-0323	09/26/2023	150.00
10-52-310 BOARD MEMBERS E	574	Major, Scott P	Board Member Expense	574-0323	09/26/2023	150.00

GL Acct No	Vendor	Vendor Name	Description	Invoice Number	Invoice Date	Invoice Amount
Total PLANNING AND ZONING:						975.00
10-54-230 TRAVEL & PER DIEM	1210	Zion's First National Bank	D.Roth & D. McDavid Post Food	010058	09/10/2023	32.85
10-54-230 TRAVEL & PER DIEM	1210	Zion's First National Bank	D.Roth & D. McDavid Post Food	011312	09/11/2023	13.50
10-54-230 TRAVEL & PER DIEM	1210	Zion's First National Bank	D.Roth & D. McDavid Post Food	011596	09/11/2023	47.90
10-54-230 TRAVEL & PER DIEM	1210	Zion's First National Bank	D.Roth & D. McDavid Post Food	012378	09/12/2023	10.83
10-54-230 TRAVEL & PER DIEM	1210	Zion's First National Bank	D.Roth & D. McDavid Post Food	013041	09/13/2023	10.81
10-54-230 TRAVEL & PER DIEM	1210	Zion's First National Bank	D.Roth & D. McDavid Post Food	013180	09/13/2023	25.53
10-54-230 TRAVEL & PER DIEM	1210	Zion's First National Bank	D.Roth & D. McDavid Post Food	014351	09/14/2023	17.19
10-54-230 TRAVEL & PER DIEM	1210	Zion's First National Bank	D.Roth & D. McDavid Post Food	017266	09/17/2023	10.80
10-54-230 TRAVEL & PER DIEM	1210	Zion's First National Bank	D.Roth & D. McDavid Post Food	018286	09/18/2023	17.19
10-54-230 TRAVEL & PER DIEM	1210	Zion's First National Bank	D.Roth & D. McDavid Post Food	020583	09/20/2023	22.24
10-54-230 TRAVEL & PER DIEM	1210	Zion's First National Bank	BLACK BEAR MEALS D.ROTH G	020973	09/20/2023	43.24
10-54-230 TRAVEL & PER DIEM	1210	Zion's First National Bank	D.Roth & D. McDavid Post Food	10035	09/12/2023	13.75
10-54-230 TRAVEL & PER DIEM	1210	Zion's First National Bank	D.Roth & D. McDavid Post Food	10125	09/21/2023	17.00
10-54-230 TRAVEL & PER DIEM	1210	Zion's First National Bank	D.Roth & D. McDavid Post Food	240552487P62	09/20/2023	38.94
10-54-230 TRAVEL & PER DIEM	1210	Zion's First National Bank	D.Roth & D. McDavid Post Food	249430087P6	09/20/2023	39.22
10-54-230 TRAVEL & PER DIEM	1210	Zion's First National Bank	D.Roth & D. McDavid Post Food	249430088S4A	09/20/2023	9.39
10-54-230 TRAVEL & PER DIEM	1210	Zion's First National Bank	D.Roth & D. McDavid Post Food	AAA55LR6AC	09/19/2023	19.53
10-54-247 SPILLMAN, LEXIPRO	536	Lexipol, LLC	Annual policy & DTB	INVLEX18970	09/01/2023	4,566.42
10-54-249 EQUIPMENT/PURCH	517	L.N. Curtis & Sons	Bullet proof vest McDavid	INV746304	09/15/2023	1,326.00
10-54-251 FUEL & OIL	808	Rocky Mountain Lube & Muffler	Oil change 2018 Durango	627194	09/22/2023	156.90
10-54-320 DRUG AND ALCOHO	1210	Zion's First National Bank	USPS MAIL TOX V23-0538, V23-	025795	09/25/2023	11.00
10-54-331 PUBLIC RELATIONS	1210	Zion's First National Bank	SMITHS DRINKS FOR UBLEEA	025207	09/25/2023	30.65
10-54-331 PUBLIC RELATIONS	1210	Zion's First National Bank	lunch for UBLEEA	105258683388	09/18/2023	210.34
Total POLICE DEPARTMENT:						6,691.22
10-60-245 BLDG SUPPLIES &	7	Airgas USA, LLC	Welding Equipment	9141769590	09/06/2023	140.89
10-60-245 BLDG SUPPLIES &	601	Morcon Specialty, Inc.	Pressure washer parts	V190097	09/19/2023	36.43
10-60-245 BLDG SUPPLIES &	677	Outback Rental	Pressure washer hose, relief valv	SO-002808	09/19/2023	33.80

GL Acct No	Vendor	Vendor Name	Description	Invoice Number	Invoice Date	Invoice Amount
10-60-245 BLDG SUPPLIES &	677	Outback Rental	Pressure washer hose, relief valv	SO-002820	09/25/2023	198.00
10-60-245 BLDG SUPPLIES &	1147	Vernal Winnelson Company	Ice melt	522097-01	09/25/2023	618.93
10-60-245 BLDG SUPPLIES &	1153	Walmart - Capital One	Batteries, all purpose cleaner, mr.	466309	09/21/2023	68.88
10-60-245 BLDG SUPPLIES &	1153	Walmart - Capital One	Batteries, all purpose cleaner, mr.	912544	09/20/2023	40.56
10-60-250 EQUIPMENT, MAINT	958	Main Street Auto	Trailer wiring parts	208151	09/18/2023	89.82
10-60-250 EQUIPMENT, MAINT	1152	W&W Industrial Repairs, Inc.	Sweeper broom repair	3471	08/04/2023	420.00
10-60-251 FUEL & OIL	1153	Walmart - Capital One	diesel additive, stabil	912544	09/20/2023	308.52
10-60-266 ROAD SIGNS	589	Milt's Merchandise Mart	installation tools & supplies for sig	176390	09/26/2023	14.18
10-60-266 ROAD SIGNS	838	Safety Supply & Sign Co, Inc.	Parking signs	186349	08/25/2023	55.68
10-60-268 SIDEWALKS	725	Precision Concrete Cutting	HWY 40 Trip hazards	UT89405UM	09/22/2023	7,969.54
10-60-271 UTILITIES - SHOP	1099	Rocky Mountain Power	Monthly Electric Service 6119018	0186-0923SH	09/19/2023	265.81
10-60-274 TOOLS & SUPPLIES	1153	Walmart - Capital One	Tools	912544	09/20/2023	29.97
10-60-470 PPE / SAFETY CLOT	341	Fastenal Company	Gloves, safety equipment for temp	UTVER103785	09/26/2023	25.71
10-60-470 PPE / SAFETY CLOT	1153	Walmart - Capital One	Safety glasses	912544	09/20/2023	37.44
Total STREETS:						10,354.16
10-68-270 UTILITIES-STREET LI	1099	Rocky Mountain Power	Monthly Electric Service 6108154	1546-0015-092	09/19/2023	2,257.00
10-68-272 REPAIRS - STREET L	223	Codale Electric Supply	LED Lights	S008220185.0	09/19/2023	480.00
Total STREET LIGHTS:						2,737.00
Grand Totals:						52,767.44

Report Criteria:

Invoices with totals above \$0.00 included.

Only unpaid invoices included.



Item No. _____

MEMO TO: City Council, City Manager
FROM: Szeth Simmons B&G Superintendent

Subject: Purchase of a Sea Container

Recommendation:

As requested I have an updated list of pricing and sizes to purchase a storage container. I would recommend a 40' one trip from Dry Box for 5745

I have checked on codes and have acquired a building permit and would ask to waive the fee. Outside that there are no codes preventing the placement of the box behind the city office.

Date:

9/28/23

Fiscal Impact:

Up to 9,700 It is in the budget

Funding Source: 10-50-730

Background: everything bid is a one trip container

One Container for a 20' is 5,039. Delivery of the container only. 40' is 5,940

Large Scale Containers for a 20' 5,195 Delivery of the container only. 40' is 5,745

Dry Box is 5,250 for a 20' Delivery of the container only. 40' is 6,250

Gorilla Box 5,400 for a 20' Delivery of the container only. 40' 6,069

Howard Harding 5,500 Delivery of the Container only. 40' is 6,400

James Richards for a 20' 7,500. 40' 9,700 Delivery of container putting into place and setup on blocks and leveling of the container.

The tough part of the process is getting the container into the most convenient place for city use. The options for getting the container into the desired spot are not totally straight forward and trying to do it could be simple or might lead to more unforeseen complications. The different options look like they might work but I'm not totally sure.

One option would be purchasing a container from One Container at 5,039 and trying to use the city equipment to get it into place. It might handle it and be fine and it might be too heavy.

Another Option would be to have James Richards at 8,500 use his much bigger equipment to get it into place and have him level it out.

I've looked into other places setting it but it might work might not.

Storage Units need to be set level for the doors to work properly if they are not the doors will be hard to open.

UTAH TRAIL NETWORK



The Vision

The vision of the Utah Trail Network (UTN) is for the Utah Department of Transportation (UDOT) to build and maintain a network of paved trails throughout the state that connect Utahns of all ages and abilities to their destinations and communities.

The Requirements

In order to ensure a project is furthering this vision and contributing to the greater network, UDOT developed a set of eligibility principles and requirements in three categories—**Connection**, **Safety & Comfort**, and **Feasibility**. Projects must meet the listed criteria to be eligible for UTN consideration.

Connection Requirements:



CONNECTION PRINCIPLE:

Connect multiple communities and/or regional destinations

The trail must...

- ▶ Be part of a statewide network of paved, non-motorized trails that serve a regional transportation purpose
- OR
- ▶ Be part of the Regional or Long-Range Transportation Plan
- ▶ Improve connectivity to adjacent communities within a reasonable biking or walking distance
- ▶ Connect people to jobs, businesses, civic resources, and other "high-use" destinations
- ▶ Close a gap in or extend an existing regional facility (if it would link to an existing facility)

Safety & Comfort Requirements:



SAFETY & COMFORT PRINCIPLE:

Safely accommodate a broad range of trail users from children to older adults

The trail must...

- ▶ Be paved
- ▶ Provide a level of separation appropriate for adjacent roadway conditions (if applicable) and surrounding context, including at intersections and crossings. Separated facilities will be preferred.

Trail Feasibility Requirements:



TRAIL FEASIBILITY PRINCIPLE:

Build trails according to state regulation and best design practices

The trail must...

- ▶ Be constructed, operated, and maintained by UDOT
- ▶ Be designed to UDOT standards with local context considerations
- ▶ Be open to a likely environmental process requirement
- ▶ Not require eminent domain to secure trail right of way
- ▶ Be amended into the Regional Transportation Plan or Long-Range Plan as appropriate

The Outreach Process and Timeline:

Fall 2023

Regional Workshops

Objective: Discuss the UTN program and brainstorm projects for the first phase of funding.

Winter 2023

Project List

Objective: Review a project list, rank and prioritize potential trails, and recommend the first phase of project programming.

**Spring/Summer
2024 & beyond**

Continued Coordination

Objective: Continue to work with stakeholders and workshop participants to implement phase-one projects and evaluate future potential projects.



Visit us at:
UtahTrailNetwork.udot.utah.gov



Comment map:
UTNinputmap.com

NOTICE TO APPLICANTS FOR NEW CULINARY CONNECTIONS WITH ASHLEY VALLEY WATER AND SEWER IMPROVEMENT DISTRICT

Ashley Valley Water & Sewer Improvement District ("AVWSID" or the "District") is a special district formed by Uintah County with one of its purposes of providing culinary water treatment and delivery services to its customers. The District was created approximately 30 years ago through a settlement with the County and Vernal, and started with a defined number of water rights primarily from Ashley Creek and Red Fleet Reservoir.

For thirty years the District has been able to provide service to applicants for new connections from these initial water rights, knowing that one day these initial water rights would be exhausted, requiring new applicants to turn water rights into AVWSID in order to receive service.

The District recently contracted with CRS Engineers who completed a thorough study of AVWSID's existing system and water rights. They have conclusively determined that AVWSID's existing water rights are fully committed to existing or previously committed connections, meaning new connections will not be possible unless applicants dedicate additional water rights to the District to provide for their culinary needs.

This situation is not unique to AVWSID – turning over water rights to obtain a culinary connection is standard practice throughout the State of Utah and has been this way for decades. With that said, AVWSID has not had to historically require it because it has had the luxury of relying on the initial water rights given to the Company at its inception, which are now fully committed to existing, or previously committed connections.

FROM THIS POINT FORWARD NO NEW DEVELOPMENT OF CULINARY CONNECTION TO THE SYSTEM WILL BE ALLOWED WITHOUT THE DEDICATION TO AVWSID OF A WATER RIGHT SUFFICIENT TO MEET THE NEEDS OF THE REQUESTED CONNECTION.

To aid in the dedication process, AVWSID has now adopted a standardized amount required for each type of connection. The amounts were established in the CRS Engineer's study and are attached as Exhibit A. The calculation is based on two types of use: 1) the amount you will use inside of your home (standardized at .54 acre feet of depletion annually); and 2) the amount you will use for exterior irrigation (in the Basin the duty to irrigate one acre of land annually is 3.7 acre feet of water and this duty is used to calculate the amount of water needed for lots ranging from .25 of an acre up to 1 acre). As part of the application process you will meet with a board formed by AVWSID who will review your application and indicate how much water you will need to turn in based on the amounts set forth in Exhibit A.

Once you know how much water you need to turn in, you will need to determine if your water right or irrigation share is one AVWSID can accept. Not all water rights in the Basin are available for use by the District. The following are requirements for the District to accept your water right:

**WATER RIGHTS POLICY
FOR DEVELOPMENTS IN ASHLEY VALLEY WATER AND SEWER
IMPROVEMENT DISTRICT**

DATE: September 19, 2023

RE: Water Rights dedication requirements for developments within Ashley Valley Water and Sewer Improvement District ("AVWSID" or "District") boundaries.

PURPOSE: The purpose of this Policy is to control the acquisition, ownership and use of Water Rights or interests in Water Rights for culinary water within developments in Ashley Valley Water and Sewer Improvement District, to apply a uniform set of rules and regulations to all developers within the District regarding Water Rights, and to protect the water sources and supplies dedicated to developments within the District from alienation, degradation, or interference to the detriment of the District and its customers.

The Ashley Valley Water and Sewer Improvement District hereby adopts the following policy regarding the acquisition, ownership, and use of Water Rights within all developments in the District.

General Policy Statement: The Ashley Valley Water and Sewer Improvement District was created for the purpose of providing, among other things, water treatment, water delivery and wastewater collection service to the properties that are within the boundaries of the District. The District has acquired and will continue to acquire Water Rights for use within its boundaries. It is the policy of the District to ensure adequate Water Rights are available to serve existing and new customers as development happens within the District.

As a State-approved Public Water Supplier, the District has an obligation and an interest in protecting the water resources of the Ashley Valley and ensuring that adequate Water Rights are available and sufficient for any proposed development in the District. The District also desires to ensure that the Water Rights dedicated to any development are approved by the State Engineer for the proposed uses, that those Water Rights remain under the ownership and control of the District, and that each Water Right remains committed to the proposed development and is managed in such a way as to protect and maximize the use of the Water Rights.

1. Ashley Valley Water and Sewer Improvement District Staff to Review and Approve Water Rights for all Proposed Subdivisions in Ashley Valley Water and Sewer Improvement District.

- A. Developer Submittal of Water Rights Information to District Staff for Review and Approval. As part of the development process within the District, all applicants for development or culinary connections, are required to submit information regarding their proposed development to District Staff who shall review the information to determine the amount and type of Water Rights that will be required for the

proposed uses if proposed development is to be approved by the District. The District Staff shall review the number of lots proposed, the number of culinary connections, the amount and type of open space proposed, the amount of hard surface in the development, as well as all other relevant information to determine the total water requirements of the proposed development.

District Staff shall use historical use data, standard conversion rates, and minimum sizing requirements to determine the then applicable amount of Water Rights required to be provided for each proposed development.

Irrigation companies, if applicable, may be asked to participate in determining the amount of water to be made available by their respective shares; provided, however, any decision of the State Engineer applicable for the proposed development shall be the final determining factor in determining the actual amount of water available from each share of the irrigation company for use in the development. State Engineer approval of any proposed use of Water Rights is the responsibility of the developer, and is required before any water can be approved for use by a development in the District. The District may form a Water Rights Review Committee (the "Water Committee") consisting of some or all of the following: District Staff members, the District Attorney, the District Engineer, representatives of irrigation companies, representatives of the Uintah Water Conservancy District and County or City representatives at the District's sole discretion to provide input into the decision making process. The developer shall be responsible for any out-of-pocket costs incurred by the District during the review process, including but not limited to engineering costs, attorney costs, etc.

- B. District Staff Preparation of Action Report Recommendations to District Planning Commission. Following its review of the proposed development, District Staff shall prepare an action report setting forth in detail the amount of Water Rights necessary for any proposed development. That action report shall be forwarded to the Uintah County, or Naples City Planning Commission, and shall become a requirement of the proposed development if, and when, the development is approved.
 - C. Conditions of the Action Report and Conditions of the Approval of the Development. The conditions, restrictions and limitations set forth in the action report shall be reported to the Uintah County or Naples City Planning Commission and shall become conditions, restrictions, and limitations of the proposed development.
2. **Dedication of Adequate Water Rights for Proposed Development.** It shall be the policy of the District as described herein below that no proposed development shall be approved prior to the dedication and acceptance of adequate Water Rights as set forth herein.
- A. Water Rights in Escrow. Prior to receiving preliminary approval by the District of any development in Ashley Valley Water and Sewer Improvement District, all of the Water Rights required for the proposed development shall be placed in escrow

with AVWSID by the developer. All signatures, deeds, transfers, or other documents necessary to effectuate the irrevocable transfer of the Water Rights to the District shall be prepared, signed and delivered to the Escrow Agent of AVWSID so that no further action related to water dedication is required by the developer. As described in this policy, irrigation Water Rights that are intended to be transferred to the District for culinary or indoor residential purposes must receive State Engineer approval before they can be actually used to meet the requirements of a proposed development. Securing an approved Change Application shall be the sole responsibility of the developer.

B. Water Rights Transfer Condition for Final Approval of Proposed Development. Immediately following final approval of any proposed development in the District, and as a condition thereof, all Water Rights necessary for the proposed development shall be transferred by the Escrow Agent to the District. All Water Rights shall be transferred to the Escrow Agent prior to the signing and or recording of any plat, the selling of any lots, or the commencement of any construction activity.

C. Restrictions on Water Rights that will be accepted by the District for Proposed Development. As a Public Water Supplier, it is in the best interest of the District, its current and future customers, and the public in general, that the District own or otherwise control all Water Rights necessary to provide culinary and secondary water to its customers. The following restrictions shall apply to all Water Rights proposed to be dedicated to the District:

1. The District will not accept any irrigation shares that have not been approved by the State Engineer for municipal use within the boundaries of the District. The obligation to secure an approved change application lies solely with the Developer.

2. The District will not accept any irrigation shares that are restricted in any way, including but not limited to restrictions on voting, unusual assessments, etc.

3. The District will not accept any irrigation shares unless accompanied by a signed letter from the relevant irrigation company clearly stating that the irrigation company has taken official action to approve the conversion of the irrigation shares into municipal use, that it has approved the transfer of the shares to the District, that it will cooperate in securing an approved change application from the State Engineer, and that the irrigation company will not seek to impose any unusual restrictions, assessments, fees or charges against the shares transferred to and owned by the District.

3. **Water Requirements for Development on Property within the District Boundaries (all areas serviced by the District).** It is the policy of the District that all property developed within the District Boundaries, or which are serviced by the District, as defined by Uintah County or Naples City, shall be treated equally with respect to the amount of Water Rights required for the proposed development.

A. Culinary Water Rights: For any development, subdivision or lot approved by the District, the developer is required to provide a fully consumptive (100% depletion) fifty-four hundredths (.54) of an acre foot of primary Water Rights per Equivalent Residential Unit "ERU" as defined in the policies of the District, for culinary use. It shall be the responsibility of the Water Committee, to determine which Water Rights are sufficient for the proposed culinary use within the water delivery system that will provides said culinary water service. Only Water Rights that are available and usable within the District's system shall be accepted. It is the responsibility of the developer to provide sufficient approved Water Rights to meet the culinary requirements of the proposed development.

B. Irrigation Water Rights:

- 1) As AVWSID does not own or operate a secondary irrigation system. If the developer does not install a secondary water system, adequate Water Rights shall be dedicated to the District by the developer to allow for outside irrigation (if any) through the District's culinary system. Water rights for irrigation use shall be calculated at 3.7 acre feet of fully consumptive water rights per acre of irrigation. If the developer decides to install a secondary water system, it will be the responsibility of the developer to provide sufficient approved Water Rights to the lot owners to meet the irrigation requirements of the proposed development. The District will not provide or allow outdoor irrigation through its culinary system in any development, subdivision or on any lot unless:
 - a) The developer has dedicated adequate Water Rights to the District to allow for the proposed outdoor irrigation; and
 - b) Approved backflow prevention devices have been installed and are adequately maintained by the property owner. No unapproved connections to the District's culinary system are allowed. It is strictly against the law to tamper with, modify or connect to the District's culinary water system without express, written consent, approval, metering and inspection by the District.
- 2) Developer shall cause a written specification to be placed on any plat clearly stating the amount of culinary water demand allowed on each individual lot, and on any other irrigated property within the proposed development that will be serviced by the District. The water uses by the property owner shall be limited to those amounts stated on the Plat.
- 3) Developer shall cause a written specification to be placed on any plat clearly stating the amount of irrigation allowed on each individual lot, and on any other irrigated property within the proposed development that will not be serviced by the District.

- B. Irrigation District Assessments. Nothing in this policy shall affect the right of irrigation companies to levy assessments against the stock issued by their company as determined by their Articles of Incorporation and current bylaws.
- C. Licenses, Easements and Other Ownership of Facilities. It is the policy of the District that developers shall provide necessary licenses, easements and property necessary to construct, repair and maintain water lines, pump stations, tanks and other facilities. Pipelines, pump stations and other facilities necessary for delivery of culinary water to developments within Ashley Valley Water and Sewer Improvement District shall be dedicated to and owned by the entities providing the culinary and/or secondary water service.
- D. Prior State Engineer Approval for Culinary Water Rights. It is the responsibility of the developer to provide adequate Water Rights to meet the needs of the proposed development. The developer, in cooperation with the culinary water service provider, shall receive State Engineer approval prior to placing Water Rights in escrow as required in Section 2A above. No Water Rights shall be accepted as meeting the culinary or irrigation requirements for the proposed development unless they are approved for the intended use by the State Engineer. This Section D shall apply to all applications for development filed with Ashley Valley Water and Sewer Improvement District subsequent to the date of this policy, unless the Water Rights are already owned by the service provider and has been previously reserved by developer for use on the proposed project, or is a right commonly used by the service provider.

This policy shall take effect immediately upon signature.

DATED this 19th day of September, 2023.

ASHLEY VALLEY WATER AND SEWER IMPROVEMENT DISTRICT

Robert K. Folley
CHAIRMAN

Date Approved by the Board: September 19, 2023