

REGULAR MEETING OF THE CITY COUNCIL, CITY OF SHALLOWATER, MARCH 19, 2024 AT 7:00 P.M. WITH THE FOLLOWING MEMBERS PRESENT:

ROYKING POTTER
MAYOR
AMANDA CUMMINGS
CITY SECRETARY
ASHLEY CARR
ADMINISTRATIVE ASSISTANT
RUSSEL MOSES
CITY ADMINISTRATOR
WILL GRIFFIS
CITY ATTORNEY

ALDERMAN:
CHRIS CODY
LOGAN SCARLETT
JASON WHITE
TROY WHITE

Others Present: Ruben Ponce, Jeremy Stewart, Leonard Nail, Brian Williams, James Andrews, Scott Schleicher, Brandon Scroggins, George McMahan, Julie McMahan, David Rogers, Richard Schanzenbach, Leonard Nail, and Shawn Claunch

Pledge Of Allegiance: The meeting was opened at 7:06 p.m. by Mayor Potter.

Invocation: Invocation was offered by Mayor Pro Tem Chris Cody.

Open Forum: Open forum was opened at 7:07 p.m. Mayor Potter closed open forum at 7:39 p.m.

Public Hearing on Variance to Place a Carport at 1204 10th Street for Mrs. Hogan:
Mayor Potter opened the Public Hearing at 7:07 p.m. There was no one present to speak. The hearing remained open while the meeting continued. The public hearing was closed at 7:39p.m.

Public Hearing on Variance to Place a Private Well at 1905 13th Street in

Highland Trails for Mr. Scroggins: Mayor Potter opened the Public Hearing at 7:07 p.m. Brandon Scroggins, George McMahan, Julie McMahan, and Davis Rogers were present for this item. The hearing remained open while the meeting continued. The public hearing was closed at 7:39 p.m.

Department Reports:

Fire Department: Jeremy Stewart provided a written report. There were no questions.

Emergency Management: Jeremy Stewart provided a written report. There were no questions.

Municipal Court: No report presented.

Police Department: Chief Williams presented a written report and there were no questions. He said they are doing STEP this week on stop signs. The Durango parts are on the way, it will go to Lubbock to get the radio installed and striped and hopefully in two to three weeks it will be on the road. Chief mentioned that he got the monitors in the council chambers from Tech and they are able to connect to presentations through an HDMI, he added that he wants to get a larger screen to put behind the dais so the audience can view presentations easily as well. Everything was free to the city and acquired through surplus programs. Amanda Cummings thanked him and said this will make presentations and trainings so much easier and Russel Moses said it looked great. The council thanked Chief Williams for his efforts.

Code Enforcement: Officer Claunch provided a written report. There were no questions.

Public Works: Ruben Ponce presented a written report. There were no questions.

Consider and Discuss Water and Sewer Updates and Engineering Report-

Leonard Nail, Parkhill: Leonard Nail stated that the existing pumps at the lift station will not work like we had hoped. He said we are waiting on submittals, but there are other places where we can possibly save money. Russel stated that they will start the bores in three weeks. Leonard added that the plan is to have the lift station and the force main operating before the other work begins so it is not a crisis if something is hit or cut.

Consider and Discuss Cancellation Order for the May 4, 2024 General Election

for the City of Shallowater and Certification of Unopposed Candidates: Mayor Potter thanked the Aldermen for getting their applications submitted and for their continued service. Alderman J. White made the motion to approve the cancellation order and accept the certification of the unopposed candidates. Alderman Cody made the second. The motion carried with 4 in favor and Alderman Yeager absent.

Consider and Discuss Variance to Place a Carport at 1204 10th Street for Mrs.

Hogan: Amanda Cummings stated that there were no comments or complaints on this item. Mayor Potter stated that it appears to be an improvement to the property. A few Aldermen and Officer Claunch mentioned how many upgrades they are working on at this property and everything is looking really good so far. Alderman Scarlett made the motion to approve the variance request to place a carport at 1204 10th Street for Mrs. Hogan. Alderman J. White made the second. The motion carried with 4 in favor and Alderman Yeager absent.

Consider and Discuss Variance to Place a Private Well at 1905 13th Street in

Highland Trails for Mr. Scroggins: Mayor Potter explained that the hearing has to remain open for thirty minutes before the council can take any action, but if anyone present had something they would like to discuss the floor was open. George McMahan stated that he is the developer and Highland Trails has the 1/2 acre lots and to irrigate those size of lots with treated drinking water is not the best use of resources and rather expensive. He stated that is why Mr. Scroggins is seeking a variance to place a private well. He said there are 68 proposed lots and he expects all of them would have a similar request. He said from what he understands the Ogallala Aquifer moves southeasterly very slowly and should not impact our city wells. He added that domestic use is significantly less than agricultural irrigation. Mayor Potter stated that the farm had not been irrigated since the late 80's the best he could recall. He said he understands that the Ogallala moves 75 feet per year. Mr. McMahan agreed and said he had heard something similar. Mayor Potter also mentioned that city is a little apprehensive to open the door to private wells because it will set a precedence and other lots all over town will have the same request and he has concerns if multiple wells are allowed to be placed throughout town about the impact to the city's ability to produce from the city's wells and how we need to be good stewards of the resource. Mayor Potter also mentioned that the city is also a business and the revenue from water is used to pay for what needs to be fixed. He mentioned that we have been playing catch up for a while because of the historical lack of planning. Brandon Scroggins stated that he thinks people will not purchase lots if they cannot place a private well and the city could lose property tax revenue and which revenue source does the city benefit more from, taxes or water? Mayor Potter said water, most definitely. Mr. Scroggins questioned the answer, Amanda Cummings explained that only \$200,000 from property taxes is utilized for the debt service on our infrastructure. She mentioned that the portion of taxes the city receives are applied to the general fund and it goes towards public safety, such as fire protection, police protection, and EMS. Streets are also funded by the general fund and the general fund is funded by property taxes. The water fund is a proprietary

account and the water system should fund and support itself. There was a comment that the property taxes would still be a greater revenue than the water from the audience. Amanda explained that the rate increase that went into effect in October of 2023 was implemented to have the system pay for the system. This includes purchase, production, treatment, distribution, aging infrastructure, and additional infrastructure. She mentioned that we are currently in Phase 2 of a water rate study with Raftelis because as the city issues debt it has to be addressed in the rates. Mayor Potter added that the city spent over \$150,000 for the Water and Sewer Study with Parkhill and allowing multiple private wells in town would change the parameters of the report because all the wells were accounted for. There was additional discussion about smart scape landscaping and Mr. McMahan stated that it is a requirement in the deed restrictions that smart scape be used to reduce waste of water and he will not allow fescue. Amanda provided the analogy of “adding more straws to the milkshake” and how there is a concern that when more sources are pulling it could affect the city’s ability over time. Alderman T. White made the comment that the city has the ability to protect the underground resource through drought and water restrictions and rate structures for people that are in the city system, but there is no ability to restrict that for private wells and that is a major concern. Alderman Scarlett asked how much sod is on a half-acre lot and that he would like to see a layout so he can see how much yard there will be to irrigate. Mr. McMahan stated that each homeowner will set it up to their specifications, but typically the house would be 4,000 feet, there is a porch, drive way, and if they add a shop, it could be that half the lot is hard surface. He mentioned that all homeowners in this subdivision have to use smart scape. Alderman T. White asked if this item could be tabled because he would like to gather more information like researching water volume and running some different scenarios with real numbers to make the best decision. Mayor Potter agreed and said that in fairness to both parties they would like to put a little more time into researching the issue such as verifying if Highland Trails is in the same stream as the city wellfield. Mr. McMahan thanked the council for their consideration and at least looking into it. He stated his thought was to save the treated water for drinking and use untreated for irrigation, but they are certainly not trying to affect the city’s ability to produce water. Mayor Potter said we will place this item on a future agenda and there was no action taken.

Consider Minutes of Previous Meeting: Alderman J. White made the motion to approve minutes from previous meetings. Alderman Scarlett made the second. The motion carried with 4 in favor and Alderman Yeager absent.

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Consider Financial Report: Alderman Cody made the motion to approve the financial report. Alderman Scarlett made the second. The motion carried with 4 in favor and Alderman Yeager absent.

Consider Bills Payable: Alderman J. White made the motion to approve the bills payable. Alderman T. White made the second. The motion carried with 4 in favor and Alderman Yeager absent.

Consider and Discuss Placing Land South of the Water Treatment Plant up for Bid: Mayor Potter stated that no one submitted a bid and he will keep trying to market the property.

There being no further business, meeting was adjourned at 7:49 p.m.

Amanda Cummings, City Secretary

Royking Potter, Mayor