

EMIGRATION IMPROVEMENT DISTRICT
BOARD OF TRUSTEES REGULAR MEETING
THURSDAY, APRIL 8, 2021
ELECTRONIC MEETING

Regular Meeting

Board Members in Attendance: Mike Hughes – Chair, Brent Tippetts – Co-Chair, David Bradford – Secretary/Clerk

Ex Officio: Eric Hawkes—District Manager, Jeremy Cook—Legal Counsel, Don Barnett--Barnett Intermountain Consulting

Chair Hughes called the meeting to order at 7:03 p.m.

1. Consent Approval - Minutes for March 11, 2021

MOTION: David Bradford made a motion to approve the minutes of the March 11, 2021 Trustee Meeting as written. Brent Tippetts seconded the motion.

VOTE: Unanimous in favor of the motion.

2. Financial Considerations & Report

Mr. Hawkes gave a summary of the monthly financial considerations and reports. There were no further questions or comments.

Mr. Hawkes then presented the First Quarter Transparency Report for 2021.

There were no comments or concerns.

MOTION: Brent Tippetts motioned to approve the First Quarter Transparency Report as written. Mike Hughes seconded the motion.

VOTE: Unanimous in favor of the motion.

3. Sustainability Alliance

Mindy McAnulty and the Board discussed how to send postcards to residents who signed up for the septic pump reminder program. She stated that forty-two residents signed up for the reminder program. The Board looked at the postcards she had designed and were supportive; however, they did not want to convey that the EID is responsible for septic systems. The Board members and Ms. McAnulty discussed wording on the postcards to avoid that perception. They also were cautious to avoid the perception that they endorse certain septic pumping companies. Legal counsel advised them to phrase it as a public service announcement--reminding all canyon residents that they are on a septic system and if they are interested in a list of vendors to contact the Sustainability Alliance. Ms. McAnulty said they could put the list on their website. She agreed to rework the wording on the postcards somewhat and get it back to the Board for approval. The Board agreed to pay for the postcards to be printed.

Ms. McAnulty next showed a brochure about water conservation for the Board's approval. It was an educational brochure about drought and climate change, and it gave some ideas about how to decrease water usage. Chair Hughes said he would like to offer input and agreed that the Board would look at a copy of it and be ready to approve it by the next meeting. Steve Hook from the audience suggested that this may be a good time to harness some buy-in, to remind residents of the seriousness of the situation, so that if the District puts in a new well that the residents know why. Mr. Bradford agreed to write a paragraph specifically to that point to be added to the brochure.

The Sustainability Alliance found a grant for small scale water efficiency projects. It is called a Water SMART Grant Option and could be used within the District for the installation of new water meters. The grant would cover 50% of cost, up to \$75,000 dollars. This would help the EID order and install more radio read meters. The application process is extensive, but the Sustainability Alliance kindly offered to help with it.

4. EID's Plan for Water Conservation Efforts – Brent Tippetts

Brent Tippetts would like the Board to present a personal letter to the homeowners concerning water conservation. He would like to keep it simple and short, but he feels that it is particularly important that the trustees issue a letter showing personal interest in water conservation. He offered to write the letter. There was discussion about mailing lists and how to get the word to as many residents as possible.

5. Water System Report

Mr. Barnett reported that total water usage in March was the lowest since EID expanded the water system in 2009. It was fortunate considering the District had sizable repairs last month. Eric Hawkes reported that he measured the monitor wells, and they are all rising. He showed the graph to show where the levels are for all the monitor wells. The recharge has already occurred in some of the wells, possibly due to an early runoff.

The water supply forecast is 88%. This year the soil is incredibly dry so that will affect the runoff. The stream flow forecast is around 60%. Mr. Barnett said he would send the data to Ms. McAnulty.

6. Exploration for Future Water Sources – Michael Hughes

The Board discussed potential ways to try to use the Brigham Fork well. Mr. Barnett reported that he spoke with several of the original drillers to get their input. They thought it might be possible to use a milling tool to drill up everything on the inside of the casing. They would be left with a hollow steel shell which they could then drill down to jack out that existing steel shell. There would be a new hole to work with. They would have to review the hole stability. Zone testing would be the next step to get a read on the water quality. Hopefully, they could identify and eliminate the zones with poor water quality. The approximate cost for that is \$150,000--\$180,000. There is also the option to drill in the same area but drill straight down, which would mean drilling further. The Board talked about the urgency in scheduling as the drillers are all remarkably busy this year. The potential option to use Brigham Fork was encouraging to the Board because it is a well that had terrific production. The only issue in the past with the Brigham Fork Well was with water quality, but hopefully they can solve some of that by using stainless steel and identifying poor quality zones. They will look at all the past water samples to get a big picture of the water quality to discuss treatment options. The Board agreed to finish the discussion in closed session (as the subject matter could potentially involve land acquisition).

7. Maintenance Report

Mr. Hawkes reported that Well 2 is back online and that the water tanks are full. So far Well 2 is performing well; the Board is hopeful that the gravel stays down around 650 feet. Peterson Drilling took their rig to Upper Freeze Creek Well and will be starting on that next week.

8. Any Items for Discussion from Board and/or from Visiting Public, Dismiss Public

Steve Hook asked for an update on the litigation. Mr. Cook shared the good news that the False Claims Act case was dismissed again by Judge Parrish. The District has filed for attorney's fees in that case. In the lawsuit against Mr. Hawkes and his company, Judge Kouris ruled that the actions of Mr. Tracy were harassing and that he was a vexatious litigant. Any future litigation filed by Mr. Tracy will first have to be approved by the presiding judge, who is Judge Kouris. They were awarded attorney's fees in that case. Steve Hook asked about a \$93,000 receivable, if it was written off or collected. Mr. Cook explained that Judge Parrish originally awarded \$93,000 for the False Claims Act case but it went to the Supreme Court and was remanded back down to Judge Parrish. Because EID was no longer the prevailing party the attorney's fees were vacated. If the Board is awarded the fees again it will be put back on the financials.

8. Closed Session – Pending Litigation

MOTION: Board Member David Bradford made a motion to convene in closed session to discuss pending and imminent litigation. Brent Tippets seconded the motion.

VOTE: Unanimous in favor of the motion.

The Board of Trustees met in closed session from 8:25 to 9:15 p.m. Those present included the Board of Trustees, Eric Hawkes, Don Barnett, Jeremy Cook, Joe Smolka.

MOTION: Board Member David Bradford made a motion to adjourn the meeting. Mike Hughes seconded the motion.

VOTE: Unanimous in favor of the motion.

The regular meeting of the Emigration Improvement District adjourned at 9:15 p.m.

Minutes Approved