

EMIGRATION IMPROVEMENT DISTRICT  
BOARD OF TRUSTEES REGULAR MEETING

THURSDAY, AUGUST 18, 2018

EMIGRATION CANYON FIRE STATION  
5025 EMIGRATION CANYON ROAD  
SALT LAKE CITY, UTAH

**Regular Meeting**

Board Members in Attendance: Mike Hughes – Chair, Brent Tippets – 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 7:00 p.m.

**1. Consent Approval - Minutes for July 12, 2018**

MOTION: David Bradford made a motion to approve the minutes of the July 12th, 2018 Trustee Meeting as written. Brent Tippets 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 was a decision to wait another month on legal fees to see if there is a need to increase the budgeted amount.

**3. External Audit Report (FY2017) –Ian Robbins**

Mr. Robbins conducted the external audit report. The State Auditor’s office allows an “agreed-upon procedures” instead of a full audit for entities that have a budget of less than a million. It provides a level of assurance that the state auditor’s office deems acceptable and simultaneously

allows the entity to save money by not having to do a full audit. He did not find any discrepancies or exceptions. Mr. Robbins then explained the report that they do. It is split into three sections. The first section is the large financial survey which verifies that the same numbers and reports that are presented to the board are the same as those sent to the state. The second verifies that the reports given to the board are the same as the underlying accounting. The third is compliance—open and public meetings, training of board members, etc. They found no exceptions or discrepancies. Paul Brown (audience) asked what kinds of thing are omitted in this report vs a full audit. This is better than a review, but not as good as an audit. It really depends on the size and scope of the entity. Steve Hook asked if these three things are set by the state or the EID. They are determined each year by the state, depending on what the State Auditor's office sees as needed for statewide issues.

#### **4. Fire Break Around Storage Building – Brent Tippetts**

Brent Tippetts reported that there is a fire concern about some overgrowth around Well 1. The board discussed hiring someone to clean it up. It would entail trimming trees and cutting down the grass. Kathy Christensen (from the audience) recommended the Board tell a tree company it's for fire mitigation and they'll know exactly what to do. Eric Hawkes will coordinate with Kathy Christensen to get contacts and then collect bids.

#### **5. Waste Water Funding Mechanisms, Cluster Systems and Management Discussion (Con't)**

Mr. Hawkes reported there is no news other than that the large group meeting (with the State) for August has been cancelled and not rescheduled. Chair Hughes stated that he would like to reach out to the communities of Pinecrest and Sunnydale, possibly by doing a calling campaign. Mr. Tippetts suggested the need to educate residents by possibly doing a door hang or knocking on doors to inform people of facts about the water system within the canyon and offering to do some testing for them. The Board agreed that there is time to do due diligence with this project. Brent Tippetts suggested a timeline to help keep the District on track. Chair Hughes would like support those communities that are not currently able to participate in our drinking water system. The District will do some in the service area as well. Steve Hook asked about pressure from the county and state and Mr. Hughes replied that the pressure is currently a lot less. Mr. Barnett is still investigating the private well testing services. Tyler Tippetts (audience) shared his experience on Sunnydale getting his well water clean and usable. He expressed interest in having his well tested.

#### **6. Water Levels Report**

Mr. Barnett gave the water levels report. Eric Hawkes measured the monitor levels today—the levels are down. They are showing the results of this being a very dry year. Don Barnett showed

the graph showing the flow in Red Butte Creek is 20% flow of average. The numbers are comparable to 2003. Steve Hook asked if this correlates perfectly to rainfall. It's not perfect, but it's very strong correlation. It's an extremely dry year. When the leaves start to fall the stream usually comes back. Some in the canyon have had wells dry up. The consumption report shows fairly high water usage for July—we haven't had rain, so people are using their sprinklers. The per capita usage continues to be down.

## 7. Maintenance Report

**Brigham Fork Well Repair:** Don Barnett reported that Boart Longyear looked at the replica of the tool that is stuck and they had a lot of concern about how they would get the tool out. They believe they can do it but that it would be difficult and expensive. It would be months to do it, and by the time they do and repair the well, the cost may be approaching the cost of a new well. Steve Hook asked what the cost of a new well is. Upper Freeze Creek cost \$1.8 million (road, power, pipeline included). \$750,000 is an approximate guess. They wouldn't drill at an angle again—they would lose some capacity, but it would have tradeoffs. They are not sure if they want to drill in proximity to where they have the iron bacteria issue. Discussion ensued on the best course of action for this well. The Board was unsure whether to drill a new well or to try to repair Brigham Fork Well to some capacity. Chair Hughes was supportive of beginning to explore other sources: The Nugget (high but it has good water) or the Mine Trail area (it could be plumbed directly to the tank). Chair Hughes is reluctant to spend more money on the Brigham Fork Well. Discussion ensued on the options for trying to utilize the well to some degree. The pump test result was 100 gallons a minute, but it is unclear how much is coming from 500 feet and how much is coming from underneath. Eric Hawkes said a lot of it is probably coming from under/around the tool, because it was hours before it cleared up. There is still the issue of treating for iron bacteria and to be able to do that with the tool in the way is proving difficult. Jeremy Cook asked about pouring a plug at 500 feet to isolate it. The District needs redundancy (multiple sources) and maybe the well from 500 feet would provide that. If the District did a cement plug and fully isolated it from below, it is unknown if it would still produce 100 gallons/minute and how long it could maintain. But it could be a relatively reasonable cost to cap it and it could provide much-needed backup. Don Barnett suggested doing a longer pump test and catching a sample for the lab in Kansas. One of the ideas is to make sure the acid is denser than the water, but you wouldn't be able to agitate it. It could possibly be done chemically. The District is hopeful to have numbers on the treatment options from Craig Neely at the next meeting. One of the other ideas in keeping the Brigham Fork Well was to put in a sophisticated filter to treat the water after it was pumped. The District could pump to the capacity of the filter system. The Board resolved to continue the conversations about all the options.

### Telemetry Issues:

Eric Hawkes conveyed the issues with telemetry. The telemetry is shutting off in the middle of a cycle and giving different errors every time. Electricians couldn't find anything; the engineer came up and he ran some programs and was also unable to pinpoint anything. They replaced the PLC and he will come back up. It's not good to have the pump turn on and shut off. Chair Hughes suggested to have redundancy on the telemetry. Aqua Environmental has installed a new type of measuring device to measure well levels but is not working properly and they are working with the manufacturer to see if they can resolve the problem. Chair Hughes wondered if it would be wise to have two separate telemetry systems to use one if the other one breaks. Brent Tippetts suggested getting a fresh perspective from other outside telemetry experts. Scott White did the coding, but the District would like someone else to also look at it. The point was made that there wasn't the issue with telemetry until the pump was replaced. The suggestion was made to have Scott White suggest other people to come look at it.

## **9. Any Items by Visiting Public, Dismiss Public**

Steve Hook asked if all the legal costs are in the P & L. Mr. Cook replied that his last invoice (estimated \$4,000-\$5,000) hasn't been submitted to the District yet. Depending on how the motion comes out, Jeremy Cook is waiting until the District has a better idea before they amend the budget. Mr. Hook asked about the update on the litigation. Mr. Cook stated that Judge Parish dismissed their case with prejudice. They have appealed it. The panel will review it and the Board will get a decision. Steve Hook asked if legal liability should be accounted for. Jeremy Cook replied that at this point the likelihood would be so extremely low that it is not an issue. Next, Paul Brown demonstrated that home owners should replace their hot water heater rods to get better life out of their water heater. Mr. Hughes said he had a conversation with Bill Cutting about some public relations issues for the District. Mr. Cutting said that he would be happy to come meet with the District in 5 weeks. The information about replacing these rods would be a good thing to put into newsletter to help change the perception of the public. Next, Gary Bowan from the Metro Township Board discussed Salt Lake City extra territorial water jurisdiction. FCOZ gives Salt Lake City authority to deny all building in Emigration Canyon. There is concern about this issue and Mr. Bowan stated that he believes Salt Lake City is grossly abusing this power. This is a subject that has been hotly contested in the legislature and is in committee currently. Don Barnett agreed that SLC has been out-of-bounds in several instances. Salt Lake City is trying to avoid development in the Cottonwoods. It is extremely controversial, dealing with building permits, especially in Cottonwoods. Mr. Bowan recommended that the EID send representation to a meeting on August 31<sup>st</sup>. Don Barnett suggested the District look at Salt Lake County Health Department natural water ordinance. Mr. Bowan made the point that to deny a person to develop a lot, some of which were plotted over 100 years ago, is considered a taking.

## **10. Closed Session**

MOTION: Board Member David Bradford made a motion to convene in closed session to discuss pending and imminent litigation and discuss purchase or sale of real property. Brent Tippetts seconded the motion.

VOTE: Unanimous in favor of the motion.

The Board of Trustees met in closed session from 9:07 p.m. to 10:24 p.m. Those present included the Board of Trustees, Eric Hawkes, Jeremy Cook, Don Barnett.

MOTION: Board Member Bradford made a motion to dismiss from closed session and 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 10:24 p.m.

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Minutes Approved