

EMIGRATION IMPROVEMENT DISTRICT  
BOARD OF TRUSTEES REGULAR MEETING

THURSDAY, JANUARY 11, 2017

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

Chair Hughes called the meeting to order at 7:01 p.m.

**1. Consent Approval - Minutes for December 28, 2017**

MOTION: David Bradford made a motion to approve the minutes of the December 28, 2017 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. The Board reviewed the Actuals for 2017. Discussion ensued on how many lots are still available and buildable in the canyon. Chair Hughes expressed interest in procuring an accurate number of how many lots are still available. Brent Tippets offered to investigate this. There was a survey done years ago but concern was expressed about its accuracy. EID compiled the data to a certain degree when the water system was put in, but lots that were originally thought unbuildable are now being built on. This reflects that this number is changing. Chair Hughes emphasized the importance of getting an accurate count. Next there was discussion regarding residents who bought an empty lot next to them and got a water discount because they weren't planning on developing that lot. Chair Hughes questioned if the Board would recoup fees from those lots who do ultimately sell or develop that lot. Mr. Hawkes responded that there are three such lots currently. Discussion ensued about impact fees. There were no other questions about the budget.

MOTION: Board Member David Bradford made a motion to adopt the actuals for 2017. Brent Tippetts seconded the motion.

VOTE: Unanimous in favor of the motion.

Mr. Hawkes then gave the 4<sup>th</sup> quarter transparency report. He explained the process of reporting to the state—it is uploaded to the state transparency website in a fixed format. The state then splits up the line items as they need. To Chair Hughes’s question about if this is a disclosure issue, Mr. Cook replied that it is part of doing business with a public entity. Question from ? about what makes an account a certified delinquent account. The manager explained that because these are accounts that are not connected to the water system, the only recourse the District has is to make the account certified delinquent. The fees then get attached to the property taxes and the District is able to collect that way. (????)

### **3. Waste Water Management Disc and Report with Sub Committee Meeting.**

Chair Hughes reported that the SLCo Health Dept has taken the position that EID should assume the role of maintaining canyon sewer and septic systems. Discussion ensued on how to achieve this. Frustration was expressed because of the lack of staff to accomplish this. The county seems to have lost interest in pursuing a canyon-wide sewer system, but they would like the District to come up with a maintenance plan. Mr. Tippetts suggested that it should stay with the Health Department. The question was raised whether or not the District had any power to enforce any sort of maintenance. It is unclear whether individual septic systems fall within the District’s jurisdiction.

Following discussion, it was decided to have Jeremy Cook draft a letter to be ready by the next meeting.

They’re staffed to do it, and he doesn’t want to be the water/sewer police. They are wanting to have our buy-in on some kind of maintenance program, which I do like the idea of, because otherwise they’ll just dictate what we do. Need to look at to spend or charge of help with inspections once the private parties have done them. The health dept started with the sewer pipe down the canyon, it’s pretty much off the table. There’s a bottleneck at the bottom of the canyon. That’s pretty much off the table. Still on TMDL, waste water issues, and there aren’t ordinances in place for people to solve those things. Btwn us and metro and health dept we can come up with some kind of maintenance plan. Brent said it should stay with the health dept. we can’t just step out of the way completely, maybe we can. Cooperatively work out arrangements with pumpers or inspectors to get a better price because of the numbers, maybe be a referral service. Btw, if you don’t do anything, the county would be doing something. Assume the “good cop” role. For enforcement –do we even have the authority to enforce? Individual septic systems sort of fall outside our jurisdiction. Went back to them with a plan. Some sort of original notice from the county, with a penalty that people would start to face, something long-term to give them a lot of time to correct their systems. As long as you come to us and we’re looking at solutions and

we're trying to help and be exempt from fines while you fix it and working with you. That gets people to acknowledge there's a problem. Brent: I it would be good to say we have this grant money to help you fix it. And he wants someone to manage it somehow, but he just wants to do one lump solution. Mike asked Jeremy to frame it, and Jeremy will resend it tonight. Brent asked about an inspection element. The county is trying to push it to the district level. A that's their job, b that's their authority to do it, c they are more insulated politically to do that. Hughes said he doesn't think we want to even touch that. There are contractors that do this work, we have contracts with them for a great rate. Brent reiterated that there needs to be an inspection. We could do something on a district level as far as an operating system. If they haven't done it, we don't issue a permit. Then it's in front of both eyes—district and county, a red flag, without having to be strictly enforcing everything. When they go to get a permit, it flags. We don't have to go on private property, we don't have to enforce. Brent said he'd like it to be based off some sort of transaction on the. The county kind of does that now—it triggers an inspection, when it goes to sell. What happens is that people just don't get building permits, they know their septic system is going to fail. What happens to a guy like me to be subject to some kind of inspection. It could be an OR (when it sells OR every 10 years). Discussion about. Now there's the Metro Township that passes the ordinance. Joe said we don't want local control, possibly try to give back to the county. Brent sees two major problems: township is over their heads just trying to get things up and running, and 2<sup>nd</sup> we are a very small community. Paul asked what is an inspection: bare bones is it being pumped and is it taking water. Get some information from the pumpers, Mike said if they need a permit that we see a copy of the inspection. Jeremy said it's well within the county's authority said that anyone within x feet of the stream, need to have their septic system inspected. What does inspection mean, and if it fails, what does that mean and as long as you can show you're trying to work with the district, then you'...it creates an incentive for people to work with the district to help them fix things. It makes them come to us and try. Puts district in a good position. Needs to include a way to help people solve their septic problems. If people know there is funding available to help, it'll encourage them to come forward. Jeremy will put it into a letter. Jeremy will have it drafted by next meeting. It's unclear if we have jurisdiction over individual septic systems. The county could easily grant us that authority.

#### **4. Discussion on Water Quality Testing Services for Private Water Wells in the Canyon**

Brent Tippetts reported on the water quality testing services for private wells. He stated the desire to help the private well owners who pay fees to EID through their taxes. His opinion is that it is in the best interest of the District to help them know their water quality. Chair Hughes disagreed with the implication that those residents aren't served by the District and gave several examples of ways the residents are served: the creek has water in it, the safety from the fire hydrants, those on Sunnydale who lease a water right from the District, the benefit they receive by having Mr. Barnett's expertise as a hydrologist. To continue the discussion of how to help the private well owners test their water quality, Mr. Barnett put forth some options for residents to

have their water tested. For \$25.00 the county will test for E. coli. Mr. Cook suggested that if these residents do a water quality test that the District reimburse them? There was some discussion about reimbursement and whether to require them to share the results of the test with the District if the District pays for it. The suggestion was made to have a class at the University of Utah do a sample study. Another suggestion was to pay for the well testing, provided the resident has their septic inspected. The conclusion was that the District will continue to investigate options.

They are paying something to EID on their taxes, seems that they don't get any services delivered from EID. We should do something to help people who want to know their water quality. It's in our best interest. Hughes said when we decide to drill wells well away from the creek, which puts water in the creek that wouldn't be there before. When put out a fire half mile away. Do all the surveys and pay a lot of money to get those things. People lease water rights down on Sunnydale, there are a handful of people that wouldn't have a water right if it weren't for the district. Don referred them to 2007 State of UT Ground water Program to have their water tested. Some data for the aquifer because of this. \$25 for the county to test for E. coli. Don's sad they don't have this program anymore (got defunded). Just. The chem tech is \$25 kit. For additional chemicals they charge more,. Brent thinks It's in our best interest to know how their wells are. IS there a way we could do something for them, what kind of water we're dealing with down there. Open it up for those interested. Jeremy suggested if you do a test, reimburse them. There was a time ...would you do samples for \$100? Would we want to require them to give us the test results. Have to consider you'd have to offer it to everyone. We could do some investigation ...go to the U and offer to have a class do a sampling. Hughes said it becomes ugly when you decide for people how you're classing their participation. Everyone pays those fees for the same fees. People paying taxes are not less-served. They don't understand they're getting the benefit when we pay Don. What are our resources to investigate what the options are and what the costs are. Don will inquire and get leads and names. Could we get money out of Division of Water Quality for this. If they're going to do it, we'll want the test results, maybe people would be opposed to that. Let's offer to pay 100% of the testing of the wells, provided they get their septic inspected. (Brent) Jeremy will talk to John Macky (S?) to see if that can be wrapped in. Bradford asked Don how many points you'd need to check for bacteria. Every well if you're looking for bacteria. Totally different than chemical constituents. Brent said we should publish that information, to do so. Division of Drinking water probably has a pamphlet. Suggested to put it on nextdoor app. Paul asked couldn't you composite samples . Hughes likes the idea to combine the inspection and well combination. Maybe SLCo health dept would take this on as part of their study. Just getting their buy-in on this. Brent wants to investigate, Hughes wants to chase it.

## **5. Water Levels Report**

Don Barnett gave a report on usage. Year-end report. Per connection usage is below the median. Total annual volume pumped. Line is per connection annual value. Per connection usage is

dropping. Tippetts flush the system doesn't factor in to the data. The more you use, the more expensive it is. By design. Punitive. If you get into a certain parameter, you get hit with a surcharge fee, not even including the cost of the water. Monitor wells, nothing is changing (bottom line).

## **6. Maintenance Report**

Mr. Hawkes updated the board on the Brigham Fork Well repair. The drillers have been able to get their rod down and got a hook on their tool. Then their transmission blew. This is their third transmission to blow. They are baffled by what's holding the tool because they pulled at 60 tons. The driller would like to get a camera down there, get past the tool to see what's going on. Mr. Bradford asked if the driller can pull more than 60 tons, to which the manager replied that the driller is already tasking his rig to do more than it was built to do, with the angle. If the tool needs to be abandoned, then the District wouldn't be able to chemically treat the well. Ideally, the tool can be retrieved, and the well can be treated. The Board agreed that it must determine their stopping point. At the end of the discussion, Mr. Hawkes stated that he would let them know the first news he hears.

What would be the consequence of abandoning the tool and. The tool is at 500 feet, we couldn't treat the well. It'd get only worse if you leave the tool in there. Jeremy wants to get the tool out and go down to 800 feet. The legitimate worry is that he's pulling at (..) the casing has broken and is in a formation and we're done. We don't have a guestimate dollar. 30k from nov-dec. Just a few days worked so far this year. Camera it tomorrow. Been trying to ram the tool with a rod to get it to release. The accessibility isn't really an issue. The value of the tool isn't the issue, it's the damage to the well that the tool represents. Hopefully he can get the tool loose. We'll know in a week if we have a picture. Eric will let them know the first news he hears. Marco Perez.

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

There were no items by the visiting public.

## **9. Closed Session**

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

VOTE: Unanimous in favor of the motion.

The Board of Trustees met in closed session from 8:44 p.m. to 9:11 p.m. Those present included the Board of Trustees, Eric Hawkes, Jeremy Cook.

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 9:11 p.m.

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Minutes Approved