

EMIGRATION IMPROVEMENT DISTRICT
BOARD OF TRUSTEES REGULAR MEETING
THURSDAY, JANUARY 21, 2016

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

Board Members in attendance: Mike Hughes – Chair, David Bradford

Ex Officio: Eric Hawkes – Manager, Jeremy Cook – Legal Counsel, Don Barnett – Barnett Intermountain Consulting and Fred Smolka

Chair Hughes called the meeting to order at 7:00 p.m.

1. Consent approval – Minutes for December 17, 2015

MOTION: Mike Hughes made a motion to approve the minutes of the December 17, 2015, Board of trustees meeting as written. David Bradford seconded the motion.

VOTE: Unanimous in favor of the motion.

2. Financial Considerations and report

Eric Hawkes reviewed the monthly financial report and fund balances starting for the new year as shown on his printed report, adopted budget and actuals. David Bradford asked about the differences in the treasury funds. (Eric explained the two UPTIF accounts help keep enterprise or water revenue monies separate from tax collection monies) Eric explained certified delinquent account balances. Chair Hughes asked how to collect on delinquent accounts. Jeremy Cook replied, there was nothing that could be done except waiting it out, 5th year it will go to tax sell. Other ways to collect aren't cost efficient. Eric Hawkes referred to his printed report which displayed the 2015 budget vs actuals. Eric proposed to amend 2015 budgets to 2015 actuals as required by the State. Eric informed the external audit report for 2014 and 2015 will be done together.

MOTION: David Bradford made a motion to adopt finalization of 2015 actuals and monthly financial report.

VOTE: Unanimous in favor of the motion.

3. Appointment of Trustee Duties & Officers for 2016

Chair Hughes addressed the topic of appointment of trustees, duties and offices for 2016. David Bradford motioned to retain all positions currently being served. Chair Hughes agreed, with the exception of Fred Smolka. It is proposed that Eric Hawkes replace Fred and be appointed to the position of Treasurer. Positions are allocated as follows; Mike Hughes – Chair, Mark Stevens, Vice Chair, David Bradford - Secretary/Clerk and Eric Hawkes Treasure/Manager.

MOTION: Chair Hughes made a motion to adopt those positions for 2016 yr.

VOTE: Unanimous in favor of motion

4. Feasibility Study – Public Survey – Update

Chair Hughes inquired about Feasibility Study and Public Survey. Eric Hawkes talked about the newsletter, website and survey to the general public for input. He also explained there will be an email with a link to the survey. Chair Hughes inquired about a public hearing some time in the spring to discuss results of the survey. Jamie White asked regarding the role of the public hearing. Chair Hughes replied that the survey and public hearing would assist with ideas, public concerns and possible projects.

5. Water Reports & Well Levels

Don Barnett talked about the water report and streamflow forecast as seen on his charts. Emigration Canyon Creek forecast is at 98% of a 30 year average. David Bradford asked about the reliability of the forecast. Don explained snowpack levels and water supply. Don continued to explain normal moisture conditions, 30 year cycles, adjustments, 100% of normal is a C grade, average levels. David Bradford asked questions regarding actual measurements and other indicators. Don explained modeled forecasts and accuracy of snowpack levels noted in graph 4. Don discussed water usage and per connection usage. 2014 total per connection usage 120,000. Fred Smolka asked for total number of connections, 280. Don explained the water usage graph at of below median for past 7 years and per capita usage.

Eric Hawkes talked about well performance. Upper Freeze Creek Well level is around –907 ft. with slight fluctuation from –903 ft. at spring time, Well 1 – transducer shows water level at –9 ft.. Well 2 – transducer is currently not working and therefore not being used. Brigham Fork Well shows water levels at –212 ft. and is being pumped only to exercise it. Well 1 pumped

nearly one hundred thousand gallons since January 1st and Upper Freeze Creek just over one million gallons pumped. Chair Hughes asked if this would be a good time to use Brigham Fork Well. Eric Hawkes explained the reason Brigham Fork Well was shut down was due to complaints of turbidity in the water and sulfur odor. Don Barnett doesn't recommend using the Well. Aqua Environmental flushed the hydrants near Brigham Fork Circle and there has been no complaints since shutting down the Brigham Fork Well. Chair Hughes commented on concerns of iron, bacteria and whether or not it is time to move forward on the repair of Brigham Fork Well. Don proposes the water to be tested by a lab in Kansas, the company can determine if the problem is in the aquifer or the well casing. They can give advice for treatment protocol. Chair Hughes agreed testing would be great at this time when water supply is good.

6. Any Items requested by the visiting public

Kathy Christensen commented that she is happy with everyone and thinks they are doing a great job and appreciates it

Jamie White asked questions about water testing and who does it. Eric Hawkes responded that Aqua Environmental does it 3 times a week. Water samples get sent to a lab, Chemtech. Jamie wanted more details about where and how. Fred Smolka further explained the water sample and testing process. Jamie had questions regarding new connections and water rights under protest. Jeremy Cook told Jamie that there is no need to inform people about the lis pendens filed on a portion of the District's water rights. Chair Hughes interjected that the District has adequate water rights to provide water to their customers and new customers that is not under the lis pendens. Jeremy stated that lis pendens is not an issue and should be released in the near future. Fred Smolka commented regarding water rights in the canyon. Chair Hughes made the point that legal matters are not to be discussed in the public forum and Jeremy Cook confirmed that point. Jamie asked about his request for records. Eric explained that it will be a couple of weeks. Jamie asked about the Emigration Creek EPA report from 2009 recommendations. Chair Hughes made the statement that the recommendations were followed up on. Jamie was told to contact Salt Lake County or Utah Division of Water Quality where he could find the EPA report findings. Don Barnett informed Jamie of DEQ's website regarding Emigration Creek. Jamie asked about the EID Newsletter and department of Justice not intervening. Jeremy Cook replied that it is a statement and that's all they are going to say about it. Chair Hughes reminded several times that the District doesn't discuss ongoing litigations. Jamie wanted approximate date when there was a public hearing regarding the "water availability fee". Fred Smolka said it was July 20, 2013.

7. Closed session – pending litigation

MOTION: Jeremy Cook made a motion to convene in closed session to discuss pending litigation. Mike Hughes seconded the motion.

VOTE: Unanimous in favor of motion.

The Board of Trustees met in closed session from 7:45 p.m. to 8:42 p.m. to discuss pending and imminent litigation.

MOTION: Jeremy Cook made a motion to dismiss from closed session and to adjourn the regular meeting. Mike Hughes seconded the motion.

VOTE: Unanimous in favor of the motion

The regular meeting of the Emigration Improvement District adjourned at 8:42 p.m.

Minutes Approved