

EMIGRATION IMPROVEMENT DISTRICT

BOARD OF TRUSTEES REGULAR MEETING

THURSDAY, MAY 20, 2015

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, Joe Smolka—Project Manager, Jeremy Cook—Legal Counsel, Craig Neeley—Aqua Engineering

Chair Hughes called the meeting to order at 7:05 p.m.

1. Consent agenda approval

MOTION: David Bradford made a motion to approve the minutes of the April 16, 2015, Board of Trustees meeting as written. Mike Hughes seconded the motion.

VOTE: Unanimous in favor of the motion.

2. Financial considerations and report

Mr. Hawkes reviewed the monthly financial report and fund balances as of May 18 as shown on his printed report. Board Member Bradford asked if Mr. Hawkes has noticed any change in the receivables associated with the electronic payment option. Mr. Hawkes replied that a large number of people have paid electronically and confirmed that the payments seem to be coming in more quickly. Chair Hughes asked when the landscape bond would be released and what they are waiting for. Mr. Hawkes stated that they should be able to release it this spring after they get some sunny weather and can confirm that the revegetation is adequate. Board Member Bradford referred to some budget categories where more has been expended than the proportionate portion of the year and commented that it appears they may be over budget on those items. Mr. Hawkes commented that they may need to adjust the budget for engineering and legal fees later in the year. He also noted that he went through the depreciation schedule with former manager Fred Smolka and will have to adjust the depreciation amount for the new well.

Mr. Hawkes reported that he filed the quarterly detailed transactions on the public transparency website. He discussed the process he had to go through to transfer the figures from Quicken and commented that now the District has QuickBooks, and the next filing should go more smoothly.

Mr. Hawkes explained that the company which previously conducted the District's external audits will no longer do their audit, because the EID is the only governmental entity for which they still perform audits. Mr. Cook who recommended some firms, and Mr. Hawkes requested proposals from them. He selected the firm of Osbourne, Robbins & Buhler CPA, and they started the audit process this week. He explained that there are provisions in one of the bond covenants that require the EID to maintain a reserve, and that is an issue they may have to work through. He also reported that Mark Stevens did an internal audit the end of April.

3. Connection considerations

Rob Wilson stated that he owns 5577 Emigration Canyon Road, which is the lot at the start of Quarter Mile Road. Mr. Hawkes put him in touch with Mr. Neeley, who suggested that he come to the Board and explain what is happening with his property. He bought the property in 2000 without knowing how difficult it could be to build on it. He found that it would be almost impossible to put in a septic system that avoids the well on his property and the neighbors' wells to the west and east. In 2006 he learned that culinary water was being brought to his area, and he started paying the standby fee. He has distance from the stream and distance from the neighbors to the west, but he does not have the distance from the property to the east, which appears to be abandoned. He wants to be part of the water system and part of cleaning up the Canyon. Mr. Neeley explained that Mr. Wilson may have some proximity issues to a couple of private wells, and he was not certain whether those wells are active. Chair Hughes suggested that Mr. Wilson pick whichever neighbor he wants to work with and make a deal with them. If the neighbor has the ground to give him, he can deal with the well. He also suggested that he contact the County and work out the details with them and commented that Mr. Wilson may want to look at putting his septic field offsite.

Jeff Bierman stated that he owns a small cabin next to the home where he lives. He has worked with Jeremy Roberts at the County and would like to remodel the cabin and get a septic system approved. He thought he had a solution but then learned that the septic system must be 100 feet from his home due to a French drain under his home. He pumps effluent about 480 feet away for his current home and wondered if he could share the drainfield for the cabin with his existing drainfield. He was told he could, but the EID would have to be the body politic for that system. He asked what would be involved in doing that and how the EID would manage the system. Chair Hughes confirmed with Mr. Bierman that these are two separate properties and that there could be the potential for them to have separate ownership. He asked if there is a reason to not combine the two lots. Mr. Bierman replied that he has a mortgage on his existing home, which would complicate things, and would like to keep the option open in case he ever wants to sell the second home. Chair Hughes explained that the EID would have to own the wastewater system and would carry all the liability for it. If something were to change with the cabin later, the EID would bear that responsibility, so Mr. Bierman should think about his long-term goal for the property. He suggested that Mr. Bierman may be able to put another drainfield between his existing drainfield, and with some good engineering, there may be ways to resolve this that would not involve the EID. Mr. Bierman stated that he did not realize the EID had to own the system, and Mr. Roberts and Mike Huber had advised him to find a solution other than having the EID operate the system.

4. Relocating meter for Lot 169 in Emigration Oaks

Mr. Hawkes provided a site plan showing the current meter location on Lot 169 on Marathon Circle. The owner plans to build a home on Pioneer Fork Road and would like to have his water connection moved to Pioneer Fork Road on the opposite side of the property. The property owner was given the option of having his contractor move the line or having the District move it

at the owner's cost, and the owner would like the District to move it. The homeowners association would like a bond to ensure that the road will be repaired properly. One idea for a bond would be for the EID to send the HOA a check for the compaction and asphaltting which the HOA could hold until the construction work is completed to the HOA's satisfaction. Jack Christensen with the homeowners association agreed that would be a good idea. Mr. Hawkes noted that they will have to turn the water off temporarily while they move the water connection.

5. DWQ planning grant

Mr. Hawkes reported that the application has been completed and is ready to submit to the Water Quality Board on June 24. Chair Hughes explained for the benefit of the public that the purpose of the grant would be to build combined wastewater systems in the Canyon to address some wastewater problems. Mr. Hawkes explained that this grant would fund a master plan to look at alternatives for those systems.

6. Water report and well level status

Mr. Hawkes reported that they do not know the level for Well 1, but the transducer has arrived and they hope to get that installed soon. This month the EID pumped 71,900 gallons from Well 1 and 172,100 gallons year to date. As of today, the water level for Well 2 is 25 feet after being at 90 feet for a long time. With this most recent storm, the well level went from 84 feet to 25 feet. In May they pumped 174,400 gallons from Well 2, and year to date they have pumped 713,800 gallons. The well level for Upper Freeze Creek has moved up 1 foot to 904 feet. In May they pumped 1,015,900 , and year to date, they have pumped 5,806,600 from Upper Freeze Creek Well. The Brigham Fork Well appears to be at about 11 feet. Chair Hughes confirmed with Mr. Hawkes that the water from Brigham Fork is red when they flush it and suggested that they may need to treat the bacteria again, because it grows very rapidly. Mr. Smolka suggested that they flush it more often.

Mr. Hawkes explained that they had to put more road base and gravel on the Upper Freeze Creek road because the drainage water skipped the ditch and went into the road. He believed this may be something they will face on an annual basis. Chair Hughes asked what needs to be done to fix it. Mr. Neeley replied that they probably need to lay some pipe in the ditch. Chair Hughes stated that is not an acceptable solution. Mr. Neeley suggested that they could also grout the rock in the ditch to help it hold together. Chair Hughes stated that they also need to have the hydroseeded area fixed before the bond expires.

7. Review Trustee meeting schedules and 2015 election schedules

The Board Members changed the meeting date for the June meeting to June 18.

Mr. Hawkes reported that he put the election information in the EID newsletter, the Community Council newsletter, on the public notice website, on the EID website, on the HOA website, and posted it at Dan's, the library, Ruth's Diner, the fire station, the new grocery market by Ruth's, and the post office. He provided a copy of the official form and reported that the date of filing

the declaration of candidacy is from June 1 to June 8, and candidates need to bring the form to him and sign it in front of him as the District election clerk. He will also send notice to everyone for whom he has an email address. He noted that he has also provided a schedule of dates for candidate. He reported that Salt Lake County will conduct the election through a mail-in ballot that will be sent to all registered voters in the District. He confirmed that there will be no polling locations in the Canyon.

8. Website report/review

Mr. Hawkes reported that he had planned to demonstrate the website, but he has limited internet connectivity, so he will not be able to do so. He confirmed that EID information can still be found on the old website.

9. Any items requested by visiting public

Steve Hook asked when the external audit would be completed. Mr. Cook explained that they have to file the audit report with the State by June 30.

10. Closed session – litigation

MOTION: David Bradford made a motion to convene in closed session to discuss litigation. Mike Hughes seconded the motion.

VOTE: Unanimous in favor of the motion.

The Board of Trustees met in closed session from 8:40 p.m. to 9:05 p.m. to discuss litigation.

MOTION: David Bradford made a motion to dismiss from closed session and to adjourn. Mike Hughes seconded the motion.

VOTE: Unanimous in favor of the motion.

The regular meeting of the Emigration Improvement District adjourned at 9:05 p.m.