

EMIGRATION IMPROVEMENT DISTRICT
BOARD OF TRUSTEES REGULAR MEETING

THURSDAY, JANUARY 8, 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, Don Barnett—Barnett Intermountain Consulting, Jeremy Cook—Legal Counsel, Craig Neeley—Aqua Engineering, Fred Smolka—Former Manager

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 December 11, 2014, Board of Trustees meeting as written. Mike Hughes seconded the motion.

VOTE: Unanimous in favor of the motion.

2. Discuss and appoint District officers for 2015

MOTION: David Bradford made a motion to reappoint the current officers for 2015. Mike Hughes seconded the motion.

VOTE: Unanimous in favor of the motion.

3. Financial considerations

Mr. Hawkes reviewed the District financial report.

4. TMDL Cluster or community drain field septic systems

Mr. Neeley provided a copy of the Request for Qualifications and reviewed the document with the Board Members. He noted that they did request hourly rates, and although they are not a part of the selection process, they might influence the District's decision in selecting a firm. Mr. Cook suggested that they consider hourly rates in the evaluation criteria, and the Board Members concurred that hourly rates should be included in the criteria. Mr. Neeley discussed how the RFQ would be published and the timetable for the selection process.

5. District water right lessees within District system

Mr. Hawkes reported that they have been working on the District's temporary change application for its water right leases, and there are eight water right lessees who live within the District's water system and are not connected to the system. The lease agreement states that they were

required to connect to the District's system when it became available, and he asked if he should send the lessees a notice that they need to connect to the system and within a certain time frame.

Chair Hughes suggested that they send a letter telling the lessees what they are obligated to do and get their feedback, as some of them may not be prepared financially right now to connect.

6. Water system report

Mr. Barnett presented the year-end water system report and indicated the water usage by well. He noted that water usage has declined in the aggregate, and in many months water usage was at the minimum compared to the last five years. Usage per connection has also been decreasing, part of which is due to the location of the homes connecting to the system over time, and part of which is due to conservation efforts by Canyon residents.

Mr. Barnett reviewed the drinking water source protection plan and explained that, when a new drinking water source is developed, they prepare a preliminary evaluation report which is submitted to the State to see if it is reasonable to be able to protect the drinking water supply from contaminants. Once the source has been developed, it is necessary to submit a full drinking water source protection plan, and it is time to do that for the Upper Freeze Creek Well. He indicated the drainages and protection area for the existing wells and stated that, after consulting with Dr. Yonkee, it is their best judgment that they should extend the protection zone to the east of the Brigham Fork drainage. Rather than the protection zone for the Upper Freeze Creek Well being just the Freeze Creek drainage, he recommended that they go along the strike of the formation and include the Brigham Fork drainage. There is a provision that will allow them to declare the entire area as a management area rather than differentiating the zones. That can be done if there is not enough data to make a differentiation or if there are specifics regarding the geology or hydrology that would cause them to do so. In this case, it has to do with the geology and hydrology, and Dr. Yonkee agrees with declaring the entire area as a management area. Mr. Barnett noted that the management area does not include any more geography than what is already being monitored for the other wells, but they will look at additional monitoring within the management area. He reported that they sent out a notification to all property owners in the management area with the preliminary evaluation report and received no comments. If someone like the Forest Service were to propose a structure within the management area, they would need a building permit from the County, and this area would be flagged as being within the source protection area. He explained that the County ordinance will protect their sources if anyone wants to build within the management area.

Chair Hughes stated that he is comfortable with adopting the management area as recommended.

MOTION: David Bradford made a motion to adopt the proposed source protection management area for the Upper Freeze Creek Well. Mike Hughes seconded the motion.

VOTE: Unanimous in favor of the motion.

Mr. Barnett reported that he has developed a draft management program and explained that a written plan for protecting and managing the area is one requirement of designating a source

protection zone. He explained that they will include a notice in the District's bills to let people know there is a new source protection plan and explain how they can review the plan. He asked the Board Members to review the draft and submit to him any comments they may have.

7. Leak/Repair

Mr. Hawkes reported that he found a leak at the top of Margarethe Lane in December due to an air vac that had gone bad. They were able to stop the leak, and Aqua Environmental has an air vac on the way.

8. Well status report

Mr. Neeley reported that the Upper Freeze Creek Well is still functioning well, and he is still working through the issues with the outstanding push-pull bill.

9. Utility billing software progress report

Mr. Hawkes reported that he processed the last billings today with the new billing software and provided an example for the Board's review. He noted that it does not yet include the impact fee notes, and he hopes to have that included in the March billing. He noted that a code on the bottom of the billing will allow people to access their account and account history whenever they want. They can also make a service request and online payment through the access to their account. He explained that the customer portal will hold two years of statement history.

10. Schedule work meeting

The Board Members agreed to meet in work session on January 15 at 5:00 p.m. at Mr. Cook's office.

11. Any items requested by visiting public

Brent Tippetts asked about the water projections for the next 12 months. Mr. Barnett replied that the stream flow forecast shows Emigration Creek at 58% of normal. However, they are still in the early stages of water supply development, so it could change dramatically. Mr. Tippetts asked if they will get more protection with the new well. Mr. Barnett explained that they want to get years of experience behind them, but right now it looks like where they drilled provides a meaningful buffer from changes in hydrology.

Sam Plumb asked if the communal drain field applies to existing construction. Chair Hughes replied that it is designed primarily to solve existing problems; however, it would not preclude new construction. Mr. Plumb noted that most of the homes are located within close proximity to the stream and asked where the proposed drain field would be located. Chair Hughes explained that it will be away from the creek. Mr. Plumb asked who would own the drain field site. Chair Hughes replied that it is likely that the EID would either lease or own the land. Mr. Plumb stated that they need a competitive bidding process and not just be exclusive to those who have done work in the Canyon. He wanted it to be open to anybody anywhere and wanted the EID to go

beyond the newspaper to advertise the bid. Mr. Plumb asked what the Board had decided about his mother's bill. Chair Hughes replied that the EID will be sending her a letter or talking to her within the next few days.

Jamie White asked if the people who will be included in the community drain field have been contacted. Chair Hughes replied that they have not, because the Board does not yet know what the opportunity might be. They do not know the cost and what grant money might be available, so they are not ready to discuss it with them yet. He explained that they want the first project to be successful, because the State indicated they would continue to work with them if it is. They want to spend more time and energy on the first project to be sure they develop a process the State will be happy with and that can be duplicated on future projects. Four potential areas were submitted to the State, and the State asked them to proceed with the first one the Board chose to see if it is feasible. Mr. White asked if there is a way to find out more about the proposed project area. Chair Hughes offered to provide him with the information when he has it.

Trevor Irons requested geology reports from Mr. Barnett. Mr. Barnett noted that they are also available online from the Division of Drinking Water.

MOTION: David Bradford made a motion to appoint Eric Hawkes as the new District Manager. Mike Hughes seconded the motion.

VOTE: Unanimous in favor of the motion.

Closed Session

MOTION: David Bradford made a motion to convene in closed session for the purpose of discussing litigation. Mike Hughes seconded the motion.

VOTE: Unanimous in favor of the motion.

The Board of Trustees met in closed session to discuss litigation from 8:40 p.m. to 8:55 p.m. Those present included the Board of Trustees, Eric Hawkes, Jeremy Cook, Don Barnett, Fred Smolka, and Karen McLaws.

MOTION: David 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 8:55 p.m.