

EMIGRATION IMPROVEMENT DISTRICT  
BOARD OF TRUSTEES REGULAR MEETING

THURSDAY, JULY 9, 2015

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

Board Members in Attendance: Mike Hughes – Chair, David Bradford, Mark Stevens

Ex Officio: Eric Hawkes—Manager, Jeremy Cook—Legal Counsel, Don Barnett—Barnett Intermountain Consulting

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 June 18, 2015, Board of Trustees meeting as written. Mike Hughes seconded the motion.

VOTE: Unanimous in favor of the motion. Mark Stevens was not present for the vote.

**2. Financial considerations and report**

Mr. Hawkes reviewed the monthly financial report and fund balances as of July 7 as shown on his printed report. He reported that he has paid the first two bond payments for this year. He noted that two individuals recently connected to the system, and the District will finance their impact fee notes.

Mr. Hawkes discussed the need for a budget amendment to increase the amounts budgeted for legal and hydrological engineer. He proposed that the Board move \$50,000 from maintenance and repairs, with \$40,000 going to legal fees and \$10,000 to the hydrological engineer.

Jack Plumb asked if the legal fees have to do with a lawsuit and whether the EID has insurance that should cover the legal fees. Mr. Hawkes confirmed that they have submitted a claim to the insurance companies and are waiting for a determination from them. Mr. Cook explained that, due to the nature of the claims in the lawsuit, the insurance companies need to determine whether they will cover it. Mr. Plumb expressed concern about the Canyon residents paying to defend a case of fraud. Mr. Hawkes clarified that he has simply proposed an amendment to the budget to move funds from one line item to another, not to expend additional funds.

MOTION: David Bradford made a motion to amend the budget as proposed. Mike Hughes seconded the motion.

VOTE: Unanimous in favor of the motion. Mark Stevens was not present for the vote.

Mr. Hawkes asked the Board Members to review the quarterly report to be posted on the Utah Public Transparency Website.

MOTION: David Bradford made a motion to approve the 2015 Certified Tax Rate of .00097%. Mike Hughes seconded the motion.

VOTE: Unanimous in favor of the motion. Mark Stevens was not present for the vote.

### **3. 2015 Elections information and update**

Mr. Hawkes reported that anyone wishing to remove their name from the ballot may do so from June 8 to September 10. Anyone wishing to be a write-in candidate must file between now and September 4. The official ballot will be signed off on September 10. Candidates can submit biographies to the County between now and September 4 to be placed on the State-wide website, and the District can also post them on its website. He provided information regarding the process Salt Lake County will use to conduct the election. Chair Hughes recalled that Jamie White had asked for a third party to handle the election and asked him to review the information provided. If it does not satisfy his concerns, the Board will see if they can do anything to accommodate his concerns.

### **4. Division of Water Quality planning grant**

Mr. Hawkes reported that he and Chair Hughes met with the Division of Environmental Quality along with township executive Patrick Leary, Jeremy Roberts with the Salt Lake County Health Department, and people from the Division of Water Quality to present the planning grant application. The \$60,000 grant was approved with strong support. He explained that the grant is divided into three categories: \$45,000 engineering and consulting, \$8,000 administrative and public notice, and \$7,000 legal fees and hydrological work.

Board Member Stevens asked what will happen now. Mr. Hawkes noted that the DWQ asked them to evaluate the establishment of an onsite management district, which is in addition to what was originally discussed. Aqua Engineering will look at a number of alternatives for dealing with wastewater issues in the Canyon, after which a number of public hearings will be held to involve the public in helping to determine the best option for the Canyon.

### **5. Report on new connections**

Mr. Hawkes reported that one new connection was made this week, and another one will be made next week.

Mr. Plumb asked how much the property owners paid for their water connections and claimed that the duplex does not have water shares. Mr. Barnett confirmed that the duplex does have a water share. Mr. Hawkes confirmed that the total cost is a water right deeded to the District and \$13,750 in fees. Chair Hughes confirmed that everyone who hooks up to the system needs to provide a water right. The Board Members and Mr. Plumb discussed the benefit to the stream of getting people off their wells and the reality that some people still want to use their wells for

irrigation. They also discussed water rates, water pressures, and PRV valves in the system. Mr. Barnett explained the need for sufficient pressure to sustain fire flow.

## **6. Water report and well levels/status**

Mr. Barnett presented the quarterly water report and explained that water usage was down about a million gallons from the average use in June, likely due to the rains. Board Member Stevens commented that usage has been lower than normal for every month so far this year.

Mr. Hawkes noted that the usage last July was lower than normal, and he believes a lot of people are cutting back on their water usage. He reviewed the water pumped from each well and reported on the well levels. Well 2 was artesian and is now down to about 34 feet. Upper Freeze Creek is at 903, and the Brigham Fork Well is artesian. He suggested that they start pumping from Brigham Fork so they do not waste the water. Mr. Barnett agreed that would be a good idea.

Board Member Stevens asked if they are still planning to do maintenance on the Brigham Fork Well this year. Chair Hughes expressed concern about taking the well offline in such a poor water year. Board Member Stevens asked about doing the repairs in the fall when they know where they stand for summer use. Mr. Barnett explained that the reason to repair the well would be to fix whatever the problem is. It is anticipated that they could increase the instantaneous capacity of the well for peak day usage. The disadvantages would be the costs and that they do not know what problems they will find in the well. He would rather pump the well at 80 gpm for 16 hours a day rather than 200 gpm for 8 hours a day, but if they needed to meet peak demands and Upper Freeze Creek were offline for some reason, they would want the higher range. He confirmed that there is always a concern that, whatever the structural failure is, it could worsen.

## **7. Website report/review**

Mr. Hawkes reported that the website is ready, and he has sent the Board Members a link to get on and review it. As soon as they have reviewed it, he will put it online. He will also keep the information on the existing website for another month.

## **8. Any items requested by visiting public**

Mr. Plumb asked if Mr. Barnett is 100% sure that it is not possible for the EID's wells to have any influence on the stream. Mr. Barnett replied that it sounded like Mr. Plumb was trying to set him up for something. He explained that the District's wells were constructed to minimize the impact to the stream and to protect the drinking water source for the public. They are drilled in such a way as to be isolated from the streams, and the wells constructed by the District that were not received from The Boyer Company had tests run to see if there was any surface water influence, and those tests came back negative. Mr. Plumb indicated that people are suspicious that the District's wells have some impact on the stream. Mr. Barnett assured Mr. Plumb that he is 100% sure that the District's wells have less impact on the stream than the average well up and

down the Canyon. Mr. Plumb observed that some people choose to have their own wells and believe the District's wells are drying up their wells.

Jamie White asked what the Board would discuss in closed session. Mr. Cook replied that they will discuss pending and imminent litigation. Mr. White asked if the EID has performed absolutely all the required water quality testing. Mr. Hawkes confirmed that the required tests have been done and he has the documentation. He explained that a response came back from the Division of Drinking Water that they were missing a test, and Aqua Environmental had documentation showing that the test had been done and, for some reason, the Division of Drinking Water must have lost the information. Mr. White asked how often the Division of Drinking water has "lost" the District's test results. Mr. Hawkes explained that they received two responses from the Division of Drinking water for the same test, and Aqua Engineering provided them with the documentation that the tests had been done and submitted. He explained that there are all kinds of tests scheduled throughout the year that Aqua Environmental performs for the District. He believed Mr. White could go to the Division of Drinking Water website and see all the test results. Mr. White asked about the cost of a pressure reduction valve for a home. It was noted that they cost approximately \$50 plus installation. Mr. Hawkes verified that they will not fit in the meter box.

## **9. Closed session**

MOTION: Mark Stevens made a motion to convene in closed session to discuss pending and imminent litigation. David Bradford seconded the motion.

VOTE: Unanimous in favor of the motion.

The Board of Trustees met in closed session from 8:45 p.m. to 9:40 p.m. to discuss pending and imminent litigation.

MOTION: David Bradford made a motion to dismiss from closed session and to adjourn the regular meeting. Mark Stevens seconded the motion.

VOTE: Unanimous in favor of the motion.

The regular meeting of the Emigration Improvement District adjourned at 9:40 p.m.