

EMIGRATION IMPROVEMENT DISTRICT  
BOARD OF TRUSTEES REGULAR MEETING

WEDNESDAY, FEBRUARY 21 2018

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

**Regular Meeting**

Board Members in Attendance: Mike Hughes – Chair, Brent Tippetts – 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 January 11, 2018**

MOTION: David Bradford made a motion to approve the minutes of the January 11, 2018 Trustee Meeting as written. Brent Tippetts 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. There were no further questions on the financials.

**3. Waste Water Management Disc and Hydrological Wastewater Study Grant Submitted to DEQ.**

Mr. Hawkes has submitted the application and is hopeful that the District will be on the DEQ's March agenda.

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

Mr. Tippetts has been researching options for residents to have their private wells tested. He reported that he needed more time to get resolutions. Jeremy stated that John Mackey said the state may pay for the testing but the results need to be quantified. Waiting for more information from Mr. Mackey. They would be testing mainly for E. coli issues. The state wouldn't be testing everyone's well, mostly the wells on Sunnydale to gather additional data about issues with the stream. Chair Hughes suggested the District try to do every well if funding could be procured through grants. The suggestion was made to connect the testing of wells to the problematic septic systems because that would incline more state agencies to give funding. The Board held discussion regarding how best to test the wells. When Gary Bowen asked about the Department of Agriculture, Don Barnett responded that they used to do such testing, but they stopped because they no longer had the funding. The Dept of Ag still has the equipment and there may be the possibility that they may test samples the District brings for a reasonable price. The comment was made that the general components of a well don't change very much but the biological components (mostly E. coli) do change drastically. Ideally, the wells would be tested for something else that doesn't break down so quickly (caffeine). This would give more data on the impact that septic systems have on wells. Discussion ensued on what legends or maps exist that show where the wells are.

## **5. Modifications to the District's Leak Credit Formula**

Mr. Hawkes described the process when a property on the water system has a water leak. Currently, the charge is \$0.50 per 1000 gallons. This charge doesn't cover even the cost of the electricity to pump that water; he showed the rising cost of electricity. Mr. Hawkes recommended modifying this cost and bring it up to \$1.00 per 1000 gallons. Brent Tippetts asked how the District defines a leak and expressed concern that some residents may take advantage of this. Mr. Hawkes replied that the District applies the same rate to people who have been negligent as those for whom it was an accident. After discussion, there was agreement that the District would not try to recoup money for the water lost, just recoup the expense of having pumped and treated it. Jeremy Cook mentioned that this is the most lenient policy he has seen in other districts.

MOTION: Dave Bradford made a motion to adopt the new leak credit formula. Brent Tippetts seconded the motion.

VOTE: Unanimous in favor of the motion.

## **6. Review of Undeveloped Properties Within the Water System and Well Protection Zones.**

A large parcel of land is for sale in the canyon and Chair Hughes would like to understand how many possible connections are associated with the parcel. Mr. Hawkes summarized the water rights held by this resident. The District conversed about his water rights as well as the well

protection zone. Chair Hughes asked Don Barnett to see how much the well protection zone has impacted his developable property. Looking at various maps of the canyon, discussion was held about the properties Creamer is selling and how it impacts the District. There was a question about which parcels may belong to Utah Open Lands. Chair Hughes asked Don Barnett to find out exactly how much water is available for the sellable group of parcels. Jeremy Cook will look at the actual deeds online. Paul Brown also brought up the question of how much of the land is less than a 35% slope. Joe Smolka informed the Board that the county now has maps that show percentages of slope, although he is unsure how far up the canyon they have gone.

## **8. Water Levels Report**

Mr. Barnett reported that water usage for January was a little below average. There is part of data that might not be reliable because the flow meter for Well 2 was stuck. The computer reading might be faulty, which indicates lower usage than usual. The next reading for the monitoring wells will be in March.

## **9. Maintenance Report**

Mr. Hawkes reported that since last month not much has changed on the Brigham Fork Well repair. Peterson Drilling has not been there very much during the past month. They were able to get their camera down but they had to modify their tool. Hopefully they'll be up on Monday and be able to knock it down and pull it out.

On Well 2 the flow meter is out; the District will replace the meter.

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

Christopher Jones asked if there was an update about testing the septic systems on Sunnydale Lane draining into the creek. He asked about a homeowner who wanted to do a methane blue test to see if he's contributing to the problem. In response, Chair Hughes explained the process the District is in concerning the study that is going to be happening on the creek. Mr. Hughes then suggested the homeowner wait until after the study to find out what they learn from the study. The District will look at the creek and try to identify brighteners and other markers from septic systems. Next, Steve Hook asked about the effect this dry winter might have on the District's wells, and whether there would be cause for concern this summer. Don Barnett replied that the District hasn't seen much hydrologic effect in the Upper Freeze Creek well. Last month the monitoring well report shows that the ground water has really sustained itself. The wells along the bedrock are typically the wells that have issues during dry summers. Finally, Paul Brown asked about the pending litigation. Jeremy Cook briefly explained the status of the pending litigation—that the plaintiff moved to file a 3<sup>rd</sup> amended complaint. It is currently in the hands of the Department of Justice for review. It is a lengthy process.

## **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 8:15 p.m. to 9:08 p.m. Those present included the Board of Trustees, Eric Hawkes, Jeremy Cook, Joe Smolka.

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 9:08 p.m.

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Minutes Approved