

EMIGRATION IMPROVEMENT DISTRICT  
BOARD OF TRUSTEES REGULAR MEETING  
THURSDAY, MAY 5, 2016

EMIGRATION CANYON  
5025 EMIGRATION CANYON ROAD  
SALT LAKE CITY, UTAH

Board Members in Attendance: Mike Hughes – Chair, Mark Stevens – Vice Chair, David Bradford – Secretary/Clerk

Ex Officio: Eric Hawkes – Treasurer, Jeremy Cook – Legal Counsel, Joe Smolka – Project Manager, Brad Rasmussen – Aqua Engineering and Fred Smolka

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

**1. Consent Approval – Minutes for March 17, 2016**

MOTION: Chair Hughes made a motion to approve the minutes of the March 17, 2016, Board of Trustees meeting as written. Mark Stevens seconded the motion.

VOTE: Unanimous in favor of the motion.

**2. Financial Considerations & Report**

Eric Hawkes talked about last quarter's transaction details that are posted on Utah's public transparency website. He met with Darrel Swenson, from the State Auditor's office, all information was converted over to QuickBooks and is updated. Eric reviewed the monthly finances and fund balances as written on his printed report. He discussed delinquent accounts, loan balances, next payment and year to date operating expenses. Chair Hughes approved the financial report and David Bradford agreed.

Chair Hughes revisited April's billing. Eric talked about April's billing being the highest. One option to estimate read in January which would soften some homeowner's bill in April. The average bill is currently \$120.00. Chair Hughes mentioned that it wouldn't make sense to prorate

the water bill, it should be monthly. David Bradford mentioned every 3 months might be an option. Chair Hughes proposed spreading bill across 12 months, reading the data 3 times a year and adjusting payment in the Spring. Mark Stevens suggested 12 equal payments. Eric stated that additional billing wouldn't be a problem, some homeowners have already requested an equal payment plan. Bob Stagers, Emigration Oaks, felt that offering homeowners the option to pay a set amount each month and making up any difference in April would be beneficial. Mark Tracy interrupted, insisting that each person clearly state their name and affiliation. Bob Stagers suggested wireless reading. Chair Hughes commented that it is expensive to convert meters to wireless. It isn't cost effective at this point but maybe sometime in the future. Eric stated that he would do an estimated read in January and balance bill out in April. Chair Hughes and Mark Stevens liked the idea and Chair Hughes will look into it.

**3. 1251 Killyons Lane – Current Water Right Leasee request to purchase private water right in canyon and remain using private well. (Lincoln Nehring)**

Eric Hawkes discussed 1984 lease, water right agreement of 1251 Killyons Lane property and Lincoln Nehring's request to purchase water right from someone in the canyon to remain using his own private well. Lincoln would continue to pay the base fees but not be required to connect to the district's water system. Lincoln stated that this option was outlined for him last summer in a letter from the EID. Chair Hughes remembered talking to Lincoln and discussing the matter. Given the circumstances, Chair Hughes doesn't have a problem with Lincoln's request to cure and neither does David Bradford or Mark Stevens. Jeremy Cook weighed in on matter of original legal agreement to connect to canyon water system. Lincoln talked about the connection fees vs purchase of private water right being comparable and he would prefer to maintain his own system. Jeremy informed Lincoln to secure separate water right before withdrawing from obligation to connect to canyon water system. In further discussion, Chair Hughes commented that the board agreed last summer to make an option to cure. Chair Hughes granted Lincoln the right to cure, David and Mark agreed. Chair Hughes instructed Lincoln to get in touch with Don Barnett. Mark Tracy, President of Emigration Homeowners Association and lawsuit, requested information about the water availability, decision and process.

MOTION: Chair Hughes made a motion to grant Lincoln Nehring right to cure. Mark Stevens agreed. David Bradford Seconded the motion.

VOTE: Unanimous in favor of the motion.

**4. Dept. of Environmental Quality (DEQ) requests letter of approval from District to locate septic systems along Emigration Creek. (Nate Bseiso – Johanson Surveying)**

Chair Hughes addressed the DEQ request letter. Nate Bseiso, Johanson Surveying, talked about his proposal and survey. His work would be transparent, all information would be available to homeowner and EID. Chair Hughes asked for Nate's motivation. Nate replied regarding different options, he wants to be part of the solution. Mark Stevens asked Nate what DEQ department he was from. Nate answered that he wasn't with DEQ but was asked by them to speak to EID. Chair Hughes asked for more information. Nate explained there are contaminants in the water from outdated septic systems that eventually need to be fixed. He wants his survey to be productive for DEQ, EID and homeowners. Chair Hughes asked if Nate would be using ground penetrating radar and Nate confirmed that he would be using that technology and survey equipment. Mark asked if homeowners would have to pay. Nate responded that he was trying to get funding through DEQ. Marian Rice, with Salt Lake County Water Shed, commented that DEQ wants EID approval before funding the project. Chair Hughes interjected that EID doesn't want to be the sewer police, they are aware of the problem and want to fix it, homeowners would have to cooperate. Nate agreed and realized that some homeowners might not "get on board". Chair Hughes requested more detail regarding the process. Nate talked about notifying homeowners within 100 feet of creek with brochures to solicit response. David Bradford asked what the benefit would be to the homeowner. Nate responded that that homeowners would get a recorded plat of their septic system, useful for replacing or upgrading their system. David asked if homeowner's septic would be marked on the ground. Nate replied that the survey wouldn't be intrusive to homeowners, they would be informed and issues possibly highlighted. Mark asked if the coordinates would be recorded by GPS. Nate replied that he would be using GPS. Chair Hughes felt more detailed information was needed before EID could make a decision but they all like the general concept. Bob Staggars asked Nate why he talked to EID first before talking to individual homeowners. Nate answered that DEQ requested approval from EID, they want everyone on board. Mark Tracy inquired about specific details. Nate wants funding from DEQ. Chair Hughes expressed concern for more concise details, facts and privacy of homeowners. EID is already working on all the issues, Nate's survey could be beneficial. David asked if DEQ required an approval letter from EID. Nate replied that a letter wasn't necessary, he was just starting the process of communication. Chair Hughes informed Nate that he may need a Body Politic to obtain grant and EID permission.

Jeremy Roberts, Salt Lake County Health Department, informed board meeting that "as built drawings", required for approval, are on file with the County and are a great resource. They don't have all of the drawings from the 1940's but most 50's through 80's are available. Chair Hughes interjected that many homeowners didn't build what was approved. Mark Tracy asked Nate if he

was aware of EID septic wastewater study and bid. Nate responded that he wasn't aware of either.

Steve Hook, from a public stand point, felt that the DEQ survey and Wastewater Feasibility study in the works are very similar and could be confusing to the general public. David Bradford didn't think the different studies were a conflict.

Jamie White stated that his septic system was pumped and inspected before he moved into his home in the Canyon. Jeremy Roberts informed that septic systems should be pumped periodically, every 5-7 years is recommended. New homeowners may not know the history of their septic system. Chair Hughes commented that historically, many houses in Emigration Canyon were originally summer homes that additions were made to without upgrading the septic system. Mark Stevens asked if a home was "good to go" after a County inspection. Jeremy explained the complications arise from not pumping septic systems, solids build up and can breach the drain field. Pumping insures longevity and proper maintenance. Jamie expressed uncertainty with Nate Bseiso's survey and informed him that he wouldn't be welcomed on his property. Nate further explained need to inform homeowners of septic system absorption area and stages of development. Chair Hughes told Nate to define survey proposal in greater detail for consideration, EID wants creek cleaned up.

##### **5. Wastewater Feasibility Study – Report - (Brad Rasmussen – Aqua Engineering)**

Brad Rasmussen presented his preliminary report and study of wastewater issues. Charts and data were projected on screen for consideration. Report focused on solutions involving septic tank contamination. Emigration Creek exceeds the water quality of e coli due to many contributing factors, TMDL (total maximum daily load) list was created. Brad explained point sources having limits, septic systems are all over the place with no limitations. Study tried to focus on known problem areas in the canyon. Brad talked about septic regulations and homeowner responsibility. He informed EID that Utah Law requires a Body Politic to operate septic systems if more than one system is combined. EID qualifies as a Body Politic. Mark Tracy asked question about EID authority. After authority discussion with Chair Hughes, Brad explained the State's suggested 4 alternatives: Management System, Cluster System, Canyon Collection System or Connection to Salt Lake's Waste System. Brad discussed each system extensively, as written in his report, with projected expenses and homeowner fees. Mark Tracy talked about total number of canyon residents. Brad informed that study included future development.

Mark Stevens asked question about the treatment pond necessary for Canyon Collection System. Chair Hughes explained that the pond is a rapid infiltration basin. Brad responded that collected water would be fenced and allowed to percolate into ground. Ms. Fitzgerald, Spring Glen, asked question regarding the proximity of treatment pond. Brad responded that the treatment pond would be cost effective at the mouth of Emigration Canyon.

Brad Rasmussen talked extensively about results of report and his recommendation to educate Emigration Canyon homeowners on proper septic tank maintenance on a volunteer basis. He discussed affordability, median income of residents and possible grants for problem areas. Brad talked about homeowners, who are aware of their septic issues, can volunteer and cluster together to solve problem. Solution to clean up creek will be expensive. Willy Stockman asked what the repercussions would be from EPA if homeowners chose to do nothing. Brad answered that a home could be condemned in the worst case scenario. Bob Stagers asked about finding the actual source of the problem. Chair Hughes responded that it hasn't been determined how much septic systems contribute to the contamination of the creek. It is ineffective to use dye or markers to determine which septic systems are the source of the problem, there needs to be a proactive study. Marian Rice noted that the County has conducted an optical brightener and caffeine study to try and determine the source of contamination. She further explained that the State has a division of water quality that monitors seasonal TMDL, spring flow affects the bacteria levels in creek.

Andy McNeil directed question to Jeremy Roberts regarding alternative waste water system that reduces setback to 50 feet. Jeremy explained specific requirements and inspections for reduced setback system. Bob Stagers inquired about specific area of creek contamination. Marian Rice explained that contamination is throughout creek, excluding uppermost part, there is ongoing testing/data to locate exact problem. Brad Rasmussen further explained water quality standards and what they are based on. Andy inquired if the County, EID or homeowner would be financially responsible to replace faulty septic systems. Brad replied in detail regarding the process but ultimately the Body Politic, having authority, would determine the outcome. Chair Hughes expressed that EID is not there yet. Ms. Fitzgerald asked about holding tanks by the stream. Brad responded that tanks are the responsibility of Salt Lake County and homeowners, not EID. Steve Hook asked about high end sewer bill. Brad clarified expenses. Willy Stockman asked how problem clusters were determined and if they were based on water studies. She also inquired if all homeowners in designated cluster have to comply. Brad stated that no one has authority to force a homeowner to do anything. Chair Hughes explained dynamics of looking into all options. Mark Stevens commented that cost will go up for homeowners if some residents refuse to cooperate. Brad reported that problem areas are determined by public input and

observation, it is difficult and expensive to trace actual contaminate back to a specific house. Chair Hughes discussed the fluctuations in water flow that alter samples. David Bradford interjected that study will help to find feasible solution to water contamination problem.

Mark Tracy addressed Board Members with a lawsuit that demanded cease and closure of Upper Freeze Creek Well, dismantle of operations and penalties. Legal document was handed to Jeremy Cook who had no comment.

## **6. Water Levels & Report**

Eric Hawkes informed that Don Barnett was out of town. He talked about the level of Well 1 –91 feet to –23 feet. Brigham fork Well is artesian and has been for several months. Upper Freeze Creek Well levels were –906 and increased to –900 feet. In April 28,00 gallons of water were pumped from Well 2, no pumping from Well 1. Upper Freeze Creek pumped a total of 1.6 million gallons. Mark Stevens asked about the accuracy of monitoring equipment. Chair Hughes pointed out that telemetry is always a factor. Eric informed that well levels get replenished during Spring, differences are noticed in feet increments. Mark Tracy asked about the levels of the 5 monitoring wells. Chair Hughes commented they were not addressing the well levels.

## **7. Proposal to extend pipe from UFC culvert to direct water from going on the UFC trail.**

Eric talked about concerns with the Upper Freeze Creek trail. After well gets flushed for five minutes, approximately one thousand gallons of water funnels down under culvert and displaces across trail. Upper Freeze Creek drainage also percolates in same area, creating a muddy mess. Eric proposed several options involving cobblestone ditch, extending pipe and bridge over trail to stop the interference of water. Area is also affect by rain and snow. Chair Hughes asked Kathy Christiansen for her input. Kathy felt problem was due to erosion. She suggested moving trail to avoid further issues but thought the cobblestone ditch and extended pipe was a good idea. Paul Brown inputted that it's a muddy trail problem because of the animals packing down the dirt, causing the area to not drain adequately. Chair Hughes solicited Paul's opinion and he liked the cobblestone concept. Ed McGough stated that he walks trail every day and offered his opinion. He thought trenchin down further and extending pipe would solve the problem. Bob Stagers commented that he walks the trail twice a day and is very familiar with the issue. He added that the sides of the embankment are also being washed away. The area also becomes a dangerous sheet of ice during the winter. David Bradford asked Bob what he would do and he liked the cobblestone ditch and bridge across the trail solution. Chair Hughes asked for Eric's input. Eric replied that both solutions are viable and perhaps raising the trail. Chair Hughes asked for Ed's opinion regarding pipe solution. Ed responded and insisted pipe be at least 10 inches in diameter.

Craig Neeley, Aqua Engineering, stated that the simplest fix would be culvert underneath trail but also endorsed cobblestone ditch with bridge because it would be more attractive. He also encouraged matching diameter of road so water can pass through easily. Mark Tracy asked Craig a question regarding engineering of culvert. Chair Hughes diffused discussion. Eric talked about UFC road and need for several truckloads of gravel to build it up. Trustees approved repair of cobble ditch / pipe repair and road repair.

#### **8. EID – Wastewater Open House @ Firewise Event – Saturday, May 21<sup>st</sup> – Report**

Eric Hawkes informed that contact had been made with the Rick Raile community council chair and everything was ready for the open house.

#### **9. Any items requested by visiting public, dismiss public**

Steve Hook asked several questions. First question was regarding any revised budgets. Eric Hawkes responded that there wasn't any. Steve then asked if comments could be made regarding legal actions and its effect on maintenance for the year. Chair Hughes stated that he would address issue in the next Board Meeting.

Mark Tracy asked who the Committee members were. Chair Hughes remarked they don't discuss pending litigation.

Jamie White asked how the Committee was formed and qualifications for becoming a member. Mark Stevens replied that people are selected for their expertise and interest in the canyon.

#### **10. Closed Session – Pending Litigation & Committee**

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

VOTE: Unanimous in favor of the motion.

The Board of Trustees met in closed session from 9:00 p.m. to 9:12 p.m. to discuss pending and imminent litigation.

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

The regular meeting of the Emigration Improvement District adjourned at 9:12 p.m.

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Minutes Approved

Pending