

EMIGRATION IMPROVEMENT DISTRICT
BOARD OF TRUSTEES REGULAR MEETING
THURSDAY, JULY 21, 2016
EMIGRATION CANYON FIRE STATION
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, Brad Rasmussen – Aqua Engineering, Joe Smolka – Project Manager and Fred Smolka

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

1. Consent Approval – Minutes for June 16, 2016

MOTION: David Bradford made a motion to approve the minutes of the June 16, 2016, Board of Trustees meeting as written. Mike Hughes seconded the motion.

VOTE: Unanimous in favor of the motion.

2. Financial Considerations & Report

Eric Hawkes reviewed the monthly financial report and fund balances as of July 1, 2016, as shown on his printed report. Mark Tracy asked question regarding legal fees and \$85,000 credit. Eric responded that credit was an insurance company settlement. Mark then asked what the total amount for legal fees was pertaining to lawsuit? Chair Hughes estimated fees are around \$90,000. Jeremy Cook interjected that total amount is roughly around \$110,000.

Eric talked about 2nd quarter transparency report. Chair Hughes commented that report was good.

3. Waste Water Study – Final Review – Brad Rasmussen – Aqua Engineering

Brad Rasmussen discussed the overall findings of the Waste Water Study and public meeting at Fire Wise. He talked about his recommendations combined with public comments. Most people don't want to pay to resolve problems if it's not their responsibility. Brad recommended continued education of septic systems to homeowners. He felt EID should act as body politic to assist residents in any way, including cluster systems. Brad insisted that solutions should be driven from the bottom up. He further stated that only the County and State has authority to enforce residents to meet all current design requirements for septic systems. He advocated that EID can be helpful to homeowners who can't meet the requirements. Brad explained that he wanted to submit his written report to the State, County and Watershed Coordinator.

Mark Stevens asked if homeowners, wanting to join together, need to form a corporation first? Brad responded that Utah won't allow two septic systems to be combined without a body politic. He felt that EID could easily fulfill the role of body politic. Jeremy Cook remarked that an assessment area would be beneficial to assist residents with their individual situation. Brad proclaimed that there are a lot of different possibilities. Kathy Christiansen asked if there was any grant money available to assist homeowners? Brad responded that there are several areas where a grant could be possible, point source and non-point source. He explained both sources and informed that grant would be based on the median annual income of the canyon. Chair Hughes interjected that canyon income is skewed and as a result, grant money isn't always available. Brad stated that residents wanting to do a cluster system can be evaluated for their specific needs. Chair Hughes said he wanted to read Brad's report before he summited it. Mark Tracy asked Chair Hughes about his engineer employment history in regards to projects in the canyon. Chair Hughes replied that he wasn't involved with any canyon projects except Acorn Hill while on the EID Board of Trustees.

4. System Repair & Maintenance Report

Eric Hawkes discussed the repairs made at 705 Pioneer Ridge Road and 893 Pinecrest Canyon Road. He explained how they moved Ed McGough's water line and reconnected it before PRV valve to increase water pressure. Eric informed that water pressure was currently now at 110 and homeowner was very grateful.

Eric talked extensively about the water leak at 893 Pinecrest Canyon Road and the process they undertook to track its suspected origins with no success. Eric explained that he had Larry Hall test the water for chlorine and it was determined that the leak is on the district's side. Chair Hughes remarked that the leak is chasing the pipe. Eric replied that Larry retested for chlorine and it was also present at Henderson's Spring which indicates leak is above 893 and it's a matter of just tracking it down. Mark Stevens asked if presence of chlorine could be mistaken and if testing was 100% accurate? Chair Hughes informed that it was accurate, nothing in this canyon would produce chlorine naturally. Eric reported that they will keep looking for the leak. Mark Tracy made allegations regarding the pending complaint. Jeremy Cook replied with no comment.

5. Water Levels & Report

Eric Hawkes discussed the well levels. Upper Freeze Creek Well is at -901 feet. Eric explained that well is being used heavily, just over 6 million gallons since last June and it will be increased in July to probably 7 million gallons. Mark Tracy asked what the total percentage of usage was for the UFC Well? Chair Hughes replied that wells cycle on and off as they are exercised and Don Barnett, who wasn't present, has more specific data. Mark asked what the levels of the 5 monitoring wells were and when they were last monitored? Chair Hughes replied that he didn't know the monitoring well levels but they will be monitored in August. Chair Hughes explained that there isn't a need to monitor monitoring wells because the water wells are working great and they are monitored daily. Mark asked about the Brigham Fork Well, if it had a cracked casing and iron bacteria contamination? Chair Hughes responded that they didn't know if Brigham Fork Well had a cracked casing and iron bacteria and other issues were present after drilling. Chair

Hughes further stated that they are dealing with all the issues. Mark expressed anger that his questions weren't being answered to his satisfaction. Jeremy Cook intervened and told Mark that he could submit a grammar request. Chair Hughes calmly clarified Mark's need to submit grammar requests for future questions.

6. Any items requested by visiting public, dismiss public

Hurly Jones asked what the ultimate canyon buildout was due to finite resources? Chair Hughes replied that model was based around 750 units for the entire canyon. Hurly wanted to know what the current number of residents are at present? Eric Hawkes commented that Emigration Place is separate in that it gets its water source from Salt Lake City but he estimated the entire canyon consisting of approximately 650 homes at this time.

Dana Bowen, Sunnysdale area, said she thought 650 homes was the maximum, not 750. Chair Hughes confirmed that canyon total has always been at 750 homes. He further explained that impact studies were done because Emigration Oaks had originally planned for 1,100 homes and EID is adhering to the proposed plan.

Chris Jones asked if there was a monitoring well at the top of Sunnysdale Lane? Chair Hughes commented that there was and also one at the entrance of Emigration Canyon Estates. Chris asked if the well at the top of Sunnysdale Lane would be included in the monitoring next month? Chair Hughes confirmed that all wells will probably be included.

Dana Bowen interjected that she wasn't okay with the length of time it's been since the monitoring well at the top of Sunnysdale Lane has been monitored (approximately 10 years or more). She wants a firm date on when well will be monitored. Dana felt that lower canyon gets overlooked because of the needs of the upper canyon. Chair Hughes understood her position and explained the result of the water modeling with the lower canyon acting like a trap, having the greatest aquifer and more abundant water supply than anywhere else in the canyon. He further stated that the Sunnysdale Lane monitoring well was monitored primarily for pollutants not just water levels. Dana again requested a firm date for monitoring the well. Eric Hawkes interjected that Don Barnett's assistance is required in monitoring the monitor wells this August. Chair Hughes assured Dana that the Sunnysdale Lane monitoring well will be monitored within the next 45 days.

Brett Wheelock made a comment regarding his understanding of total canyon buildout being at 700 homes. Chair Hughes explained that including Pinecrest increased total buildout to 750 homes. He also informed that EID didn't anticipate more than 700 connections to the water system.

Mark Tracy directed a question to Eric Hawkes, Mark Stevens and David Bradford asking them individually if they will resign from their position? Chair Hughes interjected that it wasn't Mark's place to make that type of request. Mark Stevens responded that he wasn't interested in resigning at this point. David Bradford simply answered no.

7. Closed Session – Pending Litigation

MOTION: Jeremy Cook made a motion to convene in closed session to discuss pending litigation. Mark Stevens seconded the motion.

VOTE: Unanimous in favor of the motion.

The Board of Trustees met in closed session from 7:46 p.m. to 8:14 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. Mike Hughes seconded the motion.

VOTE: Unanimous in favor of the motion.

The Regular meeting of the Emigration Improvement District adjourned at 8:14 p.m.

Minutes Approved