

Summit County Service Area #3
April 22, 2019
PENDING MEETING MINUTES
BOARD OF TRUSTEES MEETING
629 E. Parkway Drive, Suite 1,
Park City UT 84098

BOARD OF TRUSTEES

Vince Pao-Borjigin, *Chair*

Suzanne Carpenter, *Vice Chair*

Larry Finch, *Clerk*

Robert Olson, *Treasurer*

Eileen Galoostian

Michael Montgomery

Peter Keblish

In Attendance (Board): Vince Pao-Borjigin, *Chair*; Suzanne Carpenter, *Vice-Chair*; Bob Olson, *Treasurer*; Larry Finch, *Clerk*; Eileen Galoostian.

Not in Attendance (Board): Mike Montgomery; Peter Keblish.

Electronically: No participants.

In Attendance (Staff/Contractors): Marla Howard (GM); Chris Bullock (Roads Manager and Water Operator); Eileen Haynes (Assistant Clerk); Nathan Bracken (Legal).

Public Meeting Attendees: Joe Koch (ML Church), Nathalie Pepito (Lot SL-I-5-9), Scott Sharp (Lot SS-18-D).

1. Welcome and call meeting to order: Vince called the meeting to order at 5:32pm.

- a. Review of March 25th meeting minutes: Bob's corrections were included in the packet. Suzanne amended minutes on Section 5a: "if we don't have the money to maintain our roads, we shouldn't be spending money on year-round trails."
- b. Approval of minutes: Bob motioned to approve the March 25th meeting minutes as amended. Suzanne seconded the motion. Approval was unanimous except for Eileen who abstained.

2. Administrative & Financial:

- a. Appointment of Peter Keblish's replacement: Marla stated, we have three applicants for the appointment: Nathalie Pepito, Scott Sharp, and Carol Spiegel. Nathalie and Scott are present at the meeting while Carol is not available due to travel and it was agreed she would be interviewed in person upon her return in early May.

Nathalie made a statement about her personal and professional life including her many businesses and significant board service, noting she has lived in Silver Creek Estates (SCE) since 2003. Scott Sharp introduced himself and pointed out he has attended previous Board meetings. He has lived in SCE for 5-years. He withdrew his candidacy, he said, because we have another good candidate.

Vince noted, the commitment requires 1-2 meetings per month with 1-2 hours of material review for a regular Board member and 3-4 hours for a Board Officer. Our area of responsibility includes water, roads, parks, trails, and drainage. Bob stated, we have assignments and interest areas, but we make most decisions as a group. The training is minimal and can be done on the computer.

Nathalie stated, her interest area includes road maintenance, parks, and trails. They chose to live in Silver Creek Estates was because we do not have an HOA which can make operating a home-based business difficult. She likes to keep an open mind in seeking intelligent solutions. She has an honorable discharge from the US Marines where she worked in Communications. She would like to be a source of information to others in SCE.

b. Staff reports:

- **Open House:** Marla confirmed the SCSA3 Open House will be at Mountain Life Church on June 3rd. The Fire District will do a Fire Safety Presentation. *Vince suggested Marla contact Chris Crowley to solicit his participation.* Marla stated, we are planning to have HAL do an Arsenic Filtration presentation. *Larry confirmed we will serve food and beverages.*
- **Water Rate Study:** Marla reported, the Rural Water Association will perform a water rate study at no charge to SCSA3. She and Chris met with Curtis Ludvigson to develop the Scope of Work. Curt does not recommend a separate “Commercial” or “Institutional” rate but that we negotiate with each on a case-by-case basis. Chris clarified, our “negotiation” is actually an evaluation of the clients’ needs and is based upon the residential rate. Nathan stated, we want to have a standard process for Commercial users. Each commercial business will require a customized contract, but the process and rates should be consistent. Vince stated, he wants staff to be able to quote commercial rates without a negotiation. Larry agreed. *Marla stated, Curt can meet with the Board in May, if desired; his final report is due June 17th.* Larry requested Staff create a draft report to act as a framework for the meeting discussion. *Nathan recommended Staff ensure Rural Water understands SCE water users have deeds that entitle them to receive a certain amount of water.* Vince noted, Silver Summit water plant was 97% funded by impact fees. Marla stated, Mountain Regional has an aggressive Impact Fee Schedule where a 3,000sf home pays an Impact Fee of \$10k and a 20,000sf home pays \$65k. *To aid the discussion, Larry requested Staff provide the following information: how many lots do we service and how many lots have the potential to request service.* Vince affirmed the Board wishes to pursue a Water Rate Study with Rural Water.
- **Construction Packets:** Larry requested Staff update the Board on the approvals.
- **ML Church:** Marla stated, she, Vince and Chris met with the Church regarding the issues with Silver Creek Rd where it was agreed, Chris will attend the meetings with Church engineer, “Alliance Engineering”, to provide input to their plan. The Church will be invoiced for Chris’ time. *Vince requested Chris let Vince know if they fail to include him and to get a written response from the Church regarding the status of unfinished items.* Chris replied, he requested a plan be in place by May so they can begin as soon as water run-off is no longer an issue and get to work in June and July. *Larry requested Staff assemble a package of all the meetings with the Church last year, the follow-up items and the results.* Larry asked, what documentation are we providing homeowners when we approve culverts and what do we retain for the record? Chris replied, they request an inspection then get a ‘punch list’ of defects that need correcting which are emailed to the office and filed with the property file. Marla noted, we do not have an “Approval” form. *Vince requested that staff create a checklist with a “seal of approval”.* *Vince requested Chris send an email to Dave and Steve with the punch list requesting the anticipated completion date.* *Bob requested Staff ensure that all invoices chargeable to the Church, such as those presented for approval tonight, be so charged.* Marla replied, she has a tracking system for these charges and when they exceed the agreed upon amount, she will ensure the Church is charged. *Larry requested Marla provide a report on this in each Board Meeting packet.* *Chris stated, he will have his office provide an invoice as well.*
- **St George Water Users Conference:** Eileen asked for a report from Chris. Chris replied, he attended a workshop on ‘dam safety’ and other subjects. Vince noted, it is for continuing education. Chris replied, a better conference for him would be one with more managerial and technical presentations. Vince noted, staff gave a report on this last month.

- c. Fund balances and quarterly financial review: Marla presented the latest Fund balance as of April 15th and the first quarter financial statements which show we spent \$74k more YTD than anticipated in snow removal; we are \$15k over budget. Adjustments will be required this fall. Our cash revenue has improved primarily due to aggressive collections. In the past, we used liens on past due accounts. Now, due to our policy change, we send shut-off notices which increases responsiveness.

Marla stated, we have not received Class B Road Funds. We should receive January and February shortly. Last year, Class B Road Funds amounted to \$19k and were received in March.

Marla reported, as of last week Accounts Receivable was \$25k. Larry asked, in the Express Bill-Pay account receivables, do we get interest on the \$25k present? Marla replied, if we keep \$20k in that account it saves us fees of about \$600 per year in lieu of earning interest. Larry asked, is it an insured bank account under our control? Marla replied, yes. **Marla stated, she will move the money if it is not insured.**

- d. Invoice review: Marla drew attention to TCB Landscaping Invoices noting they are below the limit of \$5.8k. The HAL invoice is for their work on the Arsenic Pilot Study. The Legal invoice from Smith-Hartvigsen was distributed via email. Larry inquired about the use of a "Consent Agenda" to be more efficient. Nathan replied, that is acceptable if you use the amount approved in the motion. He noted his legal invoices are confidential due to attorney-client privilege. *The motion should say "I move to approve the invoices for 'X' amount"*. He reminded the Board, there are on-going expenses which the General Manager can review and approve without presentation to the Board but that does not include TCB, HAL or legal. The on-going expenses need to be provided in a report at least quarterly which Marla is doing. **Vince requested Marla bill the Church every month for any charges incurred. Suzanne suggested, inform the Church of the balance due. Larry requested staff give the Church a monthly state-of-the-work report including charges that is in a formal memo.**
- e. Mountain Life Church conditional use permit: Larry noted they are requesting 432 parking spaces. Vince wonders if their CUP will require a traffic impact study? Will Silver Creek Rd be able to handle the growth? Chris stated, he is concerned about the number of driveways and the plans for stormwater management not shown in the CUP drawings. 50,000sf of asphalt will impact the existing wetlands. Vince stated, he is concerned about the integrity of Silver Creek Rd due to their snow removal actions. **Vince requested staff draft a response for the Board to review.** Vince reminded Board members, who attend any hearings on this, that they must only represent themselves unless they are specifically charged to represent the SCSA3 Board.

3. Water:

- a. Water Filtration RFP responses review and discussion: Marla reported, SCSA3 received three responses to our request for an RFP. Larry stated, the Public has the right to know the prices and he would like to see it on the bids. Marla stated, our approach is to first consider their qualifications, then their proposal and then the committee will consider the price. The goal is to not allow the price to 'taint' the process. Suzanne voiced her support for this process. We have formed a committee comprising HAL, Larry, Vince, Chris, and Marla. **Larry stated he would like to see presentations even if it is on-line.** The proposals will not include buildings or pipes.
- b. Water rights: will be discussed in the Closed portion of the meeting.
- c. Update on road drainage: Chris reported, there were a few places requiring our sandbagging assistance, but he did not see any actual emergencies threatening homes or property. Our largest

culverts are on Wasatch. They were flowing high, but they never crested. Aspen Lane may need repairs in a few areas. Chris stated, the sump pumps on East Creek are running 24/7.

- d. Fire Flow RFP proposal and discussion: Nathan suggested, this is an administrative function and it is not necessary for the Board to review it or approve it. **Marla may write the document then distribute it asking for comments. Vince suggested, a 72-hour comment period.** Larry restated, it is urgent to get this RFP out as soon as possible to pave Wasatch Way. **Marlo agreed.**

4. Road & Trail:

- a. Snow plow vendor recommendation and contract review: Marla noted, this is a one-year contract, because we only had one submittal and not a three-year contract with renewals which is acceptable to Tom Wolff. Tom requested a change from 45-day to 30-day renewal. A one-year term gives us another opportunity to solicit other vendors in a year's time. Nathan stated, it is common to just have a one-year contract when you only have one contractor provide a bid. Larry and Suzanne feel Wolff did an excellent job this year.

Added items:

- **Beaver Dam**: Suzanne reported, the waterflow found ways to get around the beaver pond and dam so the water did not breach it. New channels may have been created and will need some gravel. Chris expressed concern with potential damage to the spillway area. He is less concerned with the lower area including the beaver dams. Larry reported, that lake has lost a third of its size in 30 years. In another 50 years, it will be a beaver pond. Chris asked, do you want to dig it out or let it go dry? Larry replied, let mother nature take her course.

Chris recommended we place a few trees around the pond because it serves as a recreational area for the community and is an important feature of Lewis Park. It is recharging our aquifer by holding that water back. It is not 30-feet deep like the dam. The state wants to see some maintenance. **We should develop a maintenance plan.**

Larry stated, the dam is a legacy of the Bitner Ranch. We accepted the property through a quit claim deed. Chris stated, there are water rights at the dam assigned to Alan Lewis. Nathan stated, unless you specifically exclude water rights, they run with the land and should have passed on to you with the deed. You could convert that storage right to ground water, but you would have to give up your pond and dam. You cannot keep both. **Suzanne and Chris agreed we should clean up this title. Nathan noted, if you are responsible for the dam, you should have the water if we can get it. If it remains with the Lewis Estate or if they conveyed the water right to another party prior to issuing the quit-claim deed to SCSA3 we should find out.**

- **Volunteer Day**: Suzanne proposed, we might want to plan a volunteer day to clear brush and clear channels of branches; we may need to drag the trails. Eileen agreed.
- **Trail Maintenance and Construction**: Eileen requested an update. Marla replied, the presence of snow into spring has delayed our assessment of trail conditions. Once that is done, we will be able to prepare the RFP's. Chris replied, trail construction bids have not been prepared.
- **Speed Bumps**: Chris asked the Board for direction on using temporary or permanent speed bumps. Vince and Larry recommended we use the temporaries since we already have them. Suzanne noted the locations for planned raised sidewalks include Wasatch at Silver Creek Rd and at Long Rifle. Chris noted, we are doing these sidewalks in conjunction with the Wasatch repaving plan. Eileen, Vince, and Suzanne agreed Silver Creek Rd should have a raised sidewalk. Marla stated, we can do so when the Church road repair work is performed. Eileen recommended

the permanent bumps. Chris stated the temporary cost is \$1,500 while the permanent bumps are about \$3,000.

- **Redden Road:** Chris stated, Redden Rd will be graded in May when the road is dry and the snow run-off has ended. **Suzanne requested the residents are informed of the grading and the magnesium chloride application.** Chris noted, Redden is rough and the mag-chloride has not been scheduled yet. Larry suggested Wolff make an application on Lower Redden where we did not install the rotomill. Vince stated, it is not a priority. Bob stated, we must put the mag-chloride down earlier. In the past our delay has cause the rotomill to be put down too late. **Larry stated, the lower part of Redden needs rotomill.**
- **Park Sign at the top of Cottonwood Trails:** Eileen reported, the sign is in the path and the only way to get around the chain. **Chris will revisit the location.**
- **Lewis Park Sign:** Chris reported the parking sign at Lewis Park is broken. **He will replace the broken sign with one he has in storage and place it off the road further.**

5. **Strategic Plan:**

- a. Vision and mission: Marla requested deferment on these items which the Board supported.
- b. Guiding principles: Marla requested deferment on these items which the Board supported.

6. **Public Comment:** Scott Sharp stated, he is pleased with the progress and success of the Board.

7. **Closed Session:** Larry motioned to move into Closed Session to discuss Water Rights, Water Filtration RFP, and Personnel issues. The motion was seconded by Suzanne and support for this motion was unanimous. Suzanne motioned to move out of Closed Session and into Voting. Eileen seconded the motion and support for this motion was unanimous.

8. **Voting:**

- a. Appointment of Peter Keblish's replacement: *deferred to allow Carol Spiegel to respond to our questions in person at our next board meeting on May 20th.*
- b. Invoice Approval: Larry motioned to approve the invoices as amended including TCB Landscaping, HAL Engineering and Smith-Hartvigsen. Suzanne provided a second and approval was unanimous.
- c. Water Filtration vendor approval: Vince noted the Water Filtration Committee consists of Marla, Chris, Larry and Nathan and approvals are postponed.
- d. Snow Plow services vendor approval: Larry motioned to award Wolff Excavation a one-year snow removal contract as discussed. Suzanne provided a second and support was unanimous.

9. **Adjournment:** Larry motioned to adjourn at 8:16pm. Vince seconded the motion and approval was unanimous.