

## MINUTES

### WOLF CREEK WATER AND SEWER IMPROVEMENT DISTRICT

March 4, 2015

*In accordance with the requirements of Utah Code Annotated Section 52-4-7(1)(d), the District records in the minutes the names of all citizens who appear and speak at an open Board of Trustees Meeting and the substance "in brief" of their comments. Such statements may include opinion or purported facts. The District does not verify the accuracy or truth of any statement but includes it as part of the record pursuant to State Law.*

A regular meeting of the Board of Trustees of Wolf Creek Water and Sewer Improvement District (WCWSID) was held Wednesday, March 4, 2015 at the business offices located at 3632 N. Wolf Creek Dr., Eden, Utah 84310.

**Board Members Present:** Lowell Peterson, Larry McBride, Jim Halay, Miranda Menzies, Ed Adair

**Board Members Absent:**

**Others Present:** Rob Thomas, General Manager, Annette Ames, Controller/Recorder  
Adriane Bell – Attorney from Holland & Hart representing Nordic Valley Ski Area, Laurent Jouffray and Josh Richards from Nordic Valley Ski Area

The meeting was called to order at 8:05 a.m. by Lowell Peterson

### NEW BUSINESS

1. Larry McBride made a motion to accept the February 2, 2015 minutes; Miranda Menzies duly seconded the motion and it was unanimously approved.
2. Annette Ames presented financials for January and February 2015 and the Accounts Payable and Accounts Receivable for February 2015. Jim Halay made a motion to accept the January and February financials and the February 2015 A/P and A/R, Ed Adair duly seconded the motion and it was unanimously approved.
3. The Board continued discussion from the meeting held on March 3rd by Jody Williams from Holland & Hart and John Files. In attendance at that meeting were the other protestants involved in the Powder Mountain Well protest. The Board was opposed to having our consultants prepare a model and felt that spending district funds would be better served by preparing a rebuttal to Summit MHG if needed. Board members will work with the other protestants to write an op-ed report for the Ogden Examiner. The Board thanked Rob Thomas and Annette Ames for all that they do to keep the District running smoothly.
4. The Board discussed expansion of the District. Ed Adair would like to be totally clear on what the District's responsibilities would be. Lowell Peterson stated that the District would respond to the county when they ask us to supply a sewer line to Nordic Valley. Larry McBride stated that in all our future decisions regarding expansion, the District's prime responsibility is to its existing customers.

Rob Thomas reported that there is a big difference between impact fees and connection fees. We need an impact study for the new Nordic line. Nordic Valley Ski Area (NVSA) has agreed to pay for 50% of the study. Mr. Thomas asked who is responsible to pay for the other 50%. Mr. Thomas will set up a meeting with Weber County to analyze the situation. Miranda Menzies made a motion that the District put together an RFP for 3 bids for an impact engineering study, and get quotes to see the how much it would cost to complete this study. Mrs. Menzies thought the 50% cost should come out of the 10% non-refundable connection fee for 54 units that NVSA has already paid. Jim Halay duly seconded the motion and it was unanimously approved. Mr. Thomas inquired if the study should include the Powder Mountain line, Mrs. Menzies felt it should be for the NVSA only. The Board asked how impact fees would apply inside vs. outside current District boundaries.

5. At 9:30 a.m. the Nordic Valley Ski Area representatives arrived. Adriane Bell – Attorney from Holland & Hart representing Nordic Valley Ski Area, Laurent Jouffray and Josh Richards from Nordic Valley Ski Area. Ms. Bell is working with Rocky Mountain Power to gain an easement under the power lines that run between Liberty and the Wolf Creek Sewer Treatment Plant. The line would extend from NVSA down 3500 E (Nordic Valley Way) to the crossing of the powerlines over Rt 162. She presented the Board with an aerial photo showing the new line alignment proposal. Josh Richards stated that they are working with Weber County for financing through bonding and also looking for private funding on the project. He stated that a 12" line would begin from NVSA to a lift station at Rt 162 then change to a 4" or 6" pressure line from that point. He stated that both sized lines could be included for future growth while the trench was open. Rob Thomas stated that the District will need to work out the specifics about who owns the water after the sewage reached the treatment plant. Can our District actually own the line because there is the Nordic Valley Sewer District set up even though it does not function? Mr. Thomas will ask these questions when he meets with Weber County. Mr. Adair raised questions about the width of the easement under the powerlines for the necessary piping. There was agreement that the sewer lines must be 25 feet away from the Pacificorp powerlines.

Josh Richards inquired about a capital repayment structured plan. There are not enough homes along the new proposed line to help NVSA recoup the costs, so Mr. Richards asked if the District would consider giving connections to help cover the costs of the line.

6. Annette Ames presented the Board with an invoice from Wolf Creek Irrigation, she pointed out that the District did not pay the 2013 & 2014 payment for the convenience fee. Ed Adair made a motion for the District to pay the 2013 portion but should not pay the rest of the invoice. Jim Halay duly seconded the motion and it was unanimously approved. Larry McBride gave a copy of the draft Mutual Termination Agreement to Ed Adair and Lowell Peterson that would terminate the existing Convenience Agreement between Wolf Creek Irrigation Co. and the District. They will begin negotiations on the agreement at the next Wolf Creek Irrigation Company Annual Meeting on March 23<sup>rd</sup>.
7. Rob Thomas reported that Jim Riley, a water rights specialist, is working on changing the District water rights to municipal rights, giving the District more flexibility. Mr. Thomas would like to speak with Eden Water Works about a well that they are going to abandon, for possible use for irrigation. Mr. Thomas is also making inquiries about sites for additional and replacement storage, since some of the District tanks are getting old and are in poor condition.

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8. Annette Ames reported to the Board that the Rachel Nielsen Bankruptcy was dismissed, and the amount that was written off last July could be added back on to her account. The Board suggested that we make an offer to Ms. Nielsen on the empty lot. The Board would let her sign a promissory note for \$20,000 (a reduction of \$5,000) over a one year period with the stipulation that the ongoing charges be kept current. On the home she is living in having a past due balance of \$1600, the District will let her sign a promissory note for the balance over a one year period with the stipulation that the ongoing charges be kept current. This is consistent with offers made to other delinquent accounts.
9. Rob Thomas presented the Board with an agreement from the Summit Mountain Holdings Group. The Board once again stated that any agreement must be between Wolf Creek Water & Sewer Improvement District and Powder Mountain Water & Sewer District. The developer cannot make an agreement for their District. The Board felt the agreement was not accurate and very one sided. The Board concluded the eminent domain process on the treatment plant and ponds parcels is the best action to take.
10. Miranda Menzies stated that based on current snowpack it is going to be a very long dry summer and water will not be plentiful. Ms. Menzies made a motion that the District limit water for lawns/turf for the summer time if the District runs short of water and that the District should issue the requirements in the spring conservation letter. Mr. Adair amended the motion to extend it to all irrigation of landscaping. Jim Halay duly seconded the motion and it was unanimously approved.
11. Jim Halay reported to the Board that there is rental space available in the building next to Alpine Pizza. The board felt that our District office is acceptable at our present location.

There being no further business, Miranda Menzies moved to adjourn, the motion was duly seconded by Larry McBride and it was unanimously approved. The meeting adjourned at 12:07 p.m.

The next meeting of the Board is scheduled for Thursday, April 9, 2015 at 8:00 a.m. it will be held at the Main Office located at 3632 N. Wolf Creek Dr., Eden, UT.

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Secretary of the Meeting