1. Welcome and call meeting to order at 5:30 pm
   a. Review of June 15, 2020 meeting minutes: Suzanne and Scott noted there was an email regarding acceptance of the survey. Suzanne corrected the minutes to state the survey as completed by Shane Johanson is within two feet of the 1963 recording.
   b. Approval of minutes: Scott motioned to approve pending meeting minutes as amended by Suzanne which was seconded by Dinah. Approval was unanimous.

2. Public Comment:
   Nathan stated, the legislature approved revised public notice requirements for anchor locations culminating in a new electronic meeting requirement. In the past, if you are meeting electronically as a public body you must have an anchor location, a physical location, where members of the public can come and listen in on your meeting. The changes that just went into effect say that you don’t have to have an anchor meeting if the chair determines that doing so will threaten public health or safety. If they make that determination then they have to put it in writing, they have to read the statement at the during the meeting at some point and then include that statement in the notice for the meeting. He has included template language to include in future meeting notices. He is aware some of the staff meet in the office to hold these meetings but he advises staff not offer an anchor location due pandemic concerns because your office is too small to properly social distance and would limit attendance. We can’t say that only three people can attend therefore you should not have an anchor location at all.
   Suzanne read the new Electronic Meeting Written Determination aloud warranting the board to convene and conduct an electronic meeting on July 20, 2020 without an anchor location.
   • Kayla Pelegrin (SL-I-2-33): She requested the status of East Earl Street. She doesn’t know if Summit County has released the bond to Woodside Homes but as far as she understands Woodside has completed their obligation and it does have roto mill. There has been a lot of feedback from owners asking if and when it will be finished with a chip seal per discussions they have had with Chris Bullock in the past. Is this a topic of discussion and if it is likely the chip seal will be completed by the end of 2020?
   Suzanne replied it is unlikely Earl St will be changed from its current state because we don’t have the budget for it. The only way that will change is if we create a bond to get additional funding or find a way to partner with Summit County. For 2020 we are not planning to spend any capital due to the fact that there are potential budget constraints due to reduced road taxes. Our budget of $80k must cover pothole repair and other types of maintenance.
   Gary asked what is the length of the road under discussion? Chris stated it is 4,058 feet. Suzanne added, for the County to consider it complete, it wasn’t wide enough, so they had to re-grade and lower and add a gravel surface. Gary asked what was supposed to be the desired surface treatment? Suzanne replied, the community would like a surface that doesn’t rut and isn’t messy which would mean an asphalt surface. Gary replied he estimates a cost of
Suzanne stated she knows Earl St is not in a desirable condition and that is why SCSA3 has hired Gary to work with the County to get our roads improved. It will probably be 2021 before we see Earl St improved.

Kayla stated their goal is less about asphalt. There are several owners on Earl St that have yet to build and will need to connect to the road. She believes the community is asking for a chip seal or oil finish to help harden the loose gravel. She was under the impression the cost would be much much lower to pour oil. Community members were frustrated this past winter about the condition of the road, and they would like to avoid that happening again. Gary replied, if we want to apply oil to bind the roto mill tailings, that is similar to a slurry seal. A mile of that would cost about $25k. Suzanne replied we will add your request to our list of considerations in our maintenance process.

Suzanne continued, everyone is keenly aware we don’t have enough money in capital or maintenance, so we have got to come up with a different solution. Leaving our roads as they are is not meeting everybody’s expectations.

3. LTAP Presentation: Chris stated LTAP has finished their review of the roads and in the board packet is Appendix H of the final report which is their recommended program for fund allocations over five years. Gary Horton (staff subcontractor for engineering services) stated, the LTAP evaluators were a little too kind regarding the level of service, the level of performance of our roads and the service life left in them. In Gary’s opinion, they are overly optimistic about the available service life remaining in our roads. Gary reported he reached out to Summit County. Every year Summit County goes out to bid for road maintenance. He analyzed Summit County’s information together with LTAP and has developed some suggestions. There are benefits of tapping into Summit County. Gary recommended a paving option called the slurry seal. Slurry seal allows storm water that falls on the roadways to ‘sheet-flow’ off the road and not penetrate below the asphalt which is a major problem within Silver Creek. He would like to piggy-back onto Summit County. They paid $1.70 per square yard whereas other nearby projects paid $3.40 per square yard which Gary expects SCSA3 will have to pay if we bid it separately. Gary will reach out to Summit County to see if piggybacking is possible and if their contractor would be willing to cooperate. That would be preferred over taking the funds available and applying as much as we can on the areas in need as noted in LTAP. He also recommended, as reported in LTAP, start with ?? (garbled) on the minor collector roadways and then hit the residential roadways due to the number of vehicles that are the road. Take the money as far as it will go.

Suzanne asked, based on what is in the LTAP is there a way you can estimate the amount of money needed to apply this slurry seal approach? Gary replied the average calculated cost to slurry seal one mile of roadway is $20k plus mobilization and traffic control which is roughly $5k. We are looking at around $25k to get one mile of road slurry sealed. Next, he recommended that he and Chris identify locations within SCSA3 that would most benefit from this application. We also want to identify those areas that would benefit from crack-sealing beforehand. If there are significant cracks, we generally try to crack-seal those and then apply slurry seal. We can crack-seal other roads depending upon how far the money runs.

Suzanne asked, how does that compare to roto milling? Gary replied you cannot place roto mill tailings on an asphalt road. They will just wash away. Roto mill tailings are great where we aren’t paved. Adding tailings to dirt roads is a good start in preparing a road or to slowly turn it into an asphalt road. Typically, roto mill tailings are suggested in the situation where you roto mill and remove a portion of it and then come back in with new asphalt over the top. Gary called it “roto mill and overlay”. For SCSA3 roads, wherever we can get roto mill tailings he would apply it to dirt roads because it is easier to maintain then dirt roads. Sometimes they take it back to their pavement operations to reuse in their next project. It is very much dependent upon finding contractors who are willing to give tailings to us.

Suzanne stated on Oakridge North and South we put down roto mill about two years ago, but we didn’t get a good amount of oil mixed in. In those places would it make sense to apply another layer of roto mill? Gary replied, no not really. Once again, if there is a hard surface, even it is not a great wearing surface like asphalt – and Gary lives on Oakridge South - tailings would not stay on top of the road such as Oakridge. Suzanne asked, they won’t bind? Gary replied, no. Gary recommended, if we get roto mill tailings, their application would be appropriate on dirt roads that are not steep. It would save on maintenance in those areas and it will provide a better riding surface than what is there today. Suzanne directed Shiona to make this an action item and create a cost analysis to compare roto mill tailing application with grading/mag chloride treatment in the event roto mill becomes available. This is a pretty controversial discussion. Some people feel it doesn’t matter what the cost is – they don’t want to see anymore dirt.
roads turned to asphalt so we want to ensure, before we make those recommendations, that we understand the cost and talk with the residents in that area.

Gary stated his recommendations will be based upon the least amount of cost to maintain the roads over the long haul. He will not factor in public opinion. He will provide technical information. Suzanne stated her only concern is when she sees $25k per mile to do slurry seal that means we can do three miles of road which isn’t a lot.

Scott asked is slurry seal just a seal without thickness that doesn’t patch up potholes correct? Gary replied correct. Scott continued, Appendix H of the LTAP Report, has a lot of terms he is unsure of. Do we need those defined? Gary replied that is a good question. He would like LTAP to provide definitions to accompany their report. Gary can provide a tentative interpretation. Hot slurry (garbled) is placing a new layer of asphalt on it. Scott stated it seems they list more inventory than what really exists. Chris replied the LTAP inventory lists the ID number, road name and from/to address numbers. Maple Circle, where Long Rifle and Maple meet, is an actual circle that is not asphalted but is roto milled. The report has nuances but there are no made-up roads except for Meier Dr which Chris has requested they remove. Chris stated he would forward to Scott the map which breakdowns each of those sections. For example, Maple Dr is cut into three sections. The TAMS Program is on Chris’ computer which contains the map.

Suzanne cited some of the terms: crack seal, cold patch, dig out and hot patch, high performance cold patch, fog coat, high mineral asphalt emulsion, sand seal, scrub seal, single chip seal, and slurry seal. Gary speculates it is for all those road areas that are defined in Table H. The 8.63 for ‘hot surface recycling’ math doesn’t work. He will follow-up with LTAP on definitions. He speculates ‘hot surface recycling’ means a new layer of asphalt which is much more expensive than our budget allows. On the next sheet it says Year One $155k but he is not sure the number is accurate. Scott stated that is his question too. It indicates we would spend almost $300k every year. Suzanne asked, does that cover all of our roads? Gary replied, no. He stated he will mark-up the LTAP report with his comments and requested Chris forward it to LTAP for their clarification. Suzanne added LTAP should ensure every road is addressed whether it is maintaining the gravel or repairing roads. Not every road is covered. Gary asked, do you want to see every road covered from a maintenance standpoint? Suzanne replied, yes.

Gary asked Chris the amount of the maintenance budget. Chris replied, maintenance and capital together is about $220k. Gary asked if that is the number the board wants to maintain. Suzanne replied, we are trying to determine if there is some maintenance, we can do this year. We have discussed using the capital budget for future years to finance a bond. If we are going to finance a bond, is that bond going to be enough to cover all of our roads. Does that make sense? Gary replied, it does. What is the maintenance budget excluding the capital budget? Chris replied looking at the whiteboard and subtracting the $120k capital listed leaves about $80-85k.

Suzanne asked, how do we arrange the bond so our roads can be improved. Knowing we have $90k each year for maintenance how do we keep them improved? Or, does the math just not work? Gary replied the math won’t work. $90k per year will not maintain 27 miles of road. Are there priorities? You mentioned you want to see a maintenance estimate on every road. We are working with $3k per road ignoring their length for the moment. $3k per road allows for just patching and it won’t cover all of them. Suzanne replied if we don’t have the funding based upon the dollars coming back to us from the County, then we need to sit down with the County because the County has assigned us the responsibility for roads and water. We are now in a situation where we cannot maintain the roads. How can we partner and work together to get this in a better state? Gary replied yes, we can have that conversation. He affirmed our roads will not improve in the long run for $90k per year and they will continue to get worse.

Suzanne stated we want to meet with the County knowing the amount of money we need. We can let them know we are willing to do a bond to get everything up to speed but we need their help with maintenance going forward. She wants feedback on how to create that partnership discussion with the County. Gary replied okay; that makes sense.

   a. Board Appointment Interviews: Suzanne thanked Henry for showing interest in board membership. The next step is to set up a time with a few of the board members to go through some of the suggested interview
questions and then we can have a good discussion. After you have had a chance to participate in a board meeting and understand the roles and responsibilities then we can make a decision on whether or not it’s a match. Henry replied that sounds great. Suzanne stated the other candidate is Paul Kraus who has not joined the meeting. She will coordinate with Shiona to identify a time to speak with these two candidates.

Suzanne stated she looks forward to getting good representation from lower residents with the addition of Henry and Paul which will provide a well-rounded discussion of community needs. Scott asked do we have to have a certain number of upper and lower board members? Suzanne replied we need four lower and three upper representatives, and our two open positions are for lower candidates only.

Scott asked if we need to edit the draft resolutions. Nathan replied these are just drafts to appoint the people you choose to the board. That is why there are a number of question marks in there. When you choose the people you want on the board you will name them and then you will need to elect a clerk and a treasurer. Scott pointed out that Vince was not included in the voting section. Nathan replied this is just a draft based upon an earlier template and Vince will be added. Suzanne stated this will be added to the next board meeting agenda.

b. Draft Board Banking Resolution: Shiona stated this is the current information as she knows it. PTIF means Public Treasurer’s Investment Fund. Scott asked where does this data come from for the dashboard? Shiona replied we get this information from the statements online.

Suzanne asked Nathan, when we are in the process of selecting new board members how do we ensure we have the right amounts in payroll and checking account? Nathan restated the question: you are going to have two new board members, most likely added at the August meeting correct? So, the question is what do now with your accounts until then? Suzanne replied correct. Nathan asked does the board get compensated? Suzanne replied no. Nathan stated you have a quorum right now. You don’t need the two extra board members to vote. Is the concern about voting now before the rest of the board is complete? Suzanne replied Scott’s willing to be the Board Treasurer but then there is no one willing to be the Board Clerk. Scott stated he is doing both positions. Nathan replied one person shouldn’t be doing both. He said the Board must select someone on an interim basis to act as the Treasurer. Scott replied, if we need it done, is it okay if the Board approves “do it for now” because we need to get it done? He has access to view online banking but also authority the has been doing the Treasurer role successfully with the advice and support of the General Manager and Bookkeeper. He runs the payroll numbers, approves it and currently he co-signs checks.

Nathan replied if we run everything by the Board and the Board approves it and authorizes everything, we should be fine. As long as we are counter-signing the checks. It could become an issue in purchasing policy that don’t require Board approval because technically the Treasurer prepares the stuff and reports. He recommended at a minimum, if you don’t have someone who is willing to serve as Treasurer on a permanent or interim basis, we have the Board approve and authorize the Clerk to take certain actions. The Board could collectively act as the Treasurer. Maybe we could authorize Shiona in a temporary capacity to fulfill some of this stuff. Suzanne asked Scott, do we have a current recommendation regarding the need to move funds we should discuss with the Board today? Scott replied we are considering $15k total so we will need $7.5k from roads and $7.5k from the water account (2029 and 2037 accounts) each should transfer those amounts to payroll (1278 account). He could do so tomorrow if it were approved today.

Suzanne motioned to move $7.5k from Accounts 2029 and 2037 to Account 1278 which was seconded by Dinah. Scott and Dinah approved then Nathan interrupted. Hally and Suzanne votes not recorded.

Nathan stated the Clerk and Treasurer positions cannot be performed by the same person. What do you need more now, a Clerk or a Treasurer? Scott asked, is transferring money really a Treasurer function as opposed to paying bills? Nathan replied he thinks so. Bill paying is the responsibility of the purchasing agent which is your General Manager. The Treasurer’s duties are to hold and maintain the funds collected by the Service Area and cited “all matters relating to funds in anyway involving the Service Area”. The Treasurer’s responsibilities are pretty broad and covers, for the most part, all the funding. He is not suggesting that Scott is functioning as the
Treasurer; the Board is collectively making the decision in authorizing people to perform certain things. Who are signers on the account right now? Scott replied himself, Hally and Suzanne.

Nathan asked if Shiona is authorized to access accounts? Because the easier thing rather than authorizing Scott and running into this problem with merging Treasurer/Clerk roles which is statutory, not just in our rules, is to have Shiona make the transfers. Suzanne replied Shiona does not yet have that authorization. Our Wells Fargo account representative told us the account executive role will require Marla’s presence to change. Nathan asked can we authorize another signer on the account that is not Scott to make these transfers? Scott asked if the signer is necessary? It is an online function. A signer is not the same thing as somebody who can perform an online transfer. Suzanne stated, based upon the discussion we had at Wells Fargo, Scott is the only one authorized. Nathan replied there is a provision in your rules that say “carry out any other official duties as directed by the Board” so it looks like we are stuck. Suzanne agreed, for this month we are stuck. It is a short-term issue.

Dinah stated if someone could tell her how to do it, she would like to help. Suzanne replied Dinah you could be the Clerk and Scott could be the Treasurer. She proposed a conference call for herself, Dinah and Scott to discuss that option. Scott suggested one or both of our new Board candidates might be options. His expertise for accounting is that he is married to an accountant otherwise he would rather avoid it.

Suzanne stated the Board has agreed to move money into the payroll account. We will complete our interviews so we will move as quickly as we can to get people into the right roles. We may need to bring in previous treasurers to help with the training. Luckily both Larry and Bob are still in the community and can help with the training process. Nathan replied the most immediate need is to get Shiona set up so she can do this stuff too. Hopefully you will be able to get this sorted out at your next meeting. At least if Shiona’s authority is arranged the Board can direct her to do this. Suzanne replied this is an action item. Scott should contact our account representative at Wells Fargo to set this up.

c. SCSA#3 financial and dashboard review: as noted above.

d. Invoice review and approval: Suzanne noted the Hansen, Alan and Luce invoice regarding the Silver Bullet tank, the concurrency submittal and resident applications. The next one is general support along with discussion for AdEdge which is the arsenic treatment company. Then we have TCB Landscaping. Scott asked Shiona if she was trained on (reviewing invoices)? He was curious about why that TCB invoice was flagged. Larry was very eagle-eyed and would pick stuff up. The future Treasurer needs to understand how to review invoices. Shiona replied with this particular one Bob was wondering if we should be charging Mountain Life Church for the discussions with TCB. They decided that because the discussion was on the behalf of the Service Area, the Service Area should pay for them. Suzanne continue to scroll through invoices and asked if there were any questions. Scott stated he will go in tomorrow in order to check the list of approvals and chat about the check signatures as well. Scot motioned to approve the invoices as presented in the board packet which was seconded by Dinah. Approval was unanimous.

e. Adopted Tax Rate: Shiona stated she discussed this with Bob. She submitted the documents to the auditor who approved it. We have the increase. Suzanne asked, will this be what we receive at the end of the year? Scott asked, is this revenue from property tax not road revenue? Suzanne replied, correct. Scott asked if the total revenue number is what we will get for 2021 budget? It does not show the before and after-tax rate. It would be good to know what the increase is from the previous year to this year when we get to the budget. Suzanne found the document and posted it on the screen. The number is $430,817 so you can see that is what we had before. We expect to see a reduction in Class B Road Funds.

Suzanne suggested to Shiona, if there is a way to reach out to the County or the State to understand what amount of Class B Road Funds we can expect. That will help us make decisions on the capital and the budget that we can work on with Chris and Gary. Shiona agreed.
f. GIS Staff Report, Discussion and Decision: Shiona stated this is a proposal for a GIS subscription for the Service Area. It is critical for our functioning. It is a surprise that we don’t own our own road and water data. This is a license that will allow our road and water operator to go into the field and create data and to keep track of it. It will be used to draw parcels and even the LTAP data can be uploaded. It provides a lot of necessary functionality. It is strange for a utility service area not to have any spatial data of their work such as well, hydrant and culinary line locations. The cost for a license is over $2,000 for the actual software plus additional per account.

Scott stated he worked five years for a company that used Arc GIS software for water utilities. GIS is what government agencies do to have layers that show roads, pipes, valves, meters etc. It does seem like something our Service Area needs. The County has GIS for parcels and property taxes. Since we are part of the County can we save money by tapping into their system and add our layers? Shiona replied, potentially. ESRI has changed their licensing. They might have to pay to give us access and for Shiona to have her own account. Otherwise, you would be paying the County for this access and information and we wouldn’t have it in our hand. Either way we are paying for us to have our own GIS. They have changed how their licensing works.

Suzanne said we need to make sure we know the cost so please get that. If it fits within the budget, what would be the next steps for getting all this set-up? Shiona replied she would reach out to our rep and it is really simple. She would download it with a specific key onto the General Manager’s computer. She would have access to online applications. Scott asked we would be hosting our own data instead of hosting a web-based or cloud-based data system? And you think it would be best to be on the General Manager’s computer? Shiona replied the purpose of having it on the General Manager’s computer is so you can maintain the data. It actually will be hosted online and downloaded as needed. This is because we wouldn’t have an Enterprise System which federates their servers. The General Manager would have the data, which is potentially sensitive. Contractors can access water and road data, but we don’t want them to have access to all the data. It should be on the General Manager’s computer for data security.

5. Road and Trail (motion/voting):

a. Trail Update: Shiona stated regarding Dinah’s email the safety of equestrians within Lewis Park. She didn’t find it promoted anywhere by of the groups such as Mountain Trails Foundation or Basin Recreation. Dirt roads are highlighted on Mountain Trails Interactive Map. As to making it exclusive to equestrians, she wants to speak with Mountain Trails Foundation to see if they have any suggestions as well as determine the limitations due to it being a public area. She wants to talk with Nathan more about this. She observed trail mountain bike riders must follow the ROW. They are supposed to pull over. As to making it equestrian only, she wants to find a way to work with Mountain Trails Foundation. She also wants to determine the maintenance that would be required if it became equestrian only.

Dinah stated Bob was under the impression the the residents owned Lewis Park and that we are the group that can make that decision. We used to ride our horses in Round Valley. Many of those trails are mountain bike only and we avoid riding in Round Valley now. She realizes we don’t have a very big problem here, but she drives by Lewis Park every day. Today, when she parked there to ride her mountain bike, a truck pulled up and unloaded four mountain bikes and riders who probably don’t live here. The more the trail is accessible, and word gets out, the more it’s going to get used. It’s going to get worse and worse. She is concerned about it. There is not one trail in Park City or any of the neighborhoods that has just one trail for horses. People moved to Silver Creek for their horses. She is not aware of anyone who moved here for great mountain biking. Do we own Lewis Park?

Nathan replied this was subject to litigation in the past, correct? And some type of settlement agreement was reached in which the park was deeded over to the Service Area. Is that correct? Suzanne replied that is correct. Nathan stated his understanding is the Service Area is a political subdivision of the State and Lewis Park has been a public park open to all members of the public correct? It is not a private asset anymore. We need to look at the conditions of the deed. The difference is, if we were an HOA which Silver Creek was intended to be, then it would be pretty easy for us to designate the trail for a particular use. The fact that we are a public body with a piece of land that’s been deeded to us for public use – he must review the deed.
Nathan asked Dinah, is the place you are talking about designated for mountain bikes only on public land? Dinah replied it is not mountain bike only, but they have turned a lot of trails into mountain bike downhill only, no horses and it’s in Round Valley. Nathan asked is that a public place? Dinah replied yes. There are so many bikers over there, there is no way in the world you would want to ride a horse and feel safe. Suzanne added, it is part of Basin Rec, so it is part of Summit County. Dinah added she hikes there all the time. Everywhere here is all about bikes, let’s promote the bikes. She would like to have one place that is safe for my grandkids to ride a horse. Her granddaughter broke her collar bone two years ago because a bike came upon us and scared the horse. Her husband went straight up in the air and landed on his face because of a bike. She has seen an increase in bikes in the area, of bikers coming over in their cars and getting out and riding up the trail. She is passionate about this because there is nowhere to go unless you want to drive to outside the area. She lives right on the trail where she can get on.

Suzanne replied Dinah you raise a really good point. There are many ways to look at this. Because we have such tight trails through Lewis Park, the speed at which a mountain biker comes downhill is going to create situations where they are going to be blind to a horse or even someone walking a dog. Dinah agreed. Suzanne stated a mountain biker coming downhill is going to go 20 miles per hour and due to the nature to the trails the riders must keep their heads down to make sure they don’t fall. The topography of the Lewis Park trails, the tightness of it, unless we want to clear out a bunch of brush. Dinah replied that would defeat the whole purpose of Lewis Park. That would be catering to the bikes. If the horses have seen a bike 15 times, the next time they see it, it is brand new. They don’t remember. Suzanne added they do the same thing with people.

Nathan stated he is looking at the deed right now. It says “the granting and acceptance of this deed in the recordation thereof, restricts the property in perpetuity for use as a public park and open space”. There have been plenty of public trails that have been restricted such as “no motorized vehicles”. We can certainly look into it. He doesn’t think anyone would dispute your right to restrict your trails from motorbikes. If you are restricting it to horses only, that is the thing that sticks out. He is not aware of any trails that exclude, for example, hiking. Dinah and Suzanne replied just exclude mountain bikers. Dinah added she loves the hikers. Nathan replied he is willing to look into the law behind that and report back at the next meeting. Dinah replied she would appreciate that.

Shiona stated that is why she wants to work with Mountain Trails or Basin Rec because they are promoting trails and they do have hiking only trails. When mountain bikers are looking at trail websites, we want them to see that mountain bikers are not welcome in Lewis Park. Right now, you can go on Google Earth and see this dirt road that says Cottonwood Tr and they come to our trails based upon their own research.

Suzanne directed Shiona to reach out to Basin Rec for a discussion and Nathan will do legal research to ensure we aren’t violating any laws or requirements. Nathan replied his guess is that you can do it because the Service Area has the authority to manage these public assets. If you feel it is unsafe to have bikers on the trails with horses, then it is probably within your purview. Keep in mind, as a Local District, you don’t have police power which means you don’t have the authority to cite or fine people if bikers do use these trails. He would like to know, and asked Shiona to ask Basin Rec, what do they do, on land they control, to enforce restrictions.

Dinah stated if we put signs up now discouraging bike use, in five years it’s not going to be so much of a problem. She has talked to Chris Robinson about it many years in a row and he tells me talk to the Service Area. Suzanne replied it is a safety issue for everyone. It is the nature of how tight these trails are with the brush and the overgrowth. It is an aspect of the area that we want to keep. She doesn’t want to cut brush out. Dinah stated it is unique the way it is now, and she would like to keep it that way.

Scott stated electric bikes are also becoming a problem. They are trying to exclude electric bikes from mountain bike trails. Dinah added most trailheads such as Sun Peak, Round Valley and Deer Valley have notices posted banning electric bikes. Scott added we have really good mountain bike trails in the Glenwild loop and the Cobblestone Loop. Dinah added we used to be able to ride our horses on 347 and Scott added you can’t do that
now. They have turned into mountain bike trails. He does both types of biking. Lewis Park is not a great mountain bike place so it would be great to restrict it to hikers and horses.

**Nathan stated all we need to have is a sufficient basis.** In the past discussions have centered on restricting the park to Silver Creek residents only which is precluded by the conditions of your deed and the nature of the Service Area as a public entity because it is a public park. He thinks you can impose restrictions on how the trails are used for public safety purposes just as long it doesn’t appear like discrimination as in ‘we don’t like these people and we don’t want them here’. That would be a problem. **If you have a legitimate reason like these trails aren’t suitable for this use, then he thinks you probably can.** Dinah stated she would appreciate anything the Service Area can do. Nathan added he will wait to hear the results of Shiona’s research and then look into it based on what she finds out. Suzanne stated things that surprise horses, spook them and the speed at which mountain bikers come through the trails is the challenge.

Chris stated culvert extensions are going on Maple Dr. All the rails for that project have been delivered and placed at the well house. Installation will occur in the next few weeks. Shiona stated there is a quote from TCB about clearing out the fuels in Lewis Park. She discussed this with Marla. Because the conservation effort was not finished last year, they were told they wouldn’t be able to come back so she solicited a bid from TCB’s team. Suzanne asked, who made the decision that because they didn’t finish the work they couldn’t come back? Shiona replied Marla. **We could potentially work with Volunteer Day to have volunteers pull out the litter.** Suzanne agreed. This is about what we paid last year for the gr...
right now which was the challenge last year with the volunteer team. The ground is bone dry. We will be more effective if it’s not so hot. Dinah added September is not as hot.

Scott asked are we thinking of doing a single weekend or multiple weekends? He is aware that his wife and others would like to volunteer to host a BBQ in order to promote participation. We could have it in the parking lot. It would make it a more attractive event. Suzanne replied a multiple weekend approach is a better way to get more engagement. We are open to anything we can do to help promote it. As Hally said, if we are going to do it, we really need to plan for it because we don’t want to have people volunteer their time and not have things well organized. We also don’t want to have pet projects dominate the schedule. It may change some of our projects and our prioritization because depending on who is willing to volunteer, resources may change how we engage with people. If we have a good list and the Board has had the opportunity to think through it, we will end up with a positive outcome. By setting this up for September, perhaps we have another one in May and then another one in September. There are some things that are hard to do in Lewis Park right now because the ground is so dry. A workday in the Spring right after the spring run-off will allow us to do something different. Suzanne will schedule a meeting appointment with Shiona.

Scott stated a dog was killed by a car. Also, someone said they were riding a bike and got hit. Speeding is still a pretty big issue in our neighborhood. We need an area-wide speed control discussion. He is anti-speed bump. They only slow you down momentarily and then people speed up even more after the bump. He is aware the Service Area has budget constraints. He wonders if we should have more stop signs. He saw somebody driving about 60-mp in a 25-mp zone on Redden. The veered onto the shoulder. We really do have a problem. We need to discuss speeding and what the solutions are. We need to ask the Sheriff, we need speed traps or speed guns. Maybe the Sheriff needs to be more visible. People think there is no chance to get a ticket, especially if they aren’t on Silver Creek Rd.

Dinah stated most likely some of us know some of the speeders. She knows two people who fly down Silver Creek Rd. We have asked them to slow down. She wondered if we can confront people. Suzanne stated Summit County Sheriff had a speed monitor stationed near Oakridge Rd. It was up for three days and then one morning the Sheriff actually sat there. They are listening to us. She agreed with Scott; we should not be silent. We need to call SC enforcement and let them know what we are observing and when which will help the Sheriff resolve it. Dinah added a Sheriff has been stationed at the bottom of Lewis Park two or three days the last two weeks. This was to capture speeders coming up from the Westwood Cul-de-sac.

Suzanne stated she agreed with Scott and she, Scott, Chris and Gary should work together on traffic calming measurers. Chris agreed.

6. **Water (motion/voting)**
   a. **Layton Tree Farm CUP update**: Chris reported he installed a water meter on the Layton Tree Farm well. In ten days of meter operation he has used over 10k gallons of water which is trending high as we expected. Scott asked what is our allocation per month? Suzanne replied 1.0-acre-foot per year is 20k-30k gallons per month. Dinah asked what do we about that? Suzanne replied, if he goes over, we are not the enforcement agency. We can talk about that in the metering discussion. Nathan and Chris agreed.

b. **Review of water-related charges**: Suzanne stated this refers to a discussion about whether standby fees should be charged standby fees to certain lots that are considered dry lots for the Silver Creek Estates water shares. Should we be charging dry lots standby fees versus those that do share in our water rights?

Nathan stated right now the Service Area charges two standby fees. One is for vacant lots in the Service Area that will ultimately be developed and are entitled to receive water from the Service Area. The argument there is the Service Area is maintaining this system so that whenever they connect there will be water available. There are costs in maintaining that system for those properties because they are entitled to receive water from us, they get the benefit of the fire hydrant and that is why they are charged standby fees. The other lots that you charge standby fees to are lots that have a private well and are drawing water based upon the Service Area water rights.
There are a couple that are not using Service Area water rights. They are (an improved property) using their own water right. The benefit, and the reasoning behind this one, is that now that these properties are developed – we incur a fair amount of cost maintaining the system and providing water so that there is fire flow in case there is a fire that is going to damage their property and so firefighters need to use the system. That is a cost that we incur whether they are entitled to receive water to us or not.

Nathan continued, his understanding is that there is a third category of land that is adjacent to the line and those are vacant lots that are not entitled to receive water from the Service Area and the question is whether we need to impose a new standby fee on those lots. **In his opinion this is the Board’s call.** Standby fees are always controversial, and they are particularly controversial when you are creating them and imposing them on new properties. Most of the time when his firm has been fighting or litigating over standby fees is when their clients have tried to impose a standby fee on a vacant lot. That concern is heightened here because that would be imposing standby fees on vacant lots that are not entitled to get water from the Service Area. **In his opinion, you do have the legal ability to do that.** His question is, is it worth it because his guess is that someone is going to fight you over it.

In his opinion, if there are vacant lots which are not developed and they are not entitled to water service from the Service Area, they are really not getting much value from us. The cost associated with imposing such a fee would greatly exceed the amount of money we would actually get from it, at least for a very long time. **The other aspect to think about is, he is very concerned about giving people the impression that they are entitled to water service from the Service Area when they are not.** We have had those issues arise at least twice within the last year. We have had commercial developers come in and say we have been paying taxes which they interpreted as standby fees. We had to correct them that they have just been paying property tax which covers the road tax. On one of those lots we were able to say we have never charged you any standby fees and you have never paid any money into our system so you are not entitled to water service from us. They backed off on that. The other one we made them dedicate the water over.

We need to be careful if we are going to start imposing fees on lots that are dry, and aren’t going to get water, about potentially creating an expectation. Legally, we have the ability to charge a standby fee. The question is, is it going to be worth it because whatever you are going to be able charge for these lots is it really going to provide all that much money and he guaranteed that someone will fight it.

Scott stated Eileen and Bob started a process concerning lots that are considered to have a water right within Silver Creek’s pool. There is some documentation that they are trying to understand. **We may have to discuss this more at the next meeting when Eileen is here.**

Suzanne replied she agreed. She stated what Nathan is trying to present, if we can agree on this approach, is that we are trying to update our water policy and this needs to be a piece of it. We have been putting that off. We are probably ready to discuss this at our next meeting and figure out how we finish that discussion.

Nathan stated he is circulated a draft water policy with his changes a couple of time. Has everyone had a chance to look at those? He will circulate them again, but he needs feedback from the Board on what you want to do. The greatest potential for conflict is future commercial development. We do have a process in place. If someone is trying to develop a residential lot and has been paying standby fees our policy prohibits us from providing any water for a commercial development unless they dedicate it. What happens if they have been planning to build a house, but it is in an area that is also zoned commercially and they want to put a business on it. Do we say no? It’s for a commercial use so you have to dedicate 100% of the water over even when they have an allotment. Those are the types of things that we need to think about with the commercial side of things. Right now, our process is case specific. We are still always going to have to do that, but he would like to have at least some consistency on the rates that we are charging commercial entities. Part of why we put this off was to have the rate study finished to then determine how we want to handle the changes to the policy. **Suzanne stated she would send out a reminder on the water policy so we can get that moving forward.**
c. Plan for rate analysis and recommendations: Suzanne asked if Shiona has reviewed this or is this just to refresh everybody? Shiona replied yes to both. She and Chris reviewed it, broke it down and looked at the different scenarios. She recalled Chris preferred Scenarios #5 and #6. We are not bringing in sufficient money to cover the costs of service such as maintaining and replacing infrastructure. The other scenarios help us so that we can have sufficient funding to maintain and replace. Suzanne asked are we ready for a recommendation or do we need to do a little more analysis on cost such as support for existing infrastructure versus investments for the water tank and the new filtration. What is our next step?

Suzanne suggested Staff lay out an analysis or argument for the preferred scenarios and the Board should think about it. She will meet with Chris and Shiona to create a staff report that ranks the scenarios and their pros and cons for the Board to review to help pick a path forward. Chris agreed.

d. Metering Letter Discussion and Decision: Nathan presented a template letter. He reminded the Board that his predecessor sent a letter to residents instructing them that they need to install meters to comply with State law. This letter is primarily targeted to folks who own private individual wells and it is intended to educate them on a couple of things. One of the things he believes we need to educate them with, and this will require a little bit of work on our end, is that they are in fact using Service Area water rights rather than their own water rights. Because of that, this letter is structured in such a way so that we will include the applicable water right information so that we can show them that we own it, they are using it and therefore we have the ability to impose certain requirements on them. Nathan’s argument with the metering letter is that we send it to the property owner, we say you are using our water and under State law and our regulations you must have a meter. If you don’t meter it within a certain period of time, and we should specify a date, then we will revoke your ability to use the well. There is not a whole lot we can do about that but we can notify the State Engineer and we can file a notice with the County Recorder’s office so when they go to sell the property someone is going to see that in the title history that they don’t have a legal right to use our water. He is hopeful that will get the attention of most of the property owners.

Nathan continued, the challenge is that because we don’t have police power, he doesn’t think we can go onto people’s property to install the meter ourselves without their permission. Our strategy is to use this approach, using Service Area letterhead with Shiona’s signature. We have been waiting for Shiona to get on board to do this. We wanted to avoid a situation where people can say they were working with Bob and Bob told them they could do X-Y-and-Z. We wanted to have continuity in terms of who does the communication. Ideally, once the meters are installed, we will be in a better position to enforce overuse. Then he believes we have the ability to impose a fine or a fee for that overuse. Calculating what that should be is another discussion.

Nathan stated, usually when water providers charge fees for overuse it is for properties connected to their system. Here it is for their own well. It is probably going to be fairly controversial, but his opinion is the Service Area must do this otherwise people are going to greatly exceed your water rights. That could create issues down the road although the State Engineer has not done much anywhere in the State on enforcing groundwater rights. We are short in this area and the challenge for the Service Area is if someone were to accuse one of these well owners of overusing their rights they may loop the Service Area into that mess by saying technically they are the Service Area rights so you need to enforce them. We want to avoid that type of situation by getting the meters installed which is the point of the letter and then also by coming up with some other mechanisms in our regulations to deal with people who do not stay within their allocation.

Nathan stated he has sent Shiona all the information on the three water rights that provide all the water to these wells. Nathan presented several documents on the shared screen including the State law that would be included in the letter, one of the applications the Service Area filed which, though not included in the letter, would be used to find the right well. Each one of these wells as a lot associated with it. Nathan presented the State Engineer’s printout for E-2451 which includes in it each lot number. For people that are getting water from this water right we would send them this printout highlighting the section where their lot is indicated. For example, Lot 148 doesn’t have a well. We would send them a letter referring them to the attached document and we
would highlight this section. E-2451 is the easiest of the three rights. The other two would require a review of the memorandum decision which is also presented. E-2451 has about 100 wells on it.

Nathan stated for the other two water rights we don’t have a pretty printout. The State Engineer, on his website, did not include which wells are associated with each lot. The decision in the second paragraph lists all the individual wells. Shiona will need to refer to the first document that broke out the wells. She will need to find the legal description and attach it and highlight each of these. We should include some water right information from the State Engineer showing their property is indeed subject to our water rights, a letter, a timeline and any specific well meter requirements which we do. The template has space for that.

Nathan continued, the Service Area has the authority under your current policy to send these letters out now. He would like to improve the policy to make some of these things more specific, but you do have broad authority right now to issue this letter. Nathan stated the main thing we want is for them to engage with us on this matter. They can ask for more time or more help. We just want to get a response that they have acknowledged this. Chris replied, we have a long list of people who have paid the deposit and they still haven’t put a meter in.

Nathan asked, how many holdouts do we have? Suzanne stated, 128 plus 33 properties = 161 wells need to have meters installed. Nathan replied that is a lot more than he thought. Chris added when the letter went out in 2016 there was a big push. We also ask for the work to done at the time the property transfers ownership. Only a handful comply. We need to raise the well meter deposit collected during the transfer of ownership. Suzanne agreed. Chris stated the deposit doesn’t actually cover the cost of installation (background noise). We should raise the deposit required in order to incentivize property owners to complete the installation and get the deposit refunded to them. He suggested $5k instead of $2.5k.

Nathan stated we need to hold a hearing if we are going to do anything with fees. Does it make sense to get those fees in place first before we send this out? Suzanne replied no because those fees only apply to properties undergoing a transfer of ownership. We need to get this letter out. For the high number of properties that need a meter it will take a year. Nathan agreed. Chris stated when this letter goes out some will respond immediately. For the balance who do not respond, we should address that during the winter with a new engagement strategy.

Chris replied if you give them a date of next July most people will put it off until next year. We need to pick a date then revisit with another date. Suzanne stated she doesn’t want to undermine our credibility. If a date comes and goes and we haven’t done anything we undermine our credibility. We can send out the first letter then a reminder for those people who haven’t gotten it done because we will know who was inspected. We can send out a reminder next February saying don’t forget; on June 30th if you haven’t got your meter, we will be sending a notice to the State Engineer withdrawing their diversion point. Chris replied he can agree with that strategy provided we have a pro-active approach such as sending a reminder every 60-days.

Suzanne agreed. We need to send regular reminders because otherwise it is a low priority. With contractor accessibility and budgetary constraints, it’s going to get de-prioritized. She wants to ensure if we indicate a consequence, we have to be willing to stand behind that consequence.

Scott stated Layton Tree Farm installed a meter pretty quickly. Chris replied as part of Layton’s CUP requirements the County Council, per our recommendation and State requirements, had Layton install a well meter. He had until July 15th to meet that deadline or they would have re-reviewed his CUP. He waited right up to the week before. The customer digs a hole about 4-feet deep, installs the vault, cuts into their water line, removes a section and inserts a yoke or meter stand. Chris then installs the meter and beacon and inspects it to make sure it is operating properly. Some homeowners can do it themselves with a little instruction. Those who are not capable will have to find a competent contractor. The vault gets a cast iron lid on the top. We need to include instructions on how to do this.

Nathan suggested the letter should state a final completion date such as “you have until X to get this done”. Please acknowledge receipt “by X date” and indicate you understand and will commit to doing this. In that way
we get an idea of who is going to fight with us on it. Suzanne agreed. Also, we need to know the demand for meters and beacons so that we have them on hand. Suzanne stated let’s add, please coordinate with us for the timely procurement of a meter and a beacon.

Nathan requested that Chris provide the information regarding the metering requirements. Nathan will add the other language that says we request a response by X date acknowledging your receipt of this letter and that you understand you will need to comply with these things. What is the time frame? Suzanne suggested June 30th.

Nathan suggested 60 days to respond acknowledging that you have received it and let us know if you need help and to order your meter/beacon. You have until June 30th to get it installed.

Suzanne stated, we can send reminders next spring that says we haven’t received your acknowledgement. Please be reminded that on June 30th the approval to have water diverted to your well will be withdrawn.

Nathan reiterated his proposal to give property owners 60 days to acknowledge receipt of the letter and if they don’t acknowledge receipt then we revoke their permission or we take other steps. You have a year to figure out how you are going to do it but we want to know within 60 days that you are going to do it and if we don’t hear from you within 60 days then we are going to revoke your authorization to use the diversion point.

Suzanne replied, we might want to give them a little bit more time before we start revoking permission. Nathan suggested an article in the newsletter in order to educate them a little bit on the front end before we send something out. Suzanne disagreed. People who live here got the letter in 2016. This is not new information. We would like to have the acknowledgement within 60 days and then after that if don’t get people to respond, the next letter is we didn’t get your response. If you don’t respond in the next 60 days, we will begin the process of removing your water right permission. She is proposing multiple letters before we come in with the consequence. She wants to ensure we do multiple attempts before we issue a consequence. We must agree what the consequence is and we have a process to ensure we have communicated regularly to get there.

Chris stated he sent the well meter detail attachment. The section of the letter would be better served with an attachment. Nathan agreed. He offered to tweak the letter and suggested we remove everything about consequences. We just say this is required and please acknowledge within 60 days. We do expect you to complete this by June 30th. If we don’t get the acknowledgement, then we send the threatening letter second. Suzanne stated she thinks that is a better approach.

Chris suggested he and Shiona review the list of properties with well deposits from transfer of ownership that we are sitting on. We have well meter deposits from 2014. People are just not responsive. Suzanne replied she doesn’t think it was about being responsive. It was a matter of where do I begin. Some people aren’t familiar with this area or who are living on a well for the first time. Chris agreed. He has taken calls from residents who didn’t even know they were on a well. Suzanne let’s see how we can encourage people before we start talking about consequences.

Nathan stated we probably need to get the meters on first and then see what the usage is like before we think about any fines. Suzanne agreed. Nathan continued if 100% of them are overusing their water then we have got a bigger problem that a fine is not going to fix. Suzanne replied she doesn’t believe we are going to see that. It’s going to be similar to the lower section where maybe 10% are overusing it and everybody else is being responsible. Chris replied that agrees with his visual observations.

Scott motioned to end the open meeting and go into closed session which was seconded by Dinah. Approval was unanimous.

7. **Closed Meeting** to discuss potential litigation per Utah Code 52-4-205 (1)(c)
   
Scott motioned to end closed meeting and go into open session which was seconded by Dinah. Approval was unanimous.

8. **Adjournment:** Scott motioned to adjourn open public meeting at 8:30 pm which was seconded by Dinah. Approval was unanimous. (This motion was not in the zoom recording.)