

**Board Meeting Minutes
February 14, 2013**

**MINUTES OF THE
REGULAR MEETING
OF THE BOARD OF TRUSTEES OF
MAGNA WATER DISTRICT**

A regular meeting of the Board of Trustees of the Magna Water District was held Thursday, February 14, 2013, at 3:00 p.m. at the District's offices at 2711 South 8600 West, Magna, Utah.

Trustees Present:

Hank Johnson, Chairman
Doug Bezzant
Mick Sudbury

Staff Present:

Brent Williams, General Manager
LeIsle Fitzgerald, District Controller
Kim Bailey, Water Operations Manager
Steve Williams, Wastewater Operations Manager

Also Present:

David Hartvigsen, Smith Hartvigsen, PLLC
Don Olsen, Epic Engineering
Dan Peay, Magna Resident
Jack Weiss, Magna Resident
Kelly Butoch, Magna Resident
Alex Buxton, Zions Bank
Randy Larsen, Ballard Spahr LLP
Dick Bezzant, Magna Resident
Cheyenne Densley, Magna Resident
Katie Peterson, Magna Resident
Daryl & Leah Wright, Magna Resident
Marie VanCleave, Magna Resident
Laura Jo McDermaid, Magna Resident

Call to Order:

Hank Johnson called the regular board meeting to order at 3:00 p.m. and welcomed the public.

Welcome the Public and Guests.

**Board Meeting Minutes
February 14, 2013**

Approval of Consent Items:

Minutes of Board meetings held January 10, 2013: A motion was made by Mick Sudbury, seconded by Doug Bezzant to approve the regular board meeting minutes dated January 10, 2013. The motion was approved as follows: Hank Johnson, yea, Mick Sudbury, yea and Doug Bezzant, yea.

Expenses for January 8, 2013 to February 8, 2013: A motion was made by Mick Sudbury, seconded by Doug Bezzant, to approve the expenses in the amount of \$610,312.78. The motion was approved as follows: Hank Johnson, yea, Mick Sudbury, yea and Doug Bezzant, yea.

Bond Payment to Zion's Bank: A motion was made by Mick Sudbury, seconded by Doug Bezzant, to approve the bond payment to Zion's Bank in the amount of \$89,576.94. The motion was approved as follows: Hank Johnson, yea, Mick Sudbury, yea and Doug Bezzant, yea.

CONSIDERATION FOR ADOPTION OF A RESOLUTION OF THE BOARD OF TRUSTEES OF MAGNA WATER DISTRICT (THE "ISSUER") AUTHORIZING THE ISSUANCE AND SALE BY THE ISSUER OF NOT MORE THAN \$8,500,000 AGGREGATE PRINCIPAL AMOUNT OF ITS GENERAL OBLIGATION REFUNDING BONDS, SERIES 2013 (THE "SERIES 2013 BONDS") AND RELATED MATTERS.

A motion was made by Doug Bezzant, seconded by Mick Sudbury, to adopt the parameters resolution of the Board of Trustees of Magna Water District (The "Issuer") authorizing the issuance and sale by the issuer of not more than \$8,500,00 aggregate principal amount of its general obligation refunding bonds, series 2013 (the "series 2013 bonds") and related matters. The motion also gave Hank, Brent and LeIsle the authorization to proceed with the sale when the market is at its best. The motion was approved as follows: Hank Johnson, yea, Doug Bezzant, yea and Mick Sudbury, yea.

Motion to approve the lease purchase agreement with Zion's Bank for District vehicles previously ordered: A resolution approving the form of the equipment lease agreement with Zions 1st National Bank Salt Lake City, UT was made by Doug Bezzant, finding that it is in the best interests of the Magna Water District, UT to enter into said agreement and authorizing the execution and delivery thereof. The motion was seconded by Mick Sudbury and approved as follows: Doug Bezzant, yea, Mick Sudbury, yea and Hank Johnson, yea.

Meet in closed session immediately to discuss possible litigation: Motion was made to meet immediately in closed session by Mick Sudbury. The motion was seconded by Doug Bezzant. Motion was approved as follows: Doug Bezzant, yea, Mick Sudbury, yea and Hank Johnson, yea at 3:24 p.m.

**Board Meeting Minutes
February 14, 2013**

Chairman entertained a motion to close the closed session and reopen the public meeting at 3:55 p.m. Motion was made by Mick Sudbury, seconded by Doug Bezzant. Motion was approved as follows: Doug Bezzant, yea, Mickey Sudbury, yea and Hank Johnson, yea.

Discussion and possible motions on matters addressed in closed session: None.

Public Comments:

Cheyenne Densley: First of all the end of the last meeting, it was discussed that there was going to be an update of each individual case that was flooded, I haven't received any kind of update and was wondering what the progress is. If nothing is going to happen just say nothing is going to happen, let's be honest.

Hank indicated that the board was letting the insurance take care of that.

Cheyenne: We called Kris two weeks ago and our claim was closed.

Hank indicated that Kris talked about going through them all again looking at them all.

Cheyenne: He redone our estimate because to be honest with you it was completely unacceptable he redid our estimate and we call him two days before that and he said our case is closed we have done this to you as a courtesy. No it's not a courtesy, because if you would have done it right up front we wouldn't be in this predicament, we wouldn't be redoing it.

Katie Peterson: And they did not contact us after the meeting. They said they would have further questions, they did not contact us and they let us know within what 2 days? After the meeting that they denied us again.

Cheyenne: They felt once again they still felt that Magna Water was not at fault.

Hank indicated that the District would go through the insurance company.

Cheyenne: So basically it's done?

Hank: We'll have to get with Kris to make sure but I'm sure that's where we are at.

Cheyenne: Second question is I came down here to request some information I wanted a video footage of the last time the lines were camera and I was told the line was not camera why is that?

Brent indicated that we don't just camera lines unless there is an issue. Our normal maintenance we just check the lines, if they are flowing good we don't camera them

Leah Wright: How do you check them?

**Board Meeting Minutes
February 14, 2013**

Brent: By opening the manholes and seeing the flow.

Cheyenne: So how do you know the condition of a pipe then? I guess if it's backing up you know there is a problem if you aren't camera them?

Brent: Exactly

Cheyenne: How come the location of the flood has changed so many times?

Brent: What is changed in it, what do you mean there?

Cheyenne: From some of the information that we requested whoever went out on the flood the three gentleman that come out on the flood, said the backup up was at 2946 Mountain Goat Way, then in the last month's meeting, you told me that it was on 7200 W 2946 S and then the print that I requested, which is lousy tells me that the blockage is at 2880 S.

Brent: That 29 whatever I told you in the meeting I think that I told you that it was approximate but it was on 7200 W where the blockage was right by this manhole on this map. That is where the blockage was.

Cheyenne: I also requested documentation or proof of the T-shirt which.....

Brent: We never had anything, like I told you I think last meeting we told the news media too that was just our guys, we put a rod down there when we clean them and try and catch anything we can, as soon as thing broke through they seen that go through the line it was just a visual, we had no pictures or anything

Cheyenne: So another words your insurance company can just base everything off of hearsay?

Brent: I'm just telling you the facts as I know them.

Cheyenne: That's fine, but I'm just asking a question, so basically....

Brent: That's for the insurance company

Cheyenne: When they done the construction on 7200 W was anything done on the sewer?
When they widened 7200?

Brent: There might have been a couple of manholes; I don't know I would have to look at that, I don't know that off the top of my head. I don't think so because it was mostly just widening and we did a lot of stuff with meter boxes and stuff like that not manholes or sewer that I can recall.

Cheyenne: That's all I got.

**Board Meeting Minutes
February 14, 2013**

Hank: I don't even think the grade changed on that.

Brent: No

Cheyenne: K that's all I have.

Hank: Thank you.

Daryl Wright: He asked a lot of questions that I was going to ask, but I do have a couple more, the um first of all is there someone in your office; we've requested a bunch of documents, as far as the reports on the maintenance that has happened whether that is video or otherwise, what documentation do you have of the service that was done on these systems that are preventative maintenance, I know that affects your insurance policies pretty dramatically, if you do that maintenance and if you have video of it.

Brent: We did provide....

LeIsle: We did provide the documents to whom.....

Daryl: The only one I say was the hand drawn

LeIsle: Did you request those documents or did someone else?

Daryl: I did in the last meeting

Brent: No you would have had to fill out a GRAMA request.

Cheyenne: I filled out a request.

LeIsle: We have provided to you what we have as far as your request was concerned.

Cheyenne: Which was only the hand drawn blue print.

LeIsle: Exactly, like what he has indicating we don't camera every time we inspect.

Daryl: Well I'm not talking about camera, you have to do a preventative maintenance there, you should have logs of when that was done.....

LeIsle: That has been provided to who requested it.

Daryl: Okay so I need to fill out an official request to get that information, because anybody...I would like the video that was done last on that line, now obviously you purchased the system to do video right? So you have at least one time done video on that line.

**Board Meeting Minutes
February 14, 2013**

Brent: We would have to look and see.

Daryl: And I would like the most recent copy of that video and also the information on that maintenance because our understanding was you said that it had been done in December that there wasn't any written documentation.

Brent: There is something written on that, there is.....

Daryl: Yea, I would like to get that documentation.

Hank: If you just do a GRAMA request that is how you get that.

Daryl: OK, and then I also understand for my talking with people the laws as I understand it is and the law according to the County, there is a D mark between the residents sewer line in other words my lateral going out to this pipe and what Magna Water's lateral, um I have no legal right to do anything with or to that your lateral right?

David: It's called a main line, the lateral goes from the mainline to the house...

Daryl: Ok but I have no legal right to do anything with that main line.

David: That's correct.

Daryl: Is there any other way to get something in there like a t-shirt other than that 4" pipe going from the lateral to that main line?

David: Anybody can open a manhole

Brent: A toilet or manhole

Daryl: So my understanding by law if someone introduces into that system through a manhole cover that is the responsibility of the Water District?

David: It's not the responsibility of the water district to have somebody on duty at every manhole all the time to see what people are doing, if the District finds out that somebody is doing that the District would take action, but it is their property the District's property um but they cannot control what goes into it.

Daryl: But legally my responsibility I cannot legally, I have to legally have the sewer service by law right? Is that correct?

David: Correct

**Board Meeting Minutes
February 14, 2013**

Daryl: I have no legal right to do anything whether to check that line do anything with that line the main line.

David: That's correct

Daryl: OK and my understanding in the documents in the County there is a clear demarcation of where those responsibilities are is that correct?

David: Ya and in the District's regulations.

Daryl: And so can someone give me the help when I request these documents I would like where it spells that out as well because I don't want to play a game of you know of requesting something that I don't know what I am saying I'm needing and it's called something else and then I have to keep coming back 30 times that just won't do any of us good.

David: What you need to do is describe what you are looking for as best you can, you can't just say everything that has to do with sewers, you have to be as specific as you can and then the District will do it's best to get you what is responsive to a specific request.

Daryl: OK

David: You don't have to know the name of the document don't have to know the regulation number or anything you have to be specific so that we know what to look for.

Daryl: OK

Daryl: If I remember correctly, I want you to confirm this, you did use a jet truck out on 72 and blow um my understanding was that an 8" nipple of some kind hose connection 2000 psi um going back into this water into the sewage line, am I correct, and that jet truck was what was used to clear this line and it was blowing upstream.

Brent: It actually blows... the nozzle goes up the line the water is behind, going backwards in the line that's what pushes the hose up.

Daryl: So the hose goes...

Brent: The hose goes up the water is going behind the hose that is what is jetting it up the line, that's how it works and it's not 8" it's probably about that big around, the nozzle is

Daryl: The nozzle, now explain that again, how's the water...the water doesn't go through the nozzle...

Brent: No, the water is going through the nozzle but it's going backwards in the nozzle that's what forces the line up the line is the water going backwards.

**Board Meeting Minutes
February 14, 2013**

Daryl: Oh so it uses propulsion.

Brent: Exactly.

Hank: It's shaped like a cone so the water goes up there and shoots back out to...

Daryl: So it's not blowing thatit's using propulsion to get the line to the blockage

Brent: Yes

Daryl: OK

Don: Then when they pull it back then the force scours and cleans the pipe out.

Brent: That's actually how we clean the lines, by pulling it back and it scours...

Daryl: So this is the device that you wouldn't particularly use for blockage you would use it for cleaning.

Brent: For cleaning and blockage both, yes, you bet.

Daryl: OK and ah I think that is all I have right now.

Hank: If you have any questions specific things that you are looking for you can get with Brent, Kim....

Daryl: Who would be the main point of contact to get that information that I need? And make sure it gets to me.

Brent: LeIsle is the records officer

LeIsle: I'm the records officer, but just come to the front or even before you leave and we have a GRAMA request form that you can fill out everyone knows where the forms are and then I get it and review it.

Daryl: OK

David: Government Records Access Management Act

Dick Bezzant: Tell them about the cost too.

LeIsle: If you have any copies made it's a \$1.00 per copy and you can authorize an amount that you don't want to go over so then we will contact you and tell you how much it might be if its

**Board Meeting Minutes
February 14, 2013**

astronomical.

Daryl: OK

Hank called on Leah Wright and Leah indicated that Daryl covered it.

Katie Peterson: I wanted you to like look at your report from your guys it says that the t-shirt is wrapped around the pole. So I'm having a hard time with the conflicting stories that we keep getting. When I talked to Brent he said they didn't catch anything but they saw it float by, and I actually have it recorded exactly what he said. And I'm getting a feeling like we're not being up being told upfront. When I got that report that the three guys had submitted it said on it that it was wrapped around it.

Brent: I have that right here in front of me.

Katie: When was that report taken?

Brent: The report from the guys? It was the day it happened, that afternoon

Katie: So you had seen that report by the time that you talked to me on the 7th of January right?

Brent: Yes, I talked to the guys as it was happening, so... you bet.

Katie: On the minutes on the meeting why are some stuff left out and some not?

LeIsle: Because verbatim when you are having a group discussion.....

Katie: Who decides what to leave out of the minutes?

LeIsle: You can get a copy of the tape too

Katie: I know but this is what you guys publish on your website right? So I think that everything should be put in there that was discussed in the meeting that's brought up by a patron right? There is a lot of stuff that is left out of it so I would like to ask for it to be reviewed

LeIsle: K

David: Specifically you are talking about comments made by the public

Katie: Yep

Leah: And response to them

Katie: Yes

**Board Meeting Minutes
February 14, 2013**

Katie: Did you find....

Brent: You're right it does say it was wrapped around it. I know they couldn't retrieve it though that's the whole...

Katie: But wrapped around it makes it sound like its retrievable and you told me...

Brent: But that water is going so fast when they tried to pull that out of there....

Katie: But if it's wrapped around you're telling me they couldn't pull it up wrapped around is wrapped around

Brent: But wrapped around 14 feet into the ground with water rushing....

Katie: How can you tell it was a t-shirt?

Brent: Like I said that was just a thing that they said in the report. We aren't hanging our hat on a t-shirt I'll tell you that.....

Leah: I think your insurance is.

Katie: Yea your insurance is....

Jack Weiss: Wrapped around what

Katie: Well he told me that it was a basket it's not a basket it's now a stick.

Brent: They call it a basket; it's a stick that has a little basket on it that they put down in there and they try to catch anything that is blocked

Katie: OK and so it didn't stay in the basket is what you are saying.

Brent: No it did not they couldn't retrieve it.

Katie: Well I think that needs to be revised then because if that is what your insurance is going to go off of I think that we should have an accurate account of it. Wrapped around and

Brent: Well they were the ones that were there and seen it and I think there statement would stand; probably what I said was incorrect then.

Katie: Ok and as a board I was just told that maybe you might want to investigate these discrepancies because the address was given wrong in the minutes of the meeting, and then we get a blue print and it has been moved and you guys are supposed to be representing us...as

**Board Meeting Minutes
February 14, 2013**

citizens...and.....

Hank: I remember being in that meeting and I do remember Brent saying it was an approximate address.

Brent: Yes

Katie: Approximately 2946 which is exactly.....

Hank: I don't know what he exactly said but it was a guestimate on the address.

Katie: So I just feel like you guys should be fighting for us as citizens of your district um anyone that I have talked to in our neighborhood is willing to sign a petition agreeing to help pay for this and that this should be paid for this should not be a loss that we are experiencing as homeowners so um and I also wanted to know the size of the pipe.

Brent: 10"

Katie: 10" all the way up 72 from 31 to 201?

Brent: No it transitions to a 15" at 2820 I think it might go bigger down the line.

Katie: And how many homes does it service

Brent: I don't have that right in front of me....

Daryl: The one in the neighborhood is not the same size though right?

Brent: No it's probably an 8"

Daryl: So it goes from 4" in the house to 10" to 15"

Brent: Exactly then it gets bigger as it goes to the treatment plant

Cheyenne: How much bigger are you guys going to go then? Because last month when I asked your engineer about the piping that needs to be upsizing he said that was north of us. Well north of us sounds like you are getting up into your 15" pipe and bigger so how much bigger is it going to get?

Don: I indicated to you is that we have recently done the models and were doing it again this week the pipes that are in 7200 W the area where your blockage is are adequately sized for the average daily flow and for the peak flows to pass.

**Board Meeting Minutes
February 14, 2013**

Cheyenne: Correct but in the November meeting that it was discussed that some of the pipes needs to be upsized

Don: Yes

Cheyenne: And when I asked you north of me and that is what I'm asking okay so if they are already 15" in diameter how much bigger are they going to go north of me?

Don: There are some pipes in the neighborhood of 24" and 30" that need to be upsized, so after the flows from 72 and you collect and merge with other big pipes they merge into big pipes some of those are at capacity getting underneath the freeway.

Daryl: Up to 2100

Don: Yes

Katie: Have you guys um at the end of last meeting, you guys did say you were going to probably come meet with us individually um to discuss it's at the very end of the meeting minutes um cause you said you were going to do more research and talk through it and would probably come to us individually or as a group um then you had research to do, have you guys talked to other districts to find out what they do in this case?

Hank: We have looked at other districts what they do, but they are 10 times larger than we are they have more problems than we have.

Daryl: But they get to their procedures by problems like this.

Hank: Well we discussed one district that has lift stations, we don't have lift stations that's where they run into their problems. They are lifting from one elevation to another.

Katie: But if it is standard practice in other water districts to cover this loss would it not be worth looking at, because you guys had talked about maybe adding a dollar.....

Hank: Right we did talk about that.

Katie: Have you discussed that any further?

Hank: We have to do some other things before we get to that point, rate structures and things like that, if we had a continual problem in an area yea we would look at this but Brent's been here for 43 years he hasn't had...but 4 of them.

Katie: Ok but it happens and it has happened and 8 homes got affected by it.

**Board Meeting Minutes
February 14, 2013**

Daryl: If there are only 4 of them then why is it a problem to pay for them?

Mick: Do the others have insurance?

Daryl: Our homeowners won't cover this they said anything outside of your property you are responsible for that lateral on your property that water company is responsible pass that they will not offer a policy to cover that there is no way that we can insure ourselves from that how can that be we can't buy insurance to protect ourselves from something that we have no control over?

Hank: I think that comes back to the insurance companies that you are buying from

Daryl: Okay we've got 5 different ones with the nine families whatever it is 5 different insurance companies all told us the exact same thing it's not an anomaly for the insurance companies

Leah: They also said that we never even...there is no reason to buy a policy because the water district takes care of it when that happens always

Daryl: I've talked to people in the industry and they say I've seen this a hundred times, I've never seen the water district not pay but I have two or three times when they fight, but at the end of the day they have not paid. These people have been in the industry for 30 years.

Mick: I went back and looked at my homeowner's to see and I do have back up.

Daryl: Did you ask them if it's on your property or if it's in the main

Mick: To be honest with you I did not.

Daryl: You didn't because I asked them the same question, they said yea we do cover it if it's on your lateral, if it's on that mainline we don't, go home and ask give them a call

Mick: Appreciate that

Daryl: Because it's exactly what they told all of us

Katie: And the coverage that I could even get on mine which is Allstate, a huge company, is \$5,000 for \$100 extra per year. \$5,000, as we all know, doesn't even come close. And so and that is what a lot of us are finding is a small policy of \$5,000. And that doesn't even come close for the damage.

Daryl: That's just kind of like an umbrella policy saying if something happens we'll pay you 5000 it's not for a specific incident.

Katie: I'm just saying as a board I think maybe you need to visit this if it happens again, it's not,

**Board Meeting Minutes
February 14, 2013**

I mean I feel, I know it hasn't happened very much, like we said last time, good for you, but it has happened and it happened to us and I would hate to see anyone else go through this because it is a nightmare

Daryl: The fact that it happens so rare, the other side of that argument then why not....

Cheyenne: Yea you guys pay those premiums you know you ought to have big ol stash here you know the insurance company I guess that's my question to you guys obviously you haven't been communicating with your insurance company why?

Cheyenne: You know you guys....fight for us just like any other magna citizen. I mean you guys have just kind of washed your hands and backed out and said op deal with the insurance

Hank: I don't think that we've done that

Cheyenne: Well it sounds like it when I asked you about the update; you didn't know anything about it. I had to tell you that your insurance agent has closed the claim you didn't even know that till I told you that tells me that you aren't even discussing it with your insurance company am I right or am I wrong?

Hank: I don't deal directly with the insurance company so I wouldn't know. That would be Brent's information

Cheyenne: I'm trying to be patient I am you know I want to work with you guys work with me I don't want this to go any further than it has to.

Katie: And it's really frustrating at the last meeting can we have these documents and it says you can have them no one mentions that we have to come in and fill out a form and sign and that we'll be charged for, nobody mentioned that.

Brent: That is state law

Katie: I know but you guys didn't say that it was like yea you can have them so we expect to get them and instead have to come fill out a form and then it's a 10 day wait and then you have to pay money for them I mean that wasn't stated in the meeting and if this doesn't happen often then you know were not here all the time finding out what we have to do to fight you guys to get a thing, so I mean...

Hank: If you come down, it was probably our fault, because if you called, somebody should have told you that you had to do a GRAMA request for it.

Daryl: I think that the point was that none of us were going to call because it was mentioned that we could have those records that we would just get them.

**Board Meeting Minutes
February 14, 2013**

Leah: We thought that the verbal request was enough.

Katie: Then we came down we found out that we had to fill out a document and then come back to get the document so just like the verbatim meeting minutes nothing said that we needed to say the word verbatim so we get the meeting minutes and they are not verbatim.

David: Minutes are usually not verbatim

Katie: OK we don't know this that's why we're saying what kind of questions, what wording do we need to use because we don't know what we're going to need to use, does that make sense?

David: It does, the problem is we can't read your mind and know what all of those issues are those just like you are sensing a communication and.....

Katie: Yes and I know you guys need to cover what you need to cover.....

David: And it's just hard to understand public concern and what everybody is going to come up with and addressing them in advance

Cheyenne: Well have your basement flood and I'm sure you'll understand with raw sewage

Katie: Yes

Leah: Serious

David: That's now the question the question is how we best facilitate communication and....we're trying....

Cheyenne: You guys don't understand and we don't understand and I see that.

David: So we are trying to be of assistance

Katie: I'm sorry I don't feel like you guys are at all.

Daryl: We do appreciate, I'm speaking for myself, do appreciate the dumpsters that came, I do believe that Magna Water provided those right that was really helpful I definitely appreciate that and the help with the clean-up

Mick: So did all of your homes get cleaned up? I mean did they all get down to where...ok

Leah: We did have....Maria is not here her health is so bad, but she actually contracted an airborne bacteria, and um she was not able to come but we've had some really hard things happen you know because of that so I'm not sure that her house is completely finished, she's had

Board Meeting Minutes
February 14, 2013

a really rough go.

Katie: She's been to the hospital every day

Leah: Yea she's had to get IV treatments and it's really horrible, so I can't speak for her I don't know that hers is finished but mine is cleaned up at this point and we still have holes in the walls and stuff.

Kelly Burtoch: Mr. Chair and the board again I appreciate you giving me the opportunity to speak I'm a resident of West Valley but I grew up here, my roots in Magna go back to before Magna probably was built I've got Grammy up on the hill and I know most of you guys and grew up with you. Again I work in the waste industry I work with the biggest company in the state we treat a lot of water it's scary for me to be a citizen I have recently heard a lot about this my insurance agent was that guy hanging on the wall, Paris. Thank god I had it when I did because I was told by another agency that it never ever changes but I checked the other day about my sewer oh yea you are covered \$5,000. \$5,000 won't cover nothing I upped it to \$35,000 but it cost me a little bit more, but to go more than that you have to do your whole policy, that is pretty frustrating. My other back ground that I do not normal, is a volunteer I put in 1,000 of hours for the state, the county, and the city with the EMS I am one of 44 people in the state of Utah with FEMA to teach disaster preparedness. This is a small disaster it's not a hurricane it's not a tornado it's not an earth quake, thank god, but I know the health risks of sewer, you guys that work in it know there is a health risk anybody that is introduced to it in the beginning you get the curse you guys know that there's hepatitis in there, I work with guys that are packed with hepatitis, I have respiratory problems who knows where it come from I've had health problems I was hospitalized going on three years trying to figure it out. There is still stuff that we really don't know that's in there but yet we all have this false thing that it's all taken care of. You know it's scary for me a citizen and I teach this now check your homeowners and I've done it to hundreds of people since the last meeting. It's spooky as a citizen as you guys sittin right here you as an attorney, you know its legal BS to me there is another affirmed that we teach in medium gas and some of you know what it's called tar that ain't right but we cover it up with legal bullcrap I can understand why these guys are frustrated it was my family that was infected with it I feel these guys pain, they are my neighbors to them they are my family now It's pretty flustrusting you guys as a community as the citizens have no idea that if your home floods where do you go, I know at my company if we flooded people we would be the first ones there to clean up homes I know that because I have been out there also raking lawns if we put hydraulic oil in somebody's yard we clean it up because we are accountable for it. It's a waste you said yourself we can't pump it across the road because it's a hazard and yet we are pumping into these guys homes and were... I'm grateful that you guys got a dumpster out, you provided another \$5,000 but that is not enough to get these guys back to where they can come close to. I lost personal belongings in their home some of them were irreplaceable I have a brother that let them use my grandchildren a \$2,000 batting cage in their basement that got contaminated that is gone. That ain't right it's not right that we can let an insurance policy tell us what you can and cannot cover you as a community and a board and you as attorney need to look at these guys you know what the insurance company all it is is a bunch of attorneys and I'm sorry it's not right the way they

**Board Meeting Minutes
February 14, 2013**

treat us as a citizens we look to you guys as our help our guidance we look at the people at the capital and you know what how many people here are frustrated with what is going on in our community our city and our state? I'm tired of the politicians telling us what they can do and what they can't this is America folks we can't even dig a hole and use a bathroom because that can't happen we are forced to tie into these systems that we can have this false hope that we are treated and taken care of the minute you flush your toilet but you are responsible for you home to the connection. You know it's not right and I hope that each one of you guys never have to experience this, Hank you protect and serve that's your oath you know I hate to bring that up but my Gosh protect and help these people you as a board, it is not run by attorneys and insurance companies we are run by human emotion we need to fall back to some of that and we need to take care we need to go back to the basic and take care of our roots and our family and our communities instead of just letting it just go and letting somebody else worry about it today is the day that you guys have to make choices too I wouldn't want to be in your shoes but I hope that you can go back to this Kris the insurance and say we need to make changes, if you can't cover our policy then get the h*** out of here because we are here to take care of the communities of magna and the west valley people that you serve Please be considerate I'm grateful again that you have helped these guys how you have but they still have to so much personal belongings that they have lost and homes that you walk into them the walls are cut out all the way across the whole basement you know please consider changes some options or make some new changes in the way that sewer treatments are played because it scares me being involved with that and I had no idea until I got involved with this, I know other industries that like to provide to us in cities and entities that I work with they would take care of it to the best of their ability especially on a small thing like this because they don't want to have a big drag out law battle, it's not fair to the other communities that have to pay for the all the legal actions and all the other stuff because it drags on forever and it just wastes a lot of time and a lot of your money. I hope you guys can make some choices and help everybody in this community and others. That's all I've got to say thank you.

Hank: Thank you. You have a comment?

Dick: Yes I have a comment, my name is a Dick Bezzant, I was a plumbing and heating contractor I'm a licensed contractor before I retired. What I hear tonight I'm just dumb founded for one thing I've been in management a lot run businesses but what I heard Brent say sort of disturbed me a little bit. When I cleaned sewer lines and stuff its tough when something on my equipment is d**** tough to get off I can't understand that part Brent, when you say it just washed away. This I can't understand I don't understand this, for these people I don't know what or how many have been around sewage ...it's a tough thing to be in my house anybody down grade and we have a lot of down graders here, I'm speaking to you three, when we are down grade and that line gets clogged it's gonna back up my basement because we are the new septic tank and three of these thirteen families got the septic tank, now they are owners of this company of Magna water, they pay the taxes they pay the high water rates, they pay the high sewer rates, you three guys have got to come to their rescue for heaven's sakes, that main line out there when it gets clogged and they speak about records here, I don't know what records they have, I mean it seems like to me we should have a good maintenance program, we spent

**Board Meeting Minutes
February 14, 2013**

\$186,000 for a camera truck I'm sure that's running every day I hope, we have two machines that we can go down the sewer lines with is that right?

Steve Williams: We've got one

Dick: Wait a minute we got two of those machines, what's the other one used for?

Steve: The other one is used on the water side.

Dick: We got 9,000 connections in this town okay you check with West Valley City they have about 32,000 connections and they have 3 of those trucks. Now we got plenty of trucks to handle this if we had just done our job and I think that we have a real problem here, gentlemen, I think that if it's.....if I pay the taxes and they pay the taxes for heaven's sakes we are responsible as a taxpayer, you know we spend so much money in this business right now, for everything else, we can hire people to go back to Washington DC, by the thousands of dollars, \$60-70,000 a year we pay for a person to back there and try and get some money and they haven't done it for 5 -6 -7 years, and then look at the trucks.....

Hank: We are getting off the subject I'm going to stop you there...

Dick: No I'm not, I'm talking to you I'm trying to convince you that these guys are the ones that pay the taxes here, that we pay the taxes and we ought to take care of our own for heaven's sakes, I mean we are wasting so much money here in this little company we really ought to do something for these people. I mean they have a right, good h***, if you had sewer in the house you'd be...if it was your house you'd be right there, that's what I'm saying. Thank you.

Hank: Thank you.

Hank: Thanks everyone for their comments, you had one more question?

David: Can I just make a comment, um and I'm making this because there still is a misunderstanding on what the situation is there is an assumption because the District owns the lines, that the District is responsible for anything and everything, and if there were an earthquake or some other natural disaster the sewer would cause a backup, would it be the District then that's responsible for paying for everything? It's just isn't set up that way. If the disaster is caused by the District, we were talking about the lift stations, if it's the District's lift station that fails, and there is backup like in West Valley City, of course the District would pay, but when there's no liability there's no negligence, there's no wrong doing and it's basically an act of nature...

Public disagreed and said no it's not....Bull s***...

Hank: Hey you are out of order.

**Board Meeting Minutes
February 14, 2013**

David: I'm trying to make a comment here, if that's the case....

Kelly: Bull this is wrong I hope your dad and my dad turn over in their f***** grave....that's wrong you guys know that, every one of you, Hank...as a public servant you are wrong and I hope to God that....

Hank: That's enough...That's enough....That is enough, we will ask you to leave in a minute.

Kelly: Against you don't hold it against me because...

Hank: I'm not holding anything against anybody K

Kelly: This is wrong every one of you guys are wrong, your wrong, your wrong,...

David: If you would hear me out.....

Kelly: You just said there is no liability sir

David: No I'm saying if, if those are the facts, then there is no liability, if the facts are that the District caused it then there is liability, we have not seen anything to date yet that says it's the district liability so if you have information that it is, then you need to provide it to us everything that we have seen to date says it's not so there is an automatic assumption on your part that it is we want to know what that basis is.

Daryl: Well the information is yours, you are the one that has collected the information we legally don't have any right to inspect those lines or otherwise be involved with them how you can say we need to prove that negligence when we don't have access....

David: I understand that and you have that challenge. We have that same challenge, we don't know who put whatever it was that created the blockage, and we don't know that we have, no more ability to show that than you do. So, we're both in the same position in that regard, now, what I'm trying to say is I think the District is more than willing and actually already shown that by providing the additional coverage more than willing to help and be a responsible part of this community but then we also said that, and you've asked about this, we will look at providing enhanced no fault coverage again this is, as to date, this is a no fault situation we haven't seen anything that indicates a fault so we're looking at how do we address the no fault situation one of the ways to address the no fault situation is to build up a fund where we can pay more than the \$5,000, we told you last month that that is not a quick fix something that we can do immediately we're going to have to go to the rate setting process we have to do a lot of different things to get that in place, that's a long term moving forward.

Daryl: But it doesn't make uswere paying for it.

Dick: That's exactly right. We are the District ok, remember one thing, those three guys up

**Board Meeting Minutes
February 14, 2013**

there and us people right here are the District, that's the thing that you have to remember we're the ones that is paying the bills it's our money that goes into this thing.

Katie: You want to know how we think you are liable, it went from a 4" home line to 8" line out of the neighborhood, to your line, how do you know if you have never videotaped it, what it snagged on? Because there is no possible way that you're going to tell me it went from a 4" line, to all of a sudden to your guys' where it's going to snag. Could be part of the concrete it could be anything but you don't video camera it.

David: How did it get there?

Katie: It doesn't matter your job is to take it down

David: And, as we said before the routine maintenance was done

Katie: And we don't even know if it was a shirt because as we've heard we don't know what it was.

David: We don't know what it was.

Katie: So you can't say what it was you don't even know.

Leah: There certainly no proof that it existed

David: There's no proof

Katie: So then who is liable for it? It's something that happened in your pipe line. And was not act of God.

David: We have no way to control what people put down there.

Katie: Ok but you have to control that your lines clean enough that nothing is going to block and something blocked.

Dick: That's what we pay to have happen here.

Daryl: There is an engineer in here, you're an engineer right? Is there a way for a t-shirt to block a 10" line without some body you know liquid nailing it around the parameter of the interior of the pipe?

Don: The thing that a shirt of itself going down logically tell you it would go right on down, was it thrown in was sticks and boards was there something else that they catch on we don't know the answer to that. The reason the district does the cleaning of the lines and everything else is they look for all of those type of blockages and those things that would occur that's why they do flush

**Board Meeting Minutes
February 14, 2013**

all the lines in order for everything to go through any obstructions or roots or problems or things in their lines they find them and the machines that they are putting down and they are regularly cleaned so yes I agree with you logic tells me if it was a shirt by itself in a 10" line it would go right on down, now if there was something else that had been stuffed in or dropped in the manhole and it made it down and got caught that might have been the last straw that it then plugged it up and caused it to plug there may have been other stuff that was stuck in there that had come down when you hear the stories if you let these guys tell you what people sometimes stuck down in the manholes and things it a real problem. So to answer your question yes, hopefully the t-shirt I would think would go right on down there had to have been something else that was caught and when they come up there with that high pressure nozzle it'll blow everything down through, it would uncork it and blow it through so then come through then it would come with massive amount of water with the head that they had and I can believe they've got their little basket to catch whatever and all of a sudden that comes swirling in and busting up in there I can believe that anything on the end of their basket that they have would come off, when you unleash 5-6 feet of water in a pipe massive amounts of flows swirling

Leah: And it came with that same force into our homes

Don: I believe it, it would have bubbled up I believe it

Leah: It just shot into my shower.

Daryl: So the questions is I mean it wasn't doing that before the cleaning, but with the force of that it went from a little bit of water in our home, in her case she didn't have anything in her home, it was when the cleaning crew came, then our homes were flooded massively hers was, wasn't at all at the time.

Kelly: I'm sorry to the board to the members this has just been a very big battle, but you open the manholes and check the flow do you use flow meters do have samplers in these things or how do you do it.

Brent: Where needed, if we need them we do, but not normally no it's a visual and clean with the truck

Kelly: Well I can guarantee a child or a kid is not going to lift a manhole cover very easy.

Daryl: We don't know it even went through a manhole, could have went through a toilet

Kelly: You're not going to get a t-shirt a 4" line it will plug in their home it'll plug into that 4" line going

Daryl: Well we have an engineer again what's the likelihood of a t-shirt going through a 4" line of the lateral.

**Board Meeting Minutes
February 14, 2013**

Don: I think a t-shirt will go right down a 4" lateral, I think it would be getting it through the toilet, the drains and everything else in the house.

Mick: Apparently might what have happened to is someone could have flushed it down there and had a backup so they called Roto Rooter and Roto Rooter shot it down through into the main line and....

Dick: And you can get it through the toilet either....

Katie: The point still being it's not a natural disaster and it's not our fault and while you are waiting for this decision I'm suffering every day.

David: I was not saying it was a natural disaster I was using that merely as a comparison.

Katie: But I'm suffering every day waiting for you guys to decide what you're going to do so when you come back to the meeting and it's been a month, and we have nothing, nothing. The level of frustration is here.

David: That's why I wanted to make this comment, I don't see yet anything yet that says that it was the District's maintenance that was the problem. We don't have that evidence so um we're going to do what we can do to help; we are going to look at the issue of setting up a fund to cover for these things when there is nobody at fault. You clearly were not at fault, we believe the District was not at fault so now we have a no fault situation, how do we address that, we are going to try and look at a way to address that. If there is fault that comes in to the equation, that's what I was trying to say, in some situations there's fault and some situations there is not if there is fault then it's a whole different ball game. If there is not fault you are still suffering right? So we need to look at a possible way of helping out in this situation. At this point that's where I see the District at. Trying to find a way to help when there is no fault.

Leah: Can I go back to a question when you said if it is needed to use a meter, what would determine that need?

Brent: He said a sampler; we wouldn't use a sampler on a main line a sampler we would use in a facility that we sample for somebody putting something in the sewer that they shouldn't be putting in the sewer so sampler would not be....

Leah: So what I'm asking just eyeballing it, is it a good enough check, that can be considered a check.

Brent: You bet that and running our truck up and down the line you bet that's how we clean them yes

Leah: OK

**Board Meeting Minutes
February 14, 2013**

Hank: I'm not on the sewer end of it but if I open a manhole and there is water flowing down there and I think it should be more than what that is depending on the time of day, there might be something in there; there might be a problem there that we need to look at I think that is something that they look at, but if you go pull on up at noon you aren't going to find that flow like it would be in the morning with everybody going to work.

Leah: I would just like to clarify that just eyeballing it is enough

Brent: And like I said with that and the maintenance with our sewer truck we do.

Dan Peay: I'm just sitting back listening would the district consider taping that I mean it's got to be a relatively small area that line I think it would help these people to know that that line was clear. That there is not a tree root....

Hank: You mean go back through now and video it?

Dan: Yea, I mean I think it would make them feel better to know that there wasn't a break in the line there wasn't a tree root in the line wasn't something

Hank: I don't think that we would have a problem going back and videoing that.

Dan: I mean it's

Daryl: For us we are wondering if it's going to be a problem again or is this a lightening strike and you know or is it something with the integrity of the system? Well there's a bad way to find out.

Hank: We can go back through and camera it

Leah: Things have changed on 72 you know in the last year or so then maybe you know there is something there that would cause this again we have to think of all those kind of things.

Dan: All that equipment and everything could have something happened to the line while they were rebuilding the road..

Hank: We had the nick the water lines by digging utilities next to us so we can look at camera those

Daryl: Will you do that then?

Hank: It's okay Brent? Camera up and down there, check the lateral

Daryl: I appreciate the suggestion

**Board Meeting Minutes
February 14, 2013**

Brent: Yes.

Laura Jo McDermaid: When you do the camera and you find something and you go to take care of it do you take care of it in the same manner that you did this situation?

Brent: It would depend on what the problem is

Laura Jo: I guess what I'm saying if you find something like you did in this situation and you go to take care of it will it cause another problem.

Brent: By doing the camera?

Laura Jo: No by taking care if there is something there that you find that's obstructing and you go to clean it clear it um would it cause another problem like this

Brent: It shouldn't and if we did have a problem we would get in there and clean it and camera it again.

Katie: No she's saying is it going to push back into the houses again?

Brent: No.....

Leah: That's a very good point.

Brent: No it would not I didn't understand your question but no it would not

Dick: What material is these lines made out of down there in that area?

Brent: That one, I don't know,

Dick: PVC or clay as you look with the cameras too you know that there is a lot of settling with these lines and this is what you people want to know if there has been something big went down there and that camera truck can tell us.

Hank: If we can when we do that we will call and let you know when we are doing it

Katie: That would be nice thank you and then we'll do what a GRAMA request to get the copy is that what we need to do to get a copy of the video?

Hank: Yes do the request before you leave so that you don't have to come back and do a request again.

Daryl: We aren't paying for a Hollywood production of that right?

**Board Meeting Minutes
February 14, 2013**

Hank: No.....Any other questions?

Hank: You guys are welcome to stick around while we finish the rest of the agenda or you are welcome to leave either way.

Kelly: Again I'm sorry

Hank: Apology accepted, we get frustrated just like you guys do let me tell ya.

Motion to approve Rural Water Association of Utah 2013 membership dues in the amount of \$1,350.00: A motion was made by Mick Sudbury to approve the Rural Water Association of Utah 2013 membership dues in the amount of \$1,350.00. The motion was seconded by Doug Bezzant, and approved as follows: Doug Bezzant, yea, Hank Johnson, yea and Mick Sudbury, yea.

Motion to proceed with the drinking water optimization analysis with Hansen Allen & Luce approved in the 2013 budget in the approximate amount of \$30,000: Brent indicated to the board that in the 2013 budget some money was set aside for this study, what this study is Hansen and Allen and Luce has a model that they will come up and set up and it tells if we are wasting any water from one zone to the next and then they will check all of our SCADA's and make sure that the system is as efficient as it can be. A motion was made by Doug Bezzant, seconded by Mick Sudbury to approve the optimization analysis with Hansen, Allen and Luce for approximately \$30,000. The motion was approved as follows: Hank Johnson, yea, Mick Sudbury, yea and Doug Bezzant, yea.

Motion to approve the Sage Gate at Haynes Landing project located approximately at 2820 S 5600 W: A motion was made by Mick Sudbury to approve the Sage Gate at Haynes Landing project subject to issuance of a new performance bond that will cover any new or existing work not fully accepted by the District. The motion was seconded by Doug Bezzant and approved as follows: Hank Johnson, yea, Doug Bezzant, yea and Mick Sudbury, yea.

Discussion and possible motion on request from ATK for a variance from rule 9.8 in the District's Rules and Regulations: Brent indicated to the Board down by the wastewater treatment plant there are 4 homes that have private wells the wells are contaminated by perchlorate. ATK is going to come in and connect them to the District's water system. ATK is requesting a variance from 9.8 requiring someone hooked to the water system and if within 300 feet of a sewer main must hook onto the sewer. There is a state law, county law and the health department regulation that says such. The county health department ordinance provides an exception to that rule: three prong exception 1. If there is an insignificant public health risk; 2. If there is a substantial hardship that will be caused and that hardship is an unusual hardship. 3. It is outside the source protection zone. In this case ATK's action that is creating the problem and fixing it and it's not a situation that the property owner is causing the problem; it's a third party coming in and seems to meet these exemptions. Staff had two other things that they were

**Board Meeting Minutes
February 14, 2013**

recommending one is that this variance only be for the duration of the current property owner and that it be recorded, and the 2nd variance was if the septic system failed. David felt that this situation was unique enough that it would not set precedence. A motion was made by Doug Bezzant, seconded by Mick Sudbury, that the motion be tabled till next meeting in order to find out additional information on the cost for the people to hook to the sewer. The motion was approved as follows: Hank Johnson, yea Doug Bezzant, yea and Mick Sudbury, yea.

Discussion and possible motion on sale of District vehicles to Ken Garff Ford: A motion was made by Doug Bezzant, seconded by Mick Sudbury, to table the discussion and motion till next board meeting. The motion was approved as follows: Hank Johnson, yea, Doug Bezzant, yea, and Mick Sudbury, yea.

Water Distribution/Production:

1. **Water production report:** Kim Bailey indicated to the Board that water production was down 1% for January. Average 2.6 MGD in January.
2. **Call out report:** Kim informed the Board that there were 10 leak checks, of those 5 were main line breaks. 8 frozen water call outs, 1 call out for fire hydrant that was struck by a car, 1 sewer backup on the property owner's lateral. 3 call outs for snow removal.
3. **Update on Haynes well #4 replacement project:** The well has been drilled. The pumping station is being designed similar to #7. The geologist had recommended that the District equip to pump 1500 gallons per minute even though a constant rate test the well was up to around 2800 gpm. They think at 1500 gpm lessens the production of the sand and anything higher than that may have an impact on the other wells. The well turned out to have great production.

WWTP Operation/Collection System:

Wastewater plant has been running well, this cold weather has been causing some issues. The ditch needs to be chlorinated now, it started foaming and the analysis was going bad because the bugs are not active due to the cold weather. Chlorinating is very tricky because you take the chance of killing your ditch. The District hasn't had to chlorinate the ditch for a couple of years. Collections crew is blue staking, snow removal, working hard.

1. **Call out report:** Steve indicated that there was one call out for the wastewater treatment plant due to the computer going down.
2. **Update on Administration Building:** Thirteen contractors were preapproved for the construction of the building. The plans for the building will be ready to show the contractors next week, the bid opening will be before the next board meeting.

**Board Meeting Minutes
February 14, 2013**

3. Steve presented the awards that the District received with the Operator's challenge team. They received 1st place for the fan participation and third place in the challenge itself in New Orleans.

Other Business:

Water Users Conference March 18 – 20, 2013, St. George, UT: Brent indicated to the Board that he would like to send LeIsle Fitzgerald, Brent Williams, Shawn Wall, and any other trustees that wish to attend. A motion was made by Mick Sudbury, seconded by Doug Bezzant; the board approved those individuals to attend the conference. The motion was approved as follows: Hank Johnson, yea, Doug Bezzant, yea and Mick Sudbury, yea.

Katie Peterson: I wanted to ask that when you go out to video tape the line could you please let us know so that we can come and see,

Brent: You won't be able to come and see because of such close quarters

Katie: But can they show us right after?

Don: What would be best it will be on a tape and they could bring you into the office and set you in here so you can watch it on the screen?

Don: So they can explain to you what you are looking at while it's going through

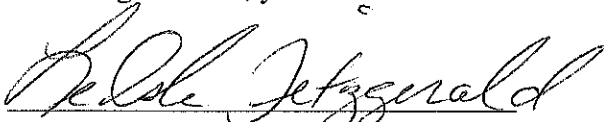
Katie: I just wanted....

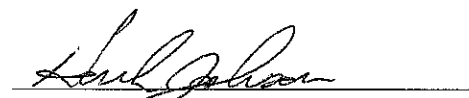
Don: Well tell you it doesn't show as much as you think it does and it's hard to understand the pipes are all stained and things you are seeing things go by in the camera but having them here you can ask questions. One of the things that I want you to know that in the District standards for the sewer mains out in the street the laterals come in basically come in on the top third of the pipe its designed so that stuff that's floating along the bottom doesn't easily get trapped so the one

Hank: That way then they could

Katie: You'll let me know?

Adjourn: Motion was made by Mick Sudbury, seconded by Doug Bezzant, to adjourn the meeting at 5:27 p.m. Motion was approved as follows: Hank Johnson, yea, Mick Sudbury, yea and Doug Bezzant, yea.


Attest


Chairperson