

SPANISH VALLEY WATER SEWER IMPROVEMENT DISTRICT

Special Meeting ----- May 27, 1987

The meeting was called to order by the Chairman, W. Darwin Gilger at 7:20 P.M. Other Board members present were Linda McKinney, Dan Holyoak and Neal Dalton. ATTENDANCE

Others present were Ray Holyoak, Barbra J. Ossola, Tim Pogue, Mike Price, David Knutson, County Commissioner, Elaine Matthews, County Attorney, Dale Pierson and Roberta R. Highland.

Darwin Gilger stated the meeting was for the purpose of discovering alternatives to adopting the ordinance and would sustain only constructive suggestions and if a yelling match ensued the meeting would adjourn. David Knutson stated there were other alternatives, but they were too costly to be effective. Barbra Ossola stated the District had had an election to put in a sewer system, and that it was not fair to the people abiding by the election, who put in and are paying for their water and sewer and that she felt the duty of the Board and County Commissioners is to enforce this resolution. DISCUSSION ON PROPOSED ORDINANCE

Mike Price stated that he had moved to the County after the election, and had been told he would be out of the sewer collection system, and had put in a septic system and was not building because of the expense of having to connect to a sewer. Darwin asked if he had any suggestions for the District collecting the moneys necessary to run the District and pay the bonds.

Ray stated that any building already on a septic system should not have to connect to the sewer, and that he felt the District should live up to their agreement with him to give him a "free" connection.

Elaine Matthews was asked if she as County Attorney had any alternatives, and she stated that the County Commission does not support the District in their efforts to put delinquent bills on the tax rolls. She was asked what their position was as to enforcing the Mandatory Connection Ordinance. She replied that had not been discussed fully.

Tim asked if only the people using the system paid their bills would the District be able pay their bonds. Dale stated that certain of our obligations are to be paid by taxes, that were the general obligation bonds, and were voted on by the taxpayers, that certain obligations were revenue bonds, and were to be paid for only by revenues. After a question from Mike Price, Darwin stated that after the Mandatory Ordinance had passed, the District Sanitarian had come to a meeting and stated that he was not going to take the Sheriff and enforce the ordinance wholesale at that time, but that the possibility of that happening in the future is there.

Dale asked Elaine Matthews that should the Board

pass this Resolution, would the Board have discretion as to how the enforcement is made. She stated that the Board would have the discretion to make parameters of enforcement. Darwin asked her if the Board could treat people on an individual basis. She stated that was so. Darwin asked Dale if the District could meet their obligations if they did not charge the people not hooked up but currently paying. Dale answered that was yes and no. The District might meet its day to day expenses, but that the rate had been set on the basis of expenses, maintenance and upkeep.

After a question on connection fees, fees for use and fees for use under the Mandatory Connection Ordinance, Dan asked Mike that if the District made a policy that the payments made would go toward a connection fee, would he be satisfied. Tim stated that he did not intend to pay for anything he does not get. Roberta stated that as a user, who had connected because it was a law, she felt it was not fair to others in the same situation that some should get, in essence, a free connection.

Ray stated the proposition was not made known to the public that there would be a service fee in addition to a connection fee. Tim asked if everyone paid for the service fees would the District meet their obligation.

Linda stated that perhaps something could be worked out crediting fees to a connection fee and that she feels the Resolution should be tabled and use some other means to enforce collections. Neal stated he agreed in general. Dale stated that we should not forget the resolution, because of the fact that it provides for collections when all other methods have failed. Dale stated he did not feel that those bills should not be declared null and void. Elaine Matthews then read the Utah Code relating to collecting fees through the taxing process. After a discussion, Neal suggested that Elaine and Paul get together and discuss a method to enforce the Code without a Resolution. David stated as the County Commission, he was against the Resolution and any other method of handling the collections should be utilized. After a question Elaine stated that in her opinion we operated under the Code as a water and sewer company and it can. Dan moved the the Resolution be tabled pending consultation with Elaine and Paul. Linda seconded. MOTION CARRIED.

The meeting adjourned at 8:30 P.M.

ADJOURNMENT

ATTEST:

Darwin Gilger, Chairman

Neal Dalton, Clerk