

SPANISH VALLEY WATER & SEWER IMPROVEMENT DISTRICT

Regular Meeting ----- July 15, 1998

The meeting was called to order by the Chairman, Paul J. Morris at 7:01 p.m. at the District office. Other Board members present were George White, Dan Holyoak, and Neal Dalton.

Others present were Dale Pierson, Marsha Modine, Rhonda Riberia, Georgia Hamblin, Sandra Holloway, Joan Harrison, Ron and Bev Nagel.

After calling for additions or corrections to the minutes of the meeting of June 17, 1998, and hearing none the Chair declared the minutes approved as circulated to the Board. Motion: George White. Seconded: Dan Holyoak. Motion carried.

After calling for additions or corrections to the minutes of the special meeting of June 29, 1998, and hearing none the Chair declared the minutes approved as circulated to the Board. Motion: Dan Holyoak. Seconded: George White. Motion carried.

Check approval: Motion: George White. Seconded: Dan Holyoak. Motion carried.

Citizens Concerns:

Georgia Hamblin, 2831 S Desert Rd - Paul Morris stated he understood Georgia was in attendance regarding a delinquent water bill for 2831 S Desert Rd. Her tenant for this property left abruptly, leaving a bill for \$153.25 that is still due and payable. According to Spanish Valley Water & Sewer Improvement District's Resolution 3-82, "... In case the tenant in possession of any premises or buildings shall pay the water charges, it shall relieve the landowner from such obligations, but the District shall not be required to look to any person whatsoever other than the owner for the payment of water charges that are in arrears... The arrears water charge shall be paid in full before water service can be transferred to the new tenant or owner..." Paul further stated, "We cannot use taxpayers money to recoup from tenants, we have to go to the value of the property and owner. We have no other recourse." Georgia stated this was a contractual law issue. Her interpretation is that if we have a signed contract from the tenant, the owner cannot be liable for debts they incur. She added the SVW&SID Ordinance cannot violate contractual law, which she is willing to go to court to prove. Georgia further stated water for the property in question had been shut off with no notice, which precluded her completing plumbing and remodeling. Because her water bill for her own residence is paid in full, she felt she is being treated unfairly, and punished for something someone else has done. This is a matter of issue, which will set a precedence if other tenants find out. Neal commented he thought all bills were tied to the property and not the people. George asked if the Ordinance had been reviewed by a lawyer. Dale stated the Ordinance was in place prior to his employment, but that he recalled having checked it previously with a lawyer, and finding it was within legal bounds. The Board requested Dale meet with Steve Russell to review this portion of the rules and regulations. Georgia asked if her water would be off until this was settled. Neal asked if she was just remodeling, or preparing to rent again. Georgia replied she would be renting again sometime soon. Paul asked her what she would do if it was proven the Ordinance was correct. Georgia responded "It's up to you. What you will do, determines what I will do." George made a motion to turn the water back on immediately, while Dale speaks to Steve Russell. Seconded: Dan. Motion carried.

Georgia
Hamblin

Joan Harrison, 3001 East Bench Road: Joan stated she is not arguing over the sewer connection fee, but against the \$22.00 monthly charge. Paul stated the East Bench line is approved. Joan said she knows this, and will hook up when she can afford to, but Carter Lane neighbors weren't charged a thing, and with her home 640' away from the sewer main, this did not seem fair. Ron Nagel added he thought there were not be to any free connections. Dale stated the Carter Lane main was an engineering decision determined by Sunrise Engineering to meet design criteria and that no one on that Lane, or anywhere else, received a free connection. Ron stated he will hook up, but that he was upset over the destruction of his Joshua trees, and tv cable line. Paul stated Ron needed to document these items, so that a claim could be submitted after the completion of the project. Joan said she felt the \$22.00 charge per month when she is not using the service is wrong. Ron asked what legal rights, what authority gave the District the right to force people to hook up to the sewer. Dale explained that both Utah State and Grand County law require a connection of properties within 300' of a sewer system. Likewise, all pieces of the fees have been legally studied, and have been in place since the 1983 Sewer Project. Ron stated again this was unfair to people like Joan would could not afford the connection fee. Neal asked if there was any CDBG money left. Dale responded there is not at this time, but that we are looking into an extension. Ron also stated he did not believe people had to hook up. Dale replied that Utah law states if the property line is within 300' you must connect. Ron requested a copy of this paperwork, as he still doesn't believe this. Ron asked who citizens could go to for a variance. Dale replied that this Board is the decision making body. Paul stated there is no variance in place at this time, but that the Board would discuss it.

Joan
Harrison

Sandy Holloway, 2951 E Cedar Hills Lane: Sandy stated she had no problems, she just wanted clarification of when the monthly charges for the sewer would start for her, and to find out how the project was going. Dale responded she would not receive any billing for connection or monthly sewer fees until after the line for Cedar Hills Lane was approved. Sandy stated the rest of her questions had been answered already, and thanked the Board for their time.

Sandy
Holloway

Capitol Indemnity: A conference call was placed to Ted Barnes to discuss the July 13th letter from David Zimmerman, of Capitol Indemnity. The Board felt Capitol Indemnity was simply delaying, as it has been 6 months since Ralph Olsen quit working on the project, and the project needs to get going again immediately. Discussion followed regarding the Takeover and Completion Agreements received with the aforementioned letter. The Board asked what options are available. Ted stated a formal demand letter outlining exactly what needs done and how much time would be allotted for completion, and specific health and safety issues needs to be sent. Another option is to start a lawsuit based on notice of default, breach of contract, and non-performance. Brent Rose will draft a letter this week, following this outline. Ted anticipates the letter will be delivered to Capitol Indemnity by July 20, and suggested September 7 as Capitol's deadline. The Board agreed to this line of action.

Capitol
Indemnity

Water Project: Dale referred to the letter from Mike Georgeson, Utah Division of Drinking Water Board. Along with a series of documents, an Emergency Response Plan was written and sent to Mike. Dale asked if there were any comments or changes the Board would like to see, noting this was a document that could be updated at any time. No comments or changes were forthcoming.

Water
Project

Water Conservancy Plan: Dale recommended advertising for members of the public who would like to serve on this committee. He noted that some education would be needed, as the consumer side of water use and water management side are very different. Dale also suggested designating several members of the Board to interview possible candidates. Paul nominated Neal Dalton and Karla VanderZanden. Dan asked if Dale knew of anyone in Utah who already has a Plan in use that we could get a copy from. Dale said he would research that, and place the advertisement in the paper.

Financial Statement was presented to the Board.

Meeting adjourned at 8:46 p.m.

ATTEST:


Paul J. Morris, Chairman


Neal K. Dalton, Clerk