



**SMSSD Board Meeting**  
**December 3rd, 2024 - 6pm to 9:00pm**  
**Anchor Address: 22345 North 12720 East, Lot C-49, Fairview, UT 84629**

Joining via Zoom Meeting was at <https://us06web.zoom.us/j/8018195705>  
One-tap mobile: +16694449171, 8018195705# | Phone: +1 669 900 6833 / Meeting ID: 801 819 5705

## **SMSSD Board Meeting Minutes**

**Board Members in person:** Craig Godwin (J154), Trent Andersen (Section E lots), & Ferris Taylor (K35)  
**Board Members via Zoom:** Beca Mark (GC46) & Don Hunter (J133, J134)  
**Staff:** Roy Fox (C49, C50), Water Superintendent and SMSSD Treasurer, & Jeremy Fox, Water Operator

**SMSSD Customers in person:** LaDawn Godwin (J154, J155), Todd Bird (GC18), Kevin Masson (GC1), Gary Knudsen (GC31), Jake Blaney (C13), Richard Scutt (C58), & EvaMae Cook (H17)  
**Guests:** Tim Beesley (Centra Com), Scott Collard (Sanpete County Commissioner)  
**SMSSD Customers on Zoom** (some with spouses or others): Beca Mark (Host – GC46), Don Hunter (J133, J134), Bob Capel (A37-?), Max Henrie (J70, J75, J76), & Trent Taylor (D46, D47)

The meeting was called to order at 6:03 PM by Board Chair Craig Godwin with a welcome to the SMSSD Board members and SMSSD customers in person and a “thank you” for those joining electronically. Don Hunter and Beca Mark are attending virtually due to personal commitments.

## **Published Meeting Agenda in Bold**

Invocation by Invitation: Ferris Taylor

### **1. Thad’s Peak Well Project**

- a. The Thad’s Peak Well Project is 99% complete. It will provide year around water fire suppression water access for the Upper Mountain and SMR.
- b. Water is now available and being used 24/367 at the Thad’s Peak fill station.
- c. With new State requirements to have security at water supply locations, it was found that the internet signal is insufficient for cameras. SMSSD has opened discussions with Centra Com for fast, high-volume, reliable service.

- d. With that background, time was given to Tim Beesley from Centra Com to answer questions on options for Thad's Peak security camera access.

**e. Presentation from Centra Com**

- i. Tim Beesley started by sharing what solutions and options might look like to support the surveillance and operational needs at Thad's Peak, along with other benefits to SMSSD, SMR and SMR property owners.
- ii. Centra Com had already identified Thad's Peak as a desired location for a tower to provide service to more of SMR and the Fairview valley.
- iii. The 140' tower, along with the one to the west of Doug Shelley, could cover 75% of the SMR properties with NextGen wireless internet options, as well as higher speed and volume services for SMR and SMSSD.
- iv. Centra Com is offering many options and financial flexibility in exchange for a place for a tower at the Thad's Peak well property.
- v. Tim opened the floor for questions and answers with everyone.
- vi. He shared pictures of the tower and noted that a side benefit of a tower at Thad's Peak could be future image recognition surveillance cameras for fire detection across the Fairview valley.
- vii. Fire surveillance wouldn't cost SMSSD or SMR money as the cost (up to \$90,000 annually) would likely be offset by yet-to-be-determined government funding, grants, or other public service options that could come up.
- viii. Opportunities are also available to SMR, if interested, including bringing high speed fiber to the SMR offices. That could also help future SMSSD safety, surveillance, and security at pumps and facilities in the full-time area.
- ix. Gary Knudsen asked if it would change his line-of-sight connection to Centra Com, which works okay. Tim answered it wouldn't change what he has.
- x. Todd Bird asked if there would be any cost to him with what SMSSD and/or SMR might consider. There would be no additional cost to either organization.
- xi. Customer subscriptions and the ability to connect and disconnect for seasonal use were shared. Centra Com offers a variety of plans.
- xii. It was re-confirmed these discussions don't include future fire surveillance plans.
- xiii. A motion was made by Ferris Taylor and seconded by Beca Mark to proceed with an agreement and contract terms with Centra Com. SMR will explore anything of interest to them in separate discussions.
- xiv. The motion was approved unanimously by the SMSSD Board.

**2. Thad's Peak Well Project**

- i. Water quality has been tested and meets State standards. Reports and information are included in the SMSSD Board and Attendee packets.
- ii. The remaining work includes a booster pump and electrical wiring for the smaller fill hose for freezeless facet, plus contracting for security camera internet access.
- iii. The Board discussed some project details, the materials used, and that the old water trailer was moved off the mountain before the snow started.
- iv. The project and contracting is to be completed by December 31, 2024

### **3. Approval of last meeting minutes (September 12, 2024)**

- a. Craig Godwin asked for any discussion or corrections to the draft minutes that have been emailed to the Board and posted on the SMSSD website.
- b. Trent Andersen asked questions about the minutes in the Bylaw discussions.
  - i. Discussion of Page 6, Section 2(d)i may be incorrect as the discussion didn't "clarify that in order to get the SMR subdivision approved as having "sufficient water to meet state standards," more than the SMSSD deeded 222.85 acre-feet of Water Rights were required..." The Trent Andersen discussion was that SMR believes irrigation shares were not part of the subdivision approval process and are not part of SMSSD.
    - 1. Trent provided added language on December 19, 2024, to be:
      - a. "I would like the minutes to say, I do not and did not say the irrigation shares that SMR controls are not and were not considered in the approval process of the deeds. I have not seen any records of that and we use all of those shares."
      - b. That was added to the September 12<sup>th</sup>, 2024, minutes.
  - ii. In Section 2(d)iv.1, Trent said he did not say that he had an answer on the "amended" language – there have never been bylaws before.
    - 1. He doesn't agree that there have never been bylaws. Stating "Amended or redrafted bylaws," still says there were bylaws.
    - 2. Board discussion was that the SMSSD operating procedures and the Little Manual are what SMSSD has been operating under as far as Craig Godwin or others have been able to find. Some, including Craig, may have said the word "bylaws" but no bylaws have been found or known to exist.
  - iii. In Section 7(e)i, the language in the minutes on "Impact Fee Resolution or on Building permits to water shares" was questioned. Trent's question is what is being asked of SMR on the resolution. SMR and SMSSD met and agreed to a resolution, but SMR states that the County isn't going to allow District expansion (can't sell water outside of the resort). Craig was supposed to get in writing

something from the County that building permits would not be denied based on water rights before agreement on a resolution.

1. Discussion was that County asked for the two boards to agree and provide proposed language. It has been 9 months since the County asked the two boards to get together and come back with a mutually agreed upon language for the County Attorney.
      2. The SMR discussion was if the resolution is on expanding the District, SMR will not agree but nothing had been provided in writing.
- c. At this point in the approval of minutes discussion, Sanpete County Commissioner Scott Collard had comments.
  - i. To start, Commissioner Collard said that the County has never said that they want the SMSSD to expand its boundaries. The Commission has not said that SMSSD should sell its water outside the District.
  - ii. He read from the draft resolution that was to go to Kevin Daniels for review that states "Whereas, the Sanpete County Commission desires to expand the official service area of the District pursuant to Utah Code Ann. Section 17D-1-301 et seq. and has requested the District Board adopt a resolution approving and consenting to the annexation of the Proposed Expansion..."
  - iii. He wants that taken out of the resolution as expansion of the District is "not going to fly anywhere."
  - iv. Section 3 of the draft resolution on Confirmation of Skyline Mountain Resort Permitting Process was also discussed, which states, "It is hereby confirmed that "otherwise qualifying permits" within the Skyline Mountain Resort Subdivision will not be denied due to SMSSD water shares or water rights."
  - v. More notes from the exchange with Commissioner Collard
    1. Commissioner Collard expressed multiple times that the County Commission has never approved or supported boundary expansion of the SMSSD
    2. He stated that the County Attorney and Commissioners have repeatedly told SMSSD not to expand its boundaries or benefits without following formal annexation procedures
    3. He emphasized that any resolution suggesting county support for expansion was inaccurate and would not stand
    4. Commissioner Collard criticized SMSSD for bypassing proper annexation processes and proceeding without county approval
    5. There was a discussion on the definition of water service
      - a. Collard insisted that "providing water" means pressurized, running water to individual lots (a functioning water tap)

- b.** SMSSD countered that while not pressurized, water is available through tanks and systems already in place.
- 6.** Collard emphasized that SMSSD must ensure adequate water delivery to all existing lots within the current district boundaries before discussing any expansion
- 7.** The SMSSD Board highlighted ongoing issues stemming from historical decisions regarding water rights, SMSSD District boundaries, and the full-time lots connected to the system.
- 8.** It was shared that SMSSD representatives (i.e., Don Hunter, Roy Fox, and SMSSD’s legal counsel, Craig Smith) had consulted with the Planning Commission before pursuing the Don Mecham expansion and had been told there were no issues, which created confusion over the current disagreement.
  - a.** SMSSD members expressed frustration over conflicting guidance and unresolved historical issues but agreed to shift focus toward fulfilling water service obligations.
- 9.** Commissioner Collard underscored the county attorney’s position that the commission must maintain an “arm’s length” stance due to legal complexities and in ongoing disputes.
  - a.** The SMSSD expressed frustration over difficulty in communicating with the county attorney and getting clarification on how to proceed. The difficulty was recognized by Commissioner Collard.
- 10.** Craig Godwin reiterated the SMSSD intent is to improve water access and infrastructure but recognizes the financial challenges in doing so.
- 11.** The conclusion of the tense and confrontational exchange was:
  - a.** Commissioner Collard encouraged SMSSD, SMR, and county representatives to work more transparently and collaboratively to avoid misunderstanding in the future
  - b.** SMSSD will clarify with the county attorney on how to legally document that the non-SMR grandfathered lots are part of SMSSD on the State records.
  - c.** SMSSD will stop discussions of boundary expansion and instead prioritize water delivery for existing lots
- 12.** The immediate priority and next step will be a meeting between SMSSD legal counsel and the County Attorney, Kevin Daniels, to clarify legal obligations and processes for unresolved issues.
- d.** Back to the agenda item to approve the September 12, 2024, SMSSD minutes, after the extensive discussion within the Board and with Commissioner Collard, Craig Godwin

suggested, and Trent Andersen agreed, that he will correct what he meant in those sections of the minutes and get language for the Board’s approval before the next meeting. (Note: That language was provided, included in the September 12, 2024, minutes and those minutes were approved with the added language.)

#### **4. Approval of financials**

- a. Roy Fox provided a full review of the SMSSD Financials that were emailed to the Board on November 30th and were in the handout packet of materials for SMSSD board members and for all attendees.
- b. In summary, SMSSD financials include the following balances (reports and other details are available online):
  - c. Grant \$95,709.65
  - d. PTIF \$96,411.49
  - e. Impact Fees Account \$10,004.19
  - f. Capital Facilities 7431 \$17,602.46
  - g. Capital Facilities CD \$1,602.46
  - h. Debt Service \$8,601.32
  - i. Debt Service CD \$1,602.46
  - j. X-Press \$27,373.85
  - k. Loan Payments \$15,534.71
  - l. Checking \$9,235.58
  - m. Water Shares \$6,520.75
  - n. Warranty \$6,520.75
  - o. Petty Cash \$1,210.13
  - p. Total \$63,395.77
- q. The new accounts are now required to accumulate funds for the restructured Bonds – one for Capital Facilities in the amount of \$11,441.25 per year and the other for Debt Service in the amount of \$18,100.00 per year.
- r. Motion to approve the SMSSD November Financials as summarized was made by Beca Mark, seconded by Don Hunter, and approved by 100% of the SMSSD Board.

#### **5. Proposed working budget**

- a. While on financials and in preparation for a Public Hearing on the SMSSD 2025 Budget, annual financial comparisons and a proposed budget were shared
- b. Craig Godwin reviewed the 2024 projected year-end financial performance and noted a positive ending balance.
- c. This is the first time in some years that SMSSD will end the year having met all obligations and with year-end balance of \$22,331.01.

- d. Richard Scutt asked about the percentage increases in the budget which was calculated – Going from \$348,321 to \$386,100 or 10.8% increase.
- e. A board member asked what was in Dues and Subscriptions. Roy Fox shared the items in the past primarily have been:
  - i. The Rural Water Association dues,
  - ii. Utah Association of Special Service Districts fees,
  - iii. M8 Automation (SCADA),
  - iv. Wix.com website license for SMSSD,
  - v. Sam’s Renewal (State Required),
  - vi. Blue Stakes of Utah, and
  - vii. The Core Utilities Meter Reading Software.
  - viii. 2025 is expected to be similar to prior years.
- f. Todd Bird commented that if some decisions had been different, we would be in a different place today. The encouragement was to build funds to do system expansion a little bit at a time. Don’t look back 10 years but look forward and take some steps forward.
- g. Legal fees have been almost \$38,000 year-to-date.
  - i. The 2025 working budget assumes that those expenses will be less, given more collaboration between SMR and SMSSD, to allow water services to expand.
  - ii. Many would like to see some expansion going forward.
  - iii. Points were well taken to make progress.
- h. In the spirit of Commissioner Collard’s admonishment, Gary Knudsen suggested that some money be placed in separate “dedicated accounts” for Upper Mountain and Birch Creek expansion.
  - i. The Board will consider that.
  - ii. It was also noted that Impact Fees are now being collected and can only be used for capital improvements such as water system expansion.
- i. SMSSD currently has a survey out to lot owners in the Upper Mountain and Birch Creek areas to assess customer priorities and preferences.
  - i. A copy of the survey is in the packets for Board members.
  - ii. All customers are being asked to return forms with updated contact information
- j. History was shared on the discussion around pressurized water for the seasonal/recreational areas and prior year’s research on financial interests.
- k. EvaMae Cook was invited to share what Joe Hanks told her when she bought her mountain lot many years ago - “You should never plan on it.”
- l. Craig Godwin shared that SMSSD originally had an account for the Upper Mountain that had accumulated about \$40K in funds and a Birch Creek account had accumulated about \$10K.

- i. When the Clubhouse well pump failed, a new pump and required well casing cost \$45K.
- ii. The SMSSD decision was not to borrow money, but to take the Mountain and Birch Creek money in those accounts for repairs to the full-time water system.
- m. A motion was made by Ferris Taylor, seconded by Don Hunter, to accept the 2025 working budget with Board consideration to add something (maybe \$5,000 for Upper Mountain system expansion and \$5,000 for Birch Creek expansion). The Board voted unanimously to approve the modified budget.

## **6. Update on water system**

- a. Questions on moving the RV Dump Station were discussed.
  - i. The relocation being considered is inside the new gate for the burn pile.
  - ii. Roy Fox shared that a 2" line that used to go to the storage barn was found and may be available for water in that area.
  - iii. State Water Board engineering may be required, depending on the location.
- b. Critical in the survey and in packet is a form asking all lot owners to provide the bottom portion to update their contact information for SMSSD.
  - i. The initial survey and the contact information form were mailed out.
  - ii. Follow up on requested input and information will be as needed by email or mail.
- c. **Safety, Security and backflow protection**
  - i. Reference was made to information in the packet to be careful with what goes into septic tanks – it eventually makes its way to the aquifer.
  - ii. Customers will be getting quarterly web flashes of State information on protecting water sources, similar to the information shared in the mailing.

## **7. March 2024 SMSSD / SMR Resolution on system expansion**

Given Commissioner Collard's discussion during the minutes, nothing more was discussed on the SMSSD/SMR resolution that was requested by the County Attorney, Kevin Daniels.

## **8. Report from SMSSD/SMR Liaison**

- a. Trent Andersen said SMR is looking mostly for documents.
- b. He asked for language SMR can share on Impact Fees and what people should be told as to when they will get water. Is it going to be one year or two years?
  - i. It was suggested that those questions be directed to SMSSD.
- c. Do we have a legal opinion on whether members vote on the debt increase? That is what SMR is asking for.



- d. Where online is that State approval on District Expansion?
- e. Reference was made to a Craig Smith letter stating that SMSSD needed 86 additional acre-feet of water.
- f. A question was asked as to whether this is the proper time for the SMSSD board to discuss water implications in the proposed SMR CC&Rs and Bylaws. When will Trent bring them to the SMSSD Board? Trent Andersen asked that questions be written down, but SMSSD hasn't discussed CC&R draft documents.

## **9. New / Old Business**

- a. Craig Godwin doesn't know of any new or old business.
- b. Craig asked for options for the Public Hearing that must take place before December 31, 2025.
- c. After considering the week of December 16<sup>th</sup> or 23<sup>rd</sup>, it was concluded that December 19, 2025, at 6:00 PM would be the Public Hearing for the 2025 SMSSD Budget and for the closing out the 2024 Year-End financials.

## **10. Open time for customers on agenda**

- a. Kevin Masson asked if SMSSD, as a branch of the government, has a right to tell SMR, as a private entity, what they should do with their water shares. The answer was that the Birch Creek water shares are SMR's responsibility.
- b. Kevin Masson gave Craig Godwin a private letter not to be shared.
- c. Kevin Masson asked that it be noted that his comments were as a property owner, not anything with respect to his SMR Board responsibilities.
- d. Jake Blaney asked for Tim Beesley's contact information, as he has already been in communications with others at Centra Com. He also said that Commissioner Collard's comments were steps in the right direction.

## **11. Executive Meeting**

Board Members were asked to stay for an Executive Committee Meeting

## **12. Adjourn**

A motion was made by Trent Andersen, with a second by Ferris Taylor, and approved by the Board to adjourn at 8:45 and to transition to the Executive Committee Meeting.

**The next SMSSD Meeting will be posted as the Public Hearing on the SMSSD 2025 Budget and is being scheduled for Thursday, December 19, 2024, at the Mt. Pleasant Senior Center at 6:00 PM.**