

UTAH LAKE COMMISSION  
August 16, 2007, 7:30 a.m.  
Historic County Courthouse Ballroom  
51 South University Avenue, Provo, Utah

ATTENDEES:

Members

Mayor Lewis Billings, Provo  
Walt Baker, Department of Environmental Quality  
Don Blohm, Highland  
Mayor Jim Brady, Mapleton.  
Dick Buehler, Forestry, Fire & State Lands  
Steve Clark, House of Representatives  
Mayor Jim Dain, Lindon  
Steve Densley, Provo/Orem Chamber of Commerce  
Dave Grierson, Forestry, Fire & State Lands  
Terry Hickman, Central UT Water Conservancy District  
Mayor Howard Johnson, Lehi  
Jim Linford, Santaquin,  
Mike Morley, House of Representatives  
Reed Price, Utah Lake Commission Executive Director  
Mike Styler, Department of Natural Resources  
Mayor Jerry Washburn, Orem  
LaNice Groesbeck, Interim Assistant  
Carol Mausser, Executive Assistant

Other Interested Parties

Steve Schwendiman, Attorney General Office  
Helen Anderson, Utah Valley Homebuilder's Assoc.  
Greg Beckstrom, Provo & Technical Committee Vice Chair  
Bruce Chesnut, Orem & Technical Committee Chair  
Darrell Cook, Mountainland AOG  
Rick Cox, URS Corp.  
Joe Donaldson, Logan Simpson Design  
Reed Harris, June Sucker Recovery Program  
John Holden, Heartland Processing  
Val. W. Kendall, Kendall Creative Communications  
Bill Kunsman, Noah's Ark Resort  
Skip McWherter, Consultant  
Clyde Naylor, Utah County  
Amy Nielson, Deseret Morning News  
Barry Tripp, Forestry, Fire & State Lands  
Tom Twedt, Bio-West, Inc.  
David Wham, Utah Div. of Water Quality  
Robert West, Provo

ABSENT: American Fork, Genola, Pleasant Grove, Saratoga Springs, Springville, Vineyard, Woodland Hills, Utah County (Commissioner Ellertson asked to be excused)

1. Welcome and call to order. Chairman Billings welcomed all to the meeting and noted the change in the meeting date for this month.
2. Review and approve the Utah Lake Commission minutes from July 26, 2007. A motion was made, seconded and unanimously approved to adopt the minutes as written.
3. Review and approve the monthly financial report of the Commission for the month ending July, 2007. Chairman Lewis Billings introduced the first monthly financial report of the Commission and invited Clyde Naylor to comment on the report. Mr. Naylor explained first that there is some income outstanding. There is currently one entity that has yet to contribute their financing. As of the report there were three entities that had not paid, so the bank balance is much better now than at the end of July. On the financial report the checks are listed and identified by category and also by the separate account designations. With it being the first month, there was not much activity besides purchasing some furniture and paying rent. The first payroll is being paid today. The Report shows that we have spent 2.5% of the budget at this point. Mayor Washburn suggested that it be noted what per cent of the year is left. Chairman Billings stated that it would be necessary for the Board to vote to approve the disbursements and accept the report for July. He requested that a folder of inventory of items be documented. The balance is currently short about \$3000. Total revenue will be \$316,000 when that contribution is received.

The motion to approve the disbursements and accept the Financial Report for July was seconded and approved unanimously.

#### 4. Request for Proposals for Master Planning Services

##### A. Report from Technical Committee with recommendations on changes to the RFP billings.

Bruce Chesnut, Chairman, reported the Technical Committee had met on Monday, August 13 with the largest turnout of representation ever and there was great input on the discussion. The first matter was the Master Plan and how they are going to approach it. Mr. Price reviewed that at the end of the last meeting it was suggested to post the RFP as compiled and post it on the web site inviting comments from interested parties and stakeholders. Discussion followed as to narrowing down the list of potential firms that would offer proposals for the Master Plan to between two-four firms. The SOQ is drafted so responding firms will be given a scope of the expectations for the project. Mr. Price requested feedback on the recommendation. The Technical Committee would like to proceed on the scheduled timeline. Chairman Billings asked Mr. Price to walk through the timeline again. It is as follows:

August 24 -SOQ advertisements (upon approval)

September 17 – 3:00 p.m. - SOQ Submittal Deadline This gives the firms one month to respond to the SOQ & get their qualifications put together. A Selection Committee comprised of Reed Price, some Technical Committee members and Governing Board members will be organized today to narrow down the proposals. A recommendation will be presented from that Committee at the next Governing Board meeting. This would give the Board ten days to review the SOQs.

September 27 - 3:00 p.m. - The Selection Committee will present at the Governing Board meeting their recommendations after having previously reviewed the SOQs. Between two and four firms will be selected. Those firms will then be requested to create a written proposal to be presented to the Selection Committee (Mr. Price's office) by October 29.

October 29 - Written proposal deadline to Mr. Price. The Selection Committee will review the written proposals and invite the firms to give an oral presentation to the Selection Committee sometime in early November. Following the oral presentations the Selection Committee will review the written and oral presentations and make a final selection.

November 15, (Thursday) - Final Selection. Selection Committee will present to the Governing Board their final selection for the firm.

Mr. Price said that they feel this time table, though ambitious, gives ample time to the firms to create the SOQ and the proposals. Mr. Chesnut added that the Technical Committee has received a lot of e-mail and correspondence and there has been much discussion. The Technical Committee supports the proposal, the approach to take, and the timeline as presented. Chairman Billings opened discussion from the Board Members and public comment to follow.

Responding to Mr. Clark, Mr. Price answered that TMDL stands for Total Maximum Daily Load meaning the amount of a substance that the lake can handle. The TMDL study was done by the state and specifically for two substances, phosphorous and TDS or salt content. We will address this in the next agenda item. There were no other comments from the board.

B. Public Comment: Responding to Mr. Cox, URS, Mr. Price answered that the SOQ asks for a time projection in the RFP proposal, but they didn't want to limit firms by setting a deadline. When the recommendation from the Committee comes back on November 15 an appropriate time frame will be included by the firm that has been selected.

Mr. Beckstrom, Technical Committee, stated that they had worked hard. They felt responsive to the

board's desires to set the timeframe as a high priority but also to get it done right the first time. The process being laid out is supported by the Technical Committee. Responding to Mr. Washburn, Mr. Price answered that they have been contacted by several firms regarding direct mail and there will be advertising in newspapers. Advertising in national magazines was considered but will not be a possibility considering the time frame. He also affirmed that certain firms that have expressed interest will be contacted including Mr. Harrison of the Bear Lake Commission.

Responding to John Holden, Heartland Processing, and Mr. Price said he will entertain any ideas on advertising. Personal contacts or interested parties should be forwarded to him. No bias. Mr. Naylor stipulated that we have already received contact from national firms. Mayor Billings said that we do have to have good justification for not using a local contractor. Helen Anderson, Utah Valley Homebuilder's Association, suggested that we contact the American Planning Association-Local Chapter for possible firms. Responding to Mr. Clark, Mr. Price said the SOQ asks for billing methods which will be considered in the selection process

Mike Styler, Department of Natural Resources, said that Forestry, Fire & State Lands (FFSL) stated they already have a responsibility to a Master Plan for the lake. There may be some requirement that are more in depth from the FFSL Master Plan that would allow the FFSL to contribute to the Utah Lake Commission's Master Plan. It was suggested that Dave Grierson, FFSL, meet with the board's staff and review the documents. Mr. Buehler stated that the FFSL had some Public Hearings and were gathering information but put everything on hold until the Utah Lake Commission was finalized. The documentation including an assessment done by Utah Valley State College will be forwarded to the Utah Lake Commission (ULC). Mr. Price proposed that we add a line in Exhibit A saying the potential firm may be working with the Division of FFSL to address their concerns as well and will work out the details later. There were no other comments.

C. Vote to approve the RFP with changes and authorize its issuance. The motion to approve the SOQ document and to authorize its issuance with the addition in Exhibit A including the proposed addition was seconded and approved unanimously.

D. Select individuals who assist the Executive Director in ranking and interviewing the planning consultants who submit proposals for Master Planning Services.

The discussion on who will serve on the Selection Committee resulted in the following appointments: Reed Price, Chairman, Walt Baker, Dave Grierson, Greg Beckstrom, Bruce Chesnut, Clyde Naylor, Mayor Howard Johnson, Chris Keleher. Representative Clark accepted Chairman Billings' invitation to serve. No further comment. A motion to approve the Selection Committee has stated was seconded and approved unanimously.

## 5. TMDL Final Draft Discussion

### A. Technical Committee Recommendation

Mr. Chesnut relayed that this subject has produced a lively and in-depth discussion. This has been going on for years as far as following the TMDL (Total Maximum Daily Load) study, getting a final draft report and coming up with a position regarding the study. Mr. Price reviewed the document. As a reminder from the last presentation from Mr. Wham, there were two areas tested as fisheries impairment in the TMDL meaning how much of a certain chemical the lake can handle. The first chemical they looked at was phosphorus. Mr. Price summarized the recommendations from Mr. Wham and opened discussion. Mayor Johnson suggested that the Timpanogos treatment plant might be contacted as they are planning to expand their wastewater facility.

Mayor Brady questioned the word "should" in the sentence "Planning for the expansion or construction

of a wastewater treatment facility should consider phosphorus removal...” and if that would imply mandatory action. Mayor Brady wondered if it would be considered to change the wording at the beginning of the sentence to, “It is recommended that...” Mr. Beckstrom said that it is a realistic possibility that phosphorus removal at some level will likely need to be implemented by treatment plants at some point in the future. Given the future possibility, as treatment plants are expanded or new ones designed, this action should be incorporated into the design so those modifications can be implemented as economically as possible. But it is not recommended that they proceed to include those elements in their design at this point in time until further studies document show they are warranted.

Mr. Wham spoke next and commented that the DEQ and EPA are viewing this as a nutrient pollution, issue that is probably the biggest one now. Phosphorus removal is very expensive. There are wastewater treatment plants being designed right now that have limits .05 mg/ liter parts per million as a standard. When talking about biological nutrient removal it will only be able to get down to 1 mg/ liter. To any wastewater treatment plant contemplating expansion it would be very negligent to disregard phosphorus as a concern. It really is a matter of when, not if, nutrient standards will be established in this state. He expressed his interest in the statement being strengthened.

Mayor Johnson commented that in our system “should” and “shall” carry a mandatory and agreed we should add the phrase, “It is recommended. Responding to Mr. Densley, Mr. Wham said the conversation is more about how to eliminate the phosphorus before it gets to the lake. Mr. Price confirmed that the recommendation of the TMDL of biological removal is to decrease the amount of phosphorus that is going into the lake and make it easier to deal with what is there already. Representative Clark reminded that the Commission doesn’t have the authority to force anyone to do anything. Cities need to decide what they want because they will bear the cost. Mr. Price explained that a TMDL endpoint will establish what the lake can be handle at a given time. For example, if we use the amount of 100 tons in the lake, then they would take that and divide it among wastewater treatment plants and give them a limit based on their flow. There is currently no federal standard relative to the nutrient of phosphorus or nitrogen. It is determined on a state basis and some have implemented minimum standards for water quality, but Utah has not at this point. Utah has simply addressed specifics issues as they have arrived. Phosphorus is not the problem, but the ramifications of increased phosphorus which can include decreasing oxygen levels in the lake. It can cause problems for wild fowl. Studies in Farmington Bay are being conducted on nutrient problems. It is not all caused by wastewater treatment plants but some of it is caused by nature. Mr. Densley asked how many wastewater treatment plants currently empty into the lake and it was answered that there are five with a possibility of two more in the future with some expansions. Mayor Johnson stated that since this is an advisory board and we are saying in the statement that further studies are being conducted, he would also be concerned with using the word “should”.

Mr. Wham summarized that this is the next step in the country for wastewater treatment plants. It is coming and the sign is very clear on the relationship of phosphorus and dissolved oxygen in the water. It is a matter of how much and how to identify the limit. It is realistic to assume this will be in our treatment plants in 10-20 years we need to take steps and be proactive about it. He supports the position of the Technical Committee’s consensus position.

B. Discuss and consider taking a formal position on the TMDL recommendations. Following discussion there was a motion to accept the Statement on the TMDL study results and recommendations with the following changes:

“It is the intent of the Utah Lake Commission to preserve all beneficial uses of Utah Lake. The commission supports the findings of the TMDL Final Draft document and its recommendations as presented to the Governing Board and at recent public meetings. Utah Lake should remain on the 303(d) list of impaired waters and delay establishment of TMDL endpoints until further studies are carried out

that demonstrate definitely that phosphorus has a direct effect on any beneficial use. The Commission further hopes that these studies will be expedited, yet thorough. ~~Planning~~ ***It is recommended that planning*** for the expansion or construction of a wastewater treatment facility ~~should~~ consider phosphorus removal in the design process so that phosphorous removal techniques could be more economically constructed, if and when further studies document the beneficial impact of such removal efforts on the water quality of Utah Lake. The Commission supports the pursuit of a site-specific TDS standard for Utah Lake.”

The motion was seconded.

Mayor Brady spoke in favor of the motion. He doesn't think the commission is in a position to establish a standard using “must be” or “should be” or any form of command language. It is appropriate for the Commission to “recommend” the standards and actions for regional plants and cities. He fears that if it has any kind of command language some other organization, group or municipality may misunderstand the intent and the ability to make that kind of a statement.

Mr. Styler responded that in his opinion the language as is, does not command anything, especially with last portion of the sentence where it says “if and when further studies document the beneficial impact”. He liked the stronger language as in the recommendation.

A substitute motion to support the recommendation of the Technical Committee was made and seconded.

Representative Clark supported the substitute motion. He believes if the Commission is going to take lead on issues, we need to be proactive and stand up and say what we feel. However, we cannot dictate because we don't have the authority to do that and he doesn't think the language used in the recommendation dictates.

A vote was called on the substitute motion. The motion carried nine to three. Chairman Billings requested Mr. Price to put the recommendation into resolution format.

Last month a Logo concept was presented and voted on. The one selected was refined. A concept was presented and will be used unless there is objection. The letterhead will be advanced by Mr. Price. The logo was circulated for viewing.

6. Report from Executive Director. Mr. Price has been the Executive Director for three weeks now and it has been exciting and learned much. He introduced Carol Mausser who is the new Executive Assistant for the Utah Lake Commission. The staff is excited to work with her. He thanked LaNice Groesbeck for service to the Commission for the past three years in addition to her duties as a City Recorder. The Commission applauded LaNice on the excellent job she has done. Mr. Naylor expressed personal gratitude.

Mr. Price invited all the cities to send to him any resources regarding other Master Plans they feel might be pertinent to the furthering and assisting the Master Plan cause of the Utah Lake. Mayor Washburn asked if the Executive Director's office could prepare a list of what documents are already in the office. That will be sent to all the Mayors and they can respond.

As the request of Chairman Billings, Mr. Price shared his Top 10 list of his vision for the Utah Lake Commission.

1. Office Organization. To get the office up and running like real office with the internet, phone systems, filing system etc.

2. Library Organization. Organizing a library with existing Master Plan information and studies of past years on the lake and have it available. He also wants to become more familiar with the Commission's library.
3. Technical Committee. Everyone's representatives need to attend the meetings to represent their interests and address concerns and ideas. They need involvement on the subcommittee level. There are four subcommittees that will help and aid the firm selected to create the Master Plan. These subcommittees are specific in nature and the one Technical Committee representative may not be able to sit on all the subcommittees. If the resources are available, Mr. Price requested that every entity have representatives on the subcommittees. Those include recreation, transportation, land use and natural resources. Having someone on the Technical Committee will not cover all the subcommittees. A memorandum of these subcommittees was requested.
4. Develop the Master Plan. He wants to have this document to provide guidance to entities for those interested in development around the lake and the shoreline. The Master Plan will be useful to approve/disapprove projects.
5. Work with agencies with immediate issues such as carp removal and June Sucker Removal Program and see how assistance can be provided. He wants to be a resource for Phragmites and Tamarisk, non-native vegetation that is encroaching upon the lake. He wants to help these groups to maintain access to the lake.
6. Seek grant opportunities to achieve goals. They will be looking for funding opportunities specific to the Commission's goals.
7. Meet with the Bear Lake Commission and, specifically, Mr. Harrison to see the things that they have done up there.
8. Meet with U.S. Senators and Representatives to inform them of the goals and needs. This will help him the federal funds that are available. He is planning to become visible with the state legislature. Furthermore, he will continue to meet with the state agencies involved; Department of Environmental Quality, Forestry, Fire & State Lands and Department of Natural Resources.
9. Seek citizen support. He is anxious to change public perception of Utah Lake and get more support from them. As he has met people and told them of his job some people say, "Oh, good, are you going to clean it up" or some say "Oh, I love Utah Lake". It seems that the ones who have the positive reaction are people who actually use the Lake and the others usually haven't been down to the lake in years.
10. Be visible and make appearances at planning meetings, council meetings, etc. Board members can invite him to their meetings to explain the goals and purposes of the Commission. He wants to get the name out there and be recognized as a Commission that is doing good things and moving forward in helping Utah Lake to be a natural treasure.

Mr. Price acknowledged that he knows this will take years to accomplish, but it is his intention to take one step at a time and get it done.

#### 7. Other Business.

Mr. Densley invited Mr. Price to present to the the Chamber of Commerce Board of Directors and he did a nice job. Coming up is a Utah Valley Executive Summit that will be held at Sundance in September. All who would like to attend are invited. Mr. Price has been invited to be one of the presenters there.

Representative Clark mentioned that Robert Carter has written some articles and a wonderful book on the lake. He encouraged all to do so. The story takes you back to the pioneers coming into the valley, its appearance, how it was used, etc. The literature gives a good perspective of the lake, its history and its appearance, now and then. Mr. Price will try to get some of those articles for distribution to the board.

Mr. Styler gave notice that there have quagga mussels found in Lake Mead last January. There is a containment effort to keep them out of Lake Powell.

Public Comment: Mr. Val Kendall, Grandview Hill- Provo

Mr. Kendall introduced himself as a small business owner. Following a wonderful experience in Switzerland, he presented some suggestions that he felt we could adapt here in reference to Utah Lake. His suggestions included increasing posted directions to the lake, and more free access areas including beaches, boat launches, restaurants, picnic areas, etc. he distributed some handouts to the Board. Chairman Billings noted Mr. Kendall's passion for this project and suggested that Mr. Price invite Mr. Kendall to make a more complete presentation to a subcommittee. Mr. Buehler reported that in the forty-five miles of shoreline, there are currently twenty-five access points.

Bill Kunsman, Noah's Ark Resort commented on a recent drowning at the Lake and also expressed concern about the West Nile Mosquito threat.

Helen Anderson, UVHA, reported that last week the county made a presentation to Vineyard City and described some land they just acquired from the state. This land will complete a significant section of trail around the lake and provide enough land for a small beach.

8. Confirm that the next meeting will be held at the Historic County Courthouse Ballroom on Thursday, September 27, 2007, at 7:30 a.m.

9. The meeting was adjourned at 9:15 a.m.