

Utah Lake Technical Committee Meeting
Monday, September 24, 2007
Historic Utah County Courthouse
51 South University Avenue, Suite 211
Provo, Utah 84601
8:30 a.m.

ATTENDEES:

Bruce Chesnut, Orem, CHAIRMAN	Chris Keleher, Dept. of Natural Resources
Reed Price, Utah Lake Commission	Barry Tripp, Forestry, Fire & State Lands
Kris Buelow, CUWCD	Bob Fisher, Woodland Hills
Brad Stapley, Springville	Reed Harris, Dept. of Natural Resources
Deon Giles, Pleasant Grove	Greg Beckstrom, Provo
Jim Hewitson, Lehi	Clyde Naylor, Utah County
Michael Mills, UT Div. of Wildlife Resources	Howard Denney, American Fork
Ty Hunter, Division of Parks & Recreation	Ron Anderson, Lehi
Dave Wham, UT Dept. of Environmental Quality	Bill Kunsman, Noah's Ark Resort
Carol Mausser, Executive Assistant	

ABSENT:

Michael Vail, Genola	Don Blohm, Highland
Adam Cowie, Lindon	Scott Bird, Mapleton
Jim Linford, Santaquin	Lee Hansen, Saratoga Springs
Sarah Carroll, Saratoga Springs	James McMillan, U.S. Army Corps of Engineers
Norman Holdaway, Vineyard	
Ann B. Merrill, Division of Water Resources	

1. Welcome. Bruce Chesnut welcomed everyone and called the meeting to order at 8:37 a.m. He asked everyone to introduce themselves. He acknowledged Bill Kunsman who was listed on the Agenda for today's meeting.

2. Review and approve the Utah Lake Technical Committee minutes from September 24, 2007. Bruce Chesnut opened discussion of the minutes. Chris Keleher had a correction on a statement he made that was printed on page 8. He suggested the sentence be changed to read, "Chris Keleher mentioned that the TMDL is based on the beneficial uses. *If* it is the intent of the Commission to have uses on Utah Lake that are broader than those upon which the TMDL is based *then these should be stated in the letter to DWQ.*" Clyde Naylor commented that he originally had a correction regarding Paul Hawker possibly volunteering for the Recreation Committee, but since the last meeting Paul Hawker actually has volunteered for that committee. Reed Price expressed appreciation for the work done by Ruth Ann Ivie on last month's minutes as the meeting was quite lengthy and Carol Mausser had not yet started work

with the Commission. Also, he asked that Ruth Ann be notified of the appreciation of the Technical Committee for her excellent work in the past few years as the secretary. Bruce Chesnut also expressed his thanks to Ruth Ann. There was a motion by Clyde Naylor to approve the minutes with the requested corrections. The motion was seconded by Jim Hewitson and the minutes were unanimously approved.

3. Report on the statement of qualifications (SOQ) process.

A. SOQ status. Reed Price reviewed that at the last meeting in discussing the RFP it was decided to change the RFP process to an SOQ format to try to limit the number of firms that would be submitting detailed projects. Mr. Price then drafted a Statement of Qualification and it was presented to the Governing Board and they liked the idea. By the following week the SOQ was ready and it was sent to approximately a dozen firms that had expressed interest or who were possibly interested and many of them contacted Mr. Price to see if they were good candidates. Notices were also sent to the papers; The Daily Herald, Salt Lake Tribune and The Deseret News. Those advertisements were seen by several out of state firms such as California, Colorado and Las Vegas and a few others. There ended up being six firms that submitted an SOQ which were due last Monday at 3:00 p.m. in the Commission's office. Copies of those SOQ's were delivered to the members of the Selection Committee and that Committee is scheduled to meet following the Technical Committee meeting today to narrow down the candidates to between two and four firms. Those firms selected will be presented to the Governing Board at the meeting this Thursday, September 27. The Board should approve those firms and then those firms will be invited to submit a Request for Proposal (RFP) similar to what has previously been discussed.

B. Request for Proposals. One of the items that Mr. Price has been working on is deciding the best way to have the firms detail their price quotes. Greg Beckstrom had suggested that there be a "not to exceed fees" versus a lump sum payment. It was stated that usually proposals are submitted with a "not to exceed" phrase. Chris Keleher confirmed that "not to exceed" is usual. Reed Harris suggested that there are two ways to do it; either there is a fixed cost or they can be allowed to charge the actual cost plus a premium with a ceiling. Mr. Chesnut said in Orem they have usually have had a "not to exceed" with an x amount of dollars stated. Mr. Keleher pointed out that the process is going to exceed the one year budget. He is concerned that the firms understand that they are working with two years' budget. They should consider when they submit their proposals to include the full price of the project. Mr. Price agreed that the money budgeted right now is not enough to finish the project, but it is enough for six months. Based on the contract that is made with the firm, the remainder of the money will then be budgeted for the next year. The firms should not consider this year's budget in their proposal but the budget for the entire project. Mr. Price read Attachment C in the Price Proposal Form which states:

"I hereby certify that I have read, understand, and agree to all sections and attachments of the Request for proposals for Professional Master Planning Services. I further certify that the information submitted by me/my company in response to the Request for

Proposals, including the information in the Proposal response form, is true and accurate.

I understand that the Utah Lake Commission has the right to reject any or all proposals, to waive minor irregularities when to do so would be in the best interests of the Utah Lake Commission, and to negotiate a price for the proposed services as determined to be in the interest of the Utah Lake Commission.

I hereby propose to provide the professional Master Planning Services described in the Request for Proposals

For a professional fee of _____.”

It was suggested that “not to exceed _____(x amount of dollars) “ be added to the end of the last sentence following their quote of a professional fee.

Responding to a question as to how the hourly rate applies, Mr. Price explained that the firms submit what they are charging so the Committee can get an idea of how they are budgeting, but it is up to the firm to estimate costs in their proposal. They will itemize and prepare a spreadsheet on their allocations. The price proposals will be separated from the RFP in a separate envelope so that the cost is not initially considered. First the committee will choose the best firm and then the price will be considered. The firms will have one month to prepare their proposal after they have been selected. The Board will have one firm selected by November. Upon approval negotiations will begin so the contracts can be finalized and be ready to go in early December. All the grammatical changes that have been suggested have been corrected in the RFP. The budget for Master Planning Services is at \$85,000 right now, however the actual costs of the project is unknown. It was questioned why the prices aren't considered at the beginning and thereby, perhaps eliminate some firms right away. Mr. Chesnut replied it is a normal practice to look at the firms first and see who their key personnel will be and then the price is a secondary factor which turns into a negotiating factor. Mr. Naylor suggested this is a three steps process; 1) determine the qualifications, 2) determine the firm's approach and the estimates of time, terms, etc., and 3) negotiate a contract. It was brought up that sometimes during the negotiating process the committee may see something in one proposal that could be added to a different proposal that is the one selected. Mr. Price added that it is stated in the RFP that if there is something in their RFP that the Committee likes, it can be used with the firm that is selected. All the firms that have submitted SOQs are very qualified firms.

Mr. Chesnut thanked Mr. Price for his report. In consideration of Mr. Kunsman, Mr. Chesnut announced the agenda would skip forward to Item 8.

8. Presentation from Mr. William Kunsman with Kunsman Enterprises

Mr. Kunsman introduced himself as a resident of Pleasant Grove and owner of Noah's Ark Enterprises and gave a short synopsis of his background. He acknowledged the efforts of the June Sucker Recovery Program. Mr. Kunsman shared some of his thoughts relating to current interests regarding Utah Lake related issues. Some of those interests include population

growth, land use, dredging of the lake, Provo Airport improvements and a future causeway. He also expressed his interest in the quality of the Lake and control of the West Nile virus.

Mr. Kunsman presented the project he is currently preparing of a resort to be called Noah's Ark. He has been working on this for years and suggests it could be a major tourist attraction. The resort will be about the size of a football stadium with the entire structure looking like the ancient wooden Ark. Everything would revolve around the theme of Noah's Ark. Responding to Mr. Chesnut, the location of the resort would need to be somewhere along the shoreline so that people can boat into the resort and take lake excursions. He is excited that it will create jobs and generate revenue. The hotel is projected to have 300-350 rooms. Some of the hotel features would include a rainbow restaurant on the top floor with computer generated rainstorms, museums, theatres, convention rooms, and a helicopter pad. He has met with every mayor and planning commission of cities that border the Lake and all of them have expressed interest and also the Marriott Corporation has expressed interest in managing it. Currently he is inviting investors and a story will be in the next issue of "Hotel/Motel Management" magazine. He believes funding is imminent, but he wants the support of the Commission. Mr. Price explained that the Commission gives guidance to municipalities, but the Commission cannot promote individual projects. Once there is a Master Plan the Technical Committee and its subcommittees will give guidance to proposals that are presented. As the various cities and the county are approached with private proposals the Commission will also give them guidance and make recommendations. The committees will serve as a resource. Mr. Kunsman stated that he mainly wanted to let the Committee know what he is planning to do out of consideration. Greg Beckstrom suggested to Mr. Kunsman that since his project is related to the shoreline that he take into consideration the fluctuation of the shoreline as he develops his project. Historically, the shoreline of the lake has fluctuated between 10-12 feet. It will change over the course of a few years. Mr. Chesnut invited any other questions. In closing, Mr. Kunsman offered a finder's fee of \$100,000 to any individual or to the Commission in locating a prospective buyer of his idea. He was advised to be cautious in his selection of engineers as they may not be expertly informed of the nature of Utah Lake. Mr. Kunsman was thanked for his presentation and wished good luck on his project.

4. Report on the resolution supporting the TMDL study.

Reed Price reviewed that at the last meeting one of the agenda items was to come up with a statement responding to the TMDL study. Dave Wham had received the final report and he was brought in via a conference call to discuss the statement. Whenever something of consequence happens regarding Utah Lake the Technical Committee will want to make a statement. The statement that was drafted is as follows:

"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 definitively that

phosphorus has a direct effect on any beneficial use. The Commission further hopes that these studies will be expedited, yet thorough. 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.”

This statement was brought to the Board and there was some discussion. One suggestion from the board was to change the following statement to read, “ *It is recommended that planning* for the expansion or construction of a wastewater treatment facility consider phosphorus removal in the design process so that phosphorous removal techniques could be constructed, if and when further studies document the beneficial impact of such removal efforts on the water quality of Utah Lake.” It was pointed out that our Commission has no jurisdiction over what the municipalities choose to do. After discussion the Board decided to adopt the statement in its original format and it passed 9-3. Mr. Price thanked everyone for the emails and suggestions. He believes the final result was a consensus statement and it has been adopted as a resolution.

Bruce Chesnut asked if everyone was comfortable communicating by email. Bob Fisher commented that he would have liked to have read some of the others’ comments. Responding to Mr. Fisher, Mr. Chesnut said that anyone can see the other members’ comments depending on how they select recipients on their email. Dave Wham confirmed that eventually there will be a source people can go to on the Web for further information. There was a question concerning the public comments that Mr. Wham had received. He said he received two primary comments; one on each side of the issue. Mr. Wham and his department will be summarizing the comments received and will post it in the report.

5. Report from the June Sucker Recovery Implementation Program. Kris Buelow said they are in the process of finishing their carp pilot for the fall. He’ll be finalizing a report this week for the fall testing. The Utah Lake Symposium will be held October 5th. He passed out flyers for the symposium and requested that everyone help circulate them and post them at the municipalities. This Thursday at the General Board meeting there will be a Carp Management Plan presentation. The June Sucker Recovery Implementation Program (JSRIP) is putting together a draft of their plans; hopefully, it will be ready in a few weeks. At the Governing Board meeting they will be presenting a summary of what the JSRP has done so far and of their future plans. There were no further questions.

6. Report on the noxious weed tour. Reed Price reported that he went on a tour with the County Noxious Weed Board and two of the weeds on their list are the phragmites and tamarisk. Phragmites are a concern for the Utah Lake. They went to Inlet Park in Saratoga Springs where they had done some treatment of some phragmites earlier this year and it was impressive to see how they had decreased their proliferation and stunted their growth. However, as it was explained, the phragmites’ root system is quite robust and they will have to continue to treat those areas. They also treated the phragmites on soggy land. It is much

harder to eliminate phragmites if it's growing in two to three feet of water. The phragmites is a concern to the Commission because it does not allow access to the Lake and one of the Commission's goals is to get as much access to the Lake as possible. The Commission will be working with Forestry, Fire & State Lands (FFSL) to possibly start a pilot program to clear a certain amount of the shoreline for better access so people can use the Lake more. They are also hoping to go to the Legislature and let them know it's the state's responsibility to get access to the Lake and Mr. Price will be working with Barry Tripp and Dick Buehler in trying to lobby for funds on that behalf.

The tamarisk tree can consume up to 300 gallons of water a day. It's not a native species to Utah. There is a beetle that has been released down in the Delta area in the past few years and also down in St. George that only likes tamarisk trees. It eats tamarisk to its heart's content and then when the tamarisk is gone the species dies out. The beetle has been released on the west side of West Mountain and the weed tour went to see that. It has proven very effective. Mr. Price was skeptical at first about releasing a bug but, apparently this has been tested and once the tamarisk is gone the beetle goes away. There was discussion about whether the beetle originates in the Middle East or in Asia. Apparently they introduced the beetle down by the Colorado River around Moab and it worked for about thirty miles. So far there hasn't been any secondary effect. No one knew the actual name; everyone just calls it the tamarisk beetle. In St. George it hasn't been quite as effective but they were only put out in limited numbers and the beetle works best in a certain range of elevation. The West Mountain project has already been through one winter. Mr. Price asked where they got them and he was informed the beetles can simply be shaken off a tree from a tamarisk tree where they have already been released. Both of these plants are of concern to the Commission, particularly the phragmites. That is the one that causes access issues. Chris Keleher did mention that there is another plant, the purple loosestrife, that is similar to the phragmites that could pose a potential problem. It is established now around the lake.

7. Subcommittee Assignments. Mr. Chesnut spoke about how important the subcommittees are going to be to the Master Plan effort. Extra copies of the current subcommittees were passed out. Clyde Naylor explained that the Utah Lake Commission exists because of the Technical Committee of the Utah Lake Study Committee that was created by the mayors two and a half years ago. The importance of that Technical committee being able to bring out details while establishing the Commission was very critical. The new assignment of setting up subcommittees that follow the outline of Master Plan is just as critical if not more so because the consultant that is coming on board will have the ability to deal with experts that have background in the specialty areas they are working on. The consultant will have more access to the planning information that he is going to need. The group can meet regularly and it will be very beneficial and, in the long run, will save a lot of money. The subcommittees need to be organized as quickly as possible so that when the consultant is selected they will have immediate access. Mr. Chesnut affirmed that if anyone has in their municipality an expert or someone they want to serve on the subcommittee that would be effective, please bring them forward. Mr. Price clarified that every organization does not have to have someone on every subcommittee, but where there is interest or potential concerns it is important that there be

representation on that subcommittee. It is imperative that these representatives be on the subcommittees from the very beginning. The subcommittees will be our resource to the selected firm. All were asked to review the list as it now and see where they need to add a representative. There was discussion on who the representative is for the Utah Lake Water Users. Apparently there has been interest from different groups, but at this point there isn't anyone representing the Utah Water Users on the Technical Committee. Richard Bay, Jordan Valley Water Conservancy District contacted Mr. Price and Mr. Price was directed to have him get together with all the Salt Lake interest groups and choose someone from that group to represent the Salt Lake area. The Governing Board would then approve them to be on the Technical Committee. Discussion followed about who could represent the interests of Utah Lake considering possible competing interests. The objective will be to get the voice of those who have water rights ownership in the water of Utah Lake so that their issues will be brought forward in the Master Plan process. Mr. Keleher stated that in Colorado they opted to have a private water consultant who deals with all the interested parties. He is paid by all the water right parties in Colorado. It is a complex situation. In the Interlocal Agreement Mr. Price stated it says a Utah Lake Water User Representative should be on the Technical Committee. Mr. Price and Mr. Naylor will do more research on the situation to get more clarification. The subcommittees should be organized by mid-November so they are ready for the selected firms in December.

9. Other Business. Barry Tripp reported that FFSL are in partnership with the county on a park. It will be a nice park west of the old Geneva steel plant. However, there is a problem with people building fires on the beach. He has discussed this with Clyde Naylor about either the county or city passing an ordinance to prevent building fires on the beach. Also, people even bring down old couches and leave them there. Responding to discussion on who will own the property, and who will be maintaining the park, Bruce Chesnut clarified that police services are provided by the county. It will be available for use next spring and have pavilions and trails. Ty Hunter questioned if Vineyard would be providing the law enforcement or if the county be doing that as well. Mr. Tripp was not sure but did know that the County Canine Group had been approached and is probably going to be patrolling there. Mr. Tripp will find out who will be responsible and it was agreed that the area will need special consideration in that regard.

Mr. Wham questioned the elimination of the subcommittees that would develop the Public Services and Capital Facilities Plan and the Shoreline Protection Plan. Mr. Price explained that the Public Services subcommittee had been combined with the other subcommittees as they all address issues of Public Service and Capital Facilities. Mr. Wham will be included on the Natural Resources Subcommittee.

Greg Beckstrom inquired of Kris Buelow if he would like Mr. Price to send out information on the Utah Lake Symposium to Commission members and Technical Committee members to invite participation. He expressed that the symposium in the past has been very beneficial in helping to build an informational foundation for dealing with a lot of the issues that we are going to be dealing with in the Master Planning process. Mr. Price agreed to do that. Mr. Buelow said there about 120 seats for the symposium. They considered increasing the meeting

space, but they decided the smaller room invited more interaction.

Bill Kunsman inquired if the JSRIP had looked into the consumer market as they have been researching the carp problem. Mr. Buelow responded that it is one of the possibilities that have been considered. They will be taking advantage of as many solutions as possible.

10. Confirm that the next meeting will be held in Suite 211 of the Historic Utah County Courthouse on Monday, October 22, at 8:30 a.m.

11. Adjourn. The meeting was adjourned at 10:06.