

## **CITY COUNCIL WORK SESSION**

Wednesday, December 7, 2016 6:00 p.m.

Community Recreation Center

10640 N Clubhouse Drive, Cedar Hills, Utah

Present: Gary R. Gygi, Mayor, Presiding  
Councilmembers: Ben Bailey, Mike Geddes, Daniel Zappala, Rob Crawley (6:17 p.m.), Jenney Rees (6:19 p.m.)  
Absent/Excused: David Bunker  
Chandler Goodwin, Assistant City Manager  
Greg Gordon, Recreation Director  
David Shaw, City Attorney  
Colleen Mulvey, City Recorder  
Others: Lt. Gregg Ludlow, Scott Daly, Kim Shelley

### WORK SESSION

This meeting of the City Council of the City of Cedar Hills, having been properly noticed, was called to order at 6:04 p.m. by Mayor Gygi.

Mayor Gygi introduced the representatives from the Department of Environmental Quality, Division of Water Quality (DWQ), Scott Daly the Watershed Scientist and Kim Shelley the Manager of the Water Surface Section. They would be giving a presentation regarding the water quality in American Fork Canyon. Mayor Gygi explained that Cedar Hills City gets all of its culinary water from wells; however, this water can be affected by water coming out of American Fork Canyon.

Mr. Daly introduced himself and explained his involvement in the water study. He stated that the purpose of the presentation was to provide the City with a general idea of the water quality conditions throughout the canyon, and to explain how the DWQ makes water quality determinations. He would also be explaining how the historic mining could affect the water quality of the American Fork River.

In response to a question from Mayor Gygi, Mr. Daly explained the Comprehensive Environmental Response Compensation and Liability Act (CERCLA).

Mr. Daly began his presentation by explaining that the DWQ was guided by the Utah Water Quality Act, which is an extension of the Federal Clean Water Act. He then addressed the process of determining water quality and how they set goals to fix any deficiencies found. He then presented a map showing the five assessment units for American Fork drainage.

C. Zappala asked if the DWQ would access and analyze other areas in the Canyon. Mr. Daly stated that they would not be accessing other areas regularly. He explained that Forrest Lake was examined five to seven years ago, but they did not have immediate plans to examine it again. Mr. Daly presented a map identifying the monitoring locations in the Canyon.

Mr. Daly continued with the slide presentation by showing a timeline of when data is collected for each monitoring location, and explaining how that information is assessed.

C. Zappala noted the areas labeled as “insufficient data” and asked if this was due to a lack of budget. Mr. Daly explained that these areas mostly referred to E.coli studies. E.coli is a newer parameter that the DWQ recently incorporated into their regular monitoring runs, and the information was incomplete in many areas. He noted that the study was time consuming and relatively expensive as far as personnel time.

Mr. Daly continued the presentation by addressing the historic mining of American Fork Canyon, and the significance of the trailing piles left behind. He talked about the chemical contaminations that happen as a result of tailings. The next portion of the presentation addressed the Tibble Fork Reservoir and the sediment deposits found there.

C. Crawley asked if a copy of the report and slide presentation were available online. Mr. Daly answered in the affirmative and stated that he had several hard copies of the water quality summery for the City Council Members.

C. Zappala asked if it was too expensive or too hazardous to remove all of the sediment near Tibble Fork Reservoir. Mr. Daly stated that he was not part of the original group that examined the area, but from his understanding the sediment was not removed for both reasons.

Mr. Daly briefly addressed the bypass channel and the partners who helped with that project. He then presented tables showing the Water Turbidity Samples, Suspended Solids Samples, and Water Chemistry Metals.

Ms. Shelley briefly talked about her background and her involvement in the project. She explained that the DWQ issued a violation to the North Utah Water Conservancy District for the release of sediment into the American Fork River on September 28, 2016. The DWQ spent close to \$100,000 in monitoring costs and staff time that would be recovered as part of their action against the Conservancy District.

C. Geddes asked if the North Utah Water Conservancy District was a government entity. Ms. Shelley stated that they are a quasi-government agency, and there is no legislation that would prohibit the DWQ from taking action against them. She noted that any fines collected would be returned to the State General Fund rather than to the Division of Water Quality budget.

Mr. Daly briefly addressed the Proposed Sampling and Monitoring Plan, which would essentially be a five year project.

Ms. Shelley explained DWQs involvement with the Snowbird expansion, which was two-fold. The DWQ requested that Snowbird apply for a UPDS (Utah Pollutant Discharge Elimination System) permit, which Snowbird has done. The permit essentially means that Snowbird agrees to have storm water discharge from their property through the Mary Ellen Gulch, and that they will accept any conditions for monitoring requirements, reporting, and so on. The application was received on October 5, 2016, and was being processed. Ms. Shelley noted that there would

be a public hearing regarding the permit and she would share that date with Cedar Hills City staff and City Council once the meeting was scheduled.

C. Zappala had heard concerns from residents regarding any disturbance to mine tailings in the Canyon. He asked if Mr. Daly could speak to that concern. Mr. Daly stated that this is something the EPA would be examining closely when they get into the CERCLA. He reported that citizens representing the Protect and Preserve American Fork Canyon, a local advocacy group, had presented similar questions to the DWQ, and the concerns would be addressed.

There were no further questions or comments.

**MOTION: C. Zappala –To go into Closed Session pursuant to State Code 52-4-204 and 52-4-205(1)(d)&(e) to discuss to the purchase, exchange or lease of real property, and to discuss the sale of real property, the closed session will be held in the Community Recreation Center.** Seconded by C. Geddes. (6:46 p.m.)

Yes - C. Bailey  
C. Crawley  
C. Geddes  
C. Rees  
C. Zappala Motion passes.

\*\*\*CLOSED SESSION\*\*\*

**MOTION: C. Rees—To exit Closed Session.** Seconded by C. Crawley. (7:01 p.m.)

Yes - C. Bailey  
C. Crawley  
C. Geddes  
C. Rees Motion passes.

This meeting was adjourned at 7:01 p.m. by Mayor Gygi.

/s/ Colleen A. Mulvey, MMC  
City Recorder