

CITY COUNCIL MEETING

Tuesday, February 2, 2016 7:00 p.m.

Community Recreation Center

10640 N Clubhouse Drive, Cedar Hills, Utah

Present: Mayor Gary Gygi, Presiding
Council Members: Ben Bailey, Rob Crawley, Mike Geddes, Jenney Rees, Daniel Zappala
David Bunker, City Manager
Chandler Goodwin, Assistant City Manager
Jeff Maag, Public Works Director
Charl Louw, Finance Director
Courtney Hammond, Transcriptionist
Others: Lt. Sam Liddiard, Marisa Wright, Kathy Allred, Mark Allen, Ken Cromar, Charelle Hagen, Devon Hagen, David Driggs, Joel Wright, Brian Miller

COUNCIL MEETING

1. This meeting of the City Council of the City of Cedar Hills, having been properly noticed, was called to order at 7:00 p.m. by Mayor Gygi.

Invocation given by C. Rees

Pledge of Allegiance led by Preston Daley

2. Approval of Meeting’s Agenda

MOTION: C. Rees—To amend to place item 9 before item 8. Seconded by C. Geddes.

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

3. Public Comment

Ken Cromar was asked to move his camera to the area stipulated by city code. He refused

Ken Cromar: Mr. Cromar read a letter to David Shaw dated January 29, 2016. He stated that Cedar Hills Citizens for Responsible Government has no reason to believe that it has received all the records that have been GRAMA requested. He claimed that Gary Gygi altered photos for a GRAMA request, Colleen Mulvey acknowledged not knowing the location of the email server, Ms. Mulvey has not regularly backed up public record, there is stated disagreement about what constituted public record, and that C. Rees’s husband made threats of physical violence against him that the council refused to amend into the minutes. He stated that he believes that mayor has withheld and/or destroyed records.

Mr. Hansen: Mr. Hansen thanked the City Council and Mayor Gygi for their responsible governance of the city. They have his support. He thanked them to obedience to the law.

Mayor Gygi asked Mr. Cromar to move his camera to the place dictated by city code. He again refused.

MOTION: C. Rees—To take 10-minute recess. Seconded by C. Bailey. All.

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

Mayor Gygi stated that he will proceed with the meeting. The city reserves the right at some future point to press charges against Ken Cromar.

Public Comment (continued)

Charelle Hagen: Ms. Hagen encouraged the city to uphold its ordinances. There is a process for changing ordinances. She supports protecting the canyon. She does not favor personal attacks on elected officials. She came to the special council meeting on Friday. She appreciates the time put in by C. Zappala on the survey for residents on commercial zones, though she doesn't think it was necessary given that there are guidelines. Those surveys are easy to conduct. It would have been easier if those that knew about the Snowbird meetings early in the process had conducted a simple survey. By the times residents knew, it was panic time. The council's opinion matters. They need to represent the residents. The canyon decision will affect residents of Cedar Hills and surrounding communities.

CONSENT AGENDA

4. Minutes from the December 1, 2015, the January 5, 2016 and the January 19, 2016 City Council Meetings
5. Appointment of Bill Knowlton and Ali Garbero to the Beautification, Recreation, Parks and Trails Citizens Advisory Committees

MOTION: C. Rees—To approve the consent agenda. Seconded by C. Zappala. Vote taken by roll call.

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

CITY REPORTS AND BUSINESS

6. City Manager

The ski bus starts this coming Saturday.

The Utah County Health Department is holding a seven week course for seniors on staying active and healthy. It will be held in the Community Recreation Center. Interested residents can call the city for more information.

7. Mayor and Council

C Bailey: The Cultural Arts Committee is planning an activity for February 20th.

C. Zappala: He has been spending time revising the city code regarding commercial zoning. A survey on resident's opinions about the commercial area will be going out soon.

Mayor Gygi: The Lone Peak Public Safety District (LPPSD) voted in a new chair and vice chair. A Highland representative is the new chair, C. Zappala is the vice chair. The LPPSD is dealing with personnel issues and replacing vehicles.

C. Rees: The Family Festival Committee began discussing events. The Festival will be May 31 through June 4. There will be no activities on Monday night because of Memorial Day. The Beautification, Recreation, Parks and Trails Committee met to discuss plans for the year. They will come to council with a requested budget for 2017.

C Crawley: North Pointe Solid Waste Special Service District elected a chair and appointed a USAD board member alternate. They talked about fences and site plans for next year.

C. Geddes: The Utah Valley Dispatch's new building footings were poured.

SCHEDULED ITEMS

9. Presentation by Snowbird Relating to American Fork Canyon Watershed Issues

Public Comment:

Marisa Wright: Ms. Wright stated that she is concerned with the watershed and the public easement. She spoke at the last meeting about the Yankee mine. There have been no real studies about the pollutants. The studies that Mr. Bonar presented have not been made public. The Yankee mine is in the area that they want to expand. Mines like that can be disturbed. It has been said that the mine is okay as long as no one steps on the dirt. That indicates fragility and possible tainting of water. She asked the council to put pressure on Snowbird.

Mark Allen: Mr. Allen is with Preserve and Protect American Fork Canyon. Over the past 9 months he has done a number of GRAMA requests that have concerned him. He believes that Mayor Gygi knew about the proposed land swap much earlier than he had indicated. There are 30,000 linear feet of mines in the canyon. About 3 acres have been cleaned up. There are 6 acres in the Yankee mine. He suggested that Snowbird join with the EPA to clean up the 6 acres.

Devo Hagen: Mr. Hagen wants to know why Snowbird has requested this presentation time in the city meeting. The city should do everything it can to have its voice heard. The council represents the will of the residents of city of Cedar Hills. There has been talk about making sure that Snowbird doesn't contaminate the water. He is not sure that the residents even want them up the canyon. He is concerned about the traffic conditions along SR-92, and is opposed to the development. He wants to know that the council is listening to the will and needs of the citizens of Cedar Hills even before talking about water contamination.

Jason Goates: Mr. Goates has spent some time pouring through GRAMA requests. There is disconcerting information and holes in the email chain. Everyone needs to be concerned and raise questions about the watershed. Most of the studies Snowbird cites were done 15-20 years ago. The Yankee mine risks far outweigh the odds. The odds of a spill may be slim, but the risk if one were to occur is high. He wants to know with whom the ultimate responsibility lies if an event were to occur and if there is a plan in place to protect and/or clean up the watershed. He feels there has not been transparency or openness in this process.

Mayor Gygi stated that he wanted to correct the record about things said about him. Mr. Allen mentioned some attachments and pdfs. Those documents are available. He thinks that the Preserve and Protect American Fork Canyon is losing credibility. There are forty site administrators and Mr. Allen has stated that he has lost track of those administrators. Mr. Allen has also stated that four of them have been banned. Mayor Gygi wants to know who is approved as an administrator. He wants to know which ones were dismissed and how things on the website are fact checked. He feels an apology is needed for those that have been slandered on the website. He would like to know why there is no board for the committee. He feels that his position has been misrepresented. He has never advocated for expansion. He was not in the group that went to Europe because he felt it was inappropriate. He did not ask for campaign contributions. The only thing that can be accurately said about him is that he thinks differently than Mr. Allen. He finds irony in the fact that he created a committee to study American Fork Canyon, and Mr. Allen helped destroy that committee. Now Mr. Allen wants to create a similar committee. A leader that makes corrections is respected and trusted. Those that don't lose respect and trust.

Bob Bonar, president and general manager of Snowbird, stated that the intent of the presentation is to talk about water quality. Snowbird's track record speaks to its commitment to water quality. The presentation will be meaningful to those that are truly concerned with water quality. Snowbird has had 2 ski lifts in Mineral Basin for 25 years. The proposal includes relocating one of those lifts. Snowbird also proposes adding two lifts to their property in upper Maryellen Gulch with a zipline. It is on their property and doesn't extend into American Fork Canyon. There are some ancillary ski related facilities and avalanche control planned as part of the project.

Neil Arts presented the water studies. He holds a PhD in renewable and natural resources and has worked in environmental contracting and consulting for 25 years. His firm is committed to objectivity and sound science, which has had led to a good reputation. Mine related water quality issues are not new. The Dutchman mine repository was completed in 2003. The upper reaches of Maryellen Gulch are also known as the Yankee mine. Those pilings have high total metals contamination. Total metals contamination means that the metals are chemically bounded to the soil and will stay there unless broken up and washed out. The recommendation from the Forest Service with EPA agreement is to leave those pilings in place and reroute water around it. Most metals have been reduced by fifty to eighty percent, though even before the remediation the water met water quality testing. The project area is about 2.2 percent of the American Fork watershed. The water below Tibble Fork has never exceeded of standards. He has been asked to examine whether Snowbirds proposal would affect water quality. He looked at fourteen studies completed from the early part of last century through well into the 2000s. There have been more than a thousand water quality collections. The situation is well studied and well understood.

Threats have been identified and dealt with. This proposal follows the recommendations to leave the pilings and route water around it. There will be no snowmaking or diversion of water for this project. The project will not affect water supply. The American Fork river and tributaries have no drinking water standards, though communities depend upon it for drinking water. The biggest consideration is ground water recharge. The water meets that primary recharge zone at the mouth of the canyon. The water meets standards up the canyon and continues to dilute along the way. It is near impossible to create a situation that would affect water quality. The biggest risk to the tailing piles is vehicles on them. Snowbird proposes to prohibit any recreation near the pilings. Even avalanches don't take out soils, though Snowbirds avalanche control would keep more snow on the mountain. Snowbird has developed a monitoring program to test for certain metals throughout the construction and for 10 years after. The existence of water backed up in Yankee mine is speculative. To him it looks like a system in equilibrium. That situation will not be affected by this project. If something in that area were to affect the water quality, it would have happened before remediation projects. This information is summarized in Snowbird's application and in bits and pieces that have been submitted to the county, but is not compiled in one complete report. Loosening up the materials can create an incremental increase in materials in the water supply. There is no way to totally eliminate the risk of metals in the water. The worse water sample ever taken in the area is from a natural iron bog. His indication is that this project will not affect the water quality and may improve the clean up in any disaster because of the increased access. Over the course of ski area development since Alta went in the 1940s water quality has improved. Much of that had to do with the installation of sewage, but heavy metal contamination has gone down as well. The visual impact depends on how many eyes see it. In that area there is one campground.

C Crawley stated that he has not seen an independent voice weigh in on this proposal. Snowbird's affiliates have been paid in fees and kinds. He is worried about the validity of the report when it is paid for by Snowbird. He finds it disingenuous that the land swap was never disclosed to Mayor Gygi even though he had been to many meetings.

Mayor Gygi stated that he knew about Snowbird's plans for expansion, but did not know about Mountain Accord's plans for a land swap.

Bob Bonar stated that when he works with the Forest Service to do a project, the Forest Service helps choose a company to do the study and Snowbird pays for it. He is proud of Snowbird. Snowbird has owned that property for over thirty years and has made that property available for public use. They have committed to maintain that use on county class D roads. Snowbird has been working on a land swap on both sides of the mountain for a long time, long before Mountain Accord. It was part of Congressman Matheson's wilderness bill. It was in the newspapers. Current Snowbird's use in upper Maryellen Gulch is for snowcat skiing. In the summertime there are a few ATVs per day. After the ski lifts, usage would be similar to what is in Mineral Basin. In Mineral Basin there are a lot of mine tailings, but Snowbird has not affected water quality. The first zoning change for Snowbird land was in 1997/98. He stated that he is unprepared to answer how involved Snowbird is in lobbying for zoning change. He recognizes that a ski lift tower changes the view from the neighboring property. There are things that can be done to make them blend. He is supportive of processes like Mountain Accord and American Fork Canyon Vision. He wanted to be involved in both because there are a lot of user groups in

American Fork Canyon using public land as well as Snowbirds private land. He is always interested in seeing if there is a better management plan. Snowbird would be happy to participate in another such group, but will not withdraw its current application with the county. Snowbird wanted to go through with the Mountain Accord land swap before doing anything, but is not interested in waiting for another such group to form.

Marty Banks, attorney for Snowbird stated that Snowbird has surveyed the area. There are small areas that are called a class D road. A few are sufficiently close to future skiing areas that will necessitate a seasonal closing. In other areas where there are not conflicts, Snowbird has made a commitment to let the public use the roads both summer and winter. In the context of a historic mine such as Yankee mine that has been under the ownership of several entities, if there were a disaster, the Department of Environmental Quality would try to determine the cause of the accident, as well as entities that had owned the property and their involvement. They would come up with a list of actors and hash out an allocation of responsibility. All the underlying water studies are available through the county.

C. Bailey stated that he is worried about metals getting into the water supply.

C. Zappala stated that Snowbird has repeatedly stated that they are building on privately owned land. He feels that Snowbird is not recognizing the impact the change of usage will have on neighboring properties.

Break taken at 9:07 p.m.

Reconvened at 9:16 p.m.

MOTION: C. Rees—To table item 10. Seconded by C. Zappala.

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

8. Review/Action on Amendments to the Fiscal Year

Charl Louw presented the budget amendments. The payment to Eric Johnson reflects his original invoice.

Mayor Gygi stated that he received a more detailed invoice from Eric Johnson with very minor adjustments.

MOTION: C. Rees—To adopt Resolution 02-02-2016 A, A resolution adopting the amended 2015–2016 Fiscal Year Budget for the City of Cedar Hills, Utah with the one change that we are going to carve out Mr. Johnson’s invoice until we come to a resolution on that. Seconded by C. Geddes. Vote taken by roll call.

Yes	-	C. Bailey	
		C. Crawley	
		C. Geddes	

C. Rees
C. Zappala Motion passes.

10. Discussion on Temporary Zoning Ordinances and Completion of Timeline for General Plan Amendments to the Guidelines for the Design and Review of the Planned Commercial Development Projects, and Municipal Land Use Ordinances

Tabled.

ADJOURNMENT

11. This meeting was adjourned at 9:23 p.m. on a motion by C Zappala, seconded by C. Rees and unanimously approved.

Approved by Council:
February 16, 2016

/s/ Colleen A. Mulvey, MMC
City Recorder