



Governing Board

Thursday, April 26, 2012, 7:30 A.M.

Historic Utah County Courthouse, Ballroom, 3rd Floor
51 South University Avenue, Provo, Utah

ATTENDEES:

Chris Finlinson, Central Utah Water Conservancy District (CUP)
Mayor James Hadfield, American Fork City
Mayor Bert Wilson, Lehi City, Commission Vice-Chair
Mayor Jim Dain, Lindon City, Commission Chair
Ryan Farnworth, Mapleton City
Mayor John Curtis, Provo City
Councilman James Linford, Santaquin City
Councilwoman Rebecca Call, Saratoga Springs City
Councilman Dean F. Olsen, Springville City
Mayor Randy Farnworth, Vineyard Town
Mike Styler, Dept. of Natural Resources (DNR)
Councilman Ray Walker, Woodland Hills Town
Leah Ann Lamb, Dept. of Environmental Quality (DEQ)
Dick Buehler, Utah Division of Forestry, Fire, and State Lands (FFSL)

INTERESTED PARTIES/VISITORS:

Chris Keleher, Technical Committee Chairman, DNR
Rick Cox, URS
Mike Mills, June Sucker Recovery Implementation Program (JSRIP)
Dee Chamberlain, Saratoga Springs Owners Assoc.
Greg Beckstrom, Provo City
Bob Trombly, Provo City
Carol Walters, Utah Valley Earth Forum
Mark Legerski, Student
Marlin Christianson, Provo land owner
LaDonn Christianson, Provo land owner
Ryan Thornock, Utah County Farm Bureau

ABSENT: Utah County, Orem City, Utah State Legislature.

1. Welcome and call to order.

Chairman Mayor Jim Dain called the meeting to order at 7:36 a.m. noting a quorum was present. He welcomed the members of the Governing Board, municipal leaders, and public visitors. He excused County Commissioner Larry Ellertson due to other commitments. He announced the anniversary of the first Utah Lake Governing Board meeting held on April 19, 2007. Mayor Dain noted he had an appointment at Brigham Young University at 9:00 a.m. and would need leave early. Mayor Bert Wilson, as Vice-chair, would assume the chair's role and conduct the remainder of the meeting.

2. Review and approve the Utah Lake Commission Governing Board minutes from February 23, 2012.

Mayor Dain asked for discussion, comments, or corrections of the minutes for the meeting held February 23, 2012. Mr. Reed Price noted Commissioner Ellertson had emailed a correction on Page 3, line 12, citing the correct name should be Utah Valley Convention & Visitors Bureau. Mayor James Hadfield motioned to approve the minutes of February 23, 2012 as corrected; it was seconded by Mayor Bert Wilson. The motion carried and it was unanimously approved.

1
2 **3. Review and approve the monthly financial report of the Commission for February and March 2012.**

3 Mr. Price reported on the monthly financial report for February and March:

4 **February:** The financial report dated February 29, 2012, shows 33.3 percent of the fiscal year remaining.
5 The Zions checking account balance was \$1,321.52; the money market account balance was \$46,623.74 with an
6 annual rate of return at 0.42 percent; and the Utah Public Treasurers Investment Fund balance was \$231,749.56
7 with an annual rate of return of 0.80 percent. There were two transfers to checking for \$7,000 on February 8,
8 2012, and \$8,000 on February 22, 2012. Interest earned in February was \$166.55, bringing year-to-date interest
9 earned to \$1,355.27. The expenses for February are listed in the middle totaling \$14,904.48. The only item
10 noted was the decrease in payroll taxes and benefits paid between the February 9 and 23, which was due to an
11 insurance premium holiday resulting from a PEHP audited. The findings presented a savings to the Utah Lake
12 Commission. The General Fund Budget Report is listed at the bottom, showing percents left in each of the
13 accounts. An overall General Fund balance of \$114,003.26, showed 44 percent of the budget remaining.

14 **March:** The financial report dated March 31, 2012, shows 25 percent of the fiscal year remaining. The
15 Zions checking account balance was \$1,192.93; the money market account balance was \$46,639.54 with an
16 annual rate of return at 0.40 percent; and the Utah Public Treasurers Investment Fund balance was \$217,900.62
17 and received an annual rate of return of 0.79 percent. There were two transfers to checking for \$6,000.00 on
18 March 7 and \$8,000.00 on March 21, 2012. Interest earned in March was \$166.86, bringing year-to-date
19 interest earned to \$1,522.13. The expenses for the month are listed in the middle totaling \$14,128.59. The
20 General Fund Budget Report is listed at the bottom, showing percents left in each of the accounts. An overall
21 General Fund balance of \$99,874.67, showed 39 percent of the budget remaining.

22 Mayor James Hadfield motioned the financial reports for February 28 and March 31, 2012, be approved as
23 presented by the Executive Director; it was seconded by Mayor John Curtis. The motion carried and voting was
24 unanimous. Mayor Dain thanked Mr. Price for the wonderful job he does as Executive Director.
25

26 **4. Report from the Technical Committee.**

27 Technical Committee Chairman Chris Keleher reported on past meetings held March 19 and April 23, 2012.
28 The meetings are well attended with more activity and discussion.

29 He said Mr. Price would explain the phragmites project progress. Mr. Mike Mills, the Recovery Coordinator
30 for the June sucker program updated the group reporting 7.9 million pounds of carp had been removed from the
31 Lake. Mayor Wilson asked if the amount was just from 2012. Mr. Keleher said no, it was since February 2010.
32 The goal is five million pounds per year, which has yet to be achieved at the designated rate due to mitigating
33 factors, but the efficiency of the commercial fishermen has greatly improved.

34 **March 19 Meeting:** The program for the Provo River Delta Restoration NEPA process is moving forward.
35 They have met and listened to stakeholders, landowners, and are reconsidering alternatives. NEPA compliance
36 requires consideration of agriculture, regardless of whether it is a special designation or not. The environmental
37 impact statement (EIS) draft should be out by the end of 2012.

38 Mr. Ben Bloodworth, FFSL, reported on progress of the private boat dock process. FFSL held two public
39 meetings, facilitated by Mr. Price. The meeting held in Saratoga Springs was well attended and the Provo
40 meeting had one person. FFSL will develop standards as part of their rules. Any reasonable standard will be
41 included such as safety, limiting the ability to construct private docks because of water depth, or winter ice
42 movement. If standards are developed, FFSL will include bonding measures to insure no structures are
43 abandoned on the lake. At present, there is a moratorium on private docks while FFSL does its review.

44 Division of Water Quality personnel and lead for the Jordan River TMDL, Ms. Hilary Arens, gave an update.
45 Jordan River has dissolved oxygen impairment issues below the surplus canal at 2100 South. This location is
46 where about 80 percent of the flow is removed from the Jordan River for overflow, flooding, etc. The dissolved
47 oxygen demand is primarily due to organic matter accumulating in that section of the river, which increases the
48 biochemical oxygen demand. The Comment Period for this ended March 30. The Committee is interested in the
49 Jordan River because of its connection to Utah Lake.

1 A couple of reports on Provo City road projects were given. Mr. David Graves reported on the Westside
2 Connector the purpose of which was to improve the system linkage between I-15 and the interchange in south
3 Provo. An additional draft was drawn up of the proposed highway for residential development, planned airport
4 commercial development, and for continued viability on the east side of I-15. The EIS was completed and the
5 Record of Decision was issued by the highway administration in January 2012. The preferred alternative was
6 1860 South. There are 5.8 acres of wetland impacts. A trail will go along the lake side of the highway with
7 parking areas. A 404 permit was applied for with the Army Corps of Engineers in January and is currently under
8 review. Requests for proposals of a project design are currently in the process. The right-of-way acquisition will
9 occur in July/August, 2012 with construction beginning in October 2012.

10 The Lakeview Parkway and Trail, which will connect to the Westside Connector is from Center Street and
11 heads north, connecting into Orem. In 2008, it was referred to as Northwest Connector, and adopted into
12 Provo's Master Plan. In 2011, there was a public outreach with 13 options presented. The Provo Council had
13 neighborhood meetings where the name was changed to the Lakeview Parkway and Trail. Open houses
14 narrowed it down to two options. Provo City Council selected a third option with a trail connecting to the Lake
15 side. The study was initiated in 2011 to extend and connect into Orem. The proposed vital design is anticipated
16 by the end of summer 2012. Orem City will discuss the alignment issues as it relates to them. Mayor John Curtis
17 said Orem decided on the non-preferred option for the parkway.

18 **April 23 Meeting:** The proposed agricultural protection area (APA) was discussed. Mr. Thayne Mickelson
19 from the Department of Agriculture shared information about the APA. Mr. Larry Crist, from the US Fish and
20 Wildlife Service, addressed the Endangered Species Act (ESA) and the importance of the lower Provo River and
21 habitat enhancement. He explained the rationale of restoring the habitat so the June sucker could recruit and
22 the River can be recovered into the Utah Lake system.

23 Mayor Dain called for questions or comments. Mayor Curtis said the proposed roads would have a
24 potentially big positive impact on Utah Lake with a trail around it. The roads do not give a trail at the Lake, but
25 close to it for the entire distance of the Provo/Orem border. Provo City is getting ready for the roads and future
26 trail. There were no more questions or comments.

27
28 **5. Report from the Executive Director.**

29 Mr. Price reported on the activities of the Utah Lake Commission.

30 **a. Field Trips:** The Utah Lake Commission has sponsored three field trips at Utah Lake for over 900
31 students. The Commission created a curriculum with State Board of Education core requirements and used Utah
32 Lake as the subject matter. Lessons are used to teach creative writing, science issues of wetlands, micro-
33 organisms, etc. Twelve specialists were asked to participate in the field trips. The students rotate from station
34 to station for six sessions. The students have a personal experience at the Lake and the sessions reinforce things
35 the students have learned. Mr. Price said Mayor Hadfield came on April 25 and observed the field trip, and
36 appreciated his interest in the program. He invited the remaining members of the Governing Board to come on
37 May 2 when the students start arriving at 9:30 a.m.

38 **b. Utah Lake Festival:** The Utah Lake Festival will be held on June 2. Mr. Jim Cross, a businessman who
39 does a lot of work on the ocean, offered to take any members of the Governing Board, City Councils, and/or
40 family members around the Lake. Beginning at 8:30 a.m. the ride will review the phragmites removal project
41 along the shoreline between the boat harbor and Provo Bay as well as take members to Bird Island. Mr. Price
42 will send out invitations and if members are interested, they should let him know.

43 **c. Fishing Tournament:** A proposed fishing tournament was presented to the Commission. Initially, it was
44 unknown if the tournament could be held with short notice. A company, FLW Outdoors, hosts nationally
45 televised fishing tournaments and wanted to come to Utah Lake at the end of August. Utah Lake Commission
46 and the Utah Valley Convention & Visitors Bureau are interested are working together to hold the tournament.
47 A meeting will be held to request variances of the Wildlife regulations and to allow transporting more than the
48 maximum number of live fish allowed from Utah Lake. Their usual local contribution fee is \$30,000, but it was

1 decreased to \$15,000 because of time constraints. Mr. Price felt the tournament was an appropriate budget
2 item for the Utah Lake Commission to promote the lake in the United State and internationally.

3 **d. Phragmites Grants:** Removing phragmites is a high priority for the Commission. A decision is expected
4 in mid-May for the approval of a \$55,000 grant through the Utah Watershed Restoration Initiative (WRI) to help
5 remove phragmites from Utah Lake State Park and into Provo Bay.

6 Senate Bill 61 (SB-61) was passed in the 2012 session appropriating money to the Department of Agriculture
7 for removing invasive plant species. A large portion of the funds is designated for large-scale phragmites
8 removal projects and Utah Lake Commission qualifies. It has been determined the north end of the lake is the
9 next target area. Mr. Price discussed with FFSL about clearing phragmites from Saratoga Bay all the way to
10 Vineyard. The goal is to receive \$100,000 from the grant and partners were solicited to help. The grant money
11 would be released after the deadline in May.

12 FFSL purchased a piece of machinery called the Truxor to be used on all sovereign lands for removing
13 phragmites and other invasive species. It is an amphibious vehicle and different from the Land Tamer. Mr. Price
14 said energy has been supporting the phragmites removal effort and a lot has to do with the efforts and success
15 at Utah Lake.

16 **e. Pump House:** The pump house at the Jordan River outlet is being upgraded. Adjacent to the old pump
17 house building, they are installing new, more efficient pumps. The upgrade is being funded by Salt Lake County
18 water users. The former almost 100-year-old pump house will be memorialized as a possible museum.

19 **f: Mr. Steve Densley:** Mr. Price informed the Board that Mr. Densley of the Utah Valley Chamber of
20 Commerce announced his retirement scheduled for August 1. He has been an active participant on the
21 Commission since its inception.

22 Mayor Dain asked for comments or questions. Mr. Dick Buehler said FFSL's new piece of equipment cuts
23 and rakes phragmites. FFSL was able to find this type of equipment with their stated qualifications and
24 capabilities. They had cut a large area on the north end of the lake and cleared a view through the 14-foot high
25 phragmites. The machine's intended use is to remove phragmites on Utah Lake and the Great Salt Lake, where
26 public access and safety are issues. FFSL is looking to purchase another one to help in phragmites removal.
27 Mayor Dain said it appeared there is headway with phragmites removal was being made throughout the state.
28

29 **6. Discuss and consider approving a preliminary budget for FY2013.**

30 a. Set date for a public hearing and final approval of the FY2013 budget.

31 Mr. Price reviewed the FY2013 preliminary budget. Documents had been previously provided.

32 The revenues of the Utah Lake Commission included membership contributions of \$232,770, (one percent
33 decrease); interest income is \$2,000 from money market and Public Treasurer's Investment Fund (20 percent
34 decrease from \$2500), and the use of fund balance of \$40,230 needs to be utilized as it exceeds 25 percent
35 allowed by state law for a total of \$275,000. He noted during FY2012 monies was saved from insurance
36 premiums, not holding the Festival in 2011, and rolled-over model ordinance funds resulting in \$33,000 savings.

37 The group account numbers with changes in the expenditures summary were highlighted.
38 In the group 1000, a 4.5 percent increase; group 2000 a 1.6 percent decrease; and 3000 and 5000 accounts had
39 no changes. The 6000 accounts, primarily Utah Lake Master Plan projects, had a combined 9.2 percent
40 decrease, and the Capital Projects fund contribution had 19.7 percent decrease.

41 Most of the changes were in the General Fund 1000 and 6000 areas. In 1100, employee wages, there was a
42 2.8 percent merit increase totaling \$109,500. Account 1300, taxes and benefits, showed a 7.3 percent increase
43 for retirement and a health insurance increase totaling \$66,500.

44 The 6000 group is primarily Master Plan projects. Account 6510 is the Utah Lake Festival funded with
45 \$5,000. This is a 50 percent decrease because of rolling 2011 festival appropriated funds into 2012 budget, as it
46 was anticipated there might a Festival held in the summer. For FY2013 budget, the original amount is funded.
47 Account 6520, school curriculum, is budgeted \$6500 when previously it was for \$10,000, a 35 percent decrease.
48 Mayor Dain asked if the amount appropriated provided for continued growth as it gained momentum. Mr. Price
49 assured him the amount was sufficient. Website redesign account 6530 had a 70 percent decrease to \$1,500.

1 The website has been running smoothly and the amount appropriated was for maintenance. The editorial plan
2 account 6540 fund is \$7,500 with a 50 percent decrease. A consultant writes stories for the website by
3 interviewing people and publishing them every week. There is an archived set of history and articles on the
4 website. New published articles will be reduced to every other week with a budget totaling \$7,500.

5 The new account, 6545 is for the fishing tournament with a proposed budget of \$10,000. The amount goes
6 towards the \$15,000 requirement to sponsor the fishing tournament with Utah Sports Commission and Utah
7 Valley Convention & Visitors Bureau also contributing to the required amount. The model ordinance account
8 6550 has a balance of \$5,000 left on the contract showing a 44 percent decrease. The consultant still works with
9 the Commission to help get the model ordinance implemented. Mayor Hadfield asked what member cities have
10 adopted the model ordinance. Mr. Price said American Fork and Lindon, but individual municipalities are
11 engaged and working on getting it passed.

12 For account 6560, invasive species control (phragmites removal); there is no change with \$10,000. The
13 Department of Water Quality, DNR, USGS, Utah Lake Commission, and other water quality stakeholders are
14 looking to establish a new water quality monitoring station. The station will take continuous data of many
15 different analytics to give baseline understanding of what water quality is like on Utah Lake. Mr. Price believed
16 it an important choice to participate in the station showing interest in Utah Lake's water quality. The new
17 account 6570 with \$10,000 was earmarked for the monitoring station. The cost of the station is high at \$90,000
18 and the Commission's portion would be about ten percent of the cost.

19 On the capital projects fund, the balance is \$103,661. He recommended contributing \$15,000 from FY2013
20 budget to the fund. The total would then be \$118,661 on July 1. He proposed purchasing another Land Tamer
21 vehicle to be operated and maintained by Utah County. A second vehicle would accomplish a lot more work,
22 and make it safer to have another capable vehicle. The vehicle is expensive, but CUWCD agreed to co-purchase
23 by contributing \$40,000 towards the purchase. If approved, the ending fund would be \$68,661.

24 He summarized the membership contributions sheet and the contribution each would pay. There would be
25 \$116,385.47 from the cities and county; \$81,469.83 from the state; and CUWCD at \$34,915.64, totaling
26 \$232,771 with a 1.5 percent increase. The preliminary budget needed to be approved at the present meeting
27 and a public hearing set for the final approval in May.

28 Mayor Dain asked for questions on the preliminary budget. Mayor Curtis asked if the Land Tamer had to be
29 the same versus the type of vehicle the state purchased. Mr. Price said the county was more comfortable with
30 the present vehicle because of their maintenance experience and it is less expensive. The state purchased the
31 Truxor at \$120,000 with implements. The Land Tamer should cost \$70,000 with \$20,000 factored in to help
32 purchase a trailer and other accessories. Mr. Buehler said the two vehicles the state would own would have one
33 cut and one rake. Mr. Price said the county is more interested in treating and removing, not harvesting. The
34 county creates fire breaks or work areas where it is impossible move into, and the Land Tamer allows the staff to
35 get into the restricted locations. Another vehicle makes it safer and the ability to do more work with phragmites
36 removal. Mr. Buehler said another difference between the two machines is the Land Tamer has a propeller,
37 which has limitations. The state purchased Truxor does not have a propeller, but tracks and paddles that
38 propels it through the water. The Land Tamer works well for the County's purposes and the Truxor works well
39 for the state's goals. The state has harvested two truckloads to give to a company to see if phragmites can be
40 utilized in wood pellet preparation, as the state is trying to find a market.

41 Mr. Walker asked if the machine would last through the life of the phragmites project removal. Mr. Price
42 said he had not seen any specific warranty numbers. He stated he would find out the information and report
43 when the final budget is discussed. The first one was purchased in 2011 and has 200 hours documented on it.
44 He noted the county does a great job maintaining the Land Tamer with routine check-ups. Mayor Dain said the
45 money could be set aside and moved at final budget if needed.

46 Mayor Hadfield motioned to approve the preliminary budget for fiscal year 2012-13 as presented. It was
47 seconded and the voting was unanimous.

48 a. Set date for a public hearing and final approval of the FY2013 budget. Mr. Price stated the Governing
49 Board normally sets the meeting for the month after approval of the preliminary budget, which would be May

24, with a time set aside at 8:30 a.m. so the public can attend. If the time is published and the public hearing is not held at the beginning, it would allow people to come at a more convenient time than 7:30 a.m. Mayor Hadfield asked if by state law the budget had to be approved by June 22. Mr. Price said before July 1. Mayor Dain called for a motion for a public hearing and passing of the budget.

Mayor Hadfield motioned to set a public hearing for May 24, 2012 at the regular meeting at 8:30 a.m. and for final budget approval. Mayor Wilson seconded the motion and the motion passed unanimously. Mayor Dain complimented Mr. Price for the good job on budget appropriations and his accounting.

7. Report on Agricultural Protection Areas.

- a. Consider making a recommendation to the Utah County Commission regarding a proposal to designate land north of the Utah Lake State Park as an Agricultural Protection Area (APA).

Mr. Price said in February, the Utah County Commission received a proposal to designate land adjacent to Utah Lake as an APA. The Technical Committee and Executive Committee began discussing it. The APA was something new and the Governing Board wanted to understand it. He received different perspectives from agency members as well as landowners and prepared to present it to the members of the Governing Board.

As background, he said it was originally called the Agriculture Protection Act (SB-227) and was passed in 1994. It was sponsored by Senator Leonard Blackham, current Commissioner for the Utah Department of Agriculture. The act was designed to promote land staying in agricultural use as urban growth expanded. If urban growth took over AG land, they would not be able to produce as much food to feed the growing population. This was one of the reasons the Act passed. Later, the name was changed to "Agriculture and Industrial Protection Areas" to protect farming, industry, and mining. (Currently Utah Code Title 17 Chapter 41)

APAs are a geographic area granted specific legal protections protecting agricultural lands allowing them to continue to produce agricultural products and will continue to be used for AG. The local legislative body decides whether the designation is warranted.

Mr. Price said there is an Agricultural Area Advisory Board consisting of no more than five members and comprised of agriculturalists and industry specialists. They come from the County's Conservation Board Supervisors that are selected by Utah County Commissioners as an advisory body to the local legislative body. They offer recommendations to the County Commission/mayor/city council about whether or not the status should be granted to the specific parcel of land. Members can be selected from the Alpine and Timp/Nebo Conservation Districts to serve on the advisory board.

When a request is submitted for an APA, the Advisory Board (AB) evaluates proposed APAs. Recommendations are made and they provide expert advice to the planning commissions and the legislative body about the proposal. The proposal addresses the desirability, nature, and relation of AG production and its specific purpose, and which uses should be allowed.

Evaluation criteria used by the AB asks specific questions including: Is the land being used for agricultural purposes? Is the land zoned for agricultural use? Is the land viable for agricultural use? Are there existing or proposed farm improvements on the land? The decision must be made within 120 days from the date of the proposal. If a decision is not made, then the APA status is automatically granted to the parcel of land. With the request the county is considering at the present, the deadline date is June 11. If a decision is not made, the parcel automatically becomes an APA. The APA provision can be removed with a request made from the land owner to the legislative body. The legislative body will grant the removal and they are not allowed to tell the farmer/landowner no. APAs are reviewed by legislative bodies after 20 years, and it does not say whether they can be removed at that point. (*UCA 17-41-307*)

In Section 402 of the code, it addresses limiting local regulations. Local government will encourage agricultural activity by prohibiting enactment of laws that restrict agricultural activity and prohibiting changes to zoning. These should be addressed when the city is evaluating their municipality's development. Mayor Dain asked what requirements determine an Advisory Board or if it was required by law. Mr. Price said Commissioner Ellertson said it was something they have to put together. The Board includes key people from the conservation district, and it is only utilized when an APA request is made, which has not happened very often. This same

1 group would advise counties and local cities. Mayor Hadfield said in his case his city has a large APA, but it went
2 through the process with the county before it was annexed into the city. The annexation brought the APA zone
3 into the city with the same zoning requirements of the city, meaning highly agricultural protected. The local
4 board services were used by the county and the city.

5 Mr. Price said there were restrictions with the use of eminent domain. Eminent domain is not something
6 local or state government likes to use and would prefer working with land owners to come to an amenable
7 agreement before they were to utilize the power. Eminent domain is not allowed with APA, unless approval of
8 both the local legislative body and Agriculture Protection Area Advisory Board. The current law reads it
9 essentially gives veto power to the non-elected advisory board. Restrictions apply to county, local, and state
10 governments but not to federal. If eminent domain were pursued by a local government, county/state, the APA
11 Advisory can veto the decision. Eminent Domain Restrictions are allowed for highways or liquid or solid waste
12 disposal if there is no reasonable and prudent alternative. They are allowed for other purposes if it would not
13 have an unreasonably adverse effect on agriculture, or there is no reasonable or prudent alternative to the use
14 of the land and no appeals process is identified. Once the decision is made by either the local legislative body or
15 the advisory board, the decision cannot be altered.

16 The current proposal being considered by Utah County Commission is just north of the Provo River near
17 Utah Lake. An APA status is granted if no decision is made by June 11. A land owner said the proposed APA is
18 about 350 acres, much larger than the original map.

19 Utah Lake Commission looked at the Utah Lake Master Plan. There are two goals that support the APA
20 status and another goal supports June sucker recovery. For the APA -- Land Use Goal 4: Shoreline, open space,
21 critical lands, and wetland areas are acquired, expanded, and/or protected for public use, *preservation of*
22 *natural resources*, and potential mitigation purposes. For JSRIP -- Natural Resources Goal 2: The fish community
23 is *proactively managed to recover June sucker*, support a compatible recreational fishery, and control
24 undesirable or incompatible species. These seemed to be in conflict. It was reviewed by the Technical
25 Committee and their general feel was the protection of agriculture areas is consistent with Master Plan. Three
26 issues were identified.

- 27 1. Concern of impingement of local control on planning and development decisions (i.e., veto power of non-
28 elected body).
- 29 2. Water quality issues (e.g., phosphorus and waste runoff).
- 30 3. Effect on the June Sucker Recovery efforts, which is another goal.

31 The question was asked if the APA designation would have a clear, negative impact on the Provo River Delta
32 Project. The general understanding was the impact would primarily be perceptual and procedural in nature. It
33 does not appear to have any substantiative legal or practical issues. (Section 404) Federal law trumps any local
34 designation. The Technical Committee felt if the project continued and was to be pursued, the Endangered
35 Species Act would probably trump anything the Governing Board could do. Land owners expressed opinions and
36 ideas during the meeting. They felt it was a way to make sure that the local leaders and federal agencies would
37 listen to them and their voices were heard.

38 The recommendation from the Technical Committee was to not take any action and/or not make any
39 recommendation to the Governing Board. They wanted the discussion at the Governing Board level to see if
40 they should engage in further review of the broader policy over the entire shoreline of the lake to answer the
41 question: What would APA designation do if broadly applied? What would the impacts be to the Utah Lake
42 shoreline? How would it impact or affect what the Commission would want to do with accomplishing the goals
43 and objectives in the Master Plan? How can it affect you as a local official?

44 He asked the Governing Board whether they should weigh in on this and make a recommendation to the
45 Utah County Commission or not. Mayor Dain asked if the county asked for something from the Governing
46 Board. Mr. Price said the Governing Board was being made aware of a local issue, but the County Commission
47 had not asked the Board to do anything. The County Commission has done a lot of studying of the issue behind
48 the scenes and they would take what the Governing Board suggested into consideration. Mayor Dain asked if

1 the Governing Board, based on what had been explained and seen, felt strong enough about the issue to move
2 forward with a recommendation to the County Commission or let the process move along on its own.

3 Mr. Jim Linford said Santaquin has APAs that gives the landowner a feeling of protection from a council or
4 others making changes in zoning. It helps the agricultural community with land taxes, and the opportunity to
5 maintain their status to continue to do what they are doing. He said all the shoreline around the lake is
6 agricultural. Mining is also protected, which can raise questions. It has been beneficial to Santaquin's APA to
7 maintain the orchards.

8 Mayor Curtis said this originated in Provo and it has caused a large amount of discussion. The landowners
9 feel like they are involved in a David and Goliath scenario, stacked up against the mighty power of government,
10 who seems to give signals they are going to come over the top of them. Landowners are looking for tools to try
11 to even the playing field; telling the government to slow down and be careful. He complimented the
12 landowners saying they were trying to be reasonable and he had never heard them say they didn't want the
13 project at all. They want to move ahead slowly and carefully and this is a tool facilitate it. It would be important
14 to weigh in on it more. If the body doesn't feel inclined to weigh in on this particular issue, it might be
15 appropriate to encourage all parties to be thoughtful, slow, and methodical, taking into account the land owners
16 and appreciate their position. He articulated the landowner group does not feel empowered, and anything the
17 Commission can do to help empower them and level the playing field would be appreciated.

18 Mayor Hadfield asked if the large portion of the state-owned property, had development rights already
19 deeded off of the property. Mayor Curtis said there was a conservation easement on the property. Mayor Dain
20 called on the landowners.

21 Ms. LaDonn Robbins Christianson said her father is Mr. Robbins and is one of the land owners. They tried to
22 make it known from the first they are willing to compromise. A lot of the landowners are older and ready to
23 possibly sell. In the past, some of the land had been taken by eminent domain and they felt they were not very
24 well compensated. They hoped for a discussion and they have tried to communicate with the June sucker
25 recovery group they are willing to compromise.

26 Mr. Thayne Mickelson looked into the Despain land with John Bennett of the Governor's office. The
27 Governor's office provided money for the Provo City-held easement. To maintain the easement, there are
28 possibilities of shifting the land that sits out in wetlands and owners have proposed a compromise by hopefully
29 using the wetland area of about 300-400 acres, and preserving 300 acres in agricultural land. Mayor Curtis said
30 he had not heard anyone say not to do the project or don't support the June sucker recovery, but more about
31 how it is done and making sure the recovery program is accommodated and make other land owners happy. It
32 is more of the size and scope rather than doing it or not. Ms. Christianson said all the land owners are willing to
33 talk and many are willing to sell their land as long as they are fairly compensated.

34 Ms. Carol Walters, Utah Valley Earth Forum, sits on the Utah Lake Commission Advisory Board. She said her
35 group was interested in the project because they are committed to the creation of a viable Provo River delta for
36 the June sucker recovery but are also committed to saving agricultural land. She has been doing research and
37 the potential conflicts. She will be reporting to her group that as far as she can tell, there is no conflict between
38 the two entities. Everyone was cooperative and she has not seen any potential for the need of eminent domain.
39 Her question is how much land is required to create a wide delta to produce recruitment with the June sucker,
40 and because it is still in the study mode, there is presently not an answer. She felt everyone was cooperative
41 and solutions were under negotiation. Her report will be there are no significant conflicts.

42 Mayor Dain asked if they wanted to have any suggestions of where to move. Mr. Styler said Mr. Price had
43 noted the Mitigation Commission had news. Mr. Price said a press release was given stating they are basically
44 slowing their process down to be able to have more discussion with landowners and make sure there is an open
45 and public process as they continue through the EIS process. The federal group who has oversight is doing what
46 has been requested by landowners and has the influence of local officials involved in the process.

47 Mayor Hadfield motioned Utah Lake Commission recommend to the Utah County Commissioners we
48 recognize this is a sensitive issue impacting many agencies including public, private, and the federal
49 governments. As such, it has some long-term impacts upon the success of the Utah Lake Commission to

1 accomplish its identified goals. The Utah Lake Commission would encourage the county commission to study all
2 avenues, to move the process ahead slowly, look at everything impacted, both publicly and privately, and to
3 work through the details methodically to insure nothing is overlooked or impacted because of their actions.
4 Mayor Curtis asked if Mayor Hadfield would consider an amendment to say all government bodies, not
5 necessarily just the County Commission. Mayor Hadfield agreed to the amended motion.

6 Mr. Linford asked if the motion could be amended to include they would not oppose the creation of an APA.
7 Mayor Hadfield said that recommendation should come from the Technical Committee. He cited his experience
8 with the Bear River drainage and AG Protection zones along the Bear River drainage. There are impacts with the
9 feed lots and the agricultural projects along the drainage, in this case, the fresh water part of the Great Salt Lake
10 and Bear River drainage. Certain agricultural operations adjacent to the drainage cause the impacts. He felt this
11 could be a recommendation from the Technical Committee because the impact of specific uses could negatively
12 harm the goals of Utah Lake Commission. Mr. Linford noted this was 300 acres, but with the Bear River, it was
13 thousands of acres and was substantially larger. Mayor Hadfield said he believed the advisory of the Technical
14 Committee should look at the intended use before a blanket statement is put on it.

15 Mayor Dain left at this time to attend his scheduled commitment; Mayor Wilson assumed the chair and
16 conducted the remainder of the meeting.

17 Mr. Styler said he would like to support the motion without seconding it. If the Commission waited around
18 too long, the APA automatically goes into effect. He felt ALL government agencies should take this carefully, and
19 look at it closely. He actually came prepared to vote against the AG protection area because he was so
20 concerned about June sucker recovery, but he now supported the amended motion.

21 Mayor Wilson asked for further input on the motion. He called for a second on the amended motion.
22 Mayor Curtis seconded the motion. Voting was unanimously in favor of the motion as amended.

23
24 **8. Other Business or Public Comments.**

25 Mayor Wilson asked if members of the Governing Board and/or the public had further business or input.

26 Mr. Ryan Thornock, of Utah County Farm Bureau, and representing Mr. Neil Anderson of the Utah County
27 Farm Bureau Federation President, read a submitted letter to the Commission stating:

28 The Utah County Farm Bureau Federation represents more than 2500 member families in Utah County. We
29 are writing this letter in support of the agricultural protection area (APA) application by the landowners
30 potentially affected by the June Sucker Recovery Program (JSRIP). We do not view granting of the APA and the
31 JSRIP to be in conflict. The APA status will simply encourage county officials and JSRIP officials to seriously
32 consider impacts to important agricultural areas in the county. Please also consider the following positive
33 impacts of APA status:

- 34 1. The APA Act is doing what it was intended to do. It is an attempt to protect the Farmer from urban
35 encroachment, and to relieve him of some of the pressures of urban growth.
- 36 2. Utah County staff and elected leaders, over many years, have spent considerable financial and other
37 resources to preserve open space and maintain some level of rustic agriculture environment. The active
38 preservation of farmland and APA's is one of man tools to accomplish this goal.
- 39 3. The rights of the people are not subject to popular vote of legislative act. The purpose of our state and
40 national Constitutions is to set limits on what governments can do, and to protect the rights of the people. The
41 APA law reinforces those Constitutions and the rights of the farmer.
- 42 4. It is specious argument that the APA Advisory Board is appointed and no elected. All the members of the
43 Advisory Board are Supervisors of the soil conservation districts. The districts are units of local government.
44 The supervisors are elected. Serving on the APA advisory board is an additional duty assigned to them by law.
- 45 5. Utah County continues to lead Utah in agriculture production. Utah County ranks third in the state in cattle
46 production with 62,000 head. Total 2009 Utah County agriculture cash receipts were \$156, 73,000. As of 2009,
47 there were 2,175 total farms, 345,634 farm acres in Utah County.

48 Municipalities and county governments continue to allow new developments and seek annexation of
49 valuable farmland. As urban neighbors encroach upon farmland, the costs of farming increase as much as one-

1 third, as the farms modify their practices in order to be good neighbors. If we are going to preserve open space
2 and an important agriculture industry in Utah County, we must create a climate that is favorable to agriculture.
3 The APA is an attempt to do that.

4 Mr. Dee Chamberlain of Saratoga Springs Owners Association asked about further details on the removal
5 phragmites in his area. Mr. Price said Saratoga Bay was previously treated for phragmites with the spray in fall
6 2011. It is anticipated an 80 percent kill would occur and the county will go in again in the fall 2012 with the
7 Land Tamer to spray areas that were missed. Attempts to remove the phragmites by smashing it down through
8 the ice were unsuccessful due to the unsafe nature and short lifespan of the ice on Utah Lake during the winter.
9 Phragmites will naturally go away, but not as quickly if they were able to lay it down.

10
11 **9. Confirm the next meeting of the Governing Board to be held on Thursday, May 24, 2012 at 7:30 AM.**

12 Mayor Wilson confirmed the next meeting would be held at the Historic Utah County Courthouse Ballroom
13 on Thursday, May 24, 2012 at 7:30 a.m. with the Public Hearing on the budget scheduled at 8:30 a.m.

14
15 **9. Adjourn.**

16 It was motioned by Mayor Hadfield to adjourn; it was seconded by Mayor Curtis, and the motion carried and
17 it unanimously passed to adjourn. The meeting adjourned at 8:55 a.m.