



January 24, 2008, 7:30 A.M.
Historic County Courthouse Ballroom – 3rd floor
51 South University Avenue, Provo, Utah

ATTENDEES:

Members

Mayor Lewis Billings, Provo, Chairman
Commissioner Larry Ellertson, Vice-Chair
Reed Price, Utah Lake Commission
Walt Baker, UT Dept. of Environmental Quality
Don Blohm, Highland
Dick Buehler, Forestry, Fire & State Lands
Mayor Jim Dain, Lindon
Chris Finlinson, CUWCD
Bob Fisher, Woodland Hills
Lee G. Jensen, Pleasant Grove
Mayor Howard Johnson, Lehi
James Linford, Santaquin
Dean F. Olsen, Springville
Michael Styler, UT Dept. of Natural Resources
Mayor Heber Thompson, American Fork
Mayor Jerry Washburn, Orem
Steve Densley, Provo/Orem Chamber

Other Interested Parties

Stephen G. Schwendiman, Attorney General's Office
Bruce Chesnut, Orem
Clyde Naylor, Utah County
H. Barry Tripp, Forestry, Fire & State Lands
Gene Shawcroft, Central UT Water Conservancy District
Michael Mills, Central UT Water Conservancy District
Sarah Sutherland, Central UT Water Conservancy District
Chris Keleher, Dept. of Natural Resources
Dave Wham, UT Dept. of Environmental Quality
Reed Harris, Utah Dept. of Natural Resources/JSRIP
Gene Mangum, Springville
Lee Barnes, Lehi
Robert West, Provo
Karl Hirst, Orem
Darrell Cook, MAG
LaVere B. Merritt, Private Consultant
Rick Cox, URS, Inc.
Cindy Gubler, URS Master Plan Team
Rachel McQuillen, URS, Inc.
Ron Rydman, Utah Valley Homebuilder's Association
Taylor Oldroyd, Utah County Association of Realtors
Melanie McCoard, Citizen
Rod Despain, American Fork
Brent Wilde, Provo
Catherine Smith, Deseret News
Lauren Shaw, BYU Daily Universe
Don Meyers, Salt Lake Tribune

ABSENT: Mapleton, Genola, Saratoga Springs, Utah County Legislature, Vineyard

1. Welcome and call to order.

Chairman Lewis Billings called the meeting to order at 7:32 A.M. He said he was pleased to welcome everyone to the meeting of the Utah Lake Commission Governing Board. For anyone who had not

received an agenda previously copies were available. Members that were at the meeting for the first time were introduced. Mayor Heber Thompson of American Fork was welcomed back after having had surgery. Mayor Mangum of Springville was given the floor and he introduced Mr. Dean F. Olsen. Mr. Olsen has been serving Springville for a number of years as the District Court Judge and just a year ago was named Outstanding Judge of the Year. Mr. Olsen is now a duly elected Councilman for the City of Springville and in that capacity will now serve as the official representative for Springville City on the Governing Board. Chairman Billings verified that the official notification document of the change in representation had been received and he welcomed Councilman Olsen to the Governing Board. In a departure from the usual format, Chairman Billings asked all those people who had come to the meeting as Interested Parties to introduce themselves. All those listed under Interested Parties introduced themselves and stated what organization they were representing. The Chairman thanked everyone in the meeting for being so punctual.

2. Review and approve the Utah Lake Commission minutes from November 15, 2007.

Chairman Billings directed everyone to review the minutes from the Utah Lake Committee meeting held on November 15, 2007. There were no corrections. It was moved and seconded to approve the minutes. The minutes were approved unanimously.

3. Review and approve the monthly financial report of the Commission for November 2007 and December, 2007.

Mr. Price reviewed the financial reports that were previously sent to the Board members in their packets for their perusal. Since there wasn't a meeting in December both the November and December financial reports were presented. At the end of December the Checking account balance was \$5,197.98 and the Money Market account balance was \$249,680.29. He called attention to the expenses and balances as listed. The changes to the Restricted Account balances as suggested by Mr. Linford previously were made as to listing the "% Left" column at 100% and listing below the following asterisk as "*Original Budgeted amount was \$33,070.55." Mr. Jensen asked in what time frame wages are paid and it was answered that wages are paid bi-weekly making 26 pay periods per year. It was moved by Mr. Linford to approve both the November and December financial reports. The motion was seconded and approved.

4. Report from the Technical Committee.

Chairman Billings acknowledged that the Technical Committee has been doing a lot of work and expressed his appreciation. He then turned the time over to the Technical Committee Chairman, Bruce Chesnut. Mr. Chesnut reported that the Technical Committee has been meeting in many different capacities. Some members of the Committee have been meeting with URS, Inc. in finalizing the contracts for the Master Plan that will be presented in this meeting for the Board's recommendation. At the last meeting of the Technical Committee there was a presentation from James McMillan of the U.S. Army Corps of Engineers specifically pertaining to the destination of wetlands and other waterways and how they function. Mr. Price has a copy of that presentation available upon request. The Technical Committee worked on Resolution 2008-1 that will be presented today for consideration and review. They have also been working on organizing the subcommittees and identifying how the subcommittees will be considered in the development of the Master Plan. Mr. Chesnut opened the floor to any question. Chairman Billings requested all those present from the Technical Committee to raise their hands and thanked them all. He commented that they will be a critical key to the success of the Master Plan.

5. Report from the Executive Director.

Mr. Price announced that one of the main reasons of the day's meeting is to finalize the contract with URS, Inc. and commented that it is a monumental day.

In regard to funding he reviewed that in the November meeting the Board had passed Resolution 2007-8 which is a general resolution requesting funding of any type of study or project that would benefit Utah Lake. Mayor Billings, Mr. Price, Representative Morley and Representative Clark, had the opportunity to meet with Governor Huntsman in December and reminded the Governor of his support of the Commission and discussed the things the Commission is currently doing. They talked about some transportation concerns in Utah Valley that may affect Utah Lake and discussed the Commission's interest in being involved in seeking funding to conduct studies that would help answer questions about the impact of a potential transportation system that could affect the Lake. They were received warmly. The Governor was very supportive of the Commission and has included one million dollars in his budget for transportation and environmental related studies involving Utah Lake. It is now up to the Commission to convince the legislature to pass his recommendation and to possibly increase the amount. There are some other questions that are yet to be answered including details as to whether the money would go straight to the Commission or be funneled through some other agency.

Previously Mr. Price had mentioned that he was working with Senator Bennett's office about other federal funding. He talked with Brad Shafer in Senator Bennett's office a couple of weeks ago. Senator Bennett is involved in some issues in Washington right now but still has the Commission on his list. There are a few other issues that have priority right now. The Commission will continue to work with him. Darin Bird who is the Deputy Director of the Department of Natural Resources has asked the Commission to be patient and told Mr. Price that Senator Bennett is an expert at knowing when to introduce legislation.

Mr. Price met with Perry Matthews of the U. S. Department of Agriculture to see about available funding. They generally help rural developments and smaller communities but Mr. Matthews felt there may be some areas that they could help out and that there may be some areas around Utah Lake that could be considered rural developments. Mr. Price left that meeting feeling confident that some funding from them is possible.

Mr. Price has also been working on personnel issues, a travel policy, and a procurement policy with Mr. Naylor. The procurement policy will, hopefully, be ready for review next month.

It was announced that Kris Buelow with the June Sucker Recovery Implementation Program (JSRIP) has accepted a position in Washington State and is no longer with JSRIP. He has been replaced by Michael Mills from the Division of Wildlife Resources in the Springville office. Mr. Mills was introduced and it was stated that he has sat on the Technical Committee for quite some time which should make for a smooth transition. Mr. Price welcomed Mr. Mills and publicly expressed his thanks to Kris Buelow for his hard work and dedication with the JSRIP.

There was an article in the Daily Herald on Sunday, January 6th that discussed the carp in Utah Lake that was used in humanitarian relief a century ago. A copy of that article was included in the packets distributed to the Board members. The carp had been introduced to replace a depleted trout population. Since then the carp has established themselves in the Lake and disrupted the natural resources. The Commission has heard various proposals and ideas about the removal of carp from the Lake. Dr. Richard Kellens from Brigham Young University did some studies and representatives from Holden Enterprises came and made a presentation about producing fish meal from the carp. Recently Reed Harris from the Department of Natural Resources, who has been involved in working on the options of carp removal, informed Mr. Price that he had been talking with a Humanitarian Relief Program from Minnesota. They contacted Mr. Harris and told him they had some seed funding to begin the removal of the carp at their own expense. Mr. Harris was invited to provide more information.

Mr. Harris reported that the Department of Natural Resources had met with Mike Powell from Minnesota Direct Trade. They are a marketing firm and they market carp to all parts of the world. Mr. Powell and a Minnesota commercial fisherman, Jeff Reiderman, came out in December and toured around the Lake. They are very interested in removing the carp from the Lake as a Humanitarian effort and estimate they could remove between 5-10 million carp per year. That's all the information Mr. Harris has at this point. There is a lot to work out including permits and licenses. Mr. Fisher asked what specifically they mean by "humanitarian". Mr. Harris clarified that the proposal they presented to him indicated they plan to provide the fish to different areas such as Bosnia, Iraq and the Baltics. He commented that in Iraq right now carp is selling for about \$4.00 per lb. which is very expensive. They would work with other humanitarian groups to transport the carp. There wouldn't be much investment for DNR in this project. Mr. Harris wanted the Board to be aware of this contact and that this group is being given the opportunity to pursue the possibility for this project.

Mayor Jim Dain commented that to his recollection several years ago a commercial fishing group came in to see if a similar process would make a dent in the carp population and to see if it was feasible. He asked if this would make a difference. Mr. Harris replied that in the past there were studies conducted that said it could be possible to remove 15,000-30,000 lbs. of carp per day. Minnesota Direct Trade uses larger nets, some of them being three miles long. Mr. Harris believes they would start the project in the spring but do most of the work in the fall when the carp start to congregate. Chairman Billings interjected that he assumed the Commission would maintain full momentum with the other alternatives at that same time and questioned whether the shallowness of the Lake would be an issue. Mr. Harris commented that when Mr. Powell and Mr. Reiderman were here they were encouraged about the Lake. The project is still in the preliminary stages and has to be developed. Previously the projected tonnage estimated by DNR was 40,000 lbs. per day for 120 days over a period of six years which would yield over a million lbs. per year. This group feels they can get 5-10 million lbs. per year removed. Mr. Dick Buehler questioned whether a boat that would be the right size to pull a three mile net could do the job of catching the carp being that the carp are often in shallow areas. Mr. Price commented that this question highlights the difficulty of getting the carp out and that it's great to have someone come who wants to do it at their own expense. Mr. Harris will update the Board as things progress.

Mr. Price proceeded to review the progress of his Top Ten List:

- Continuing to educate himself on the Lake.
- Working closely with the Master Plan consultants to insure its success.
- Continuing to work with the Technical Committee and its Subcommittees.
- Working with different agencies that have immediate concerns including the invasive species such as carp and also the PCB contamination as these are being investigated more.
- Seeking funding that will help to accomplish the Commission's goals.
- Seeking grants to provide state funding. He is working with different agencies to seek state funding. He attended a State Natural Resources Appropriations meeting on January 23, 2008 where they talked about funding a phragmites investigation.
- Continuing to be visible. There have been several articles in the newspapers about the Commission. In many of those articles Mr. Price was given the opportunity to voice the goals and objectives of the Commission. He asked Steve Densley to pass around copies of the monthly magazine of the Provo/Orem Chamber of Commerce, "The Chamber Insider" which featured the Utah Lake Commission. Mr. Price thanked Mr. Densley for the invitation to put an article in the magazine. Mr. Densley informed all that 1400 businesses get this magazine in the mail.

- The Utah Lake Festival will be held the first part of June and Mr. Price will be working with some of the staff members to come up with a plan for the Commission's involvement in the Festival. It will be an opportunity to advertise not only the Commission but the Lake itself.
- In March he will be presenting to the Utah Water Users Association at a conference in St. George.
- This coming Monday he will be a guest on Mayor Billings' television program, "Inside Provo" and the Utah Lake Commission will be highlighted.
- Preparing for the future including next year's budget.
- Continuing to be customer friendly in responding to requests made by citizens and other organizations that have questions. He said it's nice when someone calls and asks questions and he is able to help them with an answer or to refer them to someone who can.
- Finally seek the support of the citizens.

Mr. Price concluded his report. Chairman Billings asked him if he would be willing in the future to make presentations at city study sessions or workshops. Mr. Price cheerfully replied he would anytime. Chairman Billings encouraged the municipalities to consider inviting him as it would keep a broader audience aware of the Commission. Chairman Billings thanked the Chamber of Commerce for the magazine article and the beautiful cover page photo of the Lake.

6. Report from the Master Plan Negotiation Committee.

Mr. Price took the opportunity to thank the Negotiations Team that worked with the URS team to define a scope and make sure it fits the Commission's needs and to negotiate the different aspects of the contract. Those who served on the Negotiations Committee were Clyde Naylor, Bruce Chesnut, Dave Grierson, Greg Beckstrom and the ad hoc legal team of Robert West from Provo City and Stephen Schwendiman from the Department of Natural Resources. He also expressed his appreciation to Rick Cox from URS and Jim Carter from Logan-Simpson Design and remarked that both of them were so patient when there were changes. The negotiations interactions were excellent.

They began negotiations following the last Board meeting in November. From the very beginning the Negotiations Committee and the Selection Committee were very impressed with the planning process URS had put together. They are confident that URS will produce an excellent product. They were also impressed with the inclusion of Mr. Mike Donahue who has eighteen years of experience with the management of the Great Lakes Commission. He not only has a proven understanding of lake management but will also be instrumental in helping find grant opportunities.

Mr. Price expressed appreciation with Mr. Cox being upfront with him when the Committee had requested meetings that added quite a bit of cost and Mr. Cox suggested that they were not necessary. Mr. Cox said he could gather that information via other forms of communication, i.e. email and by phone, to the committee members and save money. The Negotiation Team requested some additional meetings so the public could have adequate involvement. They have proposed three meetings at three different times and in different locations in the county that would involve the public. The Negotiations Committee also requested to add some web support as the web is an excellent tool to disseminate information.

The timeline for completing this project will begin next Thursday with a Kick-Off meeting with the Steering Committee which has yet to be selected. The project is calendared to be completed by November, 2008. As a matter of note, that will be just before Mr. Naylor's retirement in December.

a. Review and discuss the contract document and associated exhibits.

Mr. Price stated that all Board members had received a draft copy of the contract via email. He was contacted yesterday by URS requesting a few changes that had been advised by their attorneys. He turned the floor over to Rick Cox. Mr. Cox expressed appreciation of working with the Negotiating Team. It gave them the opportunity to improve upon the scope and he feels they really have a better scope than they had two or three months ago. Following a thorough review of the agreement with their attorneys there were small areas that caused them some concern.

The first one is under Article I, Master Plan where it states "The purpose of this contract is for CONSULTANT to prepare a professional, high-quality Master Plan for use by the COMMISSION and by the State of Utah in fulfilling their responsibilities as established by the Utah Constitution, Utah law, and other relevant governing authority by completing the following services." They proposed that the word **high** be removed from the sentence as to the question of how high quality could be measured. The sentence would now read, "The purpose of this contract is for CONSULTANT to prepare a professional, quality Master Plan for use by the COMMISSION..."

The other minor revision is in Article II, Other Duties and Rights, and Paragraph 2. Three times the phrase, "wrongful or negligent" is used in the paragraph. They would like to modify that to read "**willfully** wrongful or negligent."

Mr. Cox then introduced Rachel McQuillen, Vice President of URS in the Salt Lake City office who was authorized to sign the contract documents. He also introduced other URS Team members present, Cindy Gubler and LaVere B. Merritt.

Mayor Billings invited the legal representatives from the Negotiating Team, Robert West and Stephen Schwendiman to comment. Mr. West and Mr. Schwendiman both concurred and suggested that the Commission go forth with the amended contract. Upon invitation Ms. McQuillen thanked the Negotiating Team for addressing the concerns of their legal team and is very pleased things have arrived at this state. Mr. Price requested that Mr. Cox explain what the scope is and some of its elements. Mr. Cox stated that in their proposal they recognized that there is a lot of good effort being brought forth in the scientific area with regard to Utah Lake. He emphasized that the Master Plan is really a policy development study. The purpose of this document is to describe the vision the Commission has for Utah Lake. The scope will involve a Vision Workshop where the Commission members and the Technical Committee members can sit down and work with the URS Team to develop a statement of their vision of Utah Lake. Prior to that Workshop there will be a gathering of information, data studies and reports. Proceeding from that Workshop will be an Opportunities and Constraints Workshop where there will be discussions of the Master Plan, Natural Resources, Transportation and other topics that will focus on the management and development opportunities. During this process there will be Open Houses for the public. There will be an Open House early on in the process to present the Master Plan process. Another Open House will be held to present the results of the Visioning Workshop and the Opportunities/Constraints Workshop and a third workshop to present the Draft Master Plan.

In response to a question from Commissioner Ellertson regarding the budgeting, Mr. Price stipulated that currently in the Budget there are enough funds to cover at least half of the cost as previously discussed in the last Board Meeting. If this contract is approved there will be an expectation from members of the Board to fund approximately the same amount as this last year. Last year there was \$85,000 budgeted for Master Plan services. There is an additional \$30,000 in the Restricted Account and there is over \$5,000 year-to-date interest that has been earned in the Money Market account. Barring any unexpected expenses, at least half of the expected costs of the Master Plan should be covered in this year's budget. Commissioner Ellertson stated he wanted to be sure that all the organizations understood their expectation for the next budget.

Chairman Billings thanked the Commissioner and Mr. Price for making the valid point that it would be expected that upon approval of this contract all the organizations would be expected to contribute the same amount as in the previous year.

Mr. Price said as background on the contract document that they used a previous Utah County contract that they had with URS. Additions were made to that draft and then some negotiations. A copy of the agreement, the scope, timeline and pricing were sent to all the Board members.

Chairman Billings asked Mr. Price if he would review the documents pointing out the requested changes. Mr. Price reviewed the changes as follows as presented in the Draft:

a) Page 1, under **Recitals**, “WHEREAS, CONSULTANT is willing to provide COMMISSION with a professional, high-quality master plan for Utah Lake....” be changed to read,

“WHEREAS, CONSULTANT is willing to provide COMMISSION with a professional, quality master plan for Utah Lake...

b) Page 3, under **Master Plan**, “The purpose of this contract is for CONSULTANT to prepare a professional, high-quality Master Plan for use by the COMMISSION....” be changed to read,

“The purpose of this contract is for CONSULTANT to prepare a professional, quality Master Plan for use by the COMMISSION...”

c) Page 4, under **Other Duties and Rights**, the word “willfully” inserted before each phrase of “wrongful or negligent” to read as

“CONSULTANT, its subcontractors, agents or employees **willfully** wrongful or negligent performance of this agreement or their provision of any services required herein to be performed by CONSULTANT or its subcontractors, agents or employees, and (b) any **willfully** wrongful or negligent act or omission of CONSULTANT, or its subcontractors, agents or employees. CONSULTANT shall assume sole liability for any injuries or damages caused to a third party as a result of CONSULTANT, its subcontractors, agents or employees **willfully** wrongful or negligent fulfillment of this agreement.”

Chairman Billings restated that the Agreement with these changes is the contract that has been proposed. Discussion was opened.

Mr. Linford referred to page 6 where the Commission is asking for 30 hard copies. That amount doesn't seem to be enough that will be required. He asked if it was Mr. Price's intent to simply reproduce those documents. Mr. Price answered that the 30 copies produced will provide each organization with one copy that they can reproduce. An electronic format has also been requested.

Mr. Jensen pointed out that there seems to be an inconsistency with the punctuation in the document. For example, Master Plan is sometimes capitalized and sometimes it isn't. Also, in Exhibit C it calendars the completion of the project in November, but on Page 5 of the Agreement it designates December 31, 2008 as the completion date. Mr. Cox answered that they intend to have the project completed in November but there is time available for any changes to be made by the end of the year.

Mr. Baker was interested in the timeline process and if the Technical Committee would be engaged in overseeing the timeline deadlines being met. He commented that the timeline is an aggressive schedule.

Mr. Cox answered that URS is a large company with many resources and Logan Simpson Design is also providing manpower. They realize that the project has an aggressive schedule but they interpreted that this timeline is what the Commission requested. Their goal is to complete a draft of the Master Plan by

July and then have the remaining months for revisions. They had a lot of discussion about the schedule and that's why they have scheduled the workshops along the way in order to provide lots of opportunities for discussion. Mr. Baker asked if there would be any involvement with the Technical Committee directly before July. Mr. Price confirmed that URS will also be contacting members of the Technical Committee and members of the Subcommittees individually to address concerns along the way. Mr. Cox stated that they anticipate that the Technical and Subcommittee members will be involved in the Workshops. Chairman Billings requested that Exhibit "A" – Scope of Work for Utah Lake Master Plan" be discussed and any changes pointed out. Mr. Price stated there have been no changes since the January 24, 2008 version.

In moving on to discussion of Exhibit "B" – Price Proposal, Mr. Price explained that this Exhibit breaks down all the tasks in an estimate of hours that will be needed to perform each task. It also lists the hourly rate of the different individuals that will be supervising each task. Mr. Fisher inquired how the travel expenses are allocated. Mr. Cox explained that the Air Travel Expenses that are highlighted concern some people that are coming in from Denver and Minnesota. Those were separately listed so that the Commission would know of their involvement. The other travel expenses are listed in the graph just above the totals. Chairman Billings commented that the listing of the lead role players by every task is very helpful. He also pointed out that the total price is higher than the initial proposal.

Mr. Price affirmed that the costs are about 10% more than the original quote. The reason for this is mainly because of the added public meetings that the Negotiating Team requested. Chairman Billings clarified that the Negotiating Committee wanted to make sure there was more public outreach than had been scheduled at first and so there is some increase in the total cost. The Negotiations Committee was in agreement with this decision. It was questioned whether or not there is a provision for any rate changes along the way if necessary. Mr. Price answered that this had been discussed and the Committee and URS agreed that if there were any changes needed that they would re-negotiate the rates as they come up.

Mr. Jensen asked what the difference is between a Draft Master Plan and an Administrative Master Plan. Mr. Cox explained that the Administrative Master Plan is something referred to before it goes out for public review. Mr. Fisher asked if this project should continue into 2009 would the prices go up. Mr. Cox replied that as dictated by this contract the project cannot go beyond 2008.

Chairman Billings asked if there was anything further that needed to be addressed. Mr. Price added that if the contract is approved then a Steering Committee needs to be selected. Chairman Billings stated that the Executive Committee had discussed the Steering Committee and it is desirable to have a mix of people involved. It is expected that those members will have efficient interaction and be committed. Mr. Price recommended Clyde Naylor (Technical Committee-Utah County), Greg Beckstrom (Technical Committee-Provo City), Chris Keleher and Dave Grierson (Technical Committee-Department of Natural Resources), and Mayor Jim Dain (Governing Board-Lindon City). Mr. Price (Utah Lake Commission) will also serve on the Steering Committee. The Steering Committee would then consist of six members representing local and state government.

Mr. Naylor was invited to share any thoughts with the Commission before a motion was made. Mr. Naylor expressed that he was very impressed with the proposal stage and scope of work that URS has done. All of the final three proposals were very good but, in his opinion, the proposal URS presented was very superior. Mr. Naylor believes the end results with increasing the involvement of the public, interaction with the Technical committees, and the website will result in a high quality product. Mr. Cox expressed that he is personally committed to a superior high quality of the work that URS will produce. Mr. Naylor continued that he felt that at the end of the day the document that will be produced will be useful to the agencies, cities, CUWCD and accepted by the public.

b. Consider formal action approving the contract negotiated with URS Corp.

Chairman Billings entertained a motion to be made to approve the contract. Commissioner Ellertson so moved that the Governing Board of the Utah Lake Commission formally approve the contract with URS, Inc. for Master Planning purposes and authorize its' execution. The motion was seconded. In discussion of the motion Mr. Styler wished to compliment the team who negotiated the contract. He feels this is an important blueprint for Utah County and Utah Lake and the State is very excited. He declared that this was a monumental day. Commissioner Ellertson replied that he appreciates the State's enthusiasm. The motion was then approved unanimously.

Chairman Billings expressed his thanks to the Negotiating Committee and entertained a motion to approve the Steering Committee as suggested by Mr. Price. He stipulated that any member of the Commission who wishes to attend any of the Steering Committee meetings is welcome to participate. If anyone wishes to be notified of these meetings they should contact Mr. Price. This process is not to exclude anyone but merely to empower. As requested Mr. Price restated the suggested members for the Steering Committee and it was requested they raise their hands. Those members suggested include Reed Price, Clyde Naylor, Greg Beckstrom, Chris Keleher, Dave Grierson, and Mayor Jim Dain. Mayor Thompson moved to approve Steering Committee as presented by Mr. Price. The motion was seconded and approved. Mr. Price announced that a ceremonial signing will immediately follow the adjournment of the meeting. Members of the press have been invited to attend and are present and may like to ask some questions of the members of the Commission.

7. Discuss resolution supporting the Commission's review of projects commissioned by the Governing

Mr. Price reviewed that at the last meeting in November Resolution 2007-8 was approved but there were some proposed changes to the Resolution. It was decided that those changes would be better addressed in a follow-up resolution and Mr. Price was asked to draft a resolution.

Mr. Dick Buehler proposed that the resolution address the public trust doctrine and sovereign land management that basically require that anything coming before the Commission be required to go through an appropriate review process to make sure it is adequately studied and legally defensible. Mr. Buehler affirmed that summary of his concerns. The Technical Committee and the Executive Committee have reviewed this Resolution 2008-1. There were a few clarifying changes recommended at the Executive Committee meeting and those were made and are in the document presented today. The Interlocal Agreement has a couple of paragraphs that require that a review is done on private projects as well as residential, commercial, and recreational developments; however, the Technical Committee felt this resolution went a step further in addressing public trust doctrine and sovereign land management questions.

Mr. Buehler stated that he appreciated the efforts in drafting the resolution. His concern was that there wouldn't be anything approved by the Commission for the Master Plan or being amended to the Master Plan without going through a review. He stated that he thinks it strengthens the integrity of the Commission to attempt to do things the right way.

Mr. Price previewed and presented Resolution 2008-1:

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UTAH LAKE COMMISSION

RESOLUTION 2008-1

A RESOLUTION OF THE UTAH LAKE COMMISSION RECOMMENDING THAT ANY PROPOSED STUDY, FINDING AND RECOMMENDATION COMING BEFORE THE GOVERNING BOARD BE REVIEWED BY THE COMMISSION, ITS TECHNICAL COMMITTEE AND SUBCOMMITTEES.

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WHEREAS, the bed of Utah Lake is sovereign land;

WHEREAS, Article XX of the Utah Constitution accepts sovereign lands to be held in trust for the people and managed for the purposes for which the lands were acquired; and

WHEREAS, the State of Utah Division of Forestry, Fire and State Lands, a member of the Utah Lake Commission, is responsible for managing the sovereign lands of the state; and

WHEREAS, the Commission is supportive of the role of the Division of Forestry Fire and State Lands in its management of Utah Lake under the Public Trust Doctrine; and

WHEREAS, sovereign lands are subject to the Public Trust Doctrine; and

WHEREAS, the Public Trust Doctrine establishes the right of the public to use and enjoy these trust waters, lands and resources for a wide variety of recognized public uses; and

WHEREAS, the Division of Forestry, Fire and State Lands must manage sovereign lands in compliance with the Public Trust Doctrine; and

WHEREAS, as the Utah Lake Commission is beginning the process of developing a master plan for Utah Lake and its shorelands; and

WHEREAS, many concepts have been, are being and will be proposed that, if implemented, would affect Utah Lake and its shorelands; and

WHEREAS; the Utah Lake Commission desires to determine if implementation of proposed concepts would be consistent with the Public Trust Doctrine as well as the Master Plan; and

WHEREAS; the Commission recently adopted Resolution 2007-8 supporting funding for projects and studies that will affect Utah Lake;

NOW, THEREFORE, upon motion and second, be it resolved by a majority vote of the Governing Board of the Utah Lake Commission as follows:

1. Any proposed studies, findings and recommendations coming before the Governing Board will be submitted to the Commission and its Technical Committee and subcommittees for review and consideration for consistency and compatibility with the Master Plan and/or possible inclusion in the Master Plan.

END OF RESOLUTION

Chairman Billings remarked that basically the Commission is implementing a Master Plan and that everything that comes before the Commission is consistent with it. Furthermore, that would include anything not only that comes before the Governing Board but all of the committees. It seems to be a consistent doctrine that the Commission would want all the cities to follow the plan as well.

Mr. Buehler added that the idea is not to have the Commission scrutinize every document that comes before them as long as a project comes before an organization and it's within the scope of the Master Plan then they will have the authority and responsibility to proceed with the project. However, if something comes before the Commission that is outside of the Master Plan then it needs to be reviewed and by a process either amend the Master Plan or modify it in some way.

Mr. Baker commented that it is important not to make things become too cumbersome. He expressed his concern that a constant revision or amending of the Master Plan would not be desirable. Mr. Buehler replied that when the Master Plan is completed by the end of the calendar that through the public scoping process and technical process most concerns will have been identified. But eventually the Master Plan will have to be updated; that is a normal occurrence with Master Plans in general.

Mayor Washburn expressed that he is very comfortable with the Resolution. Chris Finlinson stated that Central Utah Water is hopeful that the Master Plan will be detailed in the use of the Lake. Mr. Price acknowledged Ms. Finlinson's concerns and reaffirmed that those concerns will be addressed in the Master Plan.

Mayor Thompson suggested that it might be helpful to state in the By-Laws that as conditions change and circumstances warrant the Master Plan can accept updates that indicate that as conditions change and circumstances warrant that we can accept updates. Mr. Buehler said that the Great Salt Lake Management Plan has an update every ten years. Mayor Washburn stated that this Resolution actually assumes that the Master Plan is already in place. It could actually follow the adoption of the Master Plan. Mr. Price concluded that many questions and concerns will be included in the Master Plan document itself. Chairman Billings suggested that much of the discussion is premature to seeing the final Master Plan document and suggested any further discussion be tabled. Chairman Ellertson stated that the Resolution recognizes that as things move forward there is a process for review. He expressed that the resolution is sound in that regard and moved to approve Resolution 2008-1. Mr. Jensen seconded and the resolution was approved unanimously.

Chairman Billings encouraged everyone to continue to listen and respond to each other.

8. Other Business

There was no other business.

9. Confirm that the next meeting will be held at the Historic County Courthouse Ballroom on Thursday, February 28, 2008 at 7:30 AM.

The next meeting will be held in the same location on Thursday, February 28, 2008 at 7:30 A.M.

10. Adjourn

It was proposed to adjourn and move to a signing of the Master Plan contract. It was moved and seconded to adjourn. The meeting was adjourned at 8:56 A.M.