

UNAPPROVED



GOVERNING BOARD

Thursday, January 27, 2011 – 7:30 to 9:00 AM
Historic County Courthouse Ballroom – 3rd floor
51 South University Avenue, Provo, Utah

ATTENDEES:

Commissioner Larry Ellertson, Utah County
Mayor Jerry Washburn, Orem City
Ryan Nesbitt, Utah Division of Forestry, Fire &
State Lands (FFSL)
Mayor John Curtis, Provo City
Mayor Jim Dain, Lindon City
Mayor Randy Farnworth, Vineyard Town
Gene Shawcroft, Central Utah Water
Conservancy District (CUWCD)
Mayor James Hadfield, American Fork City
Mayor Heather Jackson, Eagle Mountain City
Councilman James Linford, Santaquin City
Mayor Bert Wilson, Lehi City
Mayor Bruce Call, Pleasant Grove City
Councilman Cecil Tuley, Saratoga Springs City
Councilman Dean Olsen, Springville City

ATTENDEES

Robyn Pearson, Utah Dept. of Natural
Resources (DNR)
Leah Ann Lamb, Utah Department of
Environmental Quality
Reed Price, Executive Director

INTERESTED PARTIES / VISITORS

Randy Kaufman, FFSL
Bob Trombly, Provo City
Rick Cox, URS
Todd Frye, Bonneville Sailing
Steve Densley, Chamber of Commerce
Carol Walters, Utah Valley Earth Forum
Michael Mills, JSRIP
Emil Knudsen, Utah County Association of
Realtors
Dan Bolke, FCE

ABSENT: Genola Town, Highland City, Mapleton City, Utah State Legislature, and Woodland Hills.

1. Welcome and call to order.

Chairman and Commissioner Larry Ellertson called the meeting to order at 7:34 a.m. He welcomed the Governing Board, along with the public and visitors. Mr. Price introduced new representative Mayor Bruce Call of Pleasant Grove, and Mr. Ryan Nesbitt, new Sovereign Lands Manager for FFSL, replacing Dave Grierson, who passed away last April, and will act as FFSL Director, Dick Buehler's, alternate.

2. Review and approve the Utah Lake Commission minutes from November 18, 2010.

Commissioner Ellertson asked for discussion, comments, or corrections for the meeting minutes of November 18, 2010. There was none. Mayor James Hadfield motioned to approve the minutes of November 18, 2010, and seconded by Mayor Jim Dain. Commissioner Ellertson made a comment asking on page 2, second line if Squire and Ray Bartholomew, read correctly. Mr. Price confirmed the two were interchangeable. The motion carried and passed unanimously.

3. Review and approve the monthly financial reports of the Commission for November and December, 2010.

November 2010: The financial report for the month ending November 30, 2010, shows 58.3 percent of the fiscal year remaining. The Zions checking account balance was \$8,607.47; the money market account balance was \$227,579.03; and the Public Treasurers Investment Fund balance was \$85,352.68. The money market account balance received a rate of return at .85 percent, and the PTIF received a return of 0.49 percent. There were three transfers to checking for \$6,000 on November 3, \$13,000 on November 15, and \$7,000 on November 30, 2010. The expenses for the month are listed in the middle totaling \$19,358.72. The only items out of the ordinary were payments for the model ordinance consulting services in the amount of \$4,009.58 and for the annual financial review to Squire Company for \$1,600. The General Fund Budget Report is listed at the bottom, showing percentages left in each of the accounts. Overall General Fund balance of \$179,923.19 shows 69 percent of the budget remaining.

December 2010: The financial report for the month ending December 31, 2010, shows 50 percent of the fiscal year remaining. The Zions checking account balance was \$1,861.42; the money market account balance was \$218,992.57; and the Public Treasurers Investment Fund balance was \$71,385.89. The money market account balance received a rate of return at .85 percent, and the PTIF received a return of 0.49 percent. There were three transfers to checking for \$8,000 on December 13, \$8,750 on December 28, and \$6,000 on December 29, 2010. The expenses for the month are listed in the middle totaling \$29,396.05 (noting a three paycheck month). The only item out of the ordinary was a payment for website design and consulting in helping in the creating the public editorial plan in the amount of \$8,750. The General Fund Budget Report is listed at the bottom, showing percents left in each of the accounts. An overall General Fund balance of \$150,527.14 shows 57 percent of the budget remaining.

Mayor Dain moved the financial reports for both November and December 2010 be approved as presented; seconded by Mr. Gene Shawcroft. The motion carried was unanimously approved.

4. Conduct annual election of Executive Committee members.

Commissioner Ellertson asked Mr. Price to explain the annual election of Executive Committee members. Mr. Price said the Interlocal Agreement establishes an Executive Committee, consisting of seven members of the Governing Board who meet to strategically plan future goals and discuss the monthly Governing Board meetings. The bylaws state the seven members of the Executive Committee include the Commission Chair, who is Commissioner Ellertson, the Commission Vice-chair who is Mayor Jerry Washburn, a representative from the Department of Natural Resources who has been Mike Styler, and the remainder of the committee involves up to four other members as determined by the Board. Membership of the Executive Committee is to be reviewed annually at the first calendar meeting of the year, but does not necessarily need to change. The Executive Committee usually meets monthly generally one week prior to the Governing Board meeting 7:30 a.m. in Mr. Price's office. They meet when necessary as well as for discussion on important issues. The current members of the Executive Committee are Commissioner Ellertson, Mayor Washburn, Mr. Styler, Mr. Dean Olsen from Springville City, Mayor Jim Dain from Lindon City, Chris Finlinson of the CUWCD, and Mayor John Curtis of Provo.

Commissioner Ellertson stated current members expressed a willingness to continue to serve on the Executive Committee. Mr. Price concurred. Commissioner Ellertson asked for any other nominations and there were none. He called for a motion of re-appointment of the current Executive Committee members. Mayor Hadfield motioned the Executive Committee stay as presently constituted, seconded by Mayor Bert Wilson; the motion carried, and it unanimously passed.

a. Discuss meeting schedule for Executive Committee.

Mr. Price said the Committee generally met on the third Thursday at 7:30 a.m., one week prior to the Governing Board Meeting. Some members expressed early morning was the best travel time and to

complete work. Commissioner Ellertson stated prior discussion held in the last Executive Committee Meeting recognized the challenges in trying to find another time, but it was decided the meeting should continue at the present date and time. He asked if anyone disagreed with his understanding. Mr. Price said the group has the flexibility to change, so the meeting could be moved if a need arose.

5. Report from the Technical Committee.

Mr. Greg Beckstrom reported on the activities of the Technical Committee. He stated for several months the Technical Committee has been actively involved in the process and continual review of the model ordinance or shoreline protection ordinance. Mr. Price had received comments with the refinements evaluated, discussed, and made in the Technical Committee.

The Committee has also been involved in monitoring the process associated with the proposed Utah Lake Bridge Crossing and ongoing activities on the proposal pending before FFSL. With time permitting, discussion regarding the process will be given.

At the Technical Committee Meeting, a presentation was given by David Wham from the Division of Water Quality. He gave an update on the status of the TMDL evaluation process, particularly regarding Utah Lake. In summary, the process is in a holding pattern pending a number of things, primarily with the work going on with the carp removal activities in Utah Lake. They are engaged in doing further studies and analysis by observing and documenting the impacts associated with the carp removal over the next five to six years, and pursuing funding to study further the biochemistry of Utah Lake.

Mayor Dain asked if they were actively removing carp from Utah Lake through the ice again. Since a planned field trip did not succeed in 2010, he asked if there was a chance for a field trip to observe the carp removal area. Mr. Beckstrom stated JSRIP was near the end of a 12-month contract for carp removal and Mr. Michael Mills reported that this year the fishermen had been struggling with the winter conditions. The ice was not as solid and reliable as it was earlier in the year. Due to the wet weather in the fall and early winter, the lake was at a higher elevation than it has been in previous years making it somewhat difficult for the fishermen to be as productive as they had hoped.

Ms. Leah Ann Lamb, of DEQ, said Director Walt Baker asked if DEQ could present to the Technical Committee and Governing Board the Jordan River TMDL, such as organic loading coming from Utah Lake into Jordan River area and there have been extensive discussions on conducting a watershed TMDL. Mr. Beckstrom said the Technical Committee was highly interested and enjoyed these types of presentations. He asked whom he should contact to schedule the presentation. Ms. Lamb replied Mr. Wham, Mr. Walt Baker, or herself. Commissioner Ellertson said he appreciated the involvement of DEQ.

6. Report from the Executive Director.

Mr. Price reported on the Commission's activities.

a. Update on Commission Activities.

Carp: Representatives from DWR who monitor the carp removal said the ice conditions were shaky, somewhat unsafe, and slushy in areas, and, therefore, was not ideal for fishing conditions. They have been able to remove carp, but not at the volumes as anticipated. The contract to remove the carp by the end of February is expected to extend. Currently and continually, JSRIP is seeking additional funding to keep the effort moving forward.

Curriculum: Earlier in the year, a presentation was given about a 4th grade curriculum developed by fourth grade teachers. The curriculum is available on the Commission's website on line. The Commission is beginning to get feedback as teachers are implementing those lessons in their daily lesson plans. Thus far, the lessons are being well received. Carin Green, executive assistant, has been working with the Division of Wildlife Resources, Division of Parks and Recreation, and the June Sucker program to create field trip days down at Utah Lake State Park sometime in April. The Commission will be funding the field trips by way of transportation and specialists will be providing instructional booths fun activities to help get them excited about Utah Lake.

Model Ordinance: Model Ordinance is another thing the Commission has been working on and is the main discussion topic of the meeting.

b. Land Tamer.

The Governing Board approved the purchase of a vehicle in September 2010. The Land Tamer is an eight-wheel amphibious vehicle. The remaining parts arrived last week and the company is installing these parts. The Land Tamer should be delivered to the Utah County Public Works on Tuesday, February 1, where they will maintain and operate the vehicle. The county, specifically Aaron Eagar, Utah County Weed Supervisor, will receive training on the use and maintenance of the vehicle. He is excited to get the vehicle to use as a tool and allow him to tackle this problem head-on at Utah Lake.

c. Phragmites removal efforts. The Commission continues to work with FFSL on phragmites removal. Special recognition needed to be made for the participation of the county who recognizes the invasive weed as something that needs to be eradicated. The county is a true champion in the process to remove it from Utah Lake. The phragmites group gave a presentation requesting \$30,000 of grant funds to continue the efforts in phragmites, tamarisk, and Russian olive removal and shoreline restoration. The target area for 2011 is about 300 acres from the Jordan River outlet incorporating much of Saratoga Bay and then a 3/4 mile stretch of land, near the Saratoga Springs City marina. The phragmites group has been in contact with Mr. Cecil Tuley to disseminate information to the public to understand what will be occurring when the work begins. Mr. Tuley was pleased the Commission and county are focusing on Saratoga Springs area. A main reason the choice of this region is because of the visibility that will be opened. It is anticipated public support will increase as they see the dramatic results that will occur when this issue is addressed.

d. Public editorial campaign/Website redesign. The Commission is continuing work on the public editorial campaign and new website redesign. A consultant was hired and he is now working on getting the website redesigned. A template has been put together which is functional and user-friendly, allowing the public more interaction. One idea behind the public editorial campaign is to reach out with new, fresh entertaining stories to keep Utah Lake in the forefront. The Technical Committee members brainstormed fun and great ideas for the stories. He asked that any further ideas be submitted to him from the Governing Board members.

The Commission is working on obtaining a [.gov](#) URL, [Utahlake.gov](#), which is not an easy achievement. The website will increase exposure for anyone searching for Utah Lake on line and could find the [Utahlake.gov](#) website easily. Mike Styler has been instrumental in explaining and convincing the state IT Division of the worthwhile value it can bring. The paperwork is being completed by the State to obtain the [Utahlake.gov](#) URL from the federal government, which would be beneficial to the editorial campaign.

7. Review and consider approval of applicants to the Public Advisory Group .

Commissioner Ellertson explained an annual approval of the Public Advisory Group (PAG) is needed. The current membership was provided and recommendation is for reappointment of present members.

PAG was created by the Governing Board inviting stakeholders of Utah Lake, who are not necessarily government entities, to participate in a more meaningful fashion with the Utah Lake Commission. They formed the Public Advisory Group and invited the different entities to apply to become members. They meet on a bimonthly basis for a chance to share with them specifically what the Commission is doing, to give input and feedback on the Commission activities, recommendations of how they see certain issues, and give different perspectives. In the bylaws, it requires the Governing Board recognize those participating on PAG at the first meeting of the calendar year. The PAG members have been engaged and wanting to be involved in the activities of Utah. The current members include the Bonneville School of Sailing and Seamanship, the Sierra Club, the Utah County Association of Realtors, the Utah County Farm Bureau, the Utah Farm Bureau Federation, the Utah Valley Chamber of Commerce, the Utah Valley

Convention and Visitor's Bureau, Utah Valley Sierra Club, Utah Valley Earth Forum, Utah Waterski Club and the Utah Water Fowl Association. Mr. Price recommended reappointment of the PAG members.

Commissioner Ellertson asked if the members were active and participating. Mr. Price said yes. He asked if anyone else wanted to become members. Mr. Price said any group with an interest in Utah Lake was welcome, but no one had filed a formal application to become a member. PAG and all other Commission meetings are public and everyone is welcome to attend. If a group wants to participate, an application process is in place. After the group fills out the application they get from Mr. Price, it is reviewed by the Board at their meeting, and if approved, they become official members of PAG.

Mr. Gene Shawcroft asked for clarification if the members on the list were actually participating, such as coming to the meetings, etc.; and, verification there were no additional membership applications. Mr. Price confirmed his understanding.

Mayor Hadfield motioned to approve the Public Advisory Group Members list as presently constituted, and it was seconded by Mayor Bert Wilson. The motion carried and it was unanimously approved. A current list of the Governing Board representatives and Technical Committee was provided to the Governing Board as part of their materials.

8. Review the Utah Lake Model Ordinance.

Mr. Price explained during the November meeting, members of the Governing Board were given three documents created during the Model Ordinance process. He reviewed each of the documents. The companion document is the executive summary document and was prepared so the city planning representatives can understand the reasons and importance why the Utah Lake Commission is recommending this ordinance be considered. The Utah Lake Overlay Zone is the regulations the communities around the lake should consider implementing into their ordinance. The third document is Utah Lake Non-motorized Trail Standards, which are utilized by MAG, the regional transportation planner, and would be involved in planning any trails adjacent to the lake. Two months have been taken to review the documents with city planning staff. They were to offer any comments and feedback by the middle of January. Comments received expressed their support and a willingness to move forward once it was approved. Some comments were simple technical corrections, which were made in the documents. The more substantial comments required consideration and more discussion at the Technical Committee level and were reviewed by the Technical Committee. The comments requiring discussion were approved, and additions made. Mr. Price introduced Mr. Jim Carter, the consultant and legal mind behind the ordinance to make sure the Commission followed the established laws.

The three documents have some red-lined corrections. The first red line correction is found on page one of the companion document and the Utah Lake Shoreline Overlay Protection Zone. A fifth purpose states "preserving the use and water quality of Utah Lake." The Committee approved adding the fifth purpose. The final change was made in the companion document on page 4, with a new page four provided to replace the previous one. The Technical Committee raised the question of what support the Commission could offer to acquire land for the purpose of the proposed 50-foot buffer. In the companion document it was emphasized and a statement added, "Jurisdictions are encouraged to consider ways to acquire property for the purposes of the buffer and trail construction, particularly when annexation and development requests are received in order to fully notify the land owner of the policy and ordinance and to minimize acquisition costs." The Commission does not have financial means to help purchase properties, but there are ways that can be considered well in advance which would minimize or even eliminate property acquisition or buffer costs, particularly in an annexation process. There were two simple red-lined corrections in the ordinance.

Mr. Beckstrom reminded everyone the model ordinance was given to the communities with the Commission's recommendation and encouragement that it be seriously considered and adopted into the shoreline community's regulations. Each community can incorporate the model ordinance into each

of their existing ordinances, with the possibility of overlapping. Areas of inconsistency may exist that needs massaging and additional work to incorporate this ordinance into their regulations. The Technical Committee's hopes are that the substance or key points of the ordinance will be incorporated.

Commissioner Ellertson said the other document was from Mountainland Association of Governments concerning the trail standards, which are referenced in the other documents, is given for information. Mr. Price said as the trail is completed around Utah Lake, that MAG would be a lead agency working closely with the county who is committed to helping make the trail happen.

Mr. Price noted the model ordinance would go back to the communities through the Governing Board representative. The process for moving forward with the model ordinance was explained. The Resolution states the Commission wanted to have the shoreline members begin to take action on the ordinance by July 1, 2011. He will notify the Governing Board representative and city land planner to let them know it was approved. He will explain the Governing Board encourages each municipality to begin the process and discussion to get the ordinance to protect the shoreline of Utah Lake into their community ordinances by July 1. The Commission has some available budget remaining for the consultant to come and discuss issues with the city staff, if there is a need. He requested Mr. Carter be contacted after study, thought and in-depth consideration of the ordinance has taken place. Commissioner Ellertson noted appreciation for all the hard work the Technical Committee and Mr. Carter did on the model ordinance. Mr. Carter thanked the Commission for the opportunity to work with them on the ordinance process, was pleased the Commission achieved their goal. He offered his services to help tailor the model ordinance product to meet each community's needs.

a. Consider approving Resolution 2011-1, endorsing the Utah Lake Model Ordinance.

Commissioner Ellertson stated the final document of the ordinance was Resolution 2011-1. Approval and adoption of the model ordinance resolution was explained. He called for questions or discussion on the ordinance concerning the action the Board would take in regards to the resolution.

Mayor Dain said the members have had a long time to review the ordinance. He motioned Resolution 2011-1 be approved, it was seconded, and it passed unanimously.

9. Other Business/Public Comment.

Commissioner Ellertson asked if there were any other business items from the Board or the public. Mayor Dain heard Representative Sandstrom of Orem had proposed legislation about phosphorus. He questioned if the Commission should weigh in and if Sandstrom's legislation would affect Utah Lake. With the discussion on phosphorus in Utah Lake, Mayor Dain asked if Mr. Sandstrom's legislation was to be considered. Ms. Lamb said Mr. Baker had suffered since the passage of the phosphorus act three years ago, which addressed the phosphorus in dishwasher detergent. There were many complaints of dishes were not getting clean, and so the industry took steps and changed the formulas to increase the ability of the detergents to clean the dishes. The legislation was subsequent to the complaints. She has not read Mr. Sandstrom's legislation, but she understood he wants to rescind the bill and go back to having detergents with higher concentrations of phosphorus. DEQ is on a march for nutrient control to put water quality standards, nutrient reductions, and limits in wastewater treatment plants and others. The treatment plants have to undergo significant changes to the treatment processes to reduce their nutrient loading. This will happen across the state, because it is a large critical water quality problem across the nation. Eventually all wastewater treatment plants will have some level of nutrient reduction. DEQ did not take a position originally and will not take a position on the current legislation.

Commissioner Ellertson asked if she understood the act was being repealed. Ms. Lamb said yes, that was her understanding. The laundry detergent issue was handled years ago when the industry voluntarily reduced phosphorus, and now Mr. Sandstrom would like to allow higher phosphorus-dishwashing detergents. Commissioner Ellertson asked if this would be problematic as the state is moving towards nitrogen and phosphorus reductions. Ms. Lamb said Mr. Baker said across the nation

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companies have reformulated their established and new products. It is DEQ's job eventually to put phosphorus reductions in place. Eventually, every single wastewater treatment plant in the state will most likely have reductions. Commissioner Ellertson said the industry would respond to find solutions..

Mr. Price said speaking for the Commission the Master Plan identifies a desire to reduce nutrient levels In Utah Lake including phosphorus and nitrogen. Being aware of the legislation, he will evaluate the Master Plan for an appropriate statement from the Commission. He will begin to look at the issue with the Technical Committee leadership because the legislative session is presently in session.

Commissioner Ellertson asked for public comment:

Mr. Randy Kaufmann commented FFSL had received an application to upgrade the Utah Lake Pump Station in Saratoga Springs. The application-type process continues to the Resource Development Coordinating Committee (RDCC) and there will be an opportunity for comments, if anyone would like to do so. He will discuss it with Mr. Price when it goes to the review process. Mr. Price clarified the historic structure would be left and not torn down.

Mr. Todd Frye, of Bonneville School of Sailing, stated he heard from a reliable source that the state was considering privatizing Utah Lake State Park. He was concerned as his organization sails out of Provo Harbor. Mr. Pearson said that at each legislative session every state department struggles to meet their budget requirements. An audit of all the state parks was completed to discover if there were any inconsistencies or opportunities to improve the system and keep it intact and whole. One of the suggestions was to consider certain parts of the parks for privatization. With confidence, he informed the Commission that Utah Lake State Park was not one of those. Of necessity, the state is looking for opportunities they can privatize to make the parks more user-friendly and generate more revenue for the park. Utah Lake and the services that we provide there will not change.

Commissioner Ellertson reminded the Board of the ongoing review process concerning a proposed bridge across Utah Lake. He said the State continues to direct the review process. The Technical Committee has been looking at how a bridge would affect the lake. Right now, review has primarily been focused on how a bridge would affect the lake, not focusing on other potential impacts beyond the lake. The Utah Lake Commission is moving towards getting a document out that states the Commission's concerns on the issue, including those beyond the lake, and not necessarily recommending one way or the other. It will state the thoughts, interests, ideas, and concerns the Commission has. He wanted the members to be aware that if discussion gets to the point of taking a position and issuing a statement, the Commission will contact the members. He wanted each member to be aware of the situation. He also encouraged each of the respective cities who may have feelings on the issue to consider formulating a similar statement.

10. Confirm that the next meeting will be held at the Historic Utah County Courthouse Ballroom on Thursday, February 24, 2011 at 7:30 AM.

It was confirmed that the next Governing Board meeting was set for Thursday, February 24, 2011 at 7:30 a.m. in the Historic Utah County Courthouse Ballroom.

11. Adjourn.

Mayor Wilson motioned to adjourn the meeting, it was seconded by Mayor Curtis, and it was unanimously approved. The meeting was adjourned at 9:05 a.m.