

APPROVED- 3/26/2009



GOVERNING BOARD MEETING

Thursday, February 26, 2009, 7:30 A.M.

Historic County Courthouse Ballroom – 3<sup>rd</sup> floor

51 South University Avenue, Provo, Utah

**ATTENDEES:**

Commissioner Larry Ellertson, Vice-Chair  
Reed Price, Utah Lake Commission  
Mark Atwood, Pleasant Grove  
Walt Baker, Dept. of Environmental Quality  
Dick Buehler, Forestry, Fire & State Lands  
Mike Cobia, Mapleton  
Mayor Jim Dain, Lindon  
Bob Fisher, Woodland Hills  
Mayor Howard H. Johnson, Lehi  
James Linford, Santaquin  
Nathan Lunstad, Highland  
Dean F. Olsen, Springville  
Mayor Timothy Parker, Saratoga Springs  
Robyn Pearson, UT Dept. of Natural Resources  
Nathan Riley, Vineyard  
Sarah Sutherland, Central UT Water Conservancy District  
Mayor Heber Thompson, American Fork  
Mayor Jerry Washburn, Orem  
Robert West, Provo  
Brent Arns, Payson  
Steve Densley, Provo/Orem Chamber of Commerce  
David Lifferth, Eagle Mountain

**Other Interested Parties**

Bruce Chesnut, Orem  
Greg Beckstrom, Provo  
Stephen Schwendiman, Attorney General's Office  
David Grierson, Forestry, Fire & State Lands  
Chris Keleher, Dept. of Natural Resources  
Reed Harris, JSRIP  
Gene Shawcroft, Central UT Water Conservancy District  
Gary Aitkin, Strawberry Water Users Association  
LaVere Merritt, Consultant  
Rick Cox, URS, Corp.  
Taylor Oldroyd, UT County Association of Realtors  
Bob Trombly, Provo  
Todd Frye, Bonneville School of Sailing  
Donald W. Meyers, Salt Lake Tribune

**ABSENT:**

Genola, Utah State Legislature

**1. Welcome and call to order**

Chairman Larry Ellertson called the meeting to order at 7:33 A.M. He thanked everyone for their commitment and stated that the day would be a landmark day. The Commission has been working on the drafting of the

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Master Plan and today's agenda will be to approve a final draft with the understanding that perfection will come over a period of time. He acknowledged and expressed appreciation for the vast amount of time that has been invested in this document by the Technical Committee, URS, Corp., subcommittees and the members of the Governing Board.

### **2. Review and approve the Utah Lake Commission minutes from January 22, 2009.**

Chairman Ellertson opened the floor for discussion of the minutes from the Utah Lake Commission Governing Board meeting of January 22, 2009. There was no discussion. Mayor Heber Thompson moved to approve the minutes and it was seconded by Mayor Timothy Parker. The minutes were approved unanimously.

### **3. Review and approve the monthly financial report of the Commission for January 2009.**

Mr. Reed Price reported that the Zion's Checking account balance as of January 31, 2009 was \$1,702.14. The Money Market account balance was \$199,663.89 and the Petty Cash balance was \$2.12. Two transfers were made during the month of January in the amounts of \$50,000.00 and \$5,000.00. The total expenses for the month totaled \$55,419.13. He referred to the Budget Balances as listed with the corresponding percentages left shown in each account. With 41.7% of the fiscal year remaining the budget balances stand at 43%. This is in line with what is expected.

The accounts that had shown significant use were expenses such as Insurance- Account #5100 and Consultants- Account #3150 that needed to be paid in full at the beginning of the fiscal year.

Mayor Dain moved to approve the financial report and it was seconded by Mr. Dick Buehler. The financial report was approved unanimously.

### **4. Report from the Executive Director (10 min)**

Mr. Price welcomed Mr. Mike Cobia as the new representative from Mapleton City and Ms. Sarah Sutherland was in attendance representing Ms. Chris Finlinson who had some legislative responsibilities.

Mr. Price joined Commissioner Ellertson in expressing appreciation to the Governing Board, Technical Committee, the consultant and all those who have been involved in creating the Master Plan document. The Master Plan has been in the process for one year and it is now close to a final document. Mr. Price stated that it has been a long and laborious process which has required long hours and he wished to publicly express his gratitude to all those who have assisted.

At last month's meeting he reported on the progress of the phragmites pilot program that is planned for the area west of Vineyard starting at the Lindon Boat Harbor and proceeding south to Center Street in Vineyard. The grant application ranked well. It scored at 78 out of 100 and the highest in the region was ranked at 86/100. He is confident the funding will be received to do this project. Forestry, Fire & State Lands (FFSL) is in the process of creating a burn plan. They have the primary responsibility for conducting the first step which is the prescribed burn. It was hoped that the prescribed burn could occur late this month or in early March but the weather patterns have to be exactly right because of the possibilities of inversions.

Chairman Ellertson commented that interest was previously expressed by some of the Board members to be notified to observe the burn. Mr. Price said there will be a 24-hour notice and he will notify the Technical Committee and the Governing Board by email. A phragmites burn produces a thick, black smoke. They are planning to inform the media of the burn to avoid public alarm and to let the public know how it will benefit the Utah Lake ecosystem, to help it return to its natural state.

There continues to be transportation issues which involve Utah Lake. The Provo to Nebo study is one which is identifying corridor preservation areas in the south end of the county and they have made some recommendations which will affect Provo Bay. Mr. Price will continue to be involved in that study.

The Commission has also been approached by Mr. Leon Harward, Utah Crossings, who is working on a project for a bridge crossing on the lake. This has been discussed by the Executive Committee and Mr. Harward will be invited to the next Technical Committee meeting to discuss his proposal and to enable the Committee to ask him specific and direct questions and better understand what his proposal would do for Utah Lake.

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Mr. Price said he feels the Commission has to be involved in any processes of this nature and its recommendation should be important. The approval for this kind of project would come from FFSL and they are interested in what the Commission has to say regarding this proposal.

Last month the Board had a discussion about By-laws. The amendments are close to being finished and will be discussed at next month's meeting.

Plans for the Utah Lake Festival which will be held on Saturday, June 6 have started. The Utah Lake Commission will be involved again this year and more specifics will be discussed at the March meeting.

Mr. Price requested that Governing Board members update their City Councils on the progress that the Utah Lake Commission has made. He volunteered to come and make presentations at City Council meetings upon invitation.

Mr. David Lifferth asked Mr. Price if he was aware of any funds from the stimulus package had been allocated to any projects relating to Utah Lake. Mr. Price said there was potential of receiving funds. Mr. Reed Harris said the June Sucker Recovery Implementation Program (JSRIP) had applied for some funds, but it was his understanding that in the negotiations on the stimulus bill the money was allocated to refuges. However, the JSRIP has applied for some other grants. Mr. Price said his information was that the stimulus package was being aimed towards capital improvements such as roads and water projects.

Mayor Dain questioned what the projected timeframe is now for the phragmites burn. Mr. Price replied as early as the weather patterns permit.

Mr. Buehler said he talked with Rory Reynolds who is with the grant program that is aimed at restoring watershed. If the legislature gives the program the money they expect, the project should move forward. However, the weather will have to be conducive before the end of April or the burn won't be able to be conducted. The emissions have to be coordinated with other emissions. There is an air quality issue including a cap on emissions.

### **5. Review and consider approval of one applicant to the Public Advisory Group (5 min)**

Mr. Price stated that the Utah Water Ski Club has applied for membership to the Public Advisory Group with Mr. Keith Morgan designated as their representative. This group was presented to the Executive Committee last week with Mr. Price's recommendation. There was unanimous support. Mr. Price presented the Utah Water Ski Club to the Board for their approval to be added to the Public Advisory Group.

Mayor Parker questioned if there are any other water ski clubs in the County. Mr. Price was not aware of any and this group was suggested by Mayor Billings. Mayor Parker asked if they would agree to represent other water ski groups if they become known. Mr. Price said the membership is at nine members now, but the entire Group is aware that as more groups come it may become necessary to combine representation for specific interests.

Mayor Parker moved to approve the Utah Water Ski Club for membership in the Public Advisory Group and it was seconded by Mayor Dain. Mr. Buehler commented that FFSL issues permits and he recalls they have issued three permits recently, but that this was the only organized club. The motion was approved unanimously.

### **6. Work Session (3.5 hours)**

Chairman Ellertson affirmed that Mr. Greg Beckstrom would lead the Work Session discussion.

Mr. Beckstrom reviewed as a brief history that the process of drafting the Master Plan has been underway for one year. There were workshops held on visioning, and opportunities and constraints. Last September and October the Vision Statements were reviewed with the Board which are now listed as Section 3 of the Master Plan. In November and January goals and policies were reviewed which are now in Sections 5 and 6. At today's meeting representatives from the Steering Committee presented the tentative final draft of the Master Plan for a detailed review. Subsequent to the meeting the expectation is that the Board will schedule a formal public hearing to approve this document. It will then go to the state and they will go through a formal 45-day

review period as required for their management plan. The beginning date of that review has not been set. At the end of that process it is projected that there will be a joint ceremony of the Governing Board and the State where the Master Plan will be formally adopted. It is expected that will happen sometime in late April or May. Chairman Ellertson asked if everyone had a copy of the Plan, noting that a copy had been provided earlier that month. Copies of the proposed changes from the Technical Committee were provided at each member's seat.

Seated at the tables in front of the Board was Rick Cox, the consultant from URS, Corp. and members of the Steering Committee including Bruce Chesnut, Dave Grierson, Chris Keleher and Gene Shawcroft. Many others, including many on the subcommittees, have contributed much time to the plan. Of special acknowledgment are Doug Sakaguchi, Division of Wildlife Resources, Dave Wham, Department of Environmental Quality, and Barry Tripp, FFSL who have given extensive review to the document.

Mr. Beckstrom said the approach that has been taken in putting together the document has been to meld the experience and technical knowledge with the policy direction that has been provided by the Governing Board. He emphasized that the document has no pride of authorship from the Technical or Steering Committee or the consultants and they welcome, encourage and endorse modifications, corrections or omissions from the Governing Board in today's work session.

It was proposed to discuss the Master Plan section by section. Any corrections that are technical in nature such as grammatical or formatting changes should be forwarded to Mr. Price who has been authorized to make those corrections without requiring a motion of approval.

**a. Review Final Draft Master Plan**

The first pages are acknowledgments and the table of contents. It was requested that everyone proofread the names of the people they work with and all information for accuracy. Mayor Parker recommended that technical credentials should be listed for the Commission members in the acknowledgments. It was agreed to make those additions.

**Section 1.0 – Executive Summary**

Mr. Beckstrom summarized that this section gives a brief background of the document and includes the Broad Visioning Statement of Utah Lake and the Policy Statements that were previously reviewed.

Mayor Thompson requested that there be an additional General Policy. He suggested it read something to the effect, "Any course of action affecting Utah Lake must be consistent with the policies, goals and objectives of the Utah Lake Master Plan." He said that this is alluded to in other sections, but he feels everything brought before the Commission should first pass for consistency with the Master Plan.

Mr. Beckstrom suggested that he would defer to Chairman Ellertson on formal proposals.

Mayor Thompson stated the new Policy could be General Policy #7. Discussion followed.

Mr. Schwendiman stated that from a legal perspective that when the Interlocal Agreement was being drafted it was basically the position that the Commission itself and the documents by which the Commission was adopted could not force any agency or city to comply, but could only encourage them to comply. This body is not a regulatory body and the use of the word "must" might be considered too strong.

Mayor Washburn said he appreciated what Mayor Thompson has to say. He referred to the first paragraph and commented how this is a guiding document.

Mr. Beckstrom said in consideration of Mr. Schwendiman's remarks that he would support the phrase reading as "Any course of action affecting Utah Lake should be consistent..."

Chairman Ellertson summarized that the Board concurred with the concept of adding a new General Policy and that it is understood that the Board doesn't have a mandating authority which needs to be considered in the language.

Mr. Cox noted that Land Use Policy 5 could be used as the format for the new policy.

Mayor Thompson moved to add a General Policy #7 which would read, "The Commission encourages that any course of action affecting Utah Lake be consistent with this Master Plan."

Mr. Price added that the Commission is focusing on Utah Lake, but it might be appropriate to have the policy read as "the Utah Lake Study Area." This would apply to several General Policies. It was agreed that Mr. Price would make those changes to all policies referring to the study area.

Mayor Parker seconded the motion. Restated, General Policy #7 would read as follows:

**General Policy 7 – The Commission encourages that any course of action affecting the Utah Lake Study Area be consistent with this Master Plan.**

Discussion followed. Mr. Lifferth questioned if there is a map defining the Utah Lake Study Area and it was answered that the study area is shown on the map on page 10. Mr. Robyn Pearson suggested that this policy sets the table for the rest of the policies and should be General Policy #1 with the other policies being re-numbered. It was agreed to include that in the motion. A vote was taken and the motion was approved unanimously.

Mayor Parker moved that where it is appropriate in the document for the wording of "Utah Lake" to be changed to "Utah Lake Study Area" be made by the Technical Committee. Mr. West seconded the motion. Mr. Lifferth questioned if there any legal consequences in broadening the scope to the study area. Mr. Schwendiman will meet with the Technical Committee and go over the proposed changes. The motion was approved unanimously.

Mr. Bob Fisher suggested softening the language in Natural Resources Policy 12 where he expressed concern that the policy was overstating the current technical status. Mr. Beckstrom replied that the language used in both Natural Resources Policy 12 and Natural Resources Policy 11 was extracted verbatim from a resolution adopted by the Governing Board at the September, 2008 meeting in response to the preliminary draft of the Total Maximum Daily Load (TMDL) study. Mr. Fisher suggested the following substitute policy, "The Commission recommends setting aside possible phosphorus and other nutrient removal requirements or activities in the master plan area until thorough scientific studies clearly demonstrate commensurate benefits to Utah Lake." Dr. Merritt provided the language for this substitute policy.

Mr. Walt Baker, speaking in regard to the waters of Utah, said that nutrient pollution is probably the biggest issue facing Utah, if not the entire country. Most of the impairments in the state waters are a result of nutrients, including phosphorus and nitrogen. He feels there are going to be increasing pressures to have nutrient pollution technology examined at all the wastewater treatment facilities. He supported keeping the policy as written.

Mayor Parker agreed that the word "consider" is sufficient. Mr. West questioned if it would be appropriate to change the word "phosphorous" to "nutrient" in the Policy as it stands. There was discussion. Mr. Cox pointed out that Natural Resources Policy 11 has similar wording.

Mr. Baker moved to replace the word "phosphorus" with "nutrient" in Natural Resources Policy #12 and in Natural Resources Policy 11 which would then read "expedited study of the effects of nutrients on beneficial uses." Mayor Parker seconded the motion and the motion carried with one dissenting vote from Mr. Fisher.

**Section 2.0 – Introduction**

Mr. Beckstrom summarized the contents of this section which he feels is the background of the study. One of the significant elements of this section is the Management Classification Map located on page 16.

Mr. Fisher questioned if the map is based on existing regulations. His concern is that SUVMWA is anticipating purchasing property for a wastewater treatment plant and the classification of lands would be important.

It was stated that this map establishes the classifications within the sovereign land boundaries of Utah Lake. The map notes where existing leases are established and restrictions are discussed in the Current Conditions Report.

Chairman Ellertson commented there are ongoing discussions in regard to this and this map shows the existing conditions without the Commission imposing any restrictions. Mr. Price stated that this map is primarily for the use FFSL as they receive requests to issue permits on the lake and to determine if it falls within the designated use classification areas.

Mayor Dain reviewed that in the Steering Committee it had been discussed to add into the Legends portion of the map identification of the Central Utah Project Completion Act (CUPCA) line and to reference further explanation in the Existing Conditions Report. Those changes will be made. Mr. Beckstrom suggested that Mr. Fisher and Mr. Grierson meet to go over the broader issues in regard to the SUVMWA plant.

Mr. Buehler requested that on page 6 in the first section of the Responsibilities column listed under the Department of Natural Resources it be changed to read "Planning, administration, management and **protection** of State-owned lake **bed** and shoreline." This revision is technical and will be made and did not require a motion.

### **Section 3.0 – Vision Statements**

This section includes the Utah Lake Vision Statement, the Vision Statements for Plan Elements, and the Specific Vision Statements. These were all previously reviewed by the Governing Board with their tentative and preliminary approval. Mr. Price reminded that these Vision Statements became the goal statements. At the beginning of the meeting today a Summary of Changes was distributed to the Commission members that listed ten discussion items. Those will be referred to in the remainder of the meeting.

#### **Discussion Item #1** (pgs. 22, 39, 41)

It was suggested that this Vision/Goal include a component that actual improvements to the lake would improve public perception as well. In response to a suggestion by Mayor Johnson the Technical Committee proposed the following addition which would modify Vision Statement #29 and Recreation Goal #9:

"Public perception of Utah Lake is improved by ongoing and effective public outreach and education about its value and uniqueness **and by making positive improvements to the lake.**"

Mayor Johnson moved to revise Vision Statement #29 and Recreation Goal #9 as stated. It was seconded by Mayor Thompson and approved unanimously.

Mr. Baker interjected that on page 8 a change should be made to correct the listing of the Department of Water Quality from the Division of Water Quality. The correction was noted and accepted.

Mayor Johnson questioned the consistency of the statements in the document regarding the boundaries of the lake. There was discussion and clarification was made.

### **Section 4.0 – Policies, Goals and Objectives.**

#### **4.2 – General Policies**

As previously discussed the new General Policy #1 will be added and the remaining policies renumbered.

#### **4.3 – Land Use and Shoreline Protection**

##### **Discussion item #2** ( pgs. 26-27)

**Land Use Goal 4 – Land Acquisition and Management** – The Technical Committee felt two objectives should be added to allow for acquisition and management of non-sensitive lands. The first two objectives dealt with acquisition and management of sensitive lands. The Technical Committee proposed to add the following two objectives:

**Objective L-4.3 - Non-Sensitive Land Management**

**Land use and resource management in areas acquired to implement portions of this master plan will be coordinated among local jurisdictions and state and federal agencies. (Supports Specific Vision Statements 3, 11, 18 and 19)**

**Objective L-4.4 - Acquisition of Non-Sensitive Lands**

**Non-sensitive land will be acquired by legal mechanisms to accomplish the purposes of this Master Plan. (Supports Specific Vision Statements 1, 3, 4, 8, 11, 18, 19, and 21)**

It was moved to approve this objectives by Mayor Washburn and seconded by Mr. Buehler. The motion carried unanimously.

**Discussion Item #3 – (pgs. 27, 28, 32)**

The Technical Committee invited discussion on Land Use Goal 6, Land Use Goal 7, Transportation Goal 1 – Trails, and Objective N-3.1 – Interpretive and Directional Signage because of the potential cost implications for the municipalities. Mayor Johnson commented that it was not his intent to make any changes when he brought some of these points to the Technical Committee but to instigate discussion so that the board members would encourage their communities to take steps for the future. Chairman Ellertson supported Mayor Johnson in emphasizing the diligence required by the Board to call attention to these goals and objectives. Mayor Johnson offered signage as an example in that the communities are asked to coordinate for uniformity. Chairman Ellertson said as the plan is finalized and distributed a general comment for all would be to remember this issue. Mr. Cox noted there is a discussion of this issue in the Implementation Plan section. There was discussion on if anything needed to be added in regard to consistency or uniformity. Those issues will be discussed at a later date.

Mayor Thompson had a formatting question regarding using language with action verbs. Mr. Cox explained that the Vision Statements started as projections of the future. When they were drafting the Specific Vision Statements it was assessed that they looked like goals. Rather than re-working the Vision Statement it was decided to duplicate the wording and make them parallel.

Mr. Linford remembered action statements had been previously discussed. It was decided to avoid wording that might come back to put the burden on the Commission. It was decided that this type of general format was more appropriate to this type of document. Following further discussion of nuance, tone and perception it was the general consensus to leave the document as written.

**4.4 - Transportation**

**Discussion Item #4 – (pg. 29)**

**Transportation Goal 3 – Multi-objective Road System** – A written comment was suggested to change Objective T-3.2 by deleting the last phrase and changing the word “corridor” to be made plural. The edited objective was proposed to be amended to read as follows:

**Objective T-3.2 – Cross Lake Transportation**

**The Utah Lake Commission will encourage and actively consider studies to determine the need for and the feasibility of a cross-lake transportation corridor(s), ~~without supporting a specific action to improve cross-lake transportation.~~ (Supports Specific Vision Statements 9, 10 and 22)**

Mayor Dain reviewed that previously the Board had discussed attempting to remain neutral and suggested also deleting the word “encourage” as to not be perceived as promoting lake transportation.

Mr. Beckstrom said the intent was to only encourage that proposals be studied as they come forward.

Mayor Parker expressed that he did not like using the word “actively” as it is not used anywhere else in the document. He suggested the sentence read, “The Utah Lake Commission will consider studies...”

Mayor Parked moved to amend Objective T-3.2 to read as follows:

**Objective T- 3.2 – Cross Lake Transportation**

**The Utah Lake Commission will consider studies to determine the need for and the feasibility of cross-lake transportation corridors.**

Mayor Johnson stated that even though his perspective is that a cross lake crossing is imperative he concurred with Mayor Parker’s motion and said it is not a consideration of this Commission. The motion was seconded by Mayor Washburn and approved unanimously.

Mr. Price stated that he had spoken to the Executive Committee regarding a cross lake transportation proposal that seems to be moving forward. He wanted to make sure that the Governing Board feels that the proposals regarding cross lake transportation have the strength needed for guidance to address proposals as they come forward. Chairman Ellertson asked if Mr. Price was in agreement with the action just taken and Mr. Price responded that he felt it would help and he wanted to make it a matter of record. Mr. Schwendiman commented that the word consider is a broad term that can be defined with each proposal. Mayor Johnson added that this document is acknowledged as being a living document and changes will come as there are concerns.

**4.5 – Natural Resources**

Mr. Buehler referred to 4.5.2.2 – Objective N-1.2 – Powell Slough Wildlife Management Area. In this objective it states in the third sentence that the Powell Slough Wildlife Management Area is managed by the Utah State Division of Wildlife Resources (DWR) and that is incorrect. That permit expired about ten years ago and the FFSL discouraged them from renewing that permit due to the boundary dispute. That dispute has recently been resolved. The Division of Wildlife Resources currently has somewhat of a responsibility to maintain the parking lots. Following discussion Mayor Parker moved to strike the sentence that reads, “The Powell Slough Wildlife Management Area is managed by the Utah State Division of wildlife Resources.” It was seconded by Mayor Johnson. Chairman Ellertson questioned if the correct title was being used. After further discussion Mayor Parker amended his motion to delete the sentence as previously moved and to change all the references reading, “Powell Slough Wildlife Management Area” to “Powell Slough Wildlife Area” in the title of the Objective and in the body of the paragraph. Mayor Johnson confirmed his second and the motion was approved unanimously.

Mr. Baker stated that all corrections regarding this action be made throughout the document.

**Discussion Item #5 – (pg. 33)**

**Natural Resources Goal 6 – Proactive Enhancement**

Mr. Beckstrom read Natural Resources Goal 6 which is as follows:

Site-specific enhancements and engineering solutions (e.g., re-created deltas, urban and riparian forests, mixed-use storm water detention areas, selective dredging and diking, re-vegetation) are pursued consistent with the Utah Lake Master Plan.

There is currently one objective for this goal, N-6.1 – Maintenance of Harbors. The Technical Committee suggested a second objective be added to allow for other suggested engineering solutions to be pursued. The proposed objective would read as follows:



**Objective N-6.2 Site-specific Enhancements and Engineering Solutions**

**The Commission will consider and encourage site-specific enhancements and engineering solutions consistent with the Master Plan to achieve the goals and objectives identified in the Master Plan. (Supports Specific Vision Statements 16, 21, 22, 23 and 28)**

Mayor Johnson moved to the inclusion of the recommended Objective N-6-2. It was seconded by Mayor Dain and approved unanimously.

Mr. Buehler questioned the definition of a riparian forest. There were opinions expressed and it was agreed to replace the phrase "urban and riparian forests" with "woodlands."

The meeting was recessed for a short break.

The meeting resumed at 9:45 A.M.

Mr. Beckstrom asked if there were any further issues or recommendations regarding Section 4.5 – Natural Resources. None were given.

**4.6 – Recreation**

Mr. Buehler referred to 4.6.4.1 – Objective R-3.1 – Study Needs for Marinas and Informal Boat Access. In the paragraph titled "Expand/Improve Existing Marinas" it states, "The boat launching facilities at Lincoln Beach will be expanded, and additional facilities including parking, sanitary facilities and trash receptacles will be provided." Mr. Buehler asked Chairman Ellertson if this was a feasible goal. Chairman Ellertson said it is feasible with time.

Mr. Beckstrom commented that it was the understanding of the Technical Committee that the launching facility at Lincoln Beach was on a short term list of the County. The intent was to study the need for an impact of expanding and improving facilities beyond that and noting Lincoln Beach as a short term goal.

Mayor Parker expressed his opinion that it was too much detail for this document and felt it should be more of a general statement. Mr. Buehler agreed that one marina should not be singled out. Chairman Ellertson agreed that the specifics seemed inconsistent with the rest of the document. There was discussion on the modification of the objective.

Mayor Parker moved to approve the paragraph titled, "Expand/Improve Existing Marinas" on page 36 to read as follows:

Expand/Improve Existing Marinas

~~Study the need for and impact of expanding and improving existing, publicly accessible marinas and develop new marinas as dictated by demand. The boat launching facilities at Lincoln Beach will be expanded, and additional facilities including parking, sanitary facilities and trash receptacles will be provided. The Commission will encourage the expansion and improvement of other existing marinas as needed.~~

Mayor Johnson seconded the motion. Mr. Lifferth asked as clarification that in 4.6.4.1. Objective R-3.1 – Study Needs for Marinas and Informal Boat Access reads, "The Commission will study the need to expand or improve existing marinas and informal boat access and to develop new marinas and new informal boat access." In the subsequent paragraphs it does not stipulate who will do that. Mr. Lifferth questioned if it is assumed that the Commission will do it.

Mr. Price agreed it does read that the Commission will assume that responsibility. There was discussion. Chairman Ellertson suggested the verbage be changed to read as follows:

"The Commission will encourage **a coordinated study of** the need to expand or improve existing marinas and informal boat access and to develop new marinas and new informal boat access."

Mayor Parker suggested deleting the word “a” so that it would read, “The Commission will encourage coordinated study of the need...”

Major Johnson moved as a substitute motion to approve the following corrections:

**4.6.4.1 Objective R-3.1 – Study Needs for Marinas and Informal Boat Access**

**The Commission will encourage coordinated study of the need to expand or improve existing marinas and informal boat access and to develop new marinas and new informal boat access.**

And the continuing paragraph,

**Expand/Improve Existing Marinas**

**Study the need for and impact of expanding and improving existing, publicly accessible marinas as dictated by demand.**

It was seconded by Mayor Parker and the motion carried unanimously.

**4.7 – Public Facilities; 4.8 Proposed Goals and Objectives needing Further Review**

There was no discussion.

Mr. Beckstrom referred discussion back to the Section 1.0 in the Executive Summary regarding General Policy 2. A question had been raised regarding the source and need for this policy and in discussion with the Technical Committee, the consultant and representatives from CUWCD no one could offer an adequate explanation to the necessity for this policy. There were comments made that it is duplicative to General Policy 1 and General Policy 4.

Following discussion Mayor Parker moved to delete General Policy 2 and it was seconded by Mr. Linford.

There was continued discussion. A question on the motion was called by Mayor Washburn. A vote was taken of ending debate which required a 2/3 vote. There was a division, a count was taken and with at least 2/3 vote in favor of the question, debate was concluded.

Chairman Ellertson reviewed the motion to strike General Policy 2. The motion carried.

**Section 5.0 – Priority of Goals**

**Discussion Item #6 – (pg. 40)**

The Technical Committee recommended adding some language that clarified the meaning of High Priority and Medium Priority Goals. This language would replace the last paragraph of Section 5.1, page 40 to read as follows:

All of the identified goals are important to fulfillment of the Utah Lake Vision Statement. The High Priority Goals are those which are deemed to be most important to fulfillment of the Vision Statements. The Medium Priority Goals are important, but are deemed to be of lesser immediate beneficial impact to fulfillment of the Vision Statements. The High Priority Goals will receive more intense immediate focus of attention by the Utah Lake Commission, even though some of the Medium Priority Goals may be pursued simultaneously.

Mayor Thompson questioned if all of the goals listed in Section 4 are included in one of the priority lists. That was affirmed. Mr. Beckstrom clarified that the High Priority goals are ranked in order of importance and the Medium Priority goals are listed without ranking, equally, and as they appear in the document.

It was moved by Mayor Parker to approve the proposed language to amend Section 5.1 and it was seconded by Mayor Thompson. The motion passed unanimously.

**Discussion Item #7**

Mayor Thompson made a suggestion in concurrence with the suggestion by the Technical Committee that the explanation describing reasons why a goal is identified as High Priority immediately follow the goal, rather than be described in a different area of Section 5. Mayor Parker moved to reword the document to reflect this change as presented in the Summary of Changes. The motion was seconded and approved unanimously. Mr. Lifferth questioned how the priorities were defined. Mr. Beckstrom answered that the initial prioritization was done by the consultant based on his evaluation of the priorities derived from the workshop process and the Visioning Statements. The Technical Committee reviewed, evaluated and modified the priorities which are how they are currently listed. Mr. Lifferth asked by what process a goal would be changed. It was answered by approval of the Governing Board.

**Discussion Item #8 – (pg. 45)**

In the Technical Committee the issue was raised that Medium Priority Goals identified as Recreation Goal 10-Insect Control & Public Health, and Land Use Goal 7-Public Safety Coordination, be moved to the High Priority Goals. The Technical Committee decided to defer this evaluation to the Governing Board. Mr. Beckstrom indicated that if they are moved to the High Priority category they will need to be ranked.

Mr. Cox suggested that in evaluating any such moves reference be made to the selection criteria which are as stated on page 40. The three criteria include: 1) Importance to Utah Lake ecosystem, 2) Importance to meeting the Vision Statements for Plan Elements, and 3) Relative immediacy of need to take action to meet the goals.

Mayor Parker expressed his trust in the work that has gone into the prioritization. Mayor Dain said he wouldn't want mosquito abatement to be discounted because it's classified as a Medium Priority Goal. Mr. Beckstrom stated that it is the consensus of the Steering Committee and the Technical Committee that there are no unimportant goals. All the goals need to be pursued, but to have some significance in terms of focusing the efforts of the Executive Director and other agencies who are involved in implementing the Master Plan and, particularly, in pursuit of potential grant applications and funding, it was decided there does need to be some indication of prioritizing.

Chairman Ellertson questioned clarification that the Commission might be comfortable categorizing Recreation Goal 10 as a Medium Goal due to the efforts of the County and other entities ongoing involvement in that current program. Mayor Thompson expressed opinion that because of the public's interest and concern this Goal should be changed to a High Priority.

Mr. Buehler stated that the FFSL have had identified that there are many insects that are identified incorrectly as mosquitoes. Mr. Nathan Riley said that in Vineyard the problem is definitely with mosquitoes and is a major concern.

Mr. Linford referred to the amendment that had just been approved in Section 5.1 and expressed that it provided an adequate explanation. Mayor Johnson said that from the standpoint of the public the goal should be a High Priority.

Mayor Dain moved to move Recreation Goal 10 – Insect Control & Public Health to be listed as a High Priority Goal and be ranked as the last goal listed. The motion was seconded and carried unanimously.

Mr. Fisher expressed support to move Land Use #7 – Public Safety to High Priority. Mr. Lifferth gave his support for that correction.

Mayor Parker suggested eliminating the two classifications and having one classification. Discussion followed. The Medium Priority Goals would need to be prioritized into the High Priority list to form one list.

Mr. Price explained the added language that explained the rankings would be a moot point if they are all prioritized.

It was moved by Mayor Parker to move Land Use Goal 7 – Public Safety Coordination to the High Priority Goals list and be added to the end of the list and to keep the two classifications as they are currently. It was seconded by Mr. Mark Atwood. The motion carried unanimously.

Mr. Price said that reflective of discussion with Mr. Keleher they proposed that a fourth selection criteria be added to 5.2 High Priority Goals, page 40. The first paragraph would be altered to state that “Prioritization was based on four selection criteria...” and the fourth criteria selection added would be Public Health and Safety. Mayor Dain so moved as presented by Mr. Price and it was seconded by Mayor Johnson. It was approved unanimously.

Mr. Buehler requested returning to discuss Objective 4.5.2.1 – Objective N-1.1 – Investigation of Expansion of Preservation Areas. In this Section under 4.5.2 – Natural Resources Goal 1 – Natural Areas, the areas of Goshen Bay, Provo Bay, Powell Slough and North Shore are identified. He suggested that Benjamin Slough be added. Mr. Beckstrom said that correction can be made as a technical correction.

Mr. Buehler also wanted to acknowledge that Mr. Chris Keleher and Mr. Dave Grierson have contributed numerous hours to the final draft work. Everyone seated at the presentation table was acknowledged to have contributed many hours.

#### **Discussion Item #9 – (pg. 46)**

**Section 6 – Plan Adoption and Amendment** – This section outlines the procedure by which the Master Plan’s Seven Sections will be adopted and can later be amended. Following Section 7 – Index there are Appendices A – E which are considered a living document. It was recommended by the Technical Committee that the Master Plan allow the appendices to be amended without going through an official amendment process. The following language has been suggested following the first paragraph in Section 6.1.2 discussing the Plan Amendment process:

The appendices of this master plan were compiled to offer a greater understanding of Utah Lake, the planning process, sovereign land management, and to offer implementation strategies for the Commission as they work toward achieving the visions identified in the Master Plan. If appropriate, the appendices can and should be modified by the Commission to meet the desired goals identified for Utah Lake. Modifying appendices does not constitute changing the Master Plan so does not require a formal plan amendment process.

Mr. Robyn Pearson suggested changing the word “so” in the last sentence to “and therefore.” That was agreed.

Mr. Lifferth questioned if language should be added so if there ever was a conflict between an Appendix and the Master Plan itself that the Master Plan would take precedence. There was discussion and Mr. Schwendiman stated that it would be advisable to do so. Mr. Beckstrom responded that the intent of the Technical Committee was that any modifications in the appendices still would come before the Governing Board. Mr. Schwendiman replied that in that case it would probably not be necessary to make an addition. Mr. West suggested changing the wording in the second sentence from “If appropriate, the appendices can and should be modified...” to “If appropriate, the appendices **shall** be modified...”

It was moved by Mayor Washburn to approve the proposed additional language to Section 6.1.2. with the corrections of changing the word “so” in the last sentence to “and therefore” and in the second sentence of changing the words “can and should” to “shall.” It was seconded by Mr. Atwood and the motion was approved unanimously. The addition will read as follows:

The appendices of this master plan were compiled to offer a greater understanding of Utah Lake, the planning process, sovereign land management, and to offer implementation strategies for the

Commission as they work toward achieving the visions identified in the Master Plan. If appropriate, the appendices shall be modified by the Commission to meet the desired goals identified for Utah Lake. Modifying appendices does not constitute changing the Master Plan and therefore does not require a formal plan amendment process.

Mr. Buehler referred to the last sentence of the second paragraph on page 46 of Section 6.1 where it reads, "...the FFSL will not amend their management plan without first consulting with the Utah Lake Commission." He suggested that the wording of "without first consulting" be changed to "without consultation with" as he felt there was an indication of requesting permission. That change will be made as a technical correction. Mr. Beckstrom referred the Board to the chart on page 49 and provided explanation of the chart. He explained that the Utah Lake Master Plan Document addresses Utah Lake and the surrounding Plan area, and the State FFSL Management Plan for the Sovereign Lands which consists of the bed of Utah Lake. As stated on page 48, "It is the expressed desire of both the Utah Lake Commission and FFSL to expend all reasonable efforts to avoid separate Management Plans."

This table shows how all amendments would need to be made either for FFSL or the Commission. If the amendment has an impact on sovereign lands then it will have to go through the FFSL review process including the 45-day review period. If the FFSL determines that the amendment affects only the study area outside the sovereign lands then the Governing Board will have the final conclusion. If the amendment affects the sovereign lands then the Governing Board will forward it to the FFSL for a final conclusion. The action of the Governing Board and the action of the FFSL, hopefully, will be the same and the plan for both will be amended or unchanged if rejected. A contingency plan would be if they don't agree on the same conclusion and cannot come to an agreement then they would ultimately, after all attempts fail, amend their plans separately and the documents would be inconsistent.

Mr. Schwendiman added that the Commission cannot impose on any of the city or county jurisdictions. Chairman Ellertson said it is also recognition of certain rights for the members of the Board that are respected with intent that all will work together.

Mr. Pearson expressed opinion that when there is concurrence then the regulatory authority can carry that will forward. There is wisdom in this process and can assist in getting goals accomplished.

Chairman Ellertson requested clarification on the text box that reads Executive Director & Committee. It will be modified to read Executive Director and **Executive** Committee.

### **Section 7.0 – Index**

Chairman Ellertson clarified that any changes made today will be made consistent in the index.

#### **Appendix A – Public Comments**

This Section includes the public comments already received and those that will be received during the 45-day review process. They will all be compiled by the consultant in the form of a CD. This will be included in a sleeve in the final document.

#### **Appendix B – Statement of Current Conditions**

Mr. Beckstrom encouraged everyone to read this Section as he feels it will become the definitive, technical baseline resource document. A lot of information is included and also references from where that information was obtained and where more can be acquired.

Mayor Thompson referred to page 21, Item C – Planning for East-West Corridors. He said some of the terminology was outdated and suggested that Mountainland Association of Governments (MAG) be consulted for the correct terminology. Mr. Price will have MAG review the Section.

Mr. Beckstrom also said that the date, 2008, has been added to the title page of this document. There is a mandate from the state that requires the state management document to be revisited within ten years.

When the document is amended it will be dated with that current year or as an addendum.

**Appendix C – Implementation Strategies**

Mr. Beckstrom stated that this Section will probably have the most evolution within the ten-year period. FFSL will probably adopt some of their own implementation strategies and possibly other municipalities. Chairman Ellertson called attention to the opening paragraph where it states, “This is a separate document from the Master Plan and as such can be modified by the Commission without following the requirements of amending the Master Plan.”

**Appendix D – Procedures of Sovereign Land Management**

This Section is primarily a resource for those that may want to have an understanding of processes regarding sovereign lands. It was also included as an Appendix recognizing that the State can modify this section without having to go through a plan amendment process.

Mayor Thompson returned to Appendix C and questioned the relationship of Tier One and Tier Two to the Prioritizations. Mr. Cox explained that it was needful to make a distinction between the prioritizations of goals and the implementation tasks. Some of the tasks included both High and Medium priorities so they made the distinction by using the different term of “Tiers.”

**Discussion Item #10 – (Appendix E)**

**Appendix E – Proposed Goals and Objectives Needing Further Review**

This Section includes goals that in further review were not included in the official document; however, they may warrant inclusion in the future. It was decided to have them listed in order to show that they were considered. Mr. Price said Mayor Johnson was concerned that they would be considered rejections and a better description would be that these items were tabled.

With the conclusion of the review of the document, Mr. Beckstrom stated that the Committee requested two actions from the Governing Board. The first would be for approval of the document as it had been revised today and the second would be to schedule a public hearing. There was some ambivalence in that the process has been sufficiently lengthy, detailed and inclusive of public comment already ,but at the same time with the document being set in place for the next ten years to give anyone additional opportunity for input. Chairman Ellertson asked for a timetable following the plan adoption. Mr. Beckstrom said, in his understanding, the revisions will be made and then published and made available as the final document of the Master Plan. That will be forwarded to the State by Monday, March 9. The State would then initiate their 45-day review process. The Commission’s public hearing would be scheduled during that period and at the end of that period the state is required to make some response to the comments. Sometime, shortly thereafter, there would be a joint ceremony where the Utah Lake Commission would formally adopt and FFSL would enter into a record of decision and both would simultaneously adopt the Master Plan. Mr. Buehler added that after the FFSL record of decision there is an appeal period. Chairman Ellertson clarified that the state is required to have a public process, but not a public hearing.

**b. Discuss and consider approval of the Final Draft Master Plan**

Mayor Thompson moved to approve the Final Draft Master Plan as amended in the discussions in this session of the Governing Board. It was seconded by Mayor Dain. The motion carried unanimously and was received with applause. There were no abstentions.

Mr. Buehler made a formal motion of appreciation to the Technical Committee and included Mr. Chris Keleher, Mr. David Grierson, Mr. Greg Beckstrom, Mr. Rick Cox, Mr. Reed Price, Mr. Clyde Naylor, Mr. Gene Shawcroft, and Mayor Dain. He acknowledged their diligence and incredible amount of work and review. It was seconded by Mr. Walt Baker. Chairman Ellertson added his personal thanks for all their service and work. The motion passed unanimously.

Mr. Cox expressed his thanks for the opportunity to participate in this process.

Chairman Ellertson reflected how there are people excited in the community with this move forward. He acknowledged appreciation to the state and all entities for the significant ownership brought to the Commission and recognition of the value of the resource of Utah Lake.

**c. Set date and time for public hearing for comment on the Final Draft**

There was discussion regarding the time to hold the public hearing. Mr. Grierson made the point that if the hearing was held during the 45-day review period the state may view that as public comment and all those comments might have to be included in the State appendix. Generally the State has responded to written comments only. Another point was made that if the 45-day period begun after the public hearing it might push back the adoption date. Mr. Price asked if there was a way to interpret the public hearing as not being run by the State. Another suggestion was to have the public hearing and provide the opportunity at that meeting for the public to send written comments to the State.

It was pointed out that it needs to be identified that the public hearing is to provide comment on the work that has already been done and not to propose new issues. The State has planned to begin their 45-day period as soon as the revision is complete.

Mr. Grierson outlined that when the 45-day period begins the FFSL will notify the media and post the legal notices (Daily Herald, Salt Lake Tribune, and Deseret News) and send postcards to those they need to contact.

After continued discussion Mr. Schwendiman advised that it could be stipulated that the public hearing is for the Commission and not the state and those that wish to submit their comments to the state will have the opportunity to do so. Discussion followed.

It was moved by Mr. West that a public hearing be held as part of the March 26, 2009 Governing Board meeting for comment to the Utah Lake Commission on the Final Draft Master Plan at 7:30 A.M. It was seconded by Mr. Atwood.

Mr. Price suggested that a specific time be set for later in the meeting. The motion was amended to be 8:30 A.M. and accepted by the second. The motion would then be that a public hearing be held as part of the March 26, 2009 Governing Board meeting for comment to the Utah Lake Commission on the Final Draft Master Plan at 8:30 A.M. The motion carried unanimously.

**7. Consider authorizing the Executive Director to enter into a work order agreement with the Master Plan consultant for potential need for additional work. (5 min)**

Mr. Price commented that based on the discussion from today's meeting he didn't feel an additional work agreement will be necessary. Mr. Cox has committed to work with Mr. Price on minor modifications under the old contract. Mr. Price and Mr. Cox will make the modifications in conjunction with the Steering Committee and, therefore, no action is needed on this agenda item. Mr. Cox stated that he concurred.

**8. Other business. (10 min)**

There was no other business presented.

**9. Confirm that the next meeting will be held at the Historic Utah County Courthouse Ballroom on Thursday, March 26, 2009 at 7:30 AM**

The meeting will begin at 7:30 A.M. and the public hearing will be held at 8:30 A.M.

**10. Adjourn.**

Mr. Buehler moved to adjourn the meeting and it was seconded by Mr. Linford. Motion carried and the meeting was adjourned at 11:35 A.M.