

## UTAH LAKE COMMISSION

May 24, 2007

Historic County Courthouse Ballroom  
51 South University Avenue, Provo, Utah

7:30 a.m.

### ATTENDEES:

#### Members

Mayor Lewis K. Billings, Provo (Chair)  
Commissioner Larry Ellertson, Utah County (Vice Chair)  
Mayor Jim Brady, Mapleton  
Dick Buehler; Forestry, Fire & State Lands  
Representative Steve Clark, Utah County Legis.  
Chris Finlinson, CUWCD  
Mayor Tim Parker, Saratoga Springs  
Mayor Heber Thompson, American Fork  
Mayor Howard Johnson, Lehi  
Michael Vail, Genola  
Nathan Riley, Vineyard  
Bob Fisher, Woodland Hills/SUVMWA  
Walt Baker, Dept. of Env. Quality  
Don Blohm, Highland  
Robyn Pearson, Dept. of Natural Resources (Alt)  
Lee G. Jensen, Pleasant Grove  
Clyde Naylor, Interim Executive Director  
Mayor Jeff Acerson, Lindon

#### Other Interested Parties

Steven Schwendiman, Attorney General Office  
Lee Hansen, Saratoga Springs  
Michael Holden, Idaho Resident  
Steven Holden, Holden Enterprises  
William Kunsman, Noah's Ark Resort  
Val W. Kendell, Kendell Communications  
David Grierson; Forestry, Fire & State Lands (Alt)  
Barry Tripp; Forestry, Fire & State Lands  
Joe Donaldson, Logan Simpson Design  
Belva Parr, Utah County Farm Bureau  
David Bailey, Utah Farm Bureau Federation  
Kris Beulow, JSRIP  
David Wham, Utah Div. of Water Quality  
Brent DeMille, Utah Co. Assoc. of Realtors  
Carl H. Carpenter, P.E., Springville Drainage District  
Rich J. Cox, URS Corp.  
Robert West, Provo City  
Amy Nielsen, Deseret Morning News  
Steve Hanson, Councilman, Payson City  
Russ Fotheringham, EDC Utah Manager for Ut. County  
Ken Culmone, Lakeshore resident and Lake lover  
Steve Densley, Provo/Orem Chamber of Commerce  
Brandon Dabling, Daily Universe  
Joel Racker, Utah Valley Convention & Visitor Bureau

ABSENT: Representation from Santaquin, Orem, and Springville.

1. Welcome and call to order.
2. Review and approve the Utah Lake Commission minutes from April 19, 2007. Minutes will be posted on the website at [www.utahlakecommission.org](http://www.utahlakecommission.org) once approved. A motion was made, seconded and passed to approve the minutes of April 19, 2007.
3. Public hearing on the Utah Lake Commission budget for the fiscal year beginning July 1, 2007. Mr. Naylor stated the income portion of the budget was based on funding from member agencies based on a

formula including shoreline area, land area and population. The initial projected revenue was \$300,000, but has now increased to \$316,270.55 because other agencies have joined the Commission.

The discussion held on the expenses of the Commission included the hiring of a director and assistant, a consultant to prepare a master plan for the Lake, equipment and furniture, travel, and a restricted contingency. Mr. Naylor noted the budget is balanced and asked that assessments from member agencies be received on or before July 1, 2007. The Central Utah Water Conservancy District (CUWCD) and agencies of the State did not participate in the formula, but were given a percentage. The allocations were \$105,000 from the State and \$45,000 from CUWCD. The formula used was previously accepted by the body and future funding should be anticipated by each agency. The Executive Committee will discuss how to best clarify the future funding expectations for the Commission. The 1/3 funding from the State is split between DNR, DEQ and Forest, Fire and State Lands. Funding from the State may not be received until July 15 as the budget cycle starts on July 1. The public hearing on the budget was noticed as required by law.

Public comment was invited. Ken Culmone suggested an incentive for saving by allowing any remaining funds to be carried over at the end of the budget year. Chair Billings said there is no restriction in the law that would not allow carrying over such funds.

Bill Kunzman, Kunzman Enterprises, said, if his project (Noah's Ark) is approved, he would like to donate up to \$100,000 to the Commission.

Steve Hansen, Payson City Councilman, asked when the director would be selected, what the qualifications are for the director and the assistant, and who would appoint the director. Chair Billings said the interim director is not receiving any pay since the budget authority for the Commission does not begin until July 1. Provo City paid for the notices to be run for the budget public hearing. The position solicitation will be noticed and the Commission will make the appointment. Mayor Parker explained the process used to prepare the job description which will be advertised statewide through a number of channels. The current job description was provided. Professional assistance was provided to determine the salary compensation.

Representative Clark asked if the salary offered compared well with the private sector. He felt an adequate salary should be offered to attract the best person for the position. Chair Billings said comparisons of public and private positions were made because of the competitive nature of employment. The current salary range will not be modified at this time, but could be addressed later if needed.

Responding to David Bailey regarding any cuts in city services to fund the Commission, several mayors noted that funding was budgeted in the General Fund and resulted in no loss of service to residents. They felt the money spent is insignificant when compared to the anticipated benefits from the Commission.

The following items were discussed.

- Travel is for mileage reimbursement only, and does not include a car allowance or out-of-state travel. Representatives from each entity were encouraged to support the Commission efforts in their travels to Washington, D.C. The executive director's focus will be at the Lake.

- Any budget line item change would need approval of the Commission. No middle-of-the-year requests for additional funding are anticipated. Transfers can be made from the contingency fund as needed.
- The Executive Committee, once formed, will screen the executive director applicants and make a recommendation to the Commission.
- Any money carried over would not reduce the budget for the next year, but would accumulate as a fund reserve. Mr. Schwendiman will review the law on any carry over limitations.

A motion was made, seconded and passed to close the public hearing.

4. A resolution of the Utah Lake Governing Board Representatives Adopting a Budget for the Utah Lake Commission of \$316,270.55 for the Fiscal Year July 1, 2007 and Ending June 30, 2008.

Mayor Johnson moved to adopt the budget as presented—both revenues and expenses. Commissioner Ellertson seconded the motion which passed unanimously.

5. Distribute the combined copy of the Interlocal Agreement for filing in Agency records. A complete Interlocal Agreement was distributed to be given to the city recorder of each entity for the permanent file. A copy will be provided to those entities not in attendance.

6. Distribute the approved revised copy of the By-Laws, the current member appointments to the Governing Board, and the current member appointments to the Technical Committee. Copies of these documents were distributed. The Technical Meeting has modified their meeting schedule. The By-Laws will be placed on the Commission web page.

7. Review and approve the revised meeting schedule for 2007. Commission Board Meetings are proposed to be held on the 4<sup>th</sup> Thursday of each month at 7:30 a.m. Adjustments were made for the months of August, November and December. Proposed dates were June 24, July 26, August 16, September 27, October 25, November 15 and December 20, 2007.

A motion was made, seconded and unanimously approved to adopt the proposed meeting schedule for 2007.

8. Receive report from Technical Committee. Barry Tripp reported that the June Sucker Program was discussed with the Technical Committee. A meeting schedule was approved. Meetings will be held on June 25, July 16, August 13, September 24, October 22, November 5 and December 17, 2007. These public meetings are held at 8:30 a.m. at the Orem Public Works building at 1450 West 550 North. Bruce Chesnut was elected chair and Greg Beckstrom was elected Vice Chair of the Technical Committee. Agendas for meetings will be sent to any who request them, but will no longer be sent if meetings are not attended by the requesting entity. Chairs of the Commission and the Technical Committee serve for two years beginning January 2007. Perhaps the Technical Committee agenda should also be placed on the web page.

The By-Laws require that any change in representation be submitted in writing to the executive director. Select someone who will represent each entity and who will attend the meetings. The Technical Committee will be instrumental in the selection of a consultant.

9. Appoint seven members (including one from the Department of Natural Resources) to serve as an Executive Committee. The Executive Committee will conduct the administrative functions of the board, such as interviewing and making a recommendation for the Executive Director position, selecting a bank for financial purposes, selecting a benefits provider, etc. Initially, the committee may need to meet several times a month, but the goal is to meet once a month after the organization is established. While one member must be from the Department of Natural Resources, more than one member from State entities could possibly be appointed to the Committee.

The expectation is that Lewis Billings, as Commission Chair, and Larry Ellertson, as Commission Vice Chair, sit on the committee. Those who serve should have sufficient time to serve on the committee and expect to attend the Executive Committee meetings. Most of what the Executive Committee does will come back to the Commission for approval. Nominations were made for Heber Thompson, Jerry Washburn, Mike Styler, Tim Parker and Howard Johnson to serve.

The motion was made, seconded and unanimously approved to appoint those seven members to the Executive Committee.

10. Consider appointing James McMillan, of the U.S. Army Corps of Engineers to become a member of the Technical Committee.

The Interlocal Agreement provides for additional appointments to be made to the Technical Committee. The Army Corps of Engineers has recommended James McMillan to serve on that committee. A representative from the Corps is vital for anything to occur on the Lake.

The motion was made, seconded and passed to approve this appointment.

11. Establish the office of the Commission to be located after July 1, 2007 at 51 South University, Suite 109, Provo, Utah 84601 and authorize a lease for the office space at \$565.00 per month.

Advantages of renting office space in the Historic County Courthouse are the separate identity it gives the Commission, two office suites are provided, and other rooms in the building are available for Commission and Executive Committee meetings without an extra charge. The lease would run from July 1, 2007 through June 30, 2009, during which time the rent nor any other fees can change.

The motion was made, seconded and unanimously approved to locate the offices of the Commission at the Historic County Courthouse, 51 South University Avenue, and pay \$565 per month rent.

12. Authorize the Interim Executive Director to investigate the availability of a Payroll Services Contract to be presented to the Board at the next meeting.

This proposal is to join a payroll agency that administers payroll, benefits, insurance, federal and state report filing, etc. for the Commission employees. This is a budgeted item. A recommendation for one of the several agencies offering this service and the associated cost will be made at the next Commission meeting. The service would not begin until the employees are hired. The County auditor did not recommend providing these services through the County process, and the services should not be connected with any Commission entity.

The motion was made, seconded and unanimously passed to authorize the Interim Executive Director to investigate a payroll services contract.

13. Authorize the Interim Executive Director to investigate costs and availability of furniture and equipment.

The Executive Committee would approve any recommendation made by the Interim Executive Director for furniture and equipment. Each entity was asked to look at what surplus may be available to meet the needs of the Commission staff. The Board agreed, as long as the purchases do not exceed the budget, the decision for furniture and equipment would be left to the Interim Executive Director and the Executive Committee.

The motion was made, seconded and unanimously approved to authorize the Interim Executive Director to proceed with furniture and equipment acquisition.

14. Task the Technical Committee to develop an RFP for hiring a consultant to do master planning.

The motion was made and seconded to task the Technical Committee to develop an RFP for hiring a consultant to do master planning.

An assessment was completed by UVSC for the Department of Natural Resources several years back that would provide valuable information to the Technical Committee and the consultant.

Developing the RFP would become the “highest priority” of the Technical Committee. The solicitation document will be discussed and approved by the Commission. A well-defined solicitation will produce a better end result. Work done by other entities, including the general plans specific to each community and other existing documents, will be provided to the consultant to eliminate the need to “start from scratch.” A master plan of this nature can be produced jointly at much less cost and more comprehensively than if each entity did their own city area. Public input will be included in the process. It is important to remember this will be the “initial master plan” or process that will evolve over time.

The motion passed unanimously to task the Technical Committee with the high priority responsibility to initiate the RFP process.

15. Request each Member to provide a copy of the section of their General Plan that affects Utah Lake and its shorelines.

Each entity was asked to provide to the Interim Executive Director any general plan information that affects the lake. This information will be used during the interviews for the consultant. Relevant information would include water sheds, shore lines, storm water, wastewater treatment, trails, roads or development adjoining the Lake, etc. This invitation for information applies to Commission entities, as well as others who interested, including the Jordan Valley Water Conservancy District, Provo Water River Users and other non-Commission entities.

16. Other business.

The Utah Lake Festival will be held at the State Park on June 9, from 10:00 a.m. to 3:00 p.m. Festivities will include a water ski show, free boat rides, free fishing, free park access, music, food vendors and information booths. The Commission was invited to have a booth to distribute information. Noted historian, Robert Carter, will be present to discuss the history of the Lake and how it has benefitted the area in the past. An art exhibit will be displayed in the Visitor's Center with photos of Utah Lake.

The By-Laws Committee will perhaps need to review some sections of the By-Laws, including the term, responsibilities, etc. of the Executive Committee.

Since the Commission is now organized and "housekeeping" items are being addressed, future agendas will address issues such as phosphorous, TMDL, etc. Barry Tripp and Dave Wham have asked to make presentations to the Commission and will be put on the agenda as soon as possible.

CUWCD was thanked for the snacks they provided.

Joel Racker, Utah Valley Convention and Visitor Bureau, noted a film on Utah County will be airing on Saturday, June 9. It will focus on recreation on and around Utah Lake.

17. Confirm that the next meeting will be held at the Historic County Courthouse Ballroom on Thursday, June 28, 2007 at 7:30 a.m.

18. Adjourn. The meeting adjourned at 9:15 a.m.