

APPROVED-August 27, 2009



GOVERNING BOARD MEETING  
Thursday, May 28, 2009 – 7:30 A.M.  
Historic County Courthouse Ballroom – 3<sup>rd</sup> floor  
51 South University Avenue, Provo, Utah

**ATTENDEES:**

Mayor Lewis Billings, Chairman  
Commissioner Larry Ellertson, Vice-Chair  
Reed Price Utah Lake Commission  
Walt Baker, UT Dept. of Environmental Quality  
Don Blohm, Highland  
Dick Buehler, Forestry, Fire & State Lands  
Mike Cobia, Mapleton  
Mayor Jim Dain, Lindon  
Chris Finlinson, Central UT Water Conservancy District  
Mayor Howard H. Johnson, Lehi  
James Linford, Santaquin  
Dean F. Olsen, Springville  
Mike Morley, House of Representatives  
Mayor Timothy Parker, Saratoga Springs  
Robyn Pearson, UT. Dept. of Natural Resources  
Mayor Heber Thompson, American Fork  
Mayor Jerry Washburn, Orem  
David Lifferth, Eagle Mountain

**Other Interested Parties**

Stephen Schwendiman, Attorney General's Office  
Bruce Chesnut, Orem  
Greg Beckstrom, Provo  
David Grierson, Forestry, Fire & State Lands  
Reed Harris, UT Dept. of Natural Resources  
Michael Mills, JSRIP  
Rick Cox, URS Corp.  
Joel Racker, UT Valley Convention & Visitors Bureau  
Laura Snow, Utah Valley Sierra Forum  
Todd Frye, Bonneville Sailing & Seamanship  
Dee Chamberlain, Saratoga Springs Homeowner's  
Association

**ABSENT:**

Genola, Payson, Pleasant Grove, Provo/Orem Chamber of Commerce, Vineyard, Woodland Hills

**1. Welcome and call to order**

The meeting was called to order by Chairman Lewis Billings at 7:36 A.M. He thanked everyone present for coming and inquired if anyone was there for the first time.

**2. Review and approve the Utah Lake Commission minutes from April 23, 2009**

Chairman Billings opened discussion on the minutes from April 23, 2009. It was moved by Mayor Jim Dain to approve the minutes and seconded by Commissioner Larry Ellertson. The motion passed unanimously.

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

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Mr. Price reviewed the financial report for the month of April, 2009. With 16.7% of the fiscal year remaining the Zion's Checking Account balance was \$2,179.10. The Money Market Account balance was \$140,266.59 and the Petty Cash account balance was \$2.12. Two transfers were made in the amount of \$7,000.00 and \$6,000.00. The Interest Earned during the month was \$156.02 and the Year-to-Date Interest was \$4,931.69. The expenses for the month of April were listed along with descriptions and totaling \$13,002.39. The General Fund accounts were listed with their corresponding balances showing 27% of the General Fund remaining.

Chairman Billings requested verification that there aren't any accounts or transfers that need to be finalized by the end of the fiscal year and Mr. Price responded in the affirmative.

Commissioner Ellertson moved to approve the financial report of April 30, 2009. It was seconded and approved unanimously.

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

Mr. Bruce Chesnut, Chairman of the Technical Committee, reported that the Committee met on May 18, 2009 with the primary objective being to discuss the implementation strategies as outlined by the Master Plan. They addressed the primary goals as established by the Master Plan and the strategies, lead agencies, secondary agencies, start dates and completion dates. A Steering Committee from the Technical Committee is scheduled to meet on June 8 to finish the discussion. The Technical Committee will be meeting on June 22 to review those discussions.

Mr. Michael Mills reported in the meeting on the carp removal project. Commissioner Ellertson expressed gratitude and thanks for the efforts of the Technical Committee.

#### **5. Report from the Executive Director**

Mr. Price reminded the Board that the Utah Lake Festival will be held on June 6, 2009. A flyer about the Festival was included in the packets sent to the members. There will be several activities. In the morning a VIP boat tour is scheduled. Invited guests include the Board members and their families, council members, state representatives and their families. Boats are being provided by Forestry, Fire & State Lands, Division of Parks & Recreation, JSRIP, and Mr. Rick Cox. There are a limited number of spaces and Mr. Price requested that those who want to go RSVP by Tuesday. The boat tours will begin at 8:30 A.M. A continental breakfast will be served in the Visitors Center at 8:00 A.M. before the boat tours. He requested that council members and elected officials be encouraged to attend.

Immediately following the tours at 10:00 A.M. the Festival will begin. There will be many activities at the Festival including the craft of making traditional fish hats. The City of Provo is sponsoring some activity booths, Orem City is sponsoring face painting, and American Fork will be sponsoring a fish pond. The Commission is sponsoring a balloon artist. A Polynesian group will be bringing some Hawaiian outrigger canoes and making a presentation. There will also be a Hawaiian dance performance.

In conjunction with the Utah Summer games a sailboat regatta will be held. An invitation has been extended to the Governing Board members to ride in a sailboat during the races and those interested need to contact Mr. Price. A boat builder will be at the Festival building a historical boat. There will be information booths about Utah Lake, state agencies and other groups. The food will once again be free. Those booths will be sponsored by the Commission – hot dogs, Springville – popcorn, American Fork – bottles of water, and Santaquin – apples. Last year the attendance doubled from the previous year.

The Commission is working with two invasive species, carp and phragmites. The carp removal program that began last fall successfully removed 1.5 million pounds of carp by the end of April with one crew. As announced at the last meeting, the program has received a one million dollar grant from the U.S. Fish and Wildlife Service and will take the unused funds of \$213,000 left over from the pilot project to contribute to the \$500,000 matching funds as required by the grant. This will give them the funding needed to have a

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full-scale effort to remove the five million pounds of carp for this coming year's project. The JSRIP continues to receive interest from companies to market the fish. Chairman Ellertson, Mr. Harris, and Mr. Pearson met with the Utah County Economic Development office in attempts to find some space for fertilizer companies to utilize the fish.

Several months ago Mr. Price informed the Board that a grant had been applied for to treat phragmites with chemicals in the amount of \$20,000 and the grant was received. The group that is organized for the phragmites removal met to determine how to tackle the phragmites problem as the scheduled burn wasn't successful. It was determined that the chemicals will still need to be used and the phragmites will be treated after it has grown so the chemical can penetrate into the plant. They hope to spray the chemicals in August and then burn in late fall or early winter depending on the weather and air quality. A long term removal plan is in the process of being developed that will attempt to remove roughly 1,000 acres per year over the next five years. The group is working with FFSL to find a solution. Mayor Parker asked how much money was available and Mr. Price confirmed that they received \$20,000 for chemicals to treat roughly 112 acres of phragmites.

Mr. Price announced that the final printed copies of the Master Plan were printed yesterday. Some slight changes will be made. The comment period as required by the FFSL ended on April 30, 2009. He invited Mr. Grierson to report as he was the person who responded to the comments that were received during the comment period. The Master Plan will also be used by the FFSL as their Comprehensive Management Plan.

Mr. Grierson said he received thirteen comment letters with one individual commenting twice. Eleven of the thirteen comments were generally supportive with some suggestions. Some of those suggestions did result in some changes to the Plan. One comment letter did not like the overall approach and Mr. Grierson spoke with him at length yesterday. He discovered part of the problem was that the individual was missing the Appendices. Appendix C, in particular, did address many of his comments. He explained to him that because so many entities are involved the Master Plan has appendices for both the Utah Lake Commission and the FFSL. Strategies for each of the organizations will take a lengthy amount of time. It was decided by the Steering Committee previously to formally adopt the plan and then as the strategies come in and as the budgets allow, the implementation strategies will then begin.

Another comment letter stated that they felt the interpretation of the public trust doctrine was incorrect throughout the plan. This comment was made by a Western Resources Advocate who is currently in a lawsuit with the Division of FFSL. The FFSL feels comfortable with the process in developing the plan that was made. The FFSL do not feel they can resolve these comments from this respondent, but their attorney will help in drafting an appropriate response given the circumstances.

The FFSL had a forty-five day public review period. All of the letters that were received are posted on the FFSL website which is <http://www.ffsl.utah.gov/sovlands/utahlake.php> and all were given responses.

Chairman Billings reviewed that the approval of the Master Plan would be addressed later in the meeting under Item 10. Mr. Price notified that after the signing ceremony the consultants of the Master Plan would be producing copies. From the thirty copies that the Commission will receive, every Governing Board will be given a copy. The Executive Committee expressed interest in purchasing additional copies at cost to the various organizations. Additional copies can be ordered in a three-ring binder style at \$40.00 per copy and, also, in hard-bound copies suitable for inclusion in city libraries at \$65.00 per copy. Copies are required to be printed in sets of tens. Mr. Price requested that all requests be communicated to Mr. Price and he will also send email reminders. Mayor Parker asked if a PDF file will be available and it answered affirmatively. The newest version is not yet on the website.

Mayor Jim Dain asked if the Plan would be available on discs. Mr. Price confirmed that a CD would be included in the distributed copies which will include Public Comments as Appendix A. Copies of that CD will be available upon request.

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The current Ex-Officio members will no longer be Governing Board members as of June 1, but will be a part of the Public Advisory Group (PAG). Eagle Mountain City will be voting to join the Commission on June 2 at their Council meeting. Mr. Hendrickson has expressed that he is confident that Eagle Mountain will vote to join the Commission and it is already in their budget. Mr. Lifferth said he also hopes that it what will happen. The City of Payson does not have funding in their budget at this time. If Eagle Mountain does choose to join the Commission, Mr. Price said the portion allocated for the other municipalities will be lowered on the average of eight per cent.

The research group that is being organized to share research of Utah Lake will be meeting in June to help coordinate and make sure appropriate questions are being asked.

The Commission's Technical Committee is working to fine tune the Implementation Strategies.

Mr. Lifferth asked Mr. Price if he could give some type of a rating of the success of the carp removal project that has just ended for this year. Mr. Price replied that the removal of 1.47 million pounds of carp by just one crew in six months has been successful. Loy Industries will have additional crews for this year and expects to easily remove the five million pounds of carp which is the goal. Mr. Reed Harris said that Mr. Loy feels he could remove more than that with the new crew and the updated equipment that he will have this year.

Chairman Billings asked when fishing would resume for the next year. Mr. Harris replied that they are having a public meeting on June 3. The JSRIP is hopeful that within a three month period they will be able to complete the NEPA Compliance with an environmental assessment and begin next year's five million pounds removal of carp in August or September. They have to inform the U.S. Fish and Wildlife Service when the matched funds are in place. He said they are confident of securing the matched funds of \$500,000 as required.

Mayor Parker asked if they have had any negative input from anyone and Mr. Harris said they haven't had any yet. Mayor Thompson asked what the ultimate goal is for the carp removal. Mr. Price said it is five million pounds for seven years.

Representative Morley asked what the estimated number of tonnage of carp is in the lake. Mr. Harris replied that the original estimate was forty million pounds. Their studies show that if five million pounds are removed from the lake within six or seven years changes will be seen in the lake. There will be a need for maintenance in the following years.

Mayor Dain asked if it had been discussed to put some kind of a bounty on catching carp. Mr. Harris said they had discussed that, but it was discounted primarily because of the administration that would be required. They feel using a commercial fisherman is a better process and more professional. There is also the problem of making sure the carp are disposed of properly.

Mr. Don Blohm remembered from previous discussions that the fishing had to be done in consecutive years. He questioned if the funding for the subsequent years was in place or if it is expected that the commercial aspect would be funded. Mr. Price said they are hoping to find the commercial aspect, and funding has not yet been secured for year two. Mr. Harris said the project is probably dependent on federal grants and they are hopeful they will be available. They are counting on the fishermen's efficiency and there is also some intriguing interest for utilizing the carp which, of course, would discount future costs.

Mr. Mike Cobia remarked that two weeks ago when he was out to the lake he saw they were having a fishing contest and there were about fifty boats participating. A large trailer had been filled with carp and Mr. Cobia asked them what they were going to do with them. One man said he was using them for bait and fertilizer. He said that might be an idea as a way to utilize the carp.

Chairman Billings asked if there were any potential opportunities from the stimulus funds. Mr. Harris said they looked at the possibilities there, but they have to get the NEPA Compliance done first.

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Chairman Billings asked if there could be any help on the burns from the stimulus funds. Mr. Price said that he had discussed that with the DEQ and learned that the infrastructure would not permit that project to qualify.

Mr. Dick Buehler added that FFSL applied for \$24 million in stimulus funding for shovel-ready projects that were planned and they found out that the criteria to be granted stimulus funds was based on unemployment rates in the counties. They did not get any of those monies as Utah County does not fit in the depressed county category.

### **6. Conduct Public Hearing on the Utah Lake Commission final budget for the fiscal year beginning July 1, 2009**

Mr. Price gave an overview of the final budget for the fiscal year beginning July 1, 2009. He relayed the changes that had been made from the tentative budget. Because the phragmites burn was less than successful there was \$4,000 that will not be expended until next year's budget. The total budget is now \$287,400. Chairman Billings restated that the changes had been approved by the Executive Committee, but not yet by the Governing Board.

Mr. Price said that the Commission would be receiving \$287,400 in contributions from the Commission members. The major portion of the budget is in Account 1100-Employee Wages and Account 1300-Benefits which totals almost \$160,000. He reviewed many of the other Account Budgets including all the office management accounts. Attention was called to the Account 3100- Accounting Services which includes the annual financial review. Account 3150 for consultants will contribute to creating model ordinances that can be used by local municipalities. There is also the Account 6500-Special Projects account budgeted at \$4,000 and Account 6510 budgeted at \$4,000 for the Utah Lake Festival.

Last month the Commission created a Capital Projects Fund for projects that arise such as phragmites removal. That account is budgeted at \$70,000 and with \$30,000 remaining from 2009 that account will have a \$100,000 balance to start FY2010. There are not any projects that are currently targeted, but there will be plans as the Implementation Strategies are initiated.

Chairman Billings reaffirmed that the only adjustment in the new draft of the proposed budget was the \$4000 as explained. He opened the public hearing on the budget and invited comment. There were no comments and Chairman Ellertson moved to close the public hearing. It was seconded and carried unanimously.

### **7. Discuss and consider approval of Resolution 2009-1 of the Utah Lake Commission adopting a final budget for the Utah Lake Commission for the fiscal year beginning July 1, 2009 and ending June 30,**

Chairman Billings opened discussion on the budget to the Governing Board. Mayor Heber Thompson asked what the deduction was from the FY 2009 to FY 2010. Mr. Price answered that the FY2009 budget was \$319,000 and the FY2010 budget is \$278,400 which equals a 12.7% decrease in the budget. Mayor Thompson asked why there was a deduction. Mr. Price explained that the deduction comes as a result that there won't be money expended for the consultants for the Master Plan. However, additional funds are being budgeted in the Capital Projects Fund.

Mr. Jim Linford requested that a list be made available of the Special Projects that are being considered for FY2010. Mr. Price will prepare a list that specifies the projects.

Mr. Dick Buehler moved to adopt the budget as amended with the \$4000 adjustment as explained and it was seconded by Chairman Ellertson. The motion carried unanimously and the budget FY2010 was adopted.

### **8. Discuss and consider approval of Resolution 2009-2 of the Utah Lake Commission establishing procedures for approval of written minutes**

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Mr. Price reviewed that in the meeting last month there was a presentation as required by state law by Mr. Robert Moore on the Open Public Meeting Act. That Act stipulates that boards such as the Governing Board of the Utah Lake Commission be informed on an annual basis of what that law requires. One of the new additions following this year's legislative session was that each board needs to establish and implement procedures for approving written minutes. Mr. Moore provided some draft language and Mr. Price revised it to meet the needs of the Commission. Mr. Price presented the results as Resolution 2009-2 for discussion and adoption. Copies were distributed and were mailed in the packets. Chairman Ellertson commented that, in essence, this resolution says that minutes be made public before final adoption and that it be noted that they are "Unapproved" while they are available before adoption. Chairman Ellertson moved to approve Resolution 2009-2 of the Utah Lake Commission establishing and implementing procedures for approval of written minutes. It was seconded by Mr. Dean F. Olsen and approved unanimously.

### **9. Discuss and consider approval of Resolution 2009-3 of the Utah Lake Commission declaring its desire to join the Utah Association of Special Districts**

Chairman Billings announced that a proposal presented by Mr. Price and reviewed by the Executive Committee for the Commission to join the Utah Association of Special Districts would be discussed by the Board members next on the agenda.

Mr. Price outlined that the Utah Association of Special Districts has a goal to help districts have more efficient operations. They also help to fulfill missions, provide training to board management, and have legislative input and advocacy. The Central Utah Water Conservancy District (CUWCD) is a member of this Association. The Utah Association of Special Districts provides updates on current laws that are pertinent to the districts. He voiced his opinion that membership in this Association would be of benefit to the Commission. The cost is \$350 per year. In order to join there needs to be a resolution from the board with a request to join and an assignment for a voting member to be the representative. Mr. Price would be the voting member representing the Commission. An alternate is also required and in discussion with the Executive Committee it was the opinion that it would be appropriate for the Technical Committee Chairperson to act as the alternative, but only in the case that Mr. Price could not attend.

Resolution 2009-3 is a resolution of the Utah Lake Commission declaring its desire to join the Utah Association of Special Districts and appointing a voting member and alternate to the Utah Association of Special Districts Board of Representatives.

Chairman Ellertson requested clarification if this membership would come out of the 2009 budget. It was affirmed it will.

Mr. Linford stated that, in general, special districts have taxation rights. He asked if in joining this Association the Commission would be affected. Mr. Price asserted that the Commission would have the same tools as special districts available to them and the Commission follows special districts rules as far as accounting procedures, but would remain as established by the Interlocal Agreement.

This association would be more of a resource for the Commission.

Ms. Chris Finlinson added that she is a board member on the Special Districts Board of Representatives for CUWCD and said that they do great work. She said the training is also exceptional.

Mayor Parker moved to approve Resolution 2009-3 as presented. It was seconded by Mayor Thompson and approved unanimously.

### **10. Discuss and consider approval as to form of Resolution 2009-4 of the Utah Lake Commission adopting the Utah Lake Master Plan**

Mr. Price reviewed that the final draft of the Master Plan has been created. Resolution 2009-4 is an adoption of the Master Plan by the Commission. There has been discussion on how this should be done. As stated previously, the Master Plan will also serve as the Comprehensive Management Plan for the

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Division of Forestry, Fire & State Lands and it is the goal for the Commission to adopt the Master Plan concurrently with FFSL. It is desirable that Federal and State delegation would be present at a signing ceremony. Mr. Price had been pursuing the Governor to accommodate his schedule in order for him to be present at the signing when it was announced that the Governor was resigning to accept a Federal appointment. Mr. Price will be working with Chairman Billings towards securing a date that will allow as much representation from the Federal delegation as well as from the State Capitol to attend an official, ceremonial signing where the Master Plan will be officially adopted. The FFSL are going through an internal review now and will approve the Master Plan in conjunction with the Commission.

The Commission was invited to make any comments on the draft in this meeting. Chairman Billings asked if anything had come forward in the written form that would call into question any part of the process. Mr. Schwendiman said he had been reviewing things during the process and as far as following procedure he has not seen anything that has been inappropriate and everything seems to be in compliance.

Mr. Buehler said the FFSL is pleased with the completion of the Master Plan and feels it has been a well-founded process. He did have some comments to make in regard to some modifications. He requested that in Line 31 the following addition be made:

“improve, **restore, enhance, utilize,** and protect Utah Lake; “

The reason Mr. Buehler made this suggestion for inclusion was because in the overall Vision Statement for the Master Plan it specifically mentions restoration, enhancement and utilization.

Mr. Buehler moved to make this change in Resolution 2009-4 and it was seconded by Mayor Dain.

Mr. Lifferth questioned if the word “restore” was in conflict with the word “enhance.” Mr. Buehler replied that he felt they were two different meanings. There was discussion. Chairman Ellertson stated that the wording implies there may be different elements involved. Mayor Parker added that the appropriate wording would vary for different areas of the Lake and does not describe the whole lake.

Representative Morley commented that a misinterpretation might apply in certain aspects if spoken in general terms of the entire lake; but in discussing different items both terms are applicable. Mr. Buehler replied that projects would be identified and the components of those projects will vary with the terms and he feels the changes fit well. Mr. Schwendiman said that the resolution is not the document. He said the discussion is good, but the resolution with those changes would be consistent with the document.

Commissioner Ellertson moved to substitute “and/or” for the word “and” in Line 31 and then after discussion withdrew the substitute motion.

The motion carried to adopt the modified language in Line 31.

Mr. Buehler suggested adding in Line 48 the following language:

“citizens and groups, in **developing, revising,** reviewing and commenting on the plan...”

Mr. Buehler said that he was making this suggestion because many people have spent a lot of time not just reviewing and commenting, but in workshops, meetings and subcommittees in developing goals and visions, and identifying tasks that need to be recognized. With no objections to this proposed modification, Chairman Billings declared the language amended as proposed.

Commissioner Ellertson moved to approve Resolution 2009-4 as to draft-in-form with the proposed changes. Mayor Howard H. Johnson seconded the motion. Mr. Price interjected that rather than the customary signing by the Chairman and Vice-Chair of the Commission as certifying the proposal, he had provided a signature line for all members of the Commission. The Executive Committee had concurred with this decision.

The motion carried unanimously.

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### **11. Set date and time for joint signing ceremony with Utah Division of Forestry, Fire & State Lands adopting the Utah Lake Master Plan**

Mr. Price restated that a date has not been set for the joint signing ceremony and requested suggestions. There was discussion concerning if the Lieutenant Governor can sign the document on behalf of the state before he has been officially instated. Mr. Schwendiman commented that Mr. Buehler can sign officially for the state. The Lieutenant Governor can sign the document ceremonially.

Chairman Billings stated that two or three dates will be selected and requested that the Board members be flexible as those dates will be contingent on the state's availability. The date will, hopefully, be sometime in the month of June. Mr. Price will keep the website updated for the public's information.

### **12. Other Business**

Mr. Walt Baker informed the Board that following the lead that was established by organization of the Utah Lake Commission, the governor seated an advisory group for the creation of a commission for the Great Salt Lake. The recommendation was made by that group to establish a commission in early May.

Chairman Billings wanted to make everyone aware that the Executive Committee does meet almost monthly and the members of that Committee are very diligent. The Governing Board members serving on the Executive Committee include Chairman Billings, Mayor Thompson, Councilman Olsen, Mayor Washburn, Commissioner Ellertson, Mr. Styler, and Mayor Johnson. All of the Governing Board members are welcome.

Mr. Todd Frye reported on the upcoming sailboat regatta. Mr. Frye said since the inaugural regatta last year the sailing community had been inquiring from him if the regatta would be held again. He said his purpose with this group is to help teach and improve the safety on the lake and improve the respect for the lake. Chairman Billings participated in the regatta last year and all the Governing Board members are invited to join and experience the regatta as crew this year. He is expecting about sixteen boats to participate this year.

Mr. Frye said the students in their sailing school are excited and surprised when they sail on Utah Lake and experience the beauty. Mr. Frye said a junior sailing program for the community is in the planning stages. Mr. Buehler asked what depth of the lake is required to utilize Utah Lake. Mr. Frye replied that the lowest he has sailed at is 4 feet, but most keels would be at 5.9 feet. The sailing season goes from about the end of March to the first week of October depending on the water level.

Mr. Price said as of yesterday the lake is three inches over compromise.

### **13. Consider holding joint signing ceremony in lieu of the regularly-scheduled Governing Board meeting or confirm that the next meeting will be held at the Historic Utah County Courthouse Ballroom on Thursday, June 25 at 7:30 AM**

The next meeting will be held on Thursday, June 25 unless the signing ceremony alters that meeting.

Mayor Johnson asked what time the Governing Board members are expected to be at the Utah Lake Festival. Mr. Price requested that those attending be at the Utah Lake State Park at 8:00 A.M. The first boats will go out at 8:30 A.M. following the continental breakfast.

Chairman Billings asked if there were any public comments.

Mr. Dee Chamberlain from the Saratoga Springs Homeowners Association offered to research the definition of the word "restoration" from the Equiological Society of Restoration for the Commission.

Chairman Billings recognized Mr. Michael Mills from JSRIP.

### **14. Adjourn**

Mr. Baker moved to adjourn the meeting. Commissioner Ellertson seconded the motion and the meeting was adjourned at 8:58 A.M.

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