

Utah Lake Study Committee Meeting
August 24, 2006
Utah Lake State Park Visitor's Center Conference Room
4400 West Center, Provo Utah

ATTENDEES:

Members

Mayor Lewis Billings, Provo
Mayor Howard Johnson, Lehi
Mayor Randy Farnworth, Vineyard
Clyde Naylor, Utah County

Other Interested Parties

Stephen Schwendiman, Attorney General's Office
Greg Beckstrom, Provo
Robert West, Provo
Reed Harris, DNR
Mike Styler, DNR
Barry Tripp, Forestry Fire and State Lands
David Grierson, Forestry, Fire and State Lands
Bob Fisher, Woodland Hills
Lonnie Crowell, Highland City
Chris Finlinson, CUWCD
Charity Gibson, Utah Lake State Park
Steve Densley, Chamber of Commerce
Jared Page, Deseret Morning News
Tony Tippetts
Cody Heward

1. **Welcome and call to order** – Mayor Lewis K. Billings.
2. **Review and approve minutes of August 3, 2006.** Motion to approve the minutes as amended was seconded and passed unanimously.
3. **Report from Interlocal Cooperation Agreement Work Committee** regarding feedback received and other comments relating to the proposed creation of the Utah Lake Management Commission, including review of proposed budget and possible funding sources relating to the same.

Billings turned over to Clyde for review and discussion. Clyde thanked the committee—5 attorneys and him. Steven Schwendiman was part, Paul, Kevin Johnson, Bruce, Robert. New draft reviewed. Basis of agreement is that people will come together to identify ways to make UL better in an ILCA for recommendations to use by individual entities to enforce and make regulations that would make possible controls where necessary. WHEREAS lake is great and other is parties when sign have authority to do so.

Definitions> 1.6 change. Members are parties Legislature designee; CUWCD, County, municipalities within the Utah Lake Amster plan study area, Utah division in Appendix 1 and other UC who have official action committed to promote and finance the commission in the same manner. Open to other cities should they wish to join but requires some obligation to join. BILLINGS: have not have formal or official expression for any entities on Appendix 1, but are the assumed ones who will want to be there.

No other changes in definition. No comment or question.

Article 2. Purposes. Review 2.1 encourage and promote multiuses of the lake

2.2 was read –communication. 2.3 read utilization and protection, 2.4 read. 2.5 read. No questions on the purposes.

Article 3: term 50 years creat.

Article 4: Creation of the Utah lake Management Commission, Independent entity and are of study as defined in Article 1. Clyde important to talk about that will come back to it. Master Plan study area.

4.2 headquarters, UC Public works to start with for budget for services from various entities.

Article 5: Parties, those who sign up to become a party. Provisions for withdrawal. membership and ex officio members of the board. This one was changed., “such as” removed so reads the organization who may be interested in becoming ex officio members of the board. Ex officio would be by application and listed in appendix 2 which can be modified by the board.

5.5 provision for subsequent membership. Notice of withdrawal.

Article 6: voting rights.

Article 7 power and authority, independent entity.

7.2 from the statute. 5.5 Page 6 top amended to Appendix 1 rather than Appendix 2. Greg caught it.

7.2 from statute and do all that is allowed.

6.3 hope to attain grants for this commission. Federal and state grants or loans. Read,

6.4 local entities (important) have the power and the commission is the recommending body.

6.5 Contract, read one of the first contract would be a contract with a consultant for the master plan preparation. 7.6 personal property acquisition for commission. 7.7 exercise of powers by law.

ARTICLE 8: Responsibilities of the Commission.

8.1 MP is the key document for the commission to create so there will be guidance to respective agencies for rules and regulations and standards to make sure the lake is addressed in an orderly way. No MP from the county in the past. Clyde county has MP with zoning, but nothing with development of the lake. Some by cities and state regarding some of the things.

Purpose of MP 8.1.1.1 and .2 and .3 and .4. compile information to bring everything together .4 consultant needed. .5 this has been ignored and needs to be protected water quality, wildlife and fish. Needs consideration. .6 critical to do this for public participation.

7.1.2 land use, transportation, management, recreation, public services and capital facility and shoreline protection plan.

7.1.3 General Plan: read

7.1.4 Implementation of the MP by Commission.

7.2 revised previously. Now reviews all private development plans, read. Billings work in Bear River> Billings created such a good body of information that director is invited to council meetings, etc to give

opinion. They are modeled after ours, no compulsion, but have good information. Spirit of what we are trying to embrace. Billings if do job right, the ED will be one busy person coordinating these issues. Would be happy to have someone speaking for the entities. Thinks provo council will respond well but wouldn't if someone took away their power and responsibility but would appreciate receiving information.

7.3 review of proposed agency; public programs for local gov and state with respect to MP and provide comments and research suggestions hoping to make the action in compliance with MP if it is not. No problem after 5 years because people will prepare plans in accordance with the MP.

7.4 adoption of uniform ordinance standards. Suggestions for ordinance, rules and regs to give to entities who will make the rules. Last statement important, General in nature leaving the specifics to the local entities.

Article 9: governmental immunity by agency. 9.5 indemnification commission defunct employees only if sued for any of their actions. 9.4 is bonding but would be limited.

Article 10.1 important Appointment and has been revised. 1-4 existed previously including the UC official, each municipality listed in Appendix 1 and any new ones added later., DNR, FFSL, DNR. Three new ones, DEQ, legislature, CUWCD. Three state members on the board.

10.2 terms – 4 years and staggering at first. Appointment by public agency .3 compensation by appointing agency. .4 chair and vice chair .5 alternates to act in place but not for chair or vice chair. .6 regular public meetings read .7 minutes shall be kept. .8 majority vote 2/3 vote. .9 notice .10 keep informed member and keep up to speed.

Article 11: powers and duties.

.1 appoint executive committee of seven members of the board. 1.1 membership 1.2 powers, 1.3 voting all read 1.4 election may not delegate section

10.1.5 Other committees provision as needed., ie quarter quality, at the pleasure of the board.

10.2 executive reports.

10.3 hire limited staff. Supervisory and policy control over Ed

10.4 by laws and rules and records

12..16 change addressed. 12.1.2 appendix 1.

Technical advisory committee important Article 12.

Article 13. Funding .1 primary from grants. Match 50% by state and 50% by Utah county and local public agencies. Not final but up for discussion but must be identified before finalized contributed based on formula developed by members. For later discussion this morning. Other sources..... failure is a breach of agreement.

12.2 annual budget .3 funds and account by ED read.....13.4 annual audit 13.5 custodian offunds ED. .6 fidelity bonds .7 kept in appropriate manner, .8 can sell services and products.

Article 14: Dissolution of the commission; provides that if resolved doesn't relieve financial responsibility incurred and division of assets if necessary. 2/3 vs 75% on page 4 and page 20. Mayor B prefers 75%. No objection to the change to 75%.

Article 15: copay in each city office

Article 16: Miscellaneous provisions: attorney section. Didn't go through

Page 24 provides sheets that could be used and reviewed by agencies to see if meets requirements of individual entity. Listed here to show those entities that may be interested in participating from the start and the form necessary to execute in order to participate. State starts on page 35 legislature has to approve the agreement to allow the state to participate and any funding brought by the state to the table. Board of CUWCD must approve the agreement.

Density, formula recommended by committee for funding. Save for a bit.

Exhibit one is blank. Appendix 1 is those thought to be interested. Those that current frontage on the lake. Last week voted to allow any entity if want to take funding and obligation to be members of the board. Listed are those with lake frontage. No precommitment. Appendix 2 blank.

Set of maps distributed.

Suggestions appropriate to identify the area for the MP 4495 was the suggestion for the elevation. Elevation above which all habitable buildings must be built. The flood boundary. The blue line on the map represents the boundary. Suggestions from TC that establish boundaries of lake as road boundaries for consideration. Another possibility is to develop identifiable section lines.

Showed a possibility for identification that combines all three options.

Series of maps showing segments of the lake. Saratoga page 3. No up the Jordan River. AF Canyon map. To page 7, to Goshen Bay, to include area of land below 4495. Encompasses larger area than 4405 for the most part. To Spanish Fork/Payson. This is for management purposes to identify the area of the MP for the commission. Billings, from regulatory stand point not adding or diminishing but will be helping those people around the lake. To prove orem. Using sections and roads makes it more definable without taking in so much area that would become burdensome if go by road. Billings would become exhibit 1 the maps.

Clyde one other subject. Presented a startup budget sheet. Including a consultant for the MP. Restricted account for adjustment as needed through the year. 300,000 budget that could be potential a workable budget for management commission. Billings not approving but presenting as a concept.

Not ready to send out because not finalized yet. Need an idea of range. Formulas for shoreline miles, population. Shoreline miles based on compromise. Different scenarios presented. Different scenarios were presented.

Just population: A and share. B and share C and share. A and B combined Col b & C. distribute better. A & C. take all three get a better distribution. Needs to be studied, other factors to consider. Would indicate obligation of joining the entity in. initial costs. Factors in adding communities. Formula could be used if others want to join.

Round of applause for the committee who put this together.

Mayor Farnworth comments: appreciates the efforts of the committee. Mayor Gammon and self involved important to go forward and council is feeling the same way. Nothing scary to them for buy in or whatever they need to do. Major portion of their town and much development is build around that idea. Concerned a bit about the power line easement through there. Thanked for efforts. Onward and upward.

1. Discuss and consider approval of a working draft Interlocal Agreement to be distributed to all elected officials and other interested stake holders for general community review and comment for a period of 45 days.

Comments from those around the table. Billings concept if ready today come with a draft to for all elected official for 45 day comment. Map and document but not the budget to go out so not focus on numbers. Lonnie Crowell, Highland City palnning director. Mayor is interested and knows water runs down hill and the quality of the water. Would like CC to see this. Bring back info and will probably participate.

Greg: amazing document given wehre the comitte was a year or two ago. Opens up vistas for the future for lake. Map is an important document. TC has not had a chance to review this. Want to do this. Communitie also need to look at the for their current and future plans. Utlimately next to budget, this will be critical to the shortline communities. Excellent document

Reed: nothing

Steve Densley: nothing great document excited to move forward.

Chris Fin: CU is hiappy to be involved. UL is of viatl improtant to district and fuction. Interested. Recommendation from staff member perhaps called the UL Advisory Commission in that the functions would be advisory and would make recommendationl may be more consistent with fuction of the group. Talking about budget, seems obpimistic to her but numbers are achievabel and shouldn't be aburdxen.

Mike Styler: supporotive of the document. Curious as to when resolution for legislature giving authoirty to sign on to this—during the session or earlier. Billigns proably in legislature. Smiek like the baland and living document that can be change for involvement of different levels and cacn come and go. Believes can get the necedsary finalcila support for this from the state. DEQ is excited to be involved. She will probably appoint hersleve, Diane to the committee. Very excited. Divisions are very invovled and feel this is an oportunity ttake acare fo their management responsibilty in a proper way. A prpreciates the mayors in the county to help doing their jobs at the sate.

Steve Schindeimen: no comment.

Barry Tripp: FFSL and worked for a nubmer of y;ears on the lake boudnary and it has been a pleasure , the cooperation has been great. Opportunity for partnership that has been deisred all along. UT Lak Amangement P Artenrship.

Dave Grier, FFSL: planing portion. Impressed with the thoroughness of the document. Concern is the kmap itelfse to make sure westland are managed and are all in that document. Excited about being a part.

Howard Johnson, Lehi, serious about the dredging many advantages and not too many drawback. Glad the document doesn't include consideration of it. Seweage treatment plants run and operated by people not a part of this. BILLINS: they have contacted us for ex officio status. Johnson, hope they are official to help fund. Minutes; state law means a verbatim record. Look at that. Notice: state law, cities must notify in the press. May have also for this commission. Governing board: 7 members, actually 4

members who are not communities and put in there that minimum of 4-5 of those members from communities and not get overloaded on the EC with non enemy members.

Article for Monday, August 14 2006.

Bob Fishere, Woodland hills, not much interest but mayor wants him to attend. The Municipal water Association is interested. Great job.

Robert West: complimented Mayor and Clyde for the work on this.

Clyde: has had his say.

Tony Tippetts: for information

Jared Page : Deseret News report to report
Cody Hewear, information and development around the lake
Charity Gibson: very excited about this committee.

Billings: page 7.3: federal and state grants. Add other grants that are not government that we would partner with. Page 19 talk about other funding options. Modify on 7.3 to receive federal state and other grants.

Densley: private sector money for trail development.

Billings have committee recommendation: billings walked through the changes that were proposed earlier.
Page 1 UT Mangeda Advisory Commission: not UL Authority. Not so soft that have not standing.

Styler; just Utah lake Commission like Bear Lake Commission. Billings, Name important. So deal with it.

Page 6 with appendix changes from 2 to 1 in three places. Billings make change on 7.3 every agreed.

12.1.2 appendix change

page 20 part 2. Go with 75% to be consistent.

Page 35 by authority of a resolution. Any other changes that were noted or proposed. Clyde each entity look at the form for their entity.

Shwindeimen and westL what it takes for state and city and county.

Robert: statute says if create a separate legal entity must have approval of legislative body, city council resolution authorizing the mayor to execute the document. County is the same thing.

Steve: same for the legislature, not an enactment by the legislature but a resolution by a committee authorizing signing the committee. Natural resources committee would sign resolution. Styler, likely a special session in sept and if want resolution as simple as this on that agenda, could do that. Steve doesn't need to be an enactment of the legislature, but a resolution. Styler could be by board of Natural Resources. Billings: want true community public comment period and so not for legislative session. Lots of interest in this. Valuable that people have an opportunity for input. Shwindeimen will check on that with legislative general council.

Billings: not recommendation to do anything with the budget document so not distributed. Not approved through the interlocal agreement and has no relevance of the proposal. Map document is important.

Sufficient form to have it accompany the document. Important to prove council. If not, what need to do before can accompany that. Take the document and get comment on that by the public as well. Can go with packet and get comment from public and TC.

Billings entertain a motion to include the map he amended out for comment. Johnson moved. Clyde dark line is the combination of roads and sections and not use the 4489 but encompass it. Comment period. Dark line designation on the map. L for Lewis line. Seconded. Use these maps, except the first one, to discuss the line of influence of the commission for public discussion. All yes. Motion carried. Use for comment period document.

ICA document. Seven members on the EC should be 11.1 4 or 5 from cities and not all technical groups from the state. If had 4 of state people on the board, would thwart the purpose of communities doing it. Greg be represented by majority of municipalities and county. Robert: might have technical area that commission may want a few members of the state to report back. Majority of group be cities and Utah representative of the votes and not the state. Billings: is this a problem. Styler: no, wouldn't try bully this commission from a state standpoint. If did, he would be ashamed. Have come into this with a cooperative attitude and want the best thing for Utah Co cities and the county. OK to add wording. Not concerned.

Schwideman: report DNR from state at some level should be on EC. Maybe 6 from county and one from state. Maybe at least one voice from state and everyone else from county. OK to put that in. MIEK: EC appointed by governing board and so could put the state in majority if you want.

Motion: Johnson that a majority of the committee be from county and cities of Utah County. No second. 45 day comment period will come back here.

Robert: regular minutes and notices is taken care of in section 10.7.

No other comments: back to name of commission. Chris comment: could be some concern that may think the group is coming with a heavy hand and take over and manage the lake. Role is more advisory and recommendations which is clear in the document that intent is not to supersede any local entity, like advisory because it describes what is being done. Billings: other alternative, Utah Lake Commission, does that soften for you. Chris; not a drop dead issue so there are not expectations that develop, that group is not authority.

Chris moved to name the group Utah Lake Advisory Commission. No second. Steve Densley: would like Utah Lake Authority because Utah Lake commission can live with. Advisory is like kissing your sister, sends a signal to public to perceived to say yes or no. realize there is no authority, but someone has to say yes or not or recommend or not recommend. This would give someplace to go to address issues. Wished would this would happen with some teeth in it. Utah Lake Commission OK. But authority would be nice. Styler motion: authority good but may be too long. Utah Lake Commission for the document for comment period. Seconded. Johnson: after discussions and bear lake and their operation, seems that is what we want to do. Commission says entity of the lake but doesn't say anything about force or compulsion. Utah Lake commission great. Billings: struck gold when met Allen Harrison from Bear Lake. Impressed with their model which is not compulsion or force but is about partnering, good information and setting objectives. People come to them because they know what they are doing. Learn from their experience. That person who focuses on this can make an incredible difference. Mike motion was to not threatening to city or county and want a partnership. Utah Lake Commission is simple on the letterhead. All yes.

Motion to adopt this ICA to include map for exhibit one. Adoption of the amendment made today and put out for a 45 day comment period as amended. Accept the amendments and adopt for the comment period. Mikkape take off first page and amend as the mayor proposed. Clyde will put dark lines and use as a cover sheet and index the other pages. Leave first page on with hard black lines.

Styler moved to adopt the amended document and send it out for the map amendments for public comment for further action. Seconded. All yes.

2. Public comment.

Cody, partner with other groups. Can they come to the meetings. All these other pheasants forever, come into this together. One source. Billings: how do we get started with the special interest groups. Mayors asked occasionally for support or opposition. Need a vehicle where residents at large represented by elected officials be involved in conversations in a productive way. That is how evolved. Many voices with regulatory authority to impact the lack. This commission brings those voices and then brings all interest. Any group can petition for ex officio status. Power comes from good information and factual data. UVSC symposium was successful because groups found areas for agreement and that was good. Focus on what we can agree on. Remarkable for the bus tour expertise. Each mayor talked about issues of the lake strong disagreement among the experts. That is not bad, but need a forum to hear the experts different views.

Schwideniman: do you want Clyde to come up with copy and how distribute? Get a final copy with Clyde and LaNice. Can do the mailings from Billings office. Do press release so let people know they can get. Invite comments in written letter. Done previously.. sent document as it has evolved. Do that again and invite comments for 45 days. Comments to me if OK. Clyde, nothing on e-mail in order to keep one version until final document. Keeper of the documents to get in final form. Billings will distribute. Cover letter to provide consistency. Members of the committee would go to city council meetings to help present. Clyde and Billings ready to do that. Others may be called upon. All talking on the same page. Billings will put out letter. Chris and Mike Chris at culmination of 45 day period, have a public meeting in the evening, notice it and let people come. Billings: couple of public meetings during the 45 day period for part of information gathering. One in the north and one in the south. Great suggestion. North Central and South hosting meetings. Post document on internet? Clyde risk to do because people might change. Steve, just a comment period and still have formal document. Billings, in PDF format and send comments to LaNice. No problem with that. Clyde OK. Comment only and still have original, but no official so any changes meaningless. View only. Submit comments. Put document and map on Lehi will post.

No other discussion.

3. Set date, place and time for next meeting.

To consider comments, October 26, 7:30 am. Three open houses would be September meetings. Hold here at State Park building.

Densley: how UL Days went? Time line on carp removal? Charity: was a good success, not quite what they had planned on, but those who came enjoyed it. Reed: not what hoped to have, but had a good turnout from the public, it was free. Feedback was people enjoyed it. Question is whether or not to make it annual event. Free access. Looking at one more in the future for FSRIP. See people use the lake so

now planning more in advance. Friends of Utah Lake, people who want to be involved, separate from recovery program who can comment independently of JSRIP. Had a meeting and general interest in doing so.

Carp removal. Folks attending seminars in the last few days on removal and use. Sending out more fish to be analyzed for PCBs and potential contaminants. Are planning to expand the removal effort to include other methods of removal. During test got about 15-20% of those needed annually, but there are ways to do that. Are optimistic. Will cost a lot of money to go fulltime operational production mode. Welcome others. Different techniques will be considered. Rather than seining for fish. Looking for funding to get it done. Billings: Styler report from washing. Senator Bennett are support of what doing, but until commission is formed and officially in action, would be difficult to get funding for you. The minutes official and formed, members signs and legislature given standing, will go to work for funding for the commission.

Steve: anxious to work with people at lake to develop more activities here. Marathon around the lake, tour Utah Bike Race around the lake, beach volley ball at Lincoln Beach or Antioch beach. Sandy Beach. Air shows would be cool. Attract more people this direction. Boat races. Things could be done to draw more people. Possibilities as a resource for tourism.

7. Adjourn.
Adjourned at 9:30.