



COMMISSION
GOVERNING BOARD MEETING

Thursday, November 20, 2008 – 7:30 A.M.
Historic County Courthouse Ballroom – 3rd floor
51 South University Avenue, Provo, Utah

ATTENDEES:

Mayor Lewis K. Billings, Chairman
Larry A. Ellertson, Vice-Chair
Reed Price, Utah Lake Commission
Brent Arns, Payson
Don Blohm, Highland
Mayor Jim Dain, Lindon
Chris Finlinson, Central UT Water Conservancy District
David Grierson, Forestry, Fire & State Lands
Leah Ann Lamb, UT Dept. of Environmental Quality
James Linford, Santaquin
Dean F. Olsen, Springville
Michael Styler, UT Dept. of Natural Resources
Mayor Heber Thompson, American Fork
Michael Vail, Genola
Steve Densley, Provo/Orem Chamber of Commerce
David Lifferth, Eagle Mountain

Other Interested Parties

Clyde Naylor, Utah County
Greg Beckstrom, Provo
H. Barry Tripp, Forestry, Fire & State Lands
Dave Wham, UT Dept. of Environmental Quality
Gene Shawcroft, Central UT Water Conservancy District
Robert West, Provo
Rick Cox, URS, Inc.
Marsha McLean, Sierra Forum
Laura Snow, Utah Valley Sierra Forum
Donald W. Meyer, Salt Lake Tribune

ABSENT: - Requested to be excused

Mayor Howard H. Johnson – Lehi, Representative Mike Morley – UT County Legislature, Representative Steve Clark – UT County Legislature, Walt Baker – UT Dept. of Environmental Quality, Stephen Schwendiman - Attorney General's Office,

ABSENT:

Mapleton, Orem, Pleasant Grove, Saratoga Springs, Vineyard, Woodland Hills

1. Welcome and call to order.

Chairman Billings called the meeting to order at 7:33 A.M. and welcomed all in attendance.

2. Review and approve the Utah Lake Commission minutes from October 23, 2008.

Chairman Billings called attention to the minutes that all had previously received for review. It was moved by Mayor Jim Dain to approve the minutes of October 23, 2008 and seconded by Mr. Don Blohm. The minutes were approved unanimously.

3. Review and approve the monthly financial report of the Commission for October 2008.

Mr. Reed Price reviewed the monthly financial report ending October 31, 2008. The Checking Account balance was \$2,639.37 and the Money Market account balance was \$309,563.42. The Petty Cash account balance at the end of October was \$46.46. Two transfers were made during the month of \$7500.00 and \$6,000.00. Interest earned in October was \$869.97 and the Year-to-date interest on the account was

\$2,728.52. Expenses were listed and totaled \$13,025.14. Items were listed in the Budget Report with 67% of the fiscal year remaining and 74% of the budget remaining.

Chairman Billings asked Mr. Price if he could forecast anything coming up that might manifest an issue and he replied that another bill from the consultants will be paid. The balance remaining to be paid to the consultants was \$89,000 and they were just sent a payment in November of \$24,000 which will decrease the balance to \$65,000. There is also the Special Projects budget of \$45,000 which the Commission is hoping to use in teamwork with the County for some phragmites removal efforts. That effort will be approved by the Board and if it is not spent this year it will be forwarded to the next fiscal year.

Mr. Linford asked what the Money Market account return is and Mr. Price answered that he believes it is 4%. Commissioner Ellertson moved to approve the financial report and Ms. Chris Finlinson seconded the motion. The motion carried unanimously.

Mr. Price added that there are strange economic times now and the Commission is doing its best to be frugal. He stated that there was some confusion last year in regard to annual dues with some of the members who were on a different fiscal year schedule than the Commission. Some of the members of the Commission incurred an increase in dues and they were concerned with finding the extra funds for that increase since they were already half way through their annual budget. Mr. Price said that the dues will not exceed the budget from last year in this coming fiscal year and he hopes to be able to cut where appropriate.

4. Review and approve the proposed Governing Board & Technical Committee meeting schedule for 2009.

A proposed meeting schedule for 2009 for both the Technical Committee and the Governing Board was reviewed. Chairman Billings stated that the Board only needed to approve their own meeting schedule. The meeting schedule continues to be calendared on the fourth Thursday of the month with the exception in the months of November and December. Due to the holidays the meetings are scheduled for November 19 and on December 17. The December meeting is listed although, traditionally, the December meeting has been canceled. Mr. Price pointed out that the July meeting is calendared for the day before the July 24 holiday. He asked if that would be a conflict with anyone. It will remain as scheduled. Mr. Mike Styler moved to adopt the meeting schedule for 2009 as proposed and it was seconded by Commissioner Larry Ellertson. The schedule was adopted unanimously.

5. Report from the Executive Director.

Mr. Price said that the Commission is in the middle of the Master Planning process. The majority of the remaining agenda of the meeting will be reviewing the policies and objectives that the consultants have compiled.

He reminded the Board of the two Open Houses that are scheduled. The first will be held on December 3 at the Willowcreek Middle School located at 2275 W. 300 N. in Lehi and the second will be held December 4 at Utah Lake State Park located at 4400 West Center Street in Provo. Both Open Houses will be held from 5:00 to 7:00 P.M. Mr. Price sent an email regarding the Open Houses to all Board members requesting that they forward the email to their own email lists with any additional text. There has also been advertising in the municipal newsletters and utility bills where possible. Press releases have been sent to the newspapers also. Typically there is a presentation from the June Sucker Recovery Implementation Program (JSRIP); however, those representatives are attending a conference in Phoenix. Mr. Price asked them prior to the meeting for an update on the carp removal. He was told that they have entered into a contract with Mr. Bill Loy, a residential commercial fisherman. At this point Mr. Loy has been able to remove 234,380 pounds of carp in two weeks of fishing which is approximately 50,000 carp and 10% of the project. Mr. Michael Mills reported that Mr. Loy has acquired some larger boats and some additional hydrology equipment that will help to increase the efficiency of the crews fishing the lake. He is off to a good initial start and with the additional equipment he should be able to increase his intake as the weather begins to cool.

Also related to the JSRIP program, all Board members were invited to attend, and several did attend, the Open House at Hobbles Creek where the flow from Hobbles Creek was diverted into the newly constructed channel which goes out to the lake. That site is located south of the first Springville exit just south of Provo. Sixty-three people attended the Open House and the JSRIP felt it was well attended. Fences are being put in and seeding, trees and shrubs are still being planted. JSRIP hope to finish the planting by the end of the month. Mr. Price commented that it is an impressive site. This project was completed with the cooperation of the JSRIP and UTA.

Mr. Price recently made a presentation at the Utah County Watershed Symposium. Ms. Leah Ann Lamb also spoke. The presentation on the Master Planning process was well received.

Mr. Price is still involved in the Blueprint Jordan River project. Salt Lake County is behind this project to create a plan for the Jordan River and they hope to release a final report in December. They are considering creation of a governing board similar to the Utah Lake Commission. Mr. Mike Mower who was instrumental in creating the Utah Lake Commission is now working in the Governor's office and was involved in those meetings. In the meetings he was very complimentary to the Utah Lake Commission. Mr. Styler keeps the Governor updated on the activities of the Commission.

There isn't any news on the Transportation issues with the Utah Valley connector at this time. Last month it was reported that some of the funding was removed and there is a possibility that all of it may be removed with the recent budget cuts.

Mr. Naylor and Mr. Price met early this month with the consultants for the Provo-Nebo connector and discussed with them the proposed corridors. Two of them directly could affect Utah Lake. They will continue to be involved with this study.

Earlier this week upon Chairman Billings's invitation, Mr. Price met with a representative from Washington D.C. who offered some ideas for funding for invasive plant species removal as well as carp removal.

Mr. Price has contacted several of the Board agencies to put together a core group of phragmites experts to organize and find the best solution to remove the phragmites that have overcome the shorelines of the lake. The first meeting of the Public Advisory Group was held and Mr. Steve Densley was in attendance as well as most of the new members. They made introductions and presented their individual group's visions and goals. Mayor Howard H. Johnson also attended the meeting and represented the support of the Governing Board.

Mr. Styler commented that there has been much success in phragmites removal in Farmington Bay and Ogden Bay in the last five years. He suggested that those groups be contacted for reference. Mr. Price stated he was aware of that and has contacted them and will be working with Mr. Ashley Green.

Mr. Densley stated that he had attended a meeting in regard to the three-way connector being built by the Provo Airport and they were discussing a potential southern connector that would affect Provo Bay. Mr. Price said there is a proposal for a crossing at Provo Bay in the Provo/Nebo Study and that might be what was being discussed. There was some discussion.

Mr. Densley was asked for his input on the Public Advisory Group and he said he would like to see the group expand and have more input.

Chairman Billings asked if the JSRIP has created enough breeding habitats now with the Hobbles Creek project and Mr. Price said the JSRIP has the goal of creating one more habitat. Chairman Billings asked if it would be appropriate for the Governing Board to send a letter of commendation for their work on the Hobbles Creek project to UTA and Mr. Price said he would draft a letter. He will also send one to the JSRIP.

Mr. Gene Shawcroft volunteered to take anyone out to see the Hobbles Creek site.

Commissioner Ellertson asked how the carp disposal program is coming along. Mr. Shawcroft reported that the JSRIP had looked at several options to dispose of the carp and none of them were economical. Mr. Bill Loy has an agreement with private land owners to compost the carp on their land. There are a few mink farmers that are taking a few hundred pounds a week. It is hopeful other markets will develop as the project is successful.

Commissioner Ellertson requested clarification on the amount of pounds of carp that are projected to be removed and Mr. Price stated that they expect to remove two and a half million pounds within six months. Mr. Price stated that Mr. Loy and his team are showing they can remove carp; however, the money will run out with this contract and it is hoped additional funding will be acquired following the success of this contract.

6. Presentation of the Draft Master Plan.

Mr. Price introduced Mr. Rick Cox, consultant for the Master Plan process. Mr. Cox began his presentation by stating that the preliminary draft plan he would be presenting had been previously seen by the Technical Committee and the Steering Committee.

The Purposes of the Preliminary Draft Master Plan

1. Interim Document for Discussion – to allow the Board to view what is anticipated to be addressed
2. Early Input from Public – important for the public to have early input as it is a work in progress
3. Disclaimer- is stated that it has not yet been approved

Contents

1. Acknowledgements – list of the participants of the many concerted efforts of all the people that have been involved
2. Description of Master Plan Process – describes all the steps taken since January
3. Adoption and Amendment Process – this is going through negotiations and refinement particularly with Forestry, Fire & State Lands (FFSL) who have legal requirements associated with the process
4. Goals & Objectives
5. Prioritized Goals – this is a new chapter that was created in last two weeks and is still being discussed
6. Policies – important ultimate goal of the Master Plan process

Contents of Appendices

1. Public Comments – to show the public that their comments were received and considered and that some were implemented
2. Statement of Current Conditions – a lot of work was done on this section. It has been reviewed many times. This will be posted on the website.
3. Commission Implementation Strategies – because the Master Plan is not just for the Commission but is concerned with Utah Lake so this section is more outlined for the Commission

Mr. Cox then reviewed the process of the Master Planning process. First there was a Visioning Workshop. Broad Vision Statements and Specific Vision Statements were created. The Specific Vision Statements were used to create goals. Next there was an Opportunities and Constraints Workshop. The intent was that the Opportunities would become the objectives to meet the goals. These were greatly modified. A lot of the opportunities that were identified became softer objectives. For example, one opportunity listed was to have an island in the center of the lake. That opportunity eventually became an objective to reduce evaporation in the lake.

The policies that have been drafted are still fluid and the implementation of the policies are still in the process. The Technical Committee hasn't looked at this section in detail. Mr. Cox then invited the Board to be interactive with the remainder of the presentation.

He referred the members to the handout of the Preliminary Draft Policies which he requested they discuss by sections. He asked the Board to review the policies by concept rather than by language and to question whether they as a Commission can support the policies.

Land Use and Shoreline Protection

Commissioner Ellertson questioned in regard to Policy #2 where it states "...and operated so as to protect or enhance the ecological function of Utah Lake's natural resources" if there are other functions. He suggested that possibly that statement should be expanded to include other functions beyond ecological. Mr. Cox replied that this could be added to a discussion of recreation functions. There was discussion. Mr. David Lifferth commented that the Commission doesn't have any regulatory authority. Mr. Cox answered that the consultants have tried to avoid being too dogmatic about the policies, but the municipalities do have jurisdictional authority. Commissioner Ellertson responded that he felt Policy #3 addresses that issue and that the Commission is seeking cooperation. Chairman Billings said that the people who do have authority are the members of the Board and the Commission hopes to correlate with them. Mr. Cox agreed that they want the policies to assist in consistency amongst the municipalities. There was discussion on the channel of authority.

Chairman Billings remarked that through the hard work of the Commission it gains a moral authority. The Commission will help the community to know what the right thing to do is and will be in alignment with the city or county.

Mr. Styler added that if a project needed state approval that the state would come to the Commission to discuss it and ask for the Commission's input. Discussion continued. It is hoped that for any significant project that is brought to the state, county or city that interfaces with the lake that those government bodies would consult with the Commission.

Mr. Cox referred to the map in the Master Plan that outlines the Master Plan area and the various communities within the area. The Commission requests that all those municipalities will consult with them in their decision-making processes.

Mr. Jim Linford added that Santaquin City has recently had the opportunity to work with the state on some water issues and during those discussions the state referred to the Commission several times.

Ms. Lamb questioned whether Policy #4 should be more of a General Policy. Mr. Cox said that because there has been a lot of vandalism and misuse of the resources around the lake, such as bonfires and mattresses being burned, this policy was included in the Land Use Policies.

Transportation

Mr. Densley questioned the phrase in Policy #3 the "completion of the trail around Utah Lake" and asked if there is money set aside to accomplish the trail. Mr. Naylor said that the trail is about ten miles short of completing the trail between Provo River and Jordan River, but what remains to be done is in different sections. No funding is in place to complete a trail around the Lake. It has mostly been a county effort. It was questioned in regard to Policy #4, the phrase "to improve access to existing destination points" whether it should be changed to read "future existing destination points." Mr. Cox replied that in the Implementation Strategies it is addressed that the Commission encourages its members to acquire trails around the lake but doesn't make any reference to the Commission designing or building trails. Discussion followed.

Mr. Lifferth questioned in Policy #1 where it states "The Commission will oppose or support transportation projects" if there is stated in the Master Plan a definition on how the Commission can oppose or support projects. Mr. Cox said there is not a process for reviewing and approving proposals in Master Plan. The Master Plan has a list of goals, objectives and policies to guide each municipality. Those municipalities will each set up their own process for review and approval.

Commissioner Ellertson added that the review and approval process for the Commission is in the Commission's Bylaws.

Mr. Cox pointed out that the Commission is already supporting Policy #2 by being "proactively involved in transportation planning efforts that may affect Utah Lake..."

Natural Resources Policies

There was discussion on the terminology of “buffer zone.” Mayor Dain said that the policies are generally very broad, but that Policy #3 in regard to a “habitat buffer area along the north shore of Utah Lake between Lindon Boat Harbor and Saratoga Harbor” is perhaps too specific.

Mr. Cox explained that in the beginning of the process it was formulated that visions would become goals and opportunities would become objectives. Policies would help to meet the specific objectives. The policy regarding buffers was written to meet an objective. They will discuss with the Technical Committee whether or not to identify specific buffers all around the lake. The sovereign lands around the lake have created buffers. County trails have also been the demarcation lines for buffer areas. There was discussion. Mr. Price said that he understood the solution would be not to be specific.

Mayor Heber Thompson asked regarding Policy #2 if it had been identified that there is a shortage of “wildlife preservation areas.” Mr. Cox answered that with the assistance of FFSL other areas were identified that might require additional protection. One example is all of Provo Bay has been identified as potential preservation areas. Mayor Thompson said he understood the potential of protecting areas but thought the objective was not to create more but to preserve those that are there and if something is taken that there be compensation. Mr. Cox replied it isn’t particularly an issue of a shortage but more to put value on the resources and preserve them. Mayor Thompson said the Policy simply needs to be clarified to stress preservation. The Technical Committee will rewrite Policy #2 to emphasize preservation of these areas. Mr. David Grierson suggested taking the word “wildlife” out of the policy. Mr. Linford pointed out that the way the policy is written now suggests that the Commission would be looking for new areas to classify as preservation areas which is not an agenda and needs clarification.

Mr. Lifferth said that Policy #6 is a well written general organization statement whereas Policy #4 and Policy #5 are very specific. Mr. Cox explained that Policy #4 was rewritten to be specific to June sucker. Policy X, currently an unnumbered policy, was discussed as being covered in Policy #6 without being specific to carp removal. Mr. Lifferth said he supported Policy #6, but felt that Policy 4, X, and 5 were so specific that they are almost goals.

Mr. Price said it had been discussed in the Technical Committee to alter Policy #4 to state that the Commission values and supports recovery of any endangered species that is identified in Utah Lake without being specific to the June sucker. These comments will be further analyzed by the Technical Committee. Commissioner Ellertson initiated discussion of the two versions of Policy #7. Mr. Styler offered another version to read, “The Commission will seek opportunities to manage lake level fluctuations to support other commission objectives such as recreational use and ecological integrity recognizing such efforts are subordinate to established water rights.” Ms. Finlinson voiced approval of Mr. Styler’s proposed version and felt it more accurately described the appropriate parameters.

Chairman Billings questioned in Policy #11 where the issue of being supportive of establishing a research facility was derived. Mr. Cox said that in the Visioning Workshop one group expressed the idea of establishing a research facility and another suggested a research/museum facility. It was also discussed to include the Utah Valley University (UVU) and perhaps other universities in being involved in this facility. Discussion followed and there was a consensus that the Commission should encourage research without promoting a facility. Mr. Styler suggested inserting the word “endowment” rather than “facility.” Mr. Cox said the idea of a facility was to interest the public to have a place to come and be involved. He said there has always been research going on at the universities, particularly Brigham Young University (BYU) and the Commission can encourage ongoing research. The policy can be written broader but could include some objectives.

Mayor Thompson suggested that Policy #10 seemed to be overarching and suggested this goal was more of a general policy.

Recreation

After the Board was given time to review the Policies, Chairman Billings asked for clarification on Policy #4. There was discussion on the phrasing. This policy needs to support FFSL regulations. Mr. Blohm pointed out that facilities on sovereign lands can be private but also can be open to the public. Mr. Grierson replied that there are private boat harbors and marinas on state lands that are not open to the public so this policy needs to be rewritten. Mr. Styler stated that the Policy should be written in regard to what is desired for the future rather than what already exists. Mr. Tripp offered the example that in Saratoga Springs there is a private harbor that is in sovereign lands plus has private facilities. The public can access the berms, but not the facilities.

Mr. Cox said he worries about Utah Lake turning into a private resort for individuals. Mr. Linford said that there have to be opportunities for individuals to develop on the lake without being too restrictive. Mr. Robert West purposed that Mr. Schwendiman could look into this legal issue and consider the difference between the public benefiting by revenue from private ownership and not necessarily by access. Mr. Grierson stated that there are some instances at Bear Lake where a private landowner has been permitted to put in a dock or a swimming platform and the State has issued a permit, but it is a private use on public land. If a boater on the lake wanted to dock at the private dock it would not be allowed although the land is public.

General Policy

Mr. Lifferth questioned the phrase in Policy #4 that reads, "...may require the acquisition of private lands..." and asked who would then own that land. Discussion clarified that the Commission is not authorized to own property.

Ms. Lamb suggested that the document be edited for grammar continuity as far as present or future tense. She voiced that the word "will" be eliminated in sentences that project future tense for example instead of saying "will support" the wording would be more proactively written as "supports." Mr. Lifferth asked how she would change Policy #2 to read with that language. She said it would be changed from "the Commission will encourage" to "the Commission encourages." She commented that the document needs to be consistent.

Implementation Strategies

Mr. Cox introduced the spreadsheet that was organized by the consultants for Implementation Strategies. This spreadsheet shows different objectives and the tasks, staffing, costs, key obstacles, possible solutions and target completions that would be required to implement these objectives. He emphasized that these objectives were the consultants' ideas and he invited the Board members to give their own ideas to incorporate into the strategies. There was some discussion on some of the tasks listed.

Mr. Cox announced what the upcoming schedule is for the Master Plan following the review today of the Preliminary Draft Master Plan. On December 3 and 4 the Public Open Houses will be held for the public's information and input. There are two important Technical Committee meetings scheduled for December 5 and January 12. In these meetings all the discussions from today's meeting and the information from the Open Houses will be analyzed and many of them incorporated into the Master Plan. Mr. Price asked that the revisions requested today be sent to him quickly so he can forward them onto the Technical Committee for their review before the December 15 meeting.

After January the Final Draft Master Plan review will occur. This document will include comments from the Technical Committee, Public Hearings and Governing Board revisions. In February the Governing Board will be able to give their approval. The Division of Forestry, Fire and State Lands will be given opportunity to give their approval and a projected date of adoption by both the Governing Board and the FFDL is projected for April.

Mr. Greg Beckstrom commented that based on today's discussion and the Technical Committee December meeting that the January Governing Board meeting will have much to discuss in order to approve the document. He suggested that the meeting for January be extended by one hour. Chairman Billings asked the members to clear their calendars for that extra time.

8. Propose canceling the next Governing Board meeting currently scheduled for Thursday, December 15, 2008 at 7:30 AM.

Chairman Billings moved ahead in the Agenda to Item 8. It was moved and seconded to cancel the December Governing Board meeting and it was approved unanimously.

a. The January Governing Board meeting is scheduled for Thursday, January 22, 2008 at 7:30 AM in the ballroom of the Historic Utah County Courthouse Ballroom

7. Other Business.

Mr. Linford asked if the Governing Board packets for January could be sent out earlier. Mr. Beckstrom replied that the January Technical Committee meeting would be held ten days before the Governing Board meeting and that information would need to be included in the packets. A tentative draft could be sent prior to the packets. There was discussion on the possibility of moving the January Technical Committee meeting up or to move the Governing Board meeting to January 29. It was decided that those changes would conflict with other meetings.

Chairman Billings recognized Mr. Clyde Naylor who is retiring from the County as Public Works Director after many years of service and will be going on a mission to Florida for his church. This was his last Governing Board meeting. The County and the State have benefitted greatly from his service. Mr. Naylor was invited to speak.

Mr. Naylor said that two years ago they were having a Utah Lake Study Group meeting with the Mayors and Mr. Mike Styler came down and suggested that there should be some local control of the lake. He suggested that a Commission should be established. He brought some samples and Mr. Naylor helped create a legal committee consisting of five attorneys and Mr. Naylor. The original document came from that committee. Mr. Naylor expressed his appreciation to Mr. Styler and he said he had enjoyed working with this group and all the associations.

There was a standing ovation for Mr. Naylor and gifts of appreciation for Mr. Naylor's service and dedication were presented. Following adjournment photos were taken.

10. Adjourn.

The meeting was adjourned at 9:24 A.M.