



Governing Board

Thursday, March 22, 2018, 7:34 A.M.
Utah County Health and Justice Building

ATTENDEES:

Vice-Chair Mark Seastrand, Orem City
 Eric Ellis, Utah Lake Commission
 Lon Lott, Alpine
 Jim Harris, DWQ
 Brian Cottam, FFSL
 Rod Mann, Highland
 Jeff Acerson, Lindon
 Brian Hulet, Payson
 Michelle Kaufusi, Provo
 David Stroud, Saratoga Springs
 Keir Scoubes, Spanish Fork
 Craig Jensen, Springville
 Tyce Flake, Vineyard
 Richard Nielson, Utah County
 Kari Malkovich, Woodland Hills

INTERESTED PARTIES / VISITORS:

Sam Braegger, Utah Lake Commission
 David Richards, Oreohelix
 Ben Anderson, UT Div. of Water Rights
 Mike Mills, JSRIP
 Theron Miller, WFWQC
 Rebecca Andrus, Provo
 Elliott DeMott, BCC
 Bill Pope, HDR
 Rick Cox
 Louise Fry, Bonneville Sailing
 Robert and Cari Krejci, SS Owners Assoc.
 Jeff Salt, Friends of Utah Lake
 Laura Ault, FFSL

ABSENT: American Fork City, CUWCD, DNR, Lehi City, Mapleton City, Salem City, Utah House of Representatives, Utah Senate,

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1. Welcome and Call to Order

A. Vice Chair Seastrand called the meeting to order at 7:34 A.M. and welcomed everyone. He reported on the death of former Chair Hadfield (Past Mayor of American Fork) and shared that the Commission will be sending his family a card expressing the condolences and support of the Governing Board. He also excused Chair Baertsch, who had a death in the family and is out of town as a result.

2. Action Items

A. Vice Chair Seastrand asked for a motion to approve the minutes from the February 15, 2018 Governing Board meeting. Edit requested to show Rebecca Andrus from Provo as present, noted by Commission staff. Also, the request was made by the Governing Board to include copies of presentations made at the meetings in the minutes, when appropriate. Lon Lott made a motion to approve, and Rod Mann seconded the motion. Voting was unanimous in favor of approving the minutes.

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- 1 B. Discussion on the February report. Vice Chair Seastrand asked for a motion to approve the financial
2 report from February January 2018. Tyce Flake made a motion to approve, and Brian Cottam
3 seconded the motion. Voting was unanimous in favor of approving the financial report.
- 4 C. Discussion on the tentative budget for FY2019. Discussion on entities that are no longer members or
5 who have not been members of the Commission yet, connection to budget expenses. The Governing
6 Board members committed to reach out to cities around them that are not currently members and
7 encourage them to consider joining. Vice Chair Seastrand asked for a motion to approve the tentative
8 budget for FY2019. Kari Malkovich made a motion to approve, and Michelle Kaufusi seconded the
9 motion. Voting was unanimous in favor of approving the tentative budget for FY2019.
- 10 D. Eric Ellis reviewed the changes made to the Executive Committee. Vice Chair Seastrand asked for a
11 motion to approve the new Executive Committee. Brian Cottam made a motion to approve, and Craig
12 Jensen seconded the motion. Voting was unanimous in favor of approving the new Executive
13 Committee.
- 14 E. Direction for ULC Technical Committee regarding research funding appropriated through Utah
15 Legislature (2018 session) \$500k: Eric requested direction from the Governing Board on how we vet
16 those research projects. He proposed that the Commission would take ideas and direction from both
17 the DWQ Utah Lake Water Quality Study Steering Committee and Science Panel and also Wasatch
18 Front Water Quality Council (WFWQC) and then the Technical Committee meets they would make
19 final decisions on those projects. Eric asked for input or other ideas.
- 20 a. Rodd Mann, Question was asked if TSSD is involved. Eric responded that they participate in
21 the Technical Committee meetings as an interested party, but that TSSD is not a member of
22 the Utah Lake Commission. They are a member of the WFWQC and they also have a
23 representative on the Utah Lake Water Quality Study Steering Committee.
- 24 b. Lon Lott, question: Is there a financial gain from one of the mentioned parties? Is there a
25 conflict of interest? Eric responded that the Steering Committee is seating a non-conflicted,
26 independent Science Panel with an ex-officio group that may have a mix of independent or
27 not independent people. The Science Panel sends their recommendations to the Steering
28 Committee, who may have conflicts. WFWQC, all their members contribute financially to the
29 group, those funds go into research on the lake, separate from the \$500k.
- 30 c. Discussion about the project approval process and funding decisions within the Commission.
31 Should Technical Committee handle everything? Should they review proposals and then make
32 recommendations to the Governing Board. Due to more regular meetings, the suggestion
33 arose that the Technical Committee handle the review of proposals and authorizing funds, and
34 report on that to the Governing Board. Concern was expressed by several Governing Board
35 members expressed concern that since the Technical Committee meeting is not made up of
36 publicly elected officials, they shouldn't make final decision on how to use public funds. Brian
37 Cottam supported that funding decisions should be made by the publicly elected officials.
38 However, he also explained that his understanding that the funding was actually appropriated
39 to the Division of Water Quality, not the Commission. The approval process will need to be
40 clarified. Brian explained how the distribution of funds appropriated by the Jordan River
41 Commission is being handled, as an example.
- 42 d. Another Board member suggested that, although it's not being required, that this might be an
43 opportunity to approach cities and other entities seeking matching funds to further the reach
44 of the funding to accomplish the work.
- 45

46 **3. Utah Open and Public Meetings Act Training (Annual Training)**

- 47 A. An 11 minute video was viewed, explaining the Utah Open and Public Meetings Act, fulfilling the
48 annual requirement for the Board members as publicly elected officials. Roll was taken at this
49 meeting, as it is every time, fulfilling the requirement of proof of training as directed by the State
50 Auditor's Office.

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- a. One question was asked after the training, by Brian Hulet, if the Board should have had a public hearing on the FY19 budget today. Eric Ellis explained that you don't hold a public hearing of the tentative budget, only for the presentation of the final budget. So, we will have a public hearing at the June Governing Board meeting.
- b. Lon Lott, asked if our yearly meeting schedule had been posted. Eric responded that all our meeting schedules are posted on our website, and are updated if changes are made.

4. Executive Director's Project Report- Eric Ellis

- A. Lake levels: So far this year, we are up to about 2.75 feet below full. It's a great start, for a poor snow pack year. Last fall we were about 8 feet below full, and came up to 3 feet.
- B. Utah Lake State Park Dredging: Sam reported that the State Park is holding bi-weekly meetings on the project and he is attending. Division of State Parks was able to secure additional funding internally that will be used to dredge a priority area (the channel and part of the inner marina) an additional 2 feet down. The main concern now is space to site the material, so they are converting one of their two large parking lots to a storing site with a berm surrounding it. They will dredge as much as the storage site will allow. Projection is that Geneva Rock will be done removing material from the marina by mid-April. There will still be significant cleanup involved, the boat ramps will be extended, docks need to be repaired and reinstalled. They plan to be open by Memorial Day.
- C. Phragmites Removal: Powell Slough has been fully smashed by the contractor, and they are now working in Provo Bay, starting in the northeast corner and working towards the airport.
- D. Grants: Between Dept. of Ag. and DNR WRI grants will provide approx. \$300k to get spraying and smashing down this year, close to 4,000 acres from Saratoga Springs up and around and down to Provo Bay. This will be the first year of a 3-year spraying and smashing regimen. Richard Neilson added that if any of the municipalities have phragmites located elsewhere besides the lake, the county would still love to be involved and help in what way they can. They don't have more manpower, but they can provide education, chemicals to treat, etc.
 - a. NPS Rivers, Trails, and Conservation Grant:
 - i. March 28th kickoff meeting, bringing all the stakeholders together to finalize the plan, establish trail delineation, seek funding, etc. over the next year. Meeting monthly to work on the Utah Lake Shoreline Trail.
 - b. Marsh Master Purchase: As the funds arrive from the various sources (FFSL, Dept. of Ag., etc.) we will work on the purchase as those funds arrive. Once the Commission staff has made those purchases, we will report back to the Governing Board.
 - c. Legislative Grant of \$500k for research at Utah Lake: We discussed this earlier in the meeting. Commission staff will work with DEQ to make sure the funds are used correctly, and report back to the Governing Board.
- E. Review edited Interlocal Agreement: Eric reminded the Governing Board that they had a discussion a couple of meetings ago about the potential of adding new members to the Governing Board that were not currently on the Interlocal agreement. Commission staff printed off the sections of the Interlocal agreement relevant to the adding of members (Sections 1.6, 1.7, 5.3, 5.4, 5.5, and Appendix 1). After speaking with the county attorney, in order to change the Interlocal agreement would be to adjust section 1.6 to allow for a different type of entity to join, it would agree that the amendment be presented by every member of the Board to their city council and have it approved and sign the Interlocal agreement again.
 - a. The goal was to add entities such as Timpanogos Special Service District (TSSD), Utah Valley Convention and Visitor's Bureau and others that have an interest but do not currently fit the description in 1.6 as voting, paying members. The Governing Board would vote to add them to the Commission. TSSD expressed interest in being a member.
 - b. Sam Braegger clarified the process. If the Board wants to add an entity to the Commission, and that entity already qualifies under either section 1.6 or 1.7, the Board simply votes and

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1 they are added with a majority vote. If they don't qualify under 1.6 or 1.7, the Interlocal
2 agreement needs to be amended and then that amendment has to be taken to each of the
3 members city council's, and pass with a 75% vote in support of the change. Many of the
4 entities who might be interested, or the Commission might like to be members already qualify
5 under section 5.4 as ex-officio members. Sam said that the discussion from September's
6 meeting was about adding voting members, which is where the amendment would need to
7 happen. 5.4 for ex-officio members likely wouldn't need a change.

- 8 c. Rod Mann asked why we should add TSSD. Discussion on this topic by various Board members
9 about TSSD and whether or not to add it as a voting, paying member. Chair Seastrand
10 summarized that it appears the Board doesn't feel a need to add voting, paying members, but
11 instead add ex-officio members such as TSSD or other parties. Further discussion about ex-
12 officio membership for TSSD. Board members then discussed general procedures for adding
13 entities as ex-officio members. TSSD's Director, Jon Adams, recently retired. Board members
14 mentioned having TSSD come present, they already have representation on the Board
15 because many of TSSD's 10 members are already members of the Commission, etc. Suggestion
16 made that maybe TSSD should be brought on as an ex-officio member first in order to
17 contribute. Discussion about other municipalities that are not currently members being
18 brought on as ex-officio members for a year, and hopefully see benefits of membership.
19 Commission staff committed to send out letter to those cities.
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21 **5. Lake Innovation Proposals**

- 22 A. Weather Sensors – Sam Braegger: The Commission has now purchased the equipment for the weather
23 station at American Fork Boat Harbor. Partnering with U of U's Mesowest program, they have received
24 the equipment. DWQ also partnered with us for maintenance and ongoing costs of data/cell coverage.
25 Next up is to schedule the installation at American Fork Boat Harbor. Also, UDOT agreed to move up
26 their timeline on installing their weather station on the west side of the lake, by MP 17. It should be in
27 well before Memorial Day.
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29 **6. Report from Technical Committee**

- 30 A. Eric reported that Reed Price has voted the new Chair and Scot Daly of DWQ has been proposed as the
31 Vice-Chair. The Committee started the review of the Utah Lake Master Plan, but upon further
32 discussion with FFSL we will be holding off while they finish up some other major projects. The review
33 will happen in the near future, to prepare for the required revision of the master plan in 2019. A
34 reminder to the Governing Board that the Technical Committee serves at the pleasure of the Board. If
35 they have questions, concerns about the lake, the Technical Committee can study those things and
36 bring recommendations back to the Board.
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38 **7. Utah Lake Water Quality Study Update**

- 39 A. Jim Harris reported that they are in the middle of deciding the structure of the Science Panel and
40 voting on members to that panel. Steering Committee is having great conversations about the topic.
41 There is a phone meeting coming soon in which the Science Panel will be finalized.
42

43 **8. Update on other Lake related projects**

- 44 A. Update on Renewable Energy Innovations
45 a. Eric reported that REI hosted a technology demonstration with BYU. BYU professors came up
46 with a pre-treatment process for green waste. Folks from Davis County to Utah County
47 attended. It takes materials that is historically very hard to deal with, you end up with
48 composting or wind rows, grinding up the green waste, and now they can digest green waste
49 and turn it into fuels (carbon dioxide and natural gas) in a quick, efficient way. It was received

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1 well, and they will be working with some of the folks who attended to scale their project up to
2 test it further.

3 B. Status and next steps on Lake Restoration Solutions Inc. project proposal – FFSL (Laura Ault)

4 a. FFSL currently refers to the proposal as “The Utah Lake Exchange Offering.” Laura introduced
5 herself and summarized what FFSL is and does. In November 2017, Lake Restoration Solutions
6 nominated the entire lakebed of Utah Lake for a restoration work and islands that would then
7 become the property of Lake Restoration Solutions. Per FFSL’s rule/statute, the offering was
8 put out for 45 days for anyone who wanted to submit a competing application; none were
9 received. The proposal will be accepted, that means that it means minimum requirements and
10 that FFSL is taking an intensive look at the proposal. Laura covered the process of reviewing
11 the application from start to finish. *More details available in audio recordings. There will be
12 an EIS, there will be much collaboration with Army Corps of Engineers, EPA, etc. There were a
13 few questions from board members on the review process. Brian Cottam emphasized that it is
14 important to quantify the review process as “multi-year” instead of saying a specific number,
15 as it avoids expectations of certain timelines. Laura briefly presented on HB 272 that passed in
16 the State Legislature.

17 b. Laura spoke more about HB 272, to clarify exactly what it did/did not accomplish. The bill
18 highlights the challenges the lake is facing. It talks of the need for restoration, and what
19 criteria need to be met for FFSL to approve such projects. It allows FFSL to dispose of land in
20 exchange for those criteria being met. Brian Cottam added that the bill does not approve the
21 project, nor does it change anything FFSL would have done from a planning or process
22 standpoint. Brian explained more about his and Laura’s roles in FFSL and on this project. Brian
23 also explained some limitations the Utah Lake Commission has in taking public positions on
24 the project, as FFSL and specifically Brian Cottam, as well as Mike Styler (Deputy Director of
25 DNR) are members of the Commission. Discussion on FFSL processes and challenges to the
26 project and how they would be handled. Eric explained that Commission staff will meet with
27 Brian and the Assistant Attorney General and discuss type of statements the Commission
28 can/can’t make.

29 c. Questions from board members and the public on this specific topic:

30 i. Rebecca Andrus brought up the Technical Committees’ review of the master plan for
31 Utah Lake. She wanted to know how the Committee should move forward in relation
32 to the project. Laura responded that Utah Lake master plan doesn’t fit FFSL’s needs,
33 so the current idea moving forward will be to revise the master plan and create a site
34 specific management plan as well. The review is on hold, as the outcome of the
35 project currently could change things. There would be collaboration between the
36 Commission and FFSL in the planning process of the management plan.

37 ii. Kari Malkovich asked if the Technical Committee would be addressing the master plan
38 and the project. Eric responded that the Committee will hold off for a few months to
39 see where the project is going.

40 iii. Rick Cox, asked when the federal EIS occurs. Laura responded that FFSL will head
41 down that path, cooperating with Fish and Wildlife, Army Corps of Engineers, etc. at
42 the same time. They cooperate to meet the criteria of the various agencies.

43 iv. Jeff Salt, the project will be challenged. He shared three observations: first, there
44 wasn’t a fiscal appropriation to provide FFSL funding to handle this project. Laura Ault
45 corrected him that funding was provided through the budget bill. Second issue with
46 this or any proposal, there are no user groups or public interest groups as Commission
47 members on the Governing Board or the Technical Committee. Third observation, the
48 Utah Lake Water Quality Study process is moving, it seems like this project need to
49 wait for that study. He expressed doubts about the research that Lake Restoration

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Solutions references with their proposal. He expressed concerns over the constitutionality of the proposal and what is being suggested in the land exchange.

9. Communications/Public Relations Plan—Sam Braegger

- A. Progressing with the BYU On-Campus internship program. Five interns are evaluating our community outreach efforts. They have been reaching out to local groups to seek new members for our Adopt-a-Shoreline program. The interns are evaluating our events as well, they drafted a new page for our website on info to help people wanting to do recreational activities. We made a survey and sent it out online, we had 321 responses; providing us interests to include in that page.
- B. We will be hiring a summer intern soon. We received 34 applications; double the number of applicants for last year.
- C. We were recently approved to do another BYU On-Campus internship project for the fall semester. That project will be focused on content creation, writing blog posts, press releases, etc.
- D. The Utah Lake Festival date is unsure. There is discussion of when the marina construction project will be completed. We are considering a date in late June.
- E. Brian Cottam and others expressed praise for what the Commission is accomplishing with interns.

10. Governing Board Meeting schedule for the year

- A. June 21, 2018
- B. September 27, 2018
- C. November 15, 2018 (adjusted for Thanksgiving)

11. General comments from board members and the public

- A. Jeff Salt, a member of Utah Anglers Coalition. They are interested in what happens with Utah Lake. Anything done with Utah Lake has to be done keeping in mind that Utah Lake belongs to all the people of the state of Utah, not just Utah County.
- B. David Richards, works as a researcher on projects at Utah Lake. Reported that in Provo Bay frogs are out making lots of noise, mule deer are hiding in the phragmites, zooplankton that eat algae blooms are in abundance there right now as well.
- C. Mike Mills, last May, there was the Utah Lake Summit, hosted by CUWCD. They will be doing it again this year, May 14th at Utah Valley Convention Center.
- D. Chair Seastrand shared a quote from Winston Churchill, “The pessimist sees difficulty in every opportunity; the optimist sees opportunity in every difficulty.” As the Commission works together, they can get through challenges that may arise.

12. Next Governing Board Meeting

Vice Chair Seastrand reminded the board that the next Governing Board Meeting will be on June 21, 2018 at 7:30 AM in the Utah County Health and Justice Building, Room 2500.

13. Adjourn

The meeting was adjourned at 9:29 AM.