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MEMO

TO: Mayor James E. DeGraffenried and Council Members
FROM: Susan
DATE: December 18, 2007
RE: **2008 City Council Meeting and Work Session Schedules**

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Mayor and Council Members,

It is time to set the 2008 Council Meeting and Work Session Schedules. If there are not any changes to the days in which these meetings are held, the following will reflect the schedule:

- o City Council Meetings will be held on the 1<sup>st</sup> and 3<sup>rd</sup> Wednesdays of each month beginning at 7:00 pm with Special Meetings being called as deemed necessary



A PROFESSIONAL CORPORATION

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December 14, 2007

Hon. James E. DeGraffenried  
Mayor, Santaquin City  
45 West 100 South  
Santaquin, Utah 84655

***Re: Closed Meeting Requirements***

Dear Mayor DeGraffenried:

Pursuant to your request, this letter will outline the requirements to conduct a closed meeting of the City Council.

IN GENERAL, ACTIONS AND DELIBERATIONS OF THE CITY COUNCIL SHOULD BE CONDUCTED IN PUBLIC MEETINGS.

The Utah State Legislature requires that, with a few specific exceptions, all actions and deliberations of City Councils be open to the public. See Utah Code Ann. § 52-4-102(2).

CLOSED MEETINGS MAY BE HELD TO DISCUSS CERTAIN SUBJECTS.

Utah Code Ann. § 52-4-205 specifies the purposes for which a City Council may hold a closed meeting.

- (1) A closed meeting described under Section 52-4-204 may only be held for:
  - (a) discussion of the character, professional competence, or physical or mental health of an individual;
  - (b) strategy sessions to discuss collective bargaining;
  - (c) strategy sessions to discuss pending or reasonably imminent litigation;
  - (d) strategy sessions to discuss the purchase, exchange, or lease of real property if public discussion of the transaction would:
    - (I) disclose the appraisal or estimated value of the property under consideration; or
    - (ii) prevent the public body from completing the transaction on the best possible terms;
  - (e) strategy sessions to discuss the sale of real property if:
    - (I) public discussion of the transaction would:
      - (A) disclose the appraisal or estimated value of the property under consideration; or
      - (B) prevent the public body from completing the transaction on the best possible terms;
    - (ii) the public body previously gave public notice that the property would be offered for sale; and

- (iii) the terms of the sale are publicly disclosed before the public body approves the sale;
  - (f) discussion regarding deployment of security personnel, devices, or systems;
  - (g) investigative proceedings regarding allegations of criminal misconduct; and
  - (h) discussion by a county legislative body of commercial information as defined in Section 59-1-404.
- (2) A public body may not interview a person applying to fill an elected position in a closed meeting.

In recent years, the City Council's decision to hold a closed meeting has usually been based on either subsection (a) discussion of the character, professional competence, or physical or mental health of an individual; or subsection (c) discussion of pending or reasonably imminent litigation. This is significant because as noted below, the recording requirements are not the same for these two categories.

It is also important to recognize that just because a topic of discussion falls within one of the categories identified above does not mean that the subject can only be discussed in a closed meeting. The Code specifically provides that the Council may discuss these matters in an open public meeting.

#### THE CITY COUNCIL MUST FOLLOW SPECIFIC RULES TO HOLD A CLOSED MEETING.

The procedures to hold a closed meeting are found in Utah Code Ann. § 52-4-204, and are summarized below.

1. A closed meeting may only be held during a properly noticed and convened public meeting.
2. Two-thirds of the council members present at the open public meeting must vote to hold the closed meeting. (Therefore; if 3 Council members are present, 2 must vote for the closed meeting; if 4 are present, 3; and if 5 are present, then 4.)
3. The following must be publicly announced and entered in the minutes of the open meeting:
  - a) the purpose for which the meeting is held (this is usually done by simply reciting the language of the applicable subsection);
  - b) the location of the closed meeting; and
  - c) the names of those who voted for and against holding the closed meeting.
4. No Action may be taken in a closed meeting.

#### THE RECORDS KEPT DIFFER DEPENDING ON THE REASON FOR HOLDING THE CLOSED MEETING.

If the purpose of the closed meeting is either: (a) to discuss the character, professional competence, or physical or mental health of an individual; or (b) discussion regarding deployment of security personnel, devices, or systems, the presiding officer must sign a sworn affidavit affirming the purpose of the closed meeting.

If the closed meeting is held for any other purpose, the Council must record the closed meeting (electronically) and may keep detailed written minutes. These are the same requirements as for an open meeting. See Utah Code Ann. § 52-4-203. The Code also sets certain requirements for the minutes.

(3) The recording and any minutes of a closed meeting shall include:

- (a) the date, time, and place of the meeting;
- (b) the names of members present and absent; and
- (c) the names of all others present except where the disclosure would infringe on the confidentiality necessary to fulfill the original purpose of closing the meeting.

Utah Code Ann. § 52-4-206(3).

*In other words, if the meeting is closed to discuss the character, professional competence, etc. of an individual, the appropriate affidavit must be prepared and signed. No recording or minutes are required. If the closed meeting is to discuss pending or reasonably imminent litigation, no affidavit is required, but the meeting must be recorded and detailed minutes kept.*

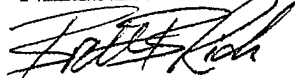
DISCLOSURE OF THE CONTENT OF A CLOSED MEETING, EXCEPT IN COMPLIANCE WITH A COURT ORDER, IS A CRIME.

"In addition to any other penalty under this chapter, a member of a public body who knowingly or intentionally violates or who knowingly or intentionally abets or advises a violation of any of the closed meeting provisions of this chapter is guilty of a class B misdemeanor." Utah Code Ann. § 52-4-305.

This letter is prepared as a basic summary of the present requirements for the City Council to hold a closed meeting. However, we emphasize that the requirements of the Code do change from time to time. We strongly recommend that whenever possible, legal counsel should attend closed meeting in order to assure compliance.

Yours truly,

NIELSEN & SENIOR



Brett B. Rich

**APPENDIX "A"**

**SUMMARY OF CLOSED MEETING REQUIREMENTS**

- Votes Required to Hold a Closed Meeting

| <b>Members Present</b> | <b>Required Votes</b> |
|------------------------|-----------------------|
| 3                      | 2                     |
| 4                      | 3                     |
| 5                      | 4                     |

- Required Minute Entries for Each Closed Meeting
  - Purpose of the Meeting
  - Location of the Meeting
  - Names of Council Members Voting For and Against Holding the Closed Meeting
- Type of Record Required of a Closed Meeting

| <b>Meeting Purpose</b>                                                            | <b>Required Record</b>                                                |
|-----------------------------------------------------------------------------------|-----------------------------------------------------------------------|
| Character, Professional Competence, or Physical or Mental Health of an Individual | Affidavit Signed by the Mayor                                         |
| Pending or Reasonably Imminent Litigation                                         | Electronic Recording of Entire Meeting<br>Detailed Written Minutes    |
| All Other Purposes                                                                | See Detailed Information of this Letter and Utah Code Ann. § 52-4-206 |

# *Utah Lake Causeway*

*A Public Need Solved by Private  
Venture!*



*Presented by  
Utah Crossing, Inc.*

## *UTAH CROSSING, INC.*

**THE MANAGEMENT:** The management group, Utah Crossing, Inc., consists of James "Skip" McWhorter, Bryan Nield, Mike Bilanzich, and Leon Harward. This group boasts an excess of 60 years combined real estate development, and related venues experience and background.

**Leon Harward:** President. Over 35 years of varied real estate experience and knowledge. Development, entitlement, acquisition, construction, sales, management, and financing of real estate projects are part of the expertise Mr. Harward brings to the Causeway Project. The Political contacts and personal relationships have assisted in the progress and reality of the project.

**Skip McWhorter:** Vice President. A masters degree in engineering, has owned an engineering consulting firm. Additionally Mr. McWhorter has been an active participant and owner of several residential and commercial real estate ventures in Utah, Idaho and Hawaii. Mr. McWhorter's skill include the technical information background and the verbal talent to understand as well as communicate to other audiences information necessary to accomplish project objectives

**Bryan Nield:** Vice President. Mr. Nield is a licensed Utah Real Estate Agent, and has demonstrated a unique talent and attention to detail. Bryan's grasp and ability for real estate development projects, and how to direct important efforts has been a tremendous asset for the current successes of the Causeway.

**Mike Bilanzich:** Vice President. Mr. Bilanzich, A degree in accounting, is a respected business man with many years of national and international business entrepreneurial efforts coupled with his real estate development and management experience provides leadership, expertise, knowledge and management skills to this venture that are a strong complement to other resources. Mr. Bilanzich's contribution to the project will assist in its completion and an ongoing reliable management resource.

***UTAH CROSSING, INC.***

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## **UTAH CROSSING, INC. EXECUTIVE SUMMARY**

**SUMMARY:** The proposed Utah Lake Causeway is to be a completely private venture, and be paid for through traffic toll. The need to unite the East and West sides of Utah County is an economic necessity. The UDOT budget demands preclude the state from including the causeway in its immediate and short range planning because current projects have UDOT spent out to and beyond the years of 2030.

Additionally the causeway would serve as a much needed emergency travel access from one side of the lake to the other. It currently takes Quieslar Gas in excess of two hours, after getting mobilized, to get to the west side of Utah Lake, because of current traffic congestion. (The congestion has no immediate solution.)

**LOCATION:** The East-West route beginning at Vineyard Lake Road across on a south west direction to Saratoga Springs City just north of Pelican Point.

**LENGTH:** Just less than 6 miles from shore line to shore line.

**DESIGN:** Rock, gravel and other engineered fill. Boat access for north-south travel will be constructed near each shore line and at the causeway center location by way of bridge sections. Four lane vehicle traffic: emergency lane: and pedestrian walkway will be hard surfaced with barrier and security fences along the travel lanes. The Causeway will also provide for utility easement for services access.

**ENGINEERING:** To be completed and final design once all drilling, geo-tech, and all other "water crossing" and environmental concerns are addressed and resolved.

**AGENCIES:** The agencies involved with this venture.

**FEDERAL GOVERNMENT:** Corps of Engineers, Fish & Game, and Water Fowl.

**STATE OF UTAH:** Environmental Department, Department of Transportation, State Fish and Game, Natural Resources, Water Resources and State Lands.

**UTAH COUNTY:** Public Works and County Commission.

**UTAH CITIES:** Provo, Orem, Lindon, Saratoga Springs, American Fork, Lehi and Vineyard.

**MAG:** (Mountainland Association of Governments) is a very important player in the short & long range traffic issues in Utah County. They have accepted the concept as out-lined, and are supportive of the project.

## **Utah Lake has a true friend - 20-member panel intent on improving the area** By Catherine Smith - Deseret Morning News - Published: November 26, 2007

**PROVO** — Carp and a causeway — Utah Lake-related topics that have lately gained attention — only touch the tip of what the Utah Lake Commission hopes to affect.

To be sure, the commission's charge is as large as the lake itself.

The commission began as a study group when several mayors decided some of the issues surrounding the lake — the largest freshwater lake in Utah — needed to be addressed. The Utah County Council of Governments voted to form the Utah Lake Study Committee in 2004, which was approved by Gov. Jon Huntsman Jr. as the Utah Lake Commission in March 2007.

The commission is made up of 14 municipalities, three state agencies, Utah County and the Central Utah Water Conservancy District. It has 20 members and meets monthly to discuss issues regarding the lake.

Although still in its infancy, the commission's office runs with two full-time employees, and the commission already serves as a consultant and tool for agencies, legislators and others to receive information and guidance concerning the lake.

"We see ourselves as a coordination center," said Reed Price, executive director of the Utah Lake Commission. "(There are) people who have these different ideas, and they may need to talk to several agencies in order to get approval, and we can get them right in touch with the people they need to speak with."

Consider some of the issues facing the commission: The problem of polychlorinated biphenyls, or PCBs in the lake; the infestation of invasive animal and plant species, such as carp and plurginies; encroaching development, transportation and water quality.

The commission holds no authority to approve or deny any projects, but it is a source of information for those that do hold the authority, Price said.

Price also said the commission helps other agencies. For example, the Division of Forestry, Fire and State Lands could seek advice on requests for transportation-system permits on areas near the lake. The commission also will work with the state Department of Health on unhealthy PCB levels found in carp and channel catfish.

Commission members met with Christina McNaughton, health hazard assessment manager and toxicologist with the Department of Health, in October to understand more about the warnings against PCBs and how they affect Utah Lake.

Helping to raise funds and find organizations or grants that could pay for studies into lake issues is one way the commission will help agencies and try to conserve the lake.

Last week, the commission approved a resolution to support any appropriation of funds from the government for studies regarding Utah Lake.

Rep. Kenneth Sunmston, R-American Fork, wants funds from the Legislature for a study to look at a possible causeway through Utah Lake.

"A lot of people see (the lake) as an eyesore, but it truly is a gem... one of our goals and objectives is to convince the public that it is such," he said.

A master plan is under way and is expected to be done by January 2009.

When complete, the full line will snake 120 miles from Brigham City to Payson. Crews hope to finish the section from Pleasant View in Weber County to Salt Lake in a year. And if funding and construction talks go as planned, UTA hopes to reach Provo in five years, Meyer said.

## Design work progressing on south commuter rail

By Nicole Warburton  
Deseret Morning News

Work on a southern extension of commuter rail from Salt Lake City to Provo is progressing quickly, with construction possible by early next year.

The Utah Transit Authority plans to release a draft environmental study Wednesday of its FrontRunner South commuter-rail project. The southern extension of commuter rail will have eight stations after the Salt Lake station: Murray, Sandy/South Jordan, Draper/Bluffdale, Lehi, American Fork, Vineyard, Orem and Provo.

The environmental study details how UTA will manage factors such as property acquisitions in those cities for park-and-ride lots, as well as noise concerns and other environmental issues. In Murray, the rail line will have a direct connection with the TRAX light-rail system at a station near the new IHC hospital, 5900 South and State Street. Other Salt Lake County stations will have buses to connect commuter rail with TRAX.

Residents may comment on the report until Sept. 21, and hearings will be held on Aug. 29 and 30 in Utah and Salt Lake counties. "People need to look at that (report) and come to the meetings," said Steve Meyer, UTA manager of commuter rail construction. "We want to know if we are understanding their issues and concerns."

UTA said it will begin advertising for contractors to build the line by mid-September. The agency has already signed with the engineering firm Parsons Brinckerhoff to design the line, stations and park-and-ride lots.

Early next year, work could begin to relocate utilities such as power, water and gas under the rail corridor, according to Meyer. Railway construction could begin as early as next summer, and UTA anticipates it could be completed by 2012 or 2013.

"At this point, our goal as far as a time frame is to have it done before I-15 reconstruction begins" in Utah County, UTA spokesman Chad Saley said in an interview Monday. "At the very latest, 2015, but it's more likely going to be 2012, 2013."

Transportation planners want to begin reconstructing I-15 by 2011, but there is no funding available now to rebuild the highway. The lack of funding could push back that reconstruction date.

UTA is about 80 percent finished with a northern commuter-rail system from Salt Lake City to Pleasant View in Weber County. Last week, crews began testing trains on a segment of the rail line near Farmington. FrontRunner North is expected to begin service in the spring of 2008.

The northbound segment is being funded with a mix of federal and local money. The southbound segment will be funded solely with local tax dollars approved last November by voters in Salt Lake and Utah counties.

UTA plans to have information about FrontRunner South on its Web site by Wednesday at: [www.rideuta.com](http://www.rideuta.com). Information is already available there about the northern section of the rail line.

**ENVIRONMENTAL IMPACT STUDY:** The EIS study is being conducted and completed by Bio-West in Logan, Utah.

**MAG TRAFFIC NUMBERS:** Traffic projections done by MAG have put the number of vehicles using the Causeway in excess of 40,000 per day. This number has exceeded our own projections which we recognized as conservative.

**NEED & ADVANTAGES:** For the cost of one gallon of gas, a driver will be able to save between forty five minutes to one hour in travel time and save between thirty and thirty five miles of distance. It doesn't take a rocket scientist to figure the time and economic savings attendant to the proposed project.

The information contained herein is deemed to be accurate, but is not guaranteed. For further information and notice of updates and changes please contact:

UTAH CROSSING, INC.

P.O. Box 1451

Draper, UT 84020

Tel: (801) 380-1110

## What do you think about Savings?

### Thought # 1: Reduce traffic through downtown Lehi

**If:** According to a recent study of Lehi City, downtown traffic from east to west is approximately 58,000 trips per day.

If we assume that there is an additional 14,500 trips per day (25% more) traffic that travels east and west, but does not use Main Street,

**Then:** Total eastwest traffic is 72,500 per day

Assume that 70% of that traffic will use the more direct causeway route. Equals a total of 50,750 total trips per day across the causeway immediately. (Which is almost all the traffic through downtown Lehi) Equals a total of 304,500 total trips per week. (Based on 6 days per week) Equals a total of 15,834,000 total trips per year.

### Thought # 2: Fuel Savings

**If:** Based on the distances, there is approximately 3 miles of distance saved to cross Utah Lake at 800 North in Orem, and then north along Redwood Road, compared to I-15 north and Lehi Main Street west.

**Then:** Therefore with 50,750 trips per day, that is a total daily savings of 152,250 miles traveled everyday by motorists.

**And if:** You assume that 80% of that traffic is regular vehicles with an average MPG of 16, and the other 20% of that traffic is commercial trucks with an average MPG of 6.

**Then:** There is a total of 7,613 gallons of fuel used by vehicles daily. There is a total of 5,075 gallons of fuel used by Commercial trucks daily. At an average of \$2.75 per gallon, there is a savings of \$34,892 per day in total fuel costs. That equals a savings of \$209,352 per week in fuel costs. That equals a savings of \$10,886,304 per year in fuel costs.

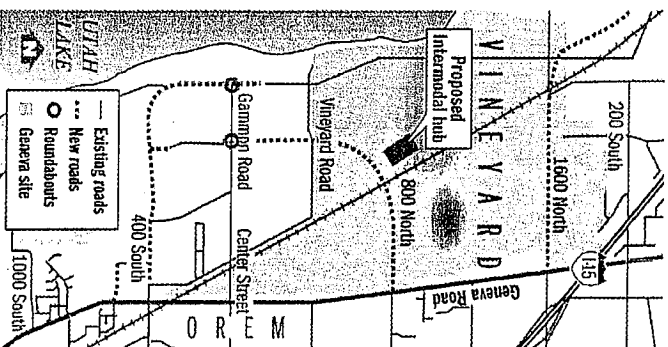
**And if:** We use the IRS allowable reimbursement pricing of \$0.43 per vehicle mile and \$1.28 per commercial truck mile

## Transit hub in Vineyard?

### UTA says project could be development 'catalyst'

By Sara Ikenalson  
Deseret Morning News

**VINEYARD** — With gas at nearly \$3 a gallon and I-15 clogged like a coronary artery after years of a Big Mac diet, Vineyard may be a key component to solving some of Utah County's transportation woes.



Deseret Morning News Graphic

Growth in the community of 150 is set to explode, thanks to potential for development on the old Geneva Steel site, once it has gone through the environmental-cleanup process.

"TOD can be a catalyst for Vineyard development," Meyer said. "It's not going to be the be-all, end-all — transit's good, but it's not that good — but (it becomes) a gathering point. A lot of people pass through there every day (giving) additional incentive for higher density."

To emphasize his points, Meyer showed slides of the construction on UTA's FrontRunner commuter rail weaving its way through Salt Lake, Davis and Weber counties, and the corresponding hubs being designed and built.

Vineyard officials listened Wednesday night to ideas about a potential intermodal hub in their small town — an alternative to car-dependent travel. Intermodal hubs are transportation centers that, in one place, link bus routes, FrontRunner commuter rail and possibly even light rail.

"We just wanted to talk about what we think is going to happen in the future," said town planner Jennifer Robison, as she introduced Steve Meyer, a Utah Transit Authority representative, to town officials. "We're beginning our initial planning of what we think is going to be important for the long term of the town."

Meyer, manager for UTA's commuter rail projects, explained how "transit-oriented development," or TOD, could benefit Vineyard as well as the surrounding communities by diverting traffic from I-15 to other transit options.

UTA hopes Vineyard eventually will OK such a hub in the town.

Most transit-oriented developments have commercial or residential features within walking distance of the transit station and serve as an extension of the existing community.

"A TOD should complement your vision," Meyer said. "It should take advantage of major investments (and) open spaces. Play off assets that you may already have. We want to ... put your vision into place and integrate it with our transit system."

Vineyard, west of Orem and formerly home to Geneva Steel, has the challenge of building a city as well as a transportation infrastructure.

crumbling supports.

When people know that the lawsuits that are sure to follow after a bridge collapses are going to drain millions of dollars of their own money — not the taxpayers' money — that keeps the mind focussed.

Those who like to think of the government as the public interest personified may be horrified at the idea of turning a governmental function over to private enterprise.

Politicians who want to hang onto sources of patronage and power will, of course, encourage people to look at things that way. But the track record of privately run infrastructure will compare favorably with government-run infrastructure.

But that is only if we stop to compare — and to think.

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Thomas Sowell is a senior fellow at the Hoover Institution, Stanford University.

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**Then:** Total depreciable costs per day equals \$52,374 in vehicles and an additional \$38,976 in depreciable costs per day in commercial trucks. This equals \$16,340,688 in depreciation savings in vehicles per year, and an additional \$12,160,512 in depreciation savings for commercial trucks per year.

### ***Thought # 3: Time Savings***

**If:** The distance saved per trip is 3 miles, and if the average speed of that distance is 15 MPH (based on stop start and rush hour averages).

**Then:** That is approximately 12 minute savings on each trip.  
Therefore there is 10,150 hours of time saved each day.  
Equals a total of 60,900 man hours saved per week.  
Equals a total of 730,800 man hours saved per year.

**And  
If:**

Using as average wage of \$10.00 per hour.

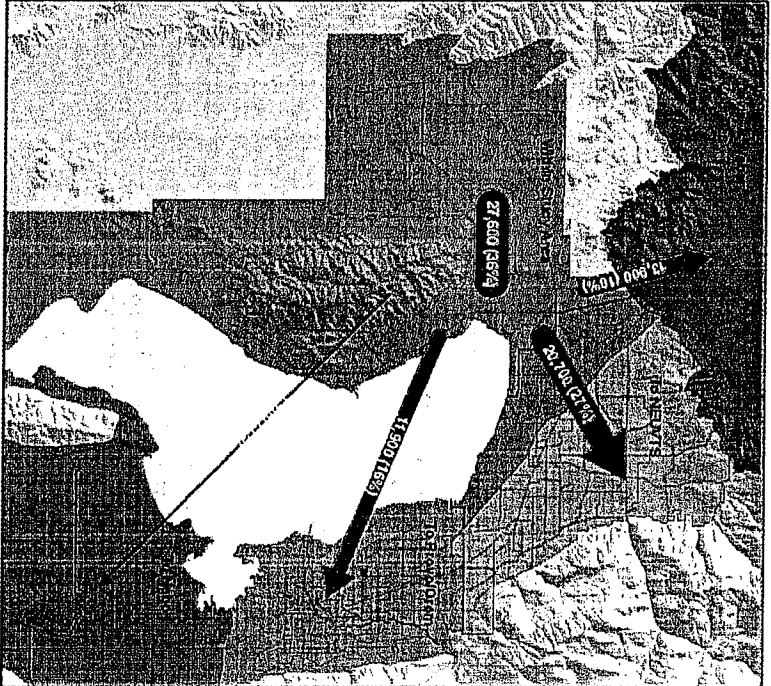
**Then:** Equals a total of \$609,000 saved per week.  
Equals a total of \$7,308,000 saved per year.

### ***Thought # 4: Emissions Control and Air Quality***

**If:** The average amount of pollution emitted from a car is 37.26 pounds per day and a commercial truck is 74.52 pounds per day. (Based on 12,000 miles per year)

**Then:** The average amount of daily pollutant withheld from entering the air is 207,060 pounds per day.  
Equals a total of 1,449,420 pounds per week.  
Equals a total of 75,576,900 pounds per year.

Figure 2.5  
 Total Trips from Study Area, 2001



# LAKE MOUNTAIN TRANSPORTATION STUDY

## Bridges should be built by private firms, not taxes

By Thomas Sowell

It took a collapsing bridge in Minnesota to alert people across the country to the fact that many other bridges in many other places have been allowed to deteriorate without adequate maintenance.

If this were just a matter of poor political leadership at various levels of government, we could at least hope for better leaders in the future. But the problem goes deeper than that.

It is not just the people but the incentives that are responsible for the neglect of infrastructure, while tax money is lavished on all sorts of less urgent projects.

In other words, when there is a complete turnover in political leaders over time, the same problem will remain, because the same incentives will remain when new leaders take over.

Some people claim that the problem is how much money it would take to properly maintain bridges, highways, dams and other infrastructure. But money is found for other things, including things far less urgent and some things that are even counterproductive.

The real problem is that the political incentives are to spend the taxpayers' money on things that will enhance politicians' chances of getting re-elected.

There may be enough money available to maintain bridges and other infrastructure but that same money can have a bigger political pay-off if spent building something new instead of maintaining and repairing existing structures.

When money is spent building a new community center, a golf course, or anything that will be newsworthy, there will be ribbon-cutting ceremonies and the politicians who cut the ribbons can expect to see their pictures in the newspapers and on TV.

All that keeps their name before the public in a positive role and therefore enhances their prospects of being re-elected.

But there are no ribbon-cutting ceremonies when bridges are being repaired or potholes are being filled in. These latter activities may be more valuable than a community center or a golf course, but they are not nearly as photogenic.

The preference for showy projects that will enhance a politician's career prospects is not peculiar to current politicians. Adam Smith pointed out the same thing about politicians in 18th-century Europe.

We can vote the rascals out, but the new rascals who replace them will face the same incentives and in all likelihood will respond in the same way.

A pattern that has persisted for more than two centuries is likely to continue unless something fundamental is changed.

What really needs to be done is to change the incentives.

While most bridges in the United States are owned and operated by government agencies, there are times and places where bridges have been owned and operated by private companies, just as numerous other goods and services are provided through the marketplace.


How would that change the incentives?

A company that has to get the money to build and maintain bridges or other infrastructure through the voluntary actions of people in the financial markets, instead of being able to extract money from the taxpayers, is going to find financiers a lot more finicky about what is being done with their money.

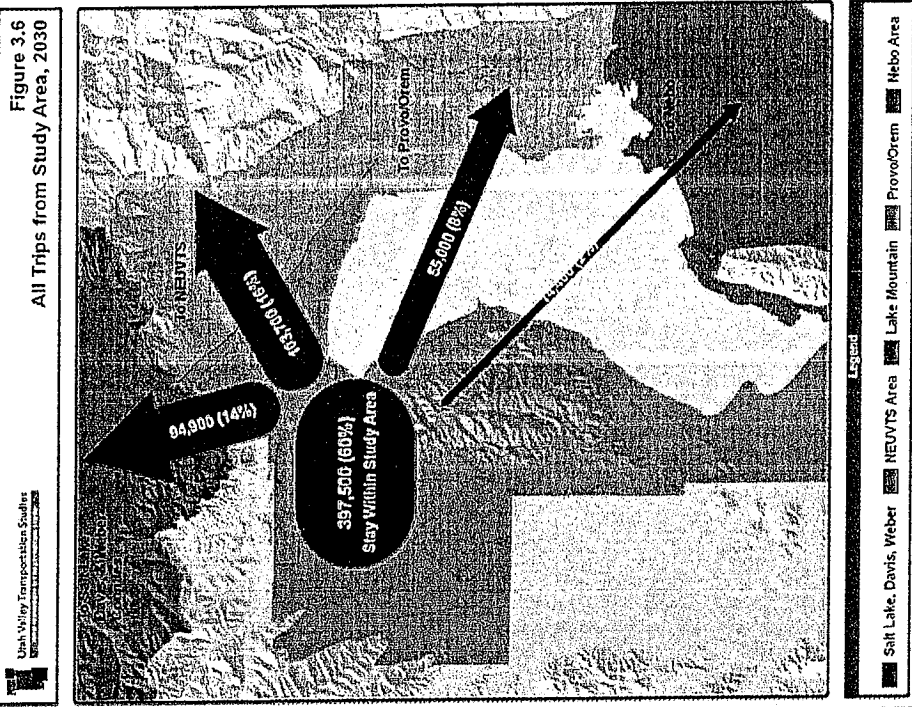
People who are putting their own money on the line are going to want to have their own experts taking a look under the bridges they finance, to see where there are rust, cracks or

Please keep us advised of progress in your project. Although we support the concept, we are proceeding with our development plans. Without a confirmation of the viability of your Lake connection project before we begin platting or development along the west boundary of our property, we will proceed without the project being included in our development.

Sincerely,

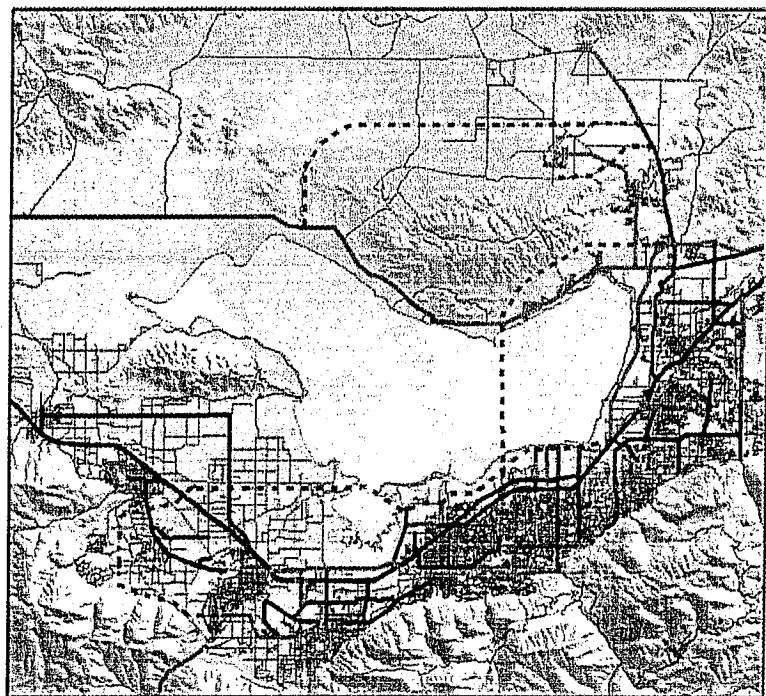
  
Dennis M. Ashill  
Project Manager and Legal Counsel

DMA's  
cc: Gerald D. Anderson  
Michael L. Hachings



# LAKE MOUNTAIN TRANSPORTATION STUDY

Figure 5.10  
 Countywide Recommended Road Projects



LAKE MOUNTAIN TRANSPORTATION STUDY

Anderson Geneva

April 27, 2007

59 N. Geneva Road  
 Vinland, UT 84652  
 Telephone (801) 225-4311  
 Fax (801) 225-4311  
 Facsimile (801) 225-4311

Leon Harward  
 Utah Crossing, Inc.  
 P.O. Box 1431  
 Draper, UT 84020

Re: Utah Lake Crossing

Dear Mr. Harward:

As you know I am legal counsel and Project Manager for Anderson Geneva Development, Inc. ("AGDI"), the developer of the Geneva Property. This letter is written to confirm our recent discussions regarding the possibility of your development of a crossing over Utah Lake ("Lake") connecting the east side of the Lake to the west side of the Lake.

We are intrigued by your project and wish to express our support for the concept. We also discussed the possibility of such a crossing making a connection to the east side of the Lake at a point which would connect with our property. We would be in favor of a connection to the west boundary of our property depending on several conditions. The conditions would generally be:

- (i) our approval of the location of the connection,
- (ii) our approval of traffic studies and concepts for the connecting roadway,
- (iii) consideration of the impact the proposed connection would have on local and regional traffic through our property, and
- (iv) your ability to complete, finance and operate the Lake connection over the long term.

We are supportive of the concept and wish you success. As indicated above, we have given consideration to a possible location of a connection of our property to the Lake crossing. We intend to run an extension of 800 North street west through our property. It would make sense that a connection be made to our extended 800 North roadway in order to facilitate traffic flow through our property. Although the extension of 800 North through the west end of our property may be moved to the north or south to facilitate our development plans, it is currently shown in our preliminary plans as an 800 North extension.

**QUESTAR**

Questar Gas Company  
1144 West 200 South  
PO Box 42342  
Salt Lake City, UT 84146-0342  
Tel: 801 426-2200 • Fax: 801 724-3974  
Vaughn W. Shosted  
General Manager, Central Utah Region

March 22, 2007

Mr. Leon Harward  
1002 North 100 East  
Spanish Fork, UT 84660

Dear Mr. Harward:

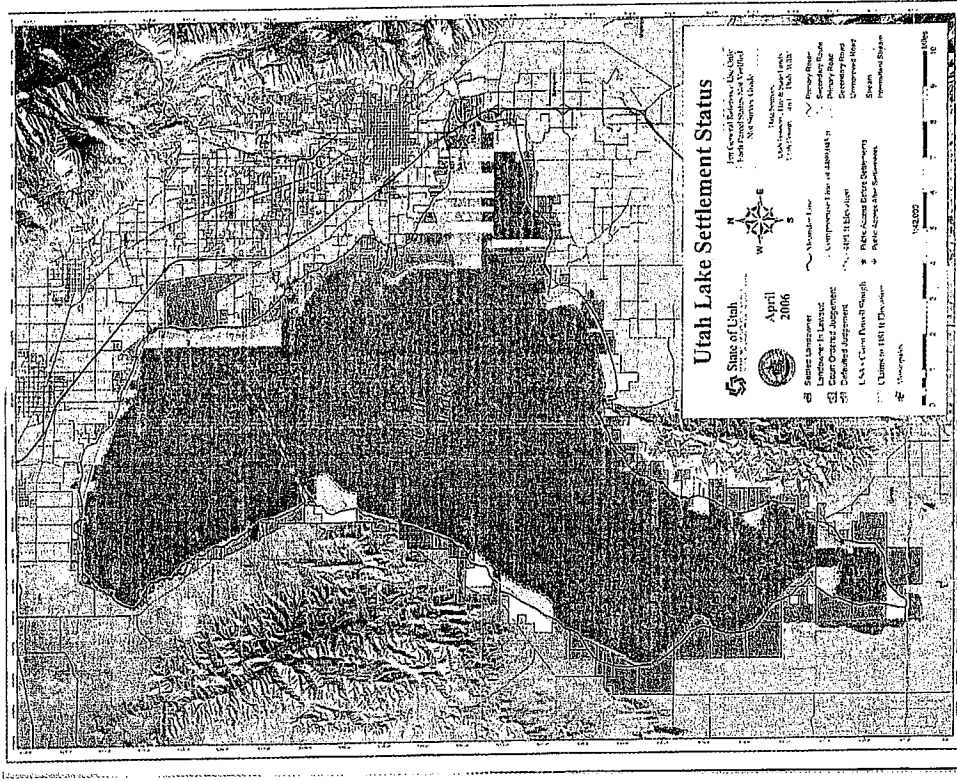
I am writing regarding the proposed causeway to cross Utah Lake. As I mentioned earlier, Questar Gas Company (Questar Gas) is interested in negotiating for the procurement of an easement across the causeway for purposes of constructing a natural gas pipeline.

Questar Gas does not, by this letter, agree to purchase such an easement, or to construct such a pipeline, but it is willing to engage in discussing the matter.

Sincerely,

*Vaughn W. Shosted*  
Vaughn W. Shosted  
General Manager  
Central Utah Region

1a









153 North 100 East • P.O. Box 255 • Lehi, Utah 84043  
768-7100 • Fax: 768-7101

September 17, 2007

Mr. Leon Harward  
President  
Utah Crossing  
P.O. Box 1451  
Draper, UT 84020

Re: Utah Lake Causeway

Dear Mr. Harward,

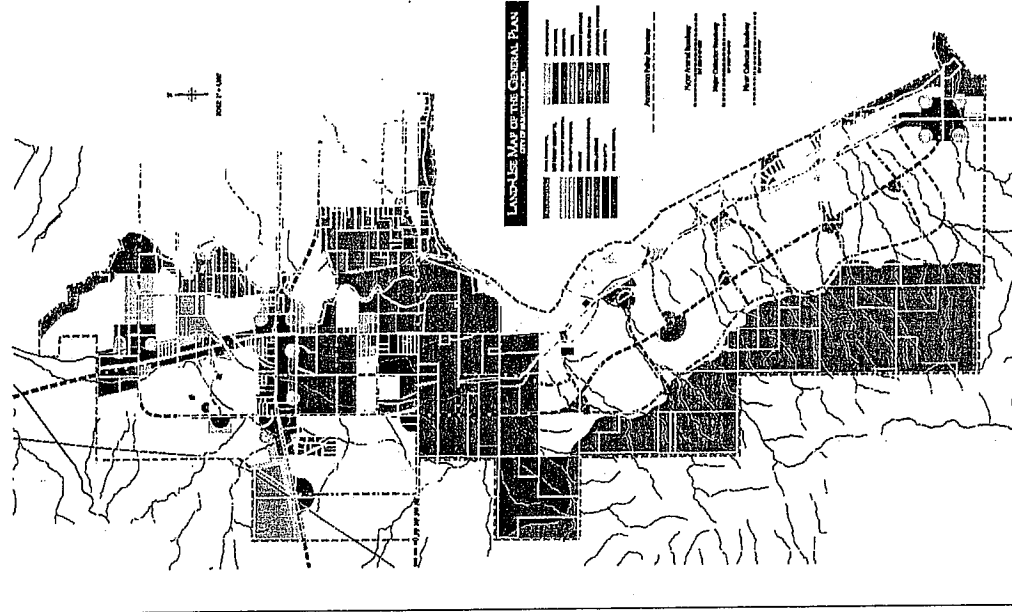
I appreciate your interest in the transportation needs of Utah County, and I have enjoyed our conversations relative to the need for a solution to improve traffic concerns in the Lehi area.

As I understand it, the Utah Lake Causeway would have a significant and positive impact on our community by diverting traffic from the much congested Lehi Main Street and would allow the citizens of Saratoga Springs and Eagle Mountain a more direct route to their destinations in the Orem/Provo area.

I fully understand the need for a solution to Lehi's traffic congestion and believe that the Utah Lake causeway would help alleviate those traffic concerns; therefore, I am in full support of the Utah Crossing, Inc.'s proposal for a causeway across Utah Lake.

Sincerely,

*Howard H. Johnson*  
Howard H. Johnson  
Lehi City Mayor



SARATOGA SPRINGS GENERAL LAND USE PLAN



**State of Utah**  
DEPARTMENT OF NATURAL RESOURCES  
MICHAEL R. STYLER  
Executive Director  
Division of Forestry, Fire and State Lands  
A. JOEL HANSEN  
Senior Forestry Division Director

June 12, 2007

Utah Lake Commission  
% Clyde Naylor  
Utah County Public Works  
2855 South State Street  
Provo, UT 84606

RE: Utah Lake Crossing

Dear Clyde:

The purpose of this letter is to inform you that Barry Tripp and I, on behalf of the Division of Forestry, Fire and State Lands, met with Leon Harvard and Skip McWhorter of Utah Crossings, Inc. concerning a proposed crossing of Utah Lake between Vineyard and Saratoga Springs. The state's position has been, and continues to be, that the development of the comprehensive master plan will provide direction for the management of sovereign lands within Utah Lake, and that there is a withdrawal of new projects and applications on the lake until the master plan is implemented. Additionally, the Utah Lake Commission will serve to be a cohesive voice in the support or opposition to development projects for the lake.

We discussed the application process required if such a project is proposed. This process would entail some economic and environmental analysis before any decision is made by our division with such a project. Regardless of the urgency of the project as represented, a coordinated, collaborative process will be sought for all projects for Utah Lake.

If you have any questions, please feel free to give me a call at 801.538.5504.

Yours sincerely,

Dave Grierson  
Planner/ Sovereign Lands Coordinator

c Leon Harvard, Utah Crossings, Inc., PO Box 1431, Draper UT 84020





UTAH COUNTY  
County Engineer-Surveyor

Clyde R. Naylor, Engineer-Surveyor

2455 South State Street  
Provo, Utah 84606  
Phone 801-851-8000

May 4, 2007

Leon Harvard  
1002 North 1100 East  
Spanish Fork, Utah 84660

Re: Utah Lake Causeway

Dear Leon:

Thank you for sharing your goals with me last Monday concerning the development of a causeway across Utah Lake. As you are aware, I have been supportive of a causeway for many years. The 1989 Engineering report that I prepared identified two needs for the causeway. The causeway could provide a direct transportation link for the west side of the lake and could improve the clarity of the water by reducing the wave action that occurs on the lake. The 1992 Utah Lake Development Feasibility Study that I prepared again supported the need for a causeway and identified some probable costs. I have always felt that funding is the key to developing the causeway.

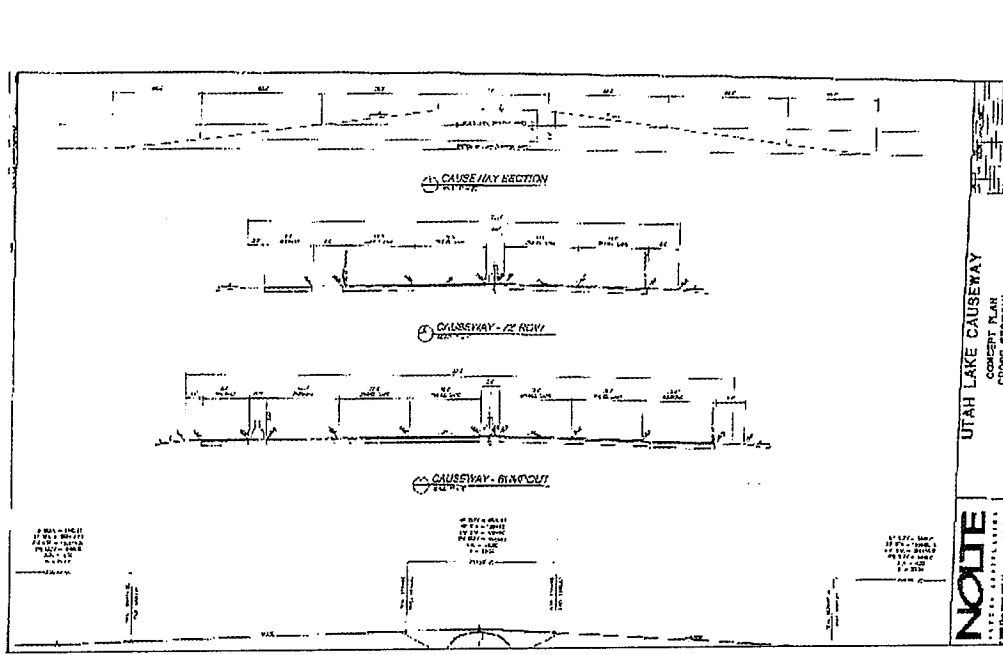
There are several other issues relating to the development of the causeway. I was happy to hear that you have been working on funding as well as the other potential issues. I do believe that your plan to privately fund the causeway will be key to your success. I liked your proposed causeway location because of its relationship to major transportation corridors on both ends; because of only creating minor impacts to wetlands; and because of the shallower water depth in the area.

I hope you are successful in completing your goals.

Sincerely,

*Clyde R. Naylor*

Clyde R. Naylor, P. E.



## UTAH LAKE COMMISSION

The newly formed "Lake Commission" is a new arriver on a lengthy Lake condition dialogue. The conversation of such an entity has been bantered for some time.

Last fall, as we were in the process of talking with and requesting corridor lease approval for the causeway location, the lake commission idea had generated considerable political attention. It had been determined that the following legislative session would take up the issue and approve the organization and formation of a "lake commission".

The State Lands people decided at that time to defer all decisions affecting the land under the water of the lake until the lake commission was formed and could take the lead in all future lake issues.

The commission was approved in the Legislative session this past spring, was organized and has been operating since June of this year. We have been in close communication and contact with all members of the board to keep all on the updates of the causeway crossing itself.

We are waiting finalization of an agreement with the County Commission, to replace Utah Crossing as the lead entity having the EIS work that is being done by Bio-West.

Two very important ingredients in the entire process require the EIS completion and the easement agreement with the State Lands. All agencies are currently waiting for the approval of the Lake Commission to build a causeway.

We have done enough preliminary work with the board members of the commission, and have received support or endorsement letters from the majority of the board.

These two items should be completed within the next 60 days.



## Utah County Commission

LARRY A. ELLESTROM, (801) 951-8133 | 100 EAST CENTER STREET | SUITE 2000 | PARKER, UTAH 84606  
FAX (801) 951-8146  
LARRY.ELLESTROM@STATE.UT.US  
WWW.UTAHCOUNTYONLINE.COM

April 3, 2007

Mr. Leon Harward  
Utah Crossing  
P.O. Box 1451  
Draper, UT 84020

Fax: 801-796-3980


Dear Leon,

I am writing this letter in conjunction with our conversations regarding a roadway across Utah Lake. This is a subject which has been talked about for a number of years. The current discussion, however, is much more intense and of a serious nature than I have seen it in the past.

In my discussions with MAG and UDOT there are a number of issues regarding transportation corridors around the lake in which this roadway is and will play a part in. I appreciate your interest in the transportation needs of Utah County and will be very interested in the results of your study.

Keep me informed of your progress and best wishes in your endeavors.

Cordially,

  
Larry A. Ellestrom  
Utah County Commissioner

LA/Ebb

HOUSE OF REPRESENTATIVES  
STATE OF UTAH



REPRESENTATIVE  
BRADLEY N. DIAW  
DISTRICT 60  
UTAH COUNTY

842 E. 280 S.  
OREM, UTAH 84097  
HOME (801) 228-5075  
E-Mail: bdaw@utah.gov

7 October, 2007

Leon Harvard, President  
Utah Crossing, Inc.  
P.O. Box 1451  
Draper, UT 84020

Mr. Harvard:

I wanted to take a minute and thank you for taking the time to meet with me and explain your proposal for constructing a causeway across Utah Lake. I appreciated the fact that you had done your homework, that you had a comprehensive and well crafted plan for getting the project approved, funded and completed. You have clearly considered the issues and have taken the initial steps to ensure the success of the project.

If find this kind of project appealing because there are three separate groups who will benefit. First, the residents of Eagle Mountain and Saratoga Springs will have a much shorter and less congested route for getting across the lake. Second, the residents of Lehi will have much less traffic clogging up Main Street almost all hours of the day. And third, since the project will be funded privately and will be paid for by those who will be using the causeway, the taxpayers of Utah will benefit.

Thank you for the work that you have done. I look forward to seeing this project move forward with all reasonable speed.

Sincerely,

Representative Brad Diaw

CAUSEWAY CORRIDOR

The time, effort and consideration of all issues in the appropriate placement of a corridor crossing across Utah Lake has required listening, planning, empathy and vision. Among those things, applying some practical and common sense to current issues and concerns to eliminate some future flaws in the placement of a causeway crossing.

Consideration:

Environmental - wetlands  
Traffic patterns  
Safety  
Growth impact  
Lake fish and wildlife  
Lake Currents  
Ice build up and damage  
Vehicle emissions effects  
Improvements of the lake & lake shore  
Location for access on both sides of the lake  
Engineering and construction quality & design  
Cost and expense justification  
Who will use it  
Inherent liability  
Maintenance expense

We have gone to great pains to address each and every issue in an attempt provide the best locations on both sides and mitigate, reduce or minimize each concern. The proposed location simply makes sense.



Vineyard/Orem Looking East to Saratoga Springs

## ENDORSEMENTS

A concerted effort during the past two and half to three years has been directed at public, private and political support. That course has provided a tremendous support from a wide variety of public and private venues.

**MAG (Mountain Land Association of Governments).** MAG is an independent quasi-government agency charged with the specific responsibility of traffic studies, traffic trends, population growth and effects, and the proposed solution to the future problems relating to those issues. MAG has on their future road plan a Causeway across Utah Lake that compliments the proposal that has been made by Utah Crossing. The numbers of vehicle travel attending this Business Plan are of their research and are independent of the numbers that we were using originally, and are as much as twice what we had projected.

**Rocky Mountain Power:** We have had several discussions with the powers to be and they have indicated a desire to acquire an easement across the Causeway. The exact details and cost to them have not been determined. The easement would allow much greater utility transportation too and on the "west side" of the Lake.

**Questar:** Questar has expressed great interest in the completion of the Causeway for an easement for both travel as well as utility transportation. During our conversations with management, the provision of "west side" gas delivery as a priority was overshadowed by the need for emergency service provision in a timely fashion. The Questar office location in Springville, Utah is an inconvenient travel distance to Saratoga Springs, or Eagle Mountain. It takes Questar, two and one half hours of travel time to get to the west side in cases of emergency after they have mobilized. This was a big topic after the house explosion in Saratoga Springs, this past spring.

**Qwest:** They have been part and parcel to the discussions involving utility service delivery to the expanding "west side" and have expressed like desires to have easement access across the Lake via the Causeway.

**Central Utah Water Project:** The CUP is currently in a horse race to deliver water to subscribers on the "west side" of the Lake. Environmental issues involving northern "wet lands" and the cost has them concerned about timing and cost effectiveness. Causeway approvals would play an important roll in determining delivery options. Our time lines will have an impact on their future corridor.

## HOUSE OF REPRESENTATIVES STATE OF UTAH

REPRESENTATIVE  
KENNETH W. SUMMISON  
DISTRICT 56  
UTAH COUNTY



P.O. BOX 1475  
AMERICAN FORK, UTAH 84603  
CELL (801) 464-8238  
E-MAIL ksummison@utah.gov

Utah Crossing, Inc.  
Leon Harward, President  
P.O. Box 1451  
Draper, UT 84020

Dear Mr. Harward,

I am supportive of the proposals to move forward with initiating an Environmental Impact Study for developing and building a road structure across Utah Lake. My intent in supporting this effort is not to distract from or substitute such efforts as are now underway with the Mountain View Corridor study and/or proposed corridor roads and freeway through northern Utah County.

With the continued growth in northern Utah County additional roads will be necessary to accommodate the traffic congestion that will result even after building several east-west roads. With the east-side lake communities building out the projections are for the west-side lake areas to see an additional 250,000 residents during the next 20 or so years.

Today is the time to begin working and planning for this growth. As an elected state representative I would like to see our communities jump forward in our transportation planning and construction of regional roads that will not only be of benefit today but in the future as well.

A Utah Lake road, if built within the next few years, will require a public-private partnership to fund this project. Currently, such a road is barely on the radar of future transportation planning. With a private partnership funds will be available today to begin this long process.

I encourage the elected officials, at all levels, within Utah County to come together to make this road a reality.

Sincerely,

Kenneth W. Summison, Representative  
(801) 368-8299  
ksummison@utah.gov

HOUSE OF REPRESENTATIVES  
STATE OF UTAH



REPRESENTATIVE  
MICHAEL T. MORLEY  
DISTRICT 66  
UTAH COUNTY

678 W. 350 N.  
SPANISH FORK, UTAH 84660  
E-Mail: [mikemorley@utah.gov](mailto:mikemorley@utah.gov)

June 6, 2007

RE: Utah Lake Causeway

To Whom it May Concern:

I have met on several occasions with Leon Harward and his group regarding a proposed causeway across Utah Lake. After several months of investigation and consideration, I am satisfied that Mr. Harward et al have thoroughly investigated the options associated with this endeavor.

It is my opinion, based on the information I have received, that the alignment being proposed seems to be the most advantageous and avoids many of the environmental pitfalls such as wetlands and endangered species spawning locations. Proposed to run roughly from just north of Pelican Point on the west to 800 North in Orem, expansion of which is already underway and connects directly with Provo Canyon, this route would provide a reasonable east/west corridor and help to mitigate the traffic congestion in northern Utah County.

Further, I have met with Mr. Harward's team and financier and believe them to be credible. I would recommend that we, as a committee, carefully review and discuss this proposal.

A causeway such as the one proposed by Mr. Harward would undoubtedly relieve pressure on the I-15 corridor and would facilitate expansion on the west side of Utah Lake. If properly designed and implemented, this proposal would do much to enhance Utah Lake.

Sincerely,

Mike Morley  
Legislative Appointee to Utah Lake Commission

POLITICAL SUPPORT

|                                 |                                     |
|---------------------------------|-------------------------------------|
| Sen. Curtis Bramble             | Sen. Mark Madsen                    |
| Sen. Margaret Dayton            | Sen. Howard Stephenson              |
| Rep. Ken Sumsion                | Rep. Mike Morley                    |
| Rep. Brad Daw                   | Rep. Craig Frank                    |
| Mayor Howard Johnson: Lehi      | Mayor Tim Parker: Saratoga Springs  |
| Mayor Randy Farnworth: Vinyard  | Mayor Jerry Washburn: Orem          |
| Mayor Heber Thompson: Am. Fork  | Mayor Jim Brady: Mapleton           |
| Larry Ellertson, Ut County Com. | Gary Anderson, Ut County Com.       |
| Steve White, Ut. County Com.    | Clyde Naylor, Ut County Public Wks. |

AGENCY SUPPORT

|                            |                                |
|----------------------------|--------------------------------|
| Barry Tripp, Dept Nat Res. | Dick Buehler, Dept. Nat Res.   |
| Dave Grierson, State Lands | Michael Styler, Dept. Nat Res. |
| John Nord, UDOT            | Utah Tax Payers Assoc.         |
| Darrell Cook, MAG          |                                |



SENATOR  
MARK B. MADSEN  
THIRTEENTH DISTRICT  
100 W. 100 S. & 100 E. STS.



UTAH STATE SENATE  
100 W. 100 S. & 100 E. STS.  
SALT LAKE CITY, UTAH 84114-5115  
(801) 536-1005 • FAX (801) 124-4773

DR. GUY D.  
100 W. 100 S. & 100 E. STS.  
SALT LAKE CITY, UTAH 84114-5115  
(801) 536-1005 • FAX (801) 124-4773

SENATOR  
MARGARET DATTON  
FIFTEENTH DISTRICT  
UTAH COUNTY



UTAH STATE SENATE  
100 W. 100 S. & 100 E. STS.  
SALT LAKE CITY, UTAH 84114-5115  
(801) 536-1005 • FAX (801) 124-4773

97 W. WESTVIEW DR.  
OREM, UT 84058  
(435) 881-2214  
(801) 881-2215  
email: mdatton@senate.utah.gov

August 31, 2007

Leon Harvard, President  
UTAH CROSSING, INC  
P.O. Box 1451  
Draper, Utah 84020

RE: Proposed Lake Causeway

Dear Mr. Harvard,

As I expressed in our meeting, I am concerned about the current and future transportation issues facing Utah County and collateral negative impacts. Your causeway concept is appealing and would offer some relief for serious east west travel problems.

It was encouraging to hear of the progress you and your group have made in developing the Utah Lake causeway concept. As I told you when we met, I am supportive of the project and eager to do what I can to keep the it moving ahead.

Please keep me informed and updated on progress, and let me know what I can do to help see this idea brought to fruition.

Sincerely,

*Mark Madsen*

Mark Madsen

Dear Mr. Harvard,

Thank you for taking time to talk to me about your proposal for a causeway across Utah Lake. I understand that this discussion has been taking place since statehood, and I appreciate you moving ahead with a concrete proposal.

There are several elements about your proposal that I appreciate:

- The fact that you have involved elected officials on three levels of government in the discussion, along with state and federal agencies, and also Anderson Development, Questar and Rocky Mountain Power, adds validity to your proposal
- The option of reducing large amounts of traffic through Lehi and along 115 is also a plus as UDOT continues to work on additional solutions for those highly impacted traffic areas.
- If the proposed causeway were in place, improved emergency vehicle access to communities on the west side of the lake would also be significant.

I have, and continue to be, opposed to toll roads unless the driving public has an alternative route that is not a toll road. The proposal for the payment of your causeway concept makes financial sense.

While I realize there may be other causeway options considered and even built at some future date, I am impressed with your proposal and encourage you to continue to move forward in this effort.

The Utah Lake Causeway you propose connects communities on the west side of Utah Lake with Vineyard. As Vineyard is included in my senate district, I am appreciative of the time you have taken to update me on the progress of your causeway concept.

*Margaret Datton*