

**MINUTES OF THE
POLITICAL SUBDIVISIONS INTERIM COMMITTEE**
Wednesday, September 17, 2008 – 2:00 p.m. – W020 House Building

Members Present:

Sen. Dennis E. Stowell, Senate Chair
Rep. Fred R Hunsaker, House Chair
Sen. Fred J. Fife
Sen. Michael G. Waddoups
Rep. Sheryl L. Allen
Rep. Tim M. Cosgrove
Rep. Bradley M. Daw
Rep. Gage Froerer
Rep. Kerry W. Gibson
Rep. Richard A. Greenwood
Rep. Christopher N. Herrod
Rep. Christine A. Johnson
Rep. Jennifer M. Seelig
Rep. R. Curt Webb

Members Absent:

Sen. Sheldon L. Killpack
Rep. Brad King
Rep. Carl Wimmer

Staff Present:

Mr. Joseph Wade, Policy Analyst
Mr. Robert H. Rees, Associate General Counsel
Ms. Wendy L. Bangerter, Legislative Secretary

Note: A list of others present, a copy of related materials, and an audio recording of the meeting can be found at www.le.utah.gov.

1. Committee Business

Chair Hunsaker called the meeting to order at 2:55 p.m.

MOTION: Sen. Waddoups moved to approve the minutes of the May 21, June 18, and August 20, 2008 meetings. The motion passed unanimously. Rep. Herrod, Rep. Johnson, and Rep. Seelig were absent for the vote.

2. Riparian Overlay Zones

Rep. Michael T. Morley introduced Master Study Resolution item #163 to study whether cities should be allowed to put riparian overlay zones on streams and creeks which are used as storm sewers and are where untreated run-off water is channeled (2008 General Session H.B. 454, "Regulation of Riparian Overlay Zones").

Ms. Susan Webster, a homeowner in a riparian overlay zone in Salt Lake City and a Vice President of the Red Butte Creek Property Owners Association, explained the problems and concerns of property owners whose property lies in a riparian overlay zone. She asked the Committee to overturn the ordinance passed by Salt Lake City in order to protect the property rights of those living along overlay zones.

Mr. Tom Hulburt, a homeowner and a Vice President of the Red Butte Creek Property Owners Association, further explained the impact to property owners along the creeks that were created by the city's ordinance. He distributed a handout titled, "Salt Lake City's Solution to Improving Water Quality in Our City Creeks."

Rep. Morley stated that he met with city officials and found that because there are still issues to be addressed a bill is not ready to be considered.

Rep. Herrod addressed "just compensation" for the "taking" of those personal properties.

Mr. Carlton Christensen, Chair, Salt Lake City Council, informed the Committee that the city is conducting a study and there is more work to do. He stated they will give the Committee a written response to this issue. He answered questions from the Committee.

Mr. Lynn Pace, Office of the Salt Lake City Attorney, distributed a fact sheet, "Riparian Corridor." He stated that the city has attempted to address reasonable concerns while trying to protect the sensitive waterways. He said that the city views this ordinance as a set-back ordinance.

Mr. Jeff Niermeyer, Salt Lake City, responded to questions from committee members.

Ms. Jodi Hoffman, Utah League of Cities and Towns, stated that at the meeting with all the stakeholders the issue of "taking" will be addressed. She said the League is committed to helping the parties solve this complex issue.

3. Assessment Areas

Mr. Rees, Associate General Counsel, explained assessment areas and how they have been provided for in statute. Mr. Rees explained 2009 General Session draft Legislation, "Assessment Area Amendments."

Mr. Blaine Carlton, Bond Counsel with Ballard Spahr Andrews & Ingersoll, referred to changes in the bill and especially reviewed Section 11-42-205 as the most substantive change. He emphasized that assessment bonds are currently being used to finance infrastructure, which was not the case when the statute was originally written.

Mr. Adam Trupp, Utah Association of Counties, stated the Association has no objections to the changes.

MOTION: Rep. Cosgrove moved to adopt 2009 General Session draft Legislation, "Assessment Area Amendments," as a committee bill. The motion passed unanimously. Rep. Herrod, Rep. Johnson, and Rep. Seelig were absent for the vote.

4. Townships

Ms. Ann Ober, Salt Lake City Mayor's office, explained the history of townships, changing statutes, and how the cities have been impacted.

Ms. Janice Houston, Senior Policy Analyst, Center for Public Policy, University of Utah, distributed and reviewed survey results from the study required by H.B. 40. She explained the survey process, reviewed the questions on the survey, and reviewed the results by region.

Mr. Lincoln Shurtz, Utah League of Cities and Towns, stated the intent of the survey was to get the citizens' viewpoint and he feels that the survey process was a good one. He noted that the feelings of citizens may change in the future depending on changes in governance and service responsibilities. He stated that city responses will be heard at the September 18, 2008 meeting, as well as other affected parties.

Mr. Lynn Pace, Cochair, Survey Committee, expressed his feelings that the survey was a good effort to try to understand the residents' wishes and his appreciation for the support of the Legislature in obtaining the survey. He feels there were other questions they should have asked, but looks forward to jointly coming up with a plan that reflects the residents' wishes so they will have power over their own future.

Mr. Bob Fisher, property owner, explained how he had formed a township which was approved by the county commissioner but was subsequently disapproved because the law was changed just prior to finalization of the township process.

Mr. Jeff Silvestrini, Chair, Salt Lake Community Council, said the near majority of the cities were happy with the survey results. He expressed his hope that the Committee will act according to recommendations resulting from the survey.

5. Other Items / Adjourn

MOTION: Rep. Daw moved to adjourn the meeting. The motion passed unanimously. Rep. Greenwood and Rep. Herrod were absent for the vote.

Chair Stowell adjourned the meeting at 4:55 p.m.