

**BOARD OF COUNTY COMMISSIONERS, UTAH COUNTY, UTAH**  
**MINUTES OF PUBLIC MEETING**  
**COMMISSION CHAMBERS, ROOM 1400**  
**OF THE UTAH COUNTY ADMINISTRATION BUILDING**  
**January 13, 2015 - 9:00 A.M.**

**PRESENT:** COMMISSIONER LARRY A. ELLERTSON, CHAIR  
COMMISSIONER WILLIAM C. LEE, VICE-CHAIR  
COMMISSIONER GREG GRAVES

**ALSO PRESENT:**

E. Kent Sundberg, Civil Division Chief Deputy Attorney	Ken Bowers, Springville Resident
David Shawcroft, Utah County Deputy Attorney	Wayne Burr, Orem Resident
Paul Jones, Utah County Deputy Attorney	Diane Christensen, Provo Resident
Nancy Newton, Utah County Attorney's Office	Katherine Gerken, Elk Ridge Resident
Julie Rollins, Utah County Purchasing Agent	Keri Guinn, Orem Resident
Brian Voeks, Utah County Commission Office	Inga Jones, Provo Resident
Diane Garcia, Utah County Assessor's Office	Lisa Liddiard, Pleasant Grove Resident
Sandy Hoffman, Utah County Assessor's Office	Pamela Openshaw, Provo Resident
Peter A. Jepps, Utah County Assessor's Office	Bob Oquirrh, Provo Resident
Clarissa Reeve, Utah County Assessor's Office	Grant Pearson, Lehi Resident
Jim Stevens, Utah County Assessor's Office	Barbara Petty, Orem Resident
Bryce Armstrong, Community Development	Julie Reneer, Provo Resident
Peggy Kelsey, Community Development	Buddy Richards, Utah County Resident
Brandon Larsen, Community Development	Cindy Richards, Utah County Resident
Joshua K. Ivie, Community Development	Keri Rossen, Provo Resident
Dr. Joseph K. Miner, Health Department Exec. Director	Dora C. Schuerfeter, Orem Resident
Marianne Christensen, Utah County Health Department	J. Allan South, Orem Resident
Mark Brady, Assistant Personnel Director	Derek Whetten, Orem Resident
Jane Ivie, Personnel Office	Bob Womack, Orem Resident
Richard Nielson, Utah County Public Works Director	Sandy Womack, Orem Resident
Andrea Allen, Utah County Recorder's Office	Steve Wyatt, Provo Resident
Gary Ratcliffe, Utah County Surveyor	Peter Anderson, -No further information given-
Kim T. Jackson, Utah County Treasurer	Lisa Brimley Clark, -No further information given-
Jake Anderegg, Utah House of Representatives	Jennifer Doud, -No further information given-
Jeff Acerson, Lindon City Mayor	R. Farland, -No further information given-
Steve Hansen, Utah Local Governments Trust	Carolina Herrin, -No further information given-
Ryan Hatch, Utah Local Governments Trust	Dave Hurst, -No further information given-
Chad Eccles, Mountainland Association of Governments	Haley Hurst, -No further information given-
Shawn Seager, Mountainland Association of Governments	Bill Lee, -No further information given-
Rich Guernsey, Planet Green Recycling	Loma Lee McKinnon, -No further information given-
Sharon Anderson, Orem Resident	Ray Pestorna, -No further information given-
Larry Ballard, Utah County Resident	Janet Russon, -No further information given-
Jennifer Baptista, Pleasant Grove Resident	Merlin Weekes, -No further information given-
E.D. Barfuss, Highland Resident	Mike Stansfield, Fairways Media
Julie Blaney, Payson Resident	Renée Huggins-Caron, Clerk/Auditor Admin. Assist.

Commissioner Ellertson called the meeting to order at 9:08 A.M. and welcomed those present. The following matters were discussed:

**PRAYER/READING/THOUGHT:** Greg Graves, Utah County Commissioner  
**PLEDGE OF ALLEGIANCE:** Bill Lee, Utah County Commissioner

**CONSENT AGENDA**

1. **APPROVE REDUCING THE PENALTY IN THE AMOUNTS LISTED FOR THE ATTACHED PERSONAL PROPERTY ACCOUNTS, HAVING BEEN IDENTIFIED AS MEETING THE QUALIFICATIONS UNDER ORDINANCE NO. 2010-4 AND RESOLUTION NO. 2011-64 OF THE UTAH COUNTY CODE**
2. **ABATE PERSONAL PROPERTY ACCOUNTS ATTACHED FOR THE YEARS INDICATED, HAVING BEEN IDENTIFIED AS UNCOLLECTIBLE; THERE ARE NO ASSETS AVAILABLE**
3. **APPROVE TAX CREDITS AND REFUNDS RECOMMENDED BY THE COUNTY TREASURER'S OFFICE IN CANCELLATION LETTER NO. 20323, DATED JANUARY 7, 2015**
4. **APPROVE PROPERTY TAX ACTIONS CONTAINED IN RECOMMENDATION LETTER NO. 2015-1**  
 The Board requested Consent Agenda Item No. 4 be moved to the Regular Agenda for discussion.  
 PULLED TO REGULAR

5. **ADOPT A RESOLUTION APPROVING VOLUNTEERS WHO WISH TO DONATE THEIR SERVICES TO THE UTAH COUNTY HEALTH DEPARTMENT**

6. **RATIFICATION OF PAYROLL**  

Period 1	4 Checks: \$ 10,237.28	1,052 Total Deposits: \$1,411,520.97	Total: \$1,421,758.25
		Federal Payroll Taxes	Total: \$ 209,177.40

7. **RATIFICATION OF WARRANT REGISTER SUMMARY**  

Register No. 7	January 5, 2015	Purchasing Cards 3773-3782	Total: \$ 1,269.18
Register No. 8	January 5, 2015	Check Nos. 203169-203179	Total: \$ 12,069.00
Register No. 9	January 6, 2015	Direct Deposit:21150-21157	Total: \$ 11,001.99
Register No. 10	January 6, 2015	Check Nos. 203180-203187	Total: \$ 24,278.94
Register No. 11	January 6, 2015	Direct Deposit:21158-21158	Total: \$ 11,379.54
Register No. 12	January 6, 2015	Bond Wires:361-361	Total: \$2,000,000.00
Register No. 13	January 6, 2015	Check Nos. 203188-203205	Total: \$ 169,761.53
Register No. 14	January 6, 2015	Check Nos. 203206-203238	Total: \$ 1,518.00
Register No. 15	January 7, 2015	Check Nos. 203239-203240	Total: \$ 790.00
Register No. 16	January 7, 2015	Check Nos. 203241-203243	Total: \$ 566.21
Register No. 17	January 7, 2015	Purchasing Cards 3783-3828	Total: \$ 89,299.61
Register No. 18	January 8, 2015	Direct Deposit:21159-21160	Total: \$ 5,688.78
Register No. 19	January 8, 2015	Check Nos. 203244-203249	Total: \$ 17,655.00
Register No. 20	January 8, 2015	Check Nos. 203250-203306	Total: \$ 109,352.36
Register No. 21	January 8, 2015	Check Nos. 203307-203308	Total: \$ 389.49
Register No. 22	January 8, 2015	Check Nos. 203309-203313	Total: \$ 669.56
Register No. 23	January 9, 2015	Check Nos. 203314-203320	Total: \$ 6,638.00
Register No. 24	January 9, 2015	Purchasing Cards 3829-3829	Total: \$ 193.65
Register No. 25	January 9, 2015	Direct Deposit:21161-21162	Total: \$ 1,224.20
Register No. 26	January 9, 2015	Purchasing Cards 3830-3830	Total: \$ 435.84
Register No. 27	January 9, 2015	Check Nos. 203321-203344	Total: \$ 16,573.38
Register No. 28	January 9, 2015	Direct Deposit:21163-21167	Total: \$ 1,388.40
Register No. 29	January 9, 2015	Bond Wires:362-362	Total: \$ 209,177.40

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<b>Register No. 30</b>	<b>January 9, 2015</b>	<b>Direct Deposit:21168-21177</b>	<b>Total: \$1,059,268.80</b>
<b>Register No. 31</b>	<b>January 9, 2015</b>	<b>Check Nos. 203345-203358</b>	<b>Total: \$ 84,315.74</b>
<b>Register No. 32</b>	<b>January 9, 2015</b>	<b>Check Nos. 203359-203367</b>	<b>Total: \$ 11,227.28</b>
			<b><u>Total: \$3,846,149.88</u></b>

Consent Agenda Item Nos. 1, 2, 3, 5, 6, and 7 were approved as written. Commissioner Ellertson recommended the following Regular Agenda items be moved to Consent:

- 3. **APPROVE EMPLOYEE DONATIONS OF LEAVE TIME WITHIN THE UTAH COUNTY RECORDER’S OFFICE**
- 4. **APPROVE (OR DENY) THE HURST FAMILY FARM SUBDIVISION, PLAT “A,” SUBJECT TO THE CONDITIONS STATED IN THE STAFF REPORT**
- 5. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN A MAINTENANCE AGREEMENT WITH CANON SOLUTIONS AMERICA FOR TWO IR6570 COPIERS, SERIAL NOS. DLP01992 AND SLP02097, BOTH LOCATED IN THE ATTORNEYS OFFICE - EXPIRES 11/18/2015**
- 6. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN A MAINTENANCE AGREEMENT WITH CANON SOLUTIONS AMERICA FOR AN IR2200 COPIER, SERIAL NO. MPG94776, LOCATED IN THE CHILDREN’S JUSTICE CENTER - EXPIRES 12/31/2015**
- 7. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN A MAINTENANCE AGREEMENT WITH CANON SOLUTIONS AMERICA FOR AN IR2270 COPIER, SERIAL NO. KBT00727; AND AN IR3300 COPIER, SERIAL NO. MPH28189, BOTH LOCATED IN THE HEALTH (NURSING) DEPARTMENT - EXPIRES 12/31/2015**
- 8. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN A MAINTENANCE AGREEMENT WITH CANON SOLUTIONS AMERICA FOR AN IR3530 COPIER, SERIAL NO. KJG03462, LOCATED IN THE RECORDER’S OFFICE - EXPIRES 11/18/2015**
- 9. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT WITH WEBER STATE UNIVERSITY TO ALLOW STUDENTS TO GAIN EDUCATIONAL EXPERIENCE AT THE UTAH COUNTY HEALTH DEPARTMENT**
- 10. **APPROVE AND AUTHORIZE A LETTER FROM UTAH COUNTY PUBLIC WORKS DIRECTOR RICHARD NIELSON REGARDING THE DELAY OF UTILITY POLE RELOCATION FOR THE HURST FAMILY FARM SUBDIVISION**

The Board suggested this item be stricken from the agenda.

STRICKEN

- 13. **ADOPT A RESOLUTION APPROVING AND AUTHORIZING THE COMMISSION CHAIR TO SIGN AN INTERLOCAL COOPERATION AGREEMENT WITH WASATCH COUNTY RELATING TO THE PROVISION OF SENIOR SERVICES**
- 14. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO EXECUTE A NOTICE OF VACANCIES ON THE POLE CANYON BASIC LOCAL DISTRICT BOARD OF TRUSTEES**

**ACTIONS TAKEN**

**Consent Agenda Item Nos. 1 and 3** were **approved**; No. 2 was **abated**; No. 4 was **tabled** for further discussion; No. 5 was **adopted**; and Nos. 6 and 7 were **ratified**. **Regular Agenda Item Nos. 3 and 4** were **approved**; Nos. 5, 6, 7, 8, 9, and 14 were **approved and authorized**; No. 10 was **stricken** from the agenda; and No. 13 was **adopted**.

**AGREEMENT NOS.:** 2015-20, 2015-21, 2015-22, 2015-23, 2015-24, 2015-25, 2015-26, 2015-27, 2015-28 and 2015-29  
**RESOLUTION NOS.:** 2015-3 and 2015-4  
**VACANCY NO.:** 2015-1

**REGULAR AGENDA**

**(PULLED FROM CONSENT)**

**4. APPROVE PROPERTY TAX ACTIONS CONTAINED IN RECOMMENDATION LETTER NO. 2015-1**  
Commissioner Lee asked about the error in square footage calculations for various tax parcels belonging to Pond Town Development, the second item listed in Recommendation Letter No. 2015-1. Utah County Deputy Attorney David Shawcroft explained that an appeal for factual errors can be filed by the property owner until the end of March of the subsequent year in which the error was made, and the applicant did not file before the deadline. Commissioner Lee expressed concern in penalizing the taxpayer for county error and Mr. Shawcroft offered to review the case again. Commissioner Ellertson suggested Mr. Shawcroft also review Greenbelt Account No. 213-2013 (Serial No. 12:009:0119) for Cedar Hollow Inc., and the Board suggested approval of the letter with the exception of those two items.

**Commissioner Lee made the motion to approve the Property Tax actions contained in Recommendation Letter No. 2015-1, with the changes as discussed in Consent Agenda Item No. 4. The motion was seconded by Commissioner Graves and carried with the following vote:**

**AYE: Larry A. Ellertson  
William C. Lee  
Greg Graves  
NAY: None**

AGREEMENT NO. 2015-30  
APPROVED WITH CHANGES

**REGULAR AGENDA**

- 1. RECOGNITION OF THE UTAH COUNTY EMPLOYEE OF THE MONTH FOR JANUARY 2015**  
Karen Fairbanks of the Attorney's Office was recognized as the Utah County Employee of the Month for January 2015.
- 2. PRESENTATION OF 2014 TRUST ACCOUNTABILITY PROGRAM AWARD FROM UTAH LOCAL GOVERNMENTS TRUST**  
Steven Hanson and Ryan Hatch of the Utah Local Governments Trust presented a check for \$9,300 to Utah County as part of the 2014 Trust Accountability Program Award. They explained that a one-million-dollar dividend would also be divided amongst the trust partners in July of this year, and Mr. Hatch mentioned the great work by Kent Sundberg and Karen Fairbanks of the Utah County Attorney's Office.

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**11. EXECUTE A QUIT-CLAIM DEED FOR PROPERTY TAX PARCEL NO. 26:033:0106 TO OFFICIALLY RELEASE ANY COUNTY TITLE INTERESTS IN THE PARCEL; DEED TO BE GRANTED IN FAVOR OF "HEALTHQUEST SERVICES LLC"**

Utah County Surveyor Gary Ratcliffe reminded Commissioner Ellertson that they had discussed this item previously. Commissioner Lee asked about costs, and Mr. Ratcliffe clarified that three-tenths of an acre is being deeded to HealthQuest Services LLC as part of a boundary line agreement between the current owners and the adjoining properties. It is a small area that was overlooked many years ago, and a fence line survey was completed by a private company to verify the correction.

**Commissioner Graves made the motion to approve the Quit-Claim Deed for Property Tax Parcel No. 26:033:0106 to "HealthQuest Services LLC" as outlined in Regular Agenda Item No. 11. The motion was seconded by Commissioner Lee and carried with the following vote:**

**AYE: Larry A. Ellertson  
William C. Lee  
Greg Graves  
NAY: None**

AGREEMENT NO. 2015-31

**12. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN A SUBSTITUTION OF TRUSTEE, REQUEST FOR PARTIAL RECONVEYANCE AND DEED OF PARTIAL RECONVEYANCE CONCERNING UTAH COUNTY'S BENEFICIAL INTEREST IN A TRUST DEED SECURED BY PROPERTY IN THE SOLDIER SUMMIT ESTATES SUBDIVISION**

Utah County Deputy Attorney Paul Jones explained that the county obtained a beneficial interest in an executed trust deed in order to secure improvements for the roads within the subdivision and that water would be made available to the residents. The Utah County Public Works Department has verified that all county requirements have been met, and this paperwork is required so that the lot owner can attempt to secure financing.

**Commissioner Graves made the motion to approve and authorize the Substitution of Trustee, Request for Partial Reconveyance and Deed of Partial Reconveyance concerning Utah County's beneficial interest in a Trust Deed secured by property in the Soldier Summit Estates Subdivision as identified in Regular Agenda Item No. 12. The motion was seconded by Commissioner Lee and carried with the following vote:**

**AYE: Larry A. Ellertson  
William C. Lee  
Greg Graves  
NAY: None**

AGREEMENT NO. 2015-32

**15. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT WITH THE UTAH VALLEY CONVENTION CENTER FOR THE 2015 STATE OF THE COUNTY ADDRESS**

Commissioner Lee mentioned a price change within the contract, and Commissioner Ellertson clarified the first estimate had not included all services such as catering and room setup for the event to take place on January 20, 2015.

**Commissioner Lee made the motion to approve and authorize an agreement with the Utah Valley Convention Center for the 2015 State of the County Address as detailed in Regular Agenda Item No. 15. The motion was seconded by Commissioner Graves and carried with the following vote:**

**AYE: Larry A. Ellertson  
William C. Lee  
Greg Graves**  
**NAY: None**

AGREEMENT NO. 2015-33

At this point, the commissioners determined which closed meetings would be necessary to set and which could be stricken from the Regular Agenda.

**20. SET A DATE, TIME AND LOCATION FOR A CLOSED MEETING TO DISCUSS COMMERCIAL INFORMATION AS DEFINED IN SECTION 59-1-404, U.C.A., AS AMENDED**

**Commissioner Graves made the motion to strike Regular Agenda Item No. 20 to set a date, time, and location for a closed meeting to discuss commercial information as defined in Section 59-1-404, U.C.A., as amended. The motion was seconded by Commissioner Lee and carried with the following vote:**

**AYE: Larry A. Ellertson  
William C. Lee  
Greg Graves**  
**NAY: None**

STRICKEN

**16. SET A DATE, TIME AND LOCATION FOR A CLOSED MEETING TO DISCUSS THE CHARACTER, PROFESSIONAL COMPETENCE, OR PHYSICAL OR MENTAL HEALTH OF AN INDIVIDUAL OR INDIVIDUALS**

**Commissioner Graves made the motion to set a date, time and location for a closed meeting for a strategy session to discuss the character, professional competence, or physical or mental health of an individual or individuals to immediately follow the public comment portion of the regular public meeting today in Room 1400 of the County Administration Building. The motion was seconded by Commissioner Lee and carried with the following vote:**

**AYE: Larry A. Ellertson  
William C. Lee  
Greg Graves**  
**NAY: None**

SET

**17. SET A DATE, TIME AND LOCATION FOR A CLOSED MEETING FOR A STRATEGY SESSION TO DISCUSS PENDING OR REASONABLY IMMINENT LITIGATION**

**Commissioner Graves made the motion to set a date, time and location for a closed meeting for a strategy session to discuss pending or reasonably imminent litigation to immediately follow the previously scheduled closed meeting today in Room 1400 of the County Administration Building. The motion was seconded by Commissioner Lee and carried with the following vote:**

**AYE: Larry A. Ellertson  
William C. Lee  
Greg Graves  
NAY: None**

SET

**18. SET A DATE, TIME AND LOCATION FOR A CLOSED MEETING FOR A STRATEGY SESSION TO DISCUSS THE PURCHASE, EXCHANGE, OR LEASE OF REAL PROPERTY**

**Commissioner Graves made the motion to set a date, time and location for a closed meeting for a strategy session to discuss the purchase, exchange, or lease of real property to immediately follow the previously scheduled closed meetings today in Room 1400 of the County Administration Building. The motion was seconded by Commissioner Lee and carried with the following vote:**

**AYE: Larry A. Ellertson  
William C. Lee  
Greg Graves  
NAY: None**

SET

**19. SET A DATE, TIME AND LOCATION FOR A CLOSED MEETING FOR A STRATEGY SESSION TO DISCUSS THE SALE OF REAL PROPERTY**

**Commissioner Graves made the motion to set a date, time and location for a closed meeting for a strategy session to discuss the sale of real property to immediately follow the previously scheduled closed meetings today in Room 1400 of the County Administration Building. The motion was seconded by Commissioner Lee and carried with the following vote:**

**AYE: Larry A. Ellertson  
William C. Lee  
Greg Graves  
NAY: None**

SET

**WORK SESSION**

**1. PRESENTATION OF PROPOSED GLASS RECYCLING PROGRAM FOR UTAH COUNTY**

Commissioner Ellertson introduced Richard Guernsey of Planet Green Recycling. Mr. Guernsey presented a PowerPoint in which he spoke of his family, his company, and long term goals for glass recycling in Utah County (*a copy of which can be found attached to these minutes*). Mr. Guernsey explained there are currently no single-stream recycling facilities in the county wherein paper, cardboard, plastic, metal and glass can be collected at once and sorted at a plant rather than by the consumers, and discussed with the commissioners a business plan to remedy that situation.

Richard Guernsey asked the Board for a statement of support. Commissioner Ellertson clarified that Utah County would not be providing municipal services, and spoke of the importance of recycling to reduce the waste stream that ends up in landfills. Commissioner Lee applauded Mr. Guernsey's ambition, and the commissioners thanked him for the presentation.

**2. UPDATE ON THE 2015-2016 VOCA GRANT PROGRESS AND PRESENTATION ABOUT THE UTAH VALLEY SPECIAL VICTIM'S TASK FORCE**

**Commissioner Graves made the motion to continue Work Session Item No. 2 regarding an update on the 2015-2016 VOCA Grant, and presentation about the Utah Valley Special Victim's Task Force, for one week to the January 20, 2015 meeting of the Utah County Board of Commissioners. The motion was seconded by Commissioner Lee and carried with the following vote:**

**AYE: Larry A. Ellertson  
William C. Lee  
Greg Graves  
NAY: None**

CONTINUED TO JANUARY 20, 2014

**3. DISCUSSION REGARDING BUS RAPID TRANSIT (BRT) FINANCIAL OBLIGATIONS**

Commissioner Lee noted his intention for an open public discussion regarding the proposed Provo/Orem Bus Rapid Transit (BRT) project. He mentioned commitments made to constituents during the election process, and the Utah County financial obligation of \$65,000,000 for BRT which would need to be bonded for sometime during this year.

Commissioner Lee questioned the false rumor that a former legislative body can bind the vote of a future legislative body, asking whether it is true that last year's Board of Commissioners could bind the actions that must be taken by this year's Board. Utah County Civil Division Chief Deputy Attorney E. Kent Sundberg responded that some people would argue that yes; a prior Commission can bind a future Commission in a couple of ways. One of those ways could be through bonds because of their long-standing nature. Mr. Sundberg was not sure if interlocal agreements can also be binding in long-term situations, but clarified that the previous Board did enter a contract with the Utah Transit Authority (UTA) promising to issue \$65,000,000 worth of bonds from the Section 2218 tax revenues if UTA receives a 'Small Starts Grant' from the federal government. The interlocal agreement between the county and UTA would be terminated if the federal grant is not awarded, but there could be consequences if the Board does not proceed with bonding in that case.

Commissioner Lee asked about the wording within the Utah Transit Authority agreement in which "the County agrees to promptly issue bonds," and the difference between a binding vote and contract. Kent Sundberg pointed out the Board could disagree with a previous Commission contract and decide not to follow through, but may be responsible for costs or damages incurred by UTA. Commissioner Lee asked the Board members for their opinions and Commissioner Ellertson stated the ground work has been laid in order to move forward if the federal grant is awarded. Commissioner Lee asked if they could vote against the agreement, and Commissioner Ellertson reiterated Mr. Sundberg's explanation: yes, but there would be the risk of consequences. Commissioner Graves added that Utah County has committed per the terms of the contract.

Commissioner Lee asked about the overall financial obligation of Utah County in bonding for \$65,000,000. Kent Sundberg explained how the dedicated revenue stream for this project already exists, and Commissioner Ellertson confirmed there is sufficient funding in that source for this bond. Commissioner Ellertson noted that source has been used for road work for several years, and this decision was made with majority support from mayors and other elected officials in the county. Mr. Sundberg clarified how statute requires an MPO (Metropolitan Planning Organization) recommend uses for the Section 2218 quarter-cent sales tax; that vote must take place before the Commission can take any action through an interlocal agreement with UTA. Sufficient revenue has been projected for the bonds, operation, and maintenance expenses. There was some discussion regarding a separate \$10,000,000 in-kind contribution match from the cities and the Utah Department of Transportation.



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Commissioner Lee paraphrased comments from financial advisors indicating “we are maxing ourselves out,” and finding ourselves “dangerously on the edge of our bonding.” Commissioner Ellertson disagreed, stating there must have been some miscommunication because a presentation would be forthcoming from the same financial advisors to demonstrate the opposite. Commissioner Lee also expressed concern about expanding public transit only in Provo and Orem while there is so much growth happening in Eagle Mountain and Saratoga Springs. Commissioner Ellertson reiterated his differing opinion, emphasizing there is no general obligation debt in Utah County - no property taxes go to pay debt.

Commissioner Graves commented on the different percentages of growth for the Eagle Mountain and Saratoga Springs areas versus Provo and Orem; it is comparing a beginning base of 25,000 residents to one of 250,000 residents. More than forty-five percent of the county reside in Provo and Orem and there is a great need for transportation. Commissioner Graves reminded the Board that he initially addressed bonding during his campaign for office, and Commissioner Ellertson mentioned ongoing projects and revenue streams that would be available for additional transportation. Commissioner Lee repeated his concern over future unfunded projects, stating he is worried about the county as a whole and leveraging too much to serve properly.

### **PUBLIC COMMENTS**

Orem resident Wayne Burr commented on Work Session Item No. 3 related to the discussion of Bus Rapid Transit. Mr. Burr asked if the federal government has sent the money to Utah Transit Authority, and Commissioner Ellertson responded no; they are still in the process. Mr. Burr requested the Board write to the federal government and ask them not to send those funds. He also asked the commissioners to consider spending \$10,000,000 on any potential lawsuits in order to save Utah County \$40,000,000, and Commissioner Ellertson explained how the funds earmarked for transportation could not legally be used for such matters. Mr. Burr asked the Board to give the public a break.

Orem resident Bob Womack read a prepared statement, using the adage “figures lie and liars figure” to express opposition to the Bus Rapid Transit project. He provided statistics of residents per square mile in Orem and Provo compared to major density areas like New York and San Francisco, stating BRT would be marginally beneficial at best. Mr. Womack said the project would not positively impact air quality or traffic issues, only straining the budget for many years to come. He suggested that avoiding a vote on the issue may allow additional negotiation on the bonding, and asked the Board to “take my money carefully; spend my money wisely.”

Grant Pearson is a Lehi resident concerned about BRT. He mentioned specific bus lanes in West Valley City, stating the lanes are often idle and an annoyance to other drivers. Mr. Pearson expressed the lane would be much better used for traffic, and does not want Utah County to spend so much money on an unnecessary project. He advised against making a rushed purchase simply because the funds are available, and asked the Board to reconsider approval.

Springville resident Ken Bowers approached the bench. He noted there is no denial that Utah County is growing in population. Mr. Bowers pointed out that if the bonding for Bus Rapid Transit is denied, roads will become more clogged. This will force people to carpool and encourage companies to step forward with privately funded transit options. Mr. Bowers stated government should not be establishing private enterprises; the roads may be temporarily congested, but the market will eventually find a solution. He encouraged the Board not to get into the habit of bonding the county into perpetual debt. Mr. Bowers stated the BRT will never pay for itself and will require future tax increases.

Jennifer Baptista is a Pleasant Grove resident who has researched the Utah Transit Authority. She is concerned that Utah County is partnering with UTA when there was a 200-page audit submitted to the legislators regarding their business practices. Ms. Baptista mentioned the low tax base of Pleasant Grove, and the reluctance of their citizens to bond for \$12,600,000 Public Works Building project; how can the city now be asked to bond for a major project that will not even benefit them? She stated that Pleasant Grove City will not be inclined to participate in this deal. Lastly, Ms. Baptista asked the Board not to get involved with the proposed recycling program as outlined in Work Session Item No. 1 on today’s calendar. She disagrees with Richard Guernsey’s attempt to subsidize the program through Pleasant Grove City.

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Payson resident Julie Blaney expressed respect for the Board as leaders of our community. Ms. Blaney noted her interest in last year's election process based on the stands made by Commissioners Grave and Lee regarding Bus Rapid Transit. She does not recall a public hearing held on this issue before it was approved last year, and urged the commissioners to deny the agreement even if it costs a couple of million dollars in exchange for saving the \$3,000,000 annual operating fees if approved. Ms. Blaney agreed with earlier comments that government should not bond for public transportation, and should leave those solutions to the private sector.

Lewis Billings, former Provo City Mayor, came forward to state financing for BRT is not the issue that should be before the Board today. The community decided years ago that mass transit alternatives should be used for the growing population, but it is critical to address mass transit timely and in a way that is financially sustainable. Mr. Billings encouraged financial prudence and the importance of helping people through the best possible value. He noted the proper alignment for Bus Rapid Transit has not been fully determined, mentioning University Avenue is already a high-stress corridor and will now have trip and vehicle interruption. Mr. Billings has asked for incurred vehicle trip statistics before and after the implementation of BRT but they have not been made available to him. He cautioned against turning Provo's University Avenue into Orem's State Street once the trees have been removed and the buildings are at the minimum setback requirements. Mr. Billings commented on the importance of quality of life and suggested alternate routes for BRT, stating if something is going to work, it needs to be the right thing at the right time.

Loy Brunson is a Provo resident who attended the swearing-in ceremony when the commissioners took the Oath of Office on January 5, 2015. He reminded the Board that they swore to God and to the people to uphold the Constitution, and asked them to look at Amendments 5, 9, and 13 again before violating civil and private property rights by approving the Bus Rapid Transit project. Mr. Brunson talked about just compensation and action that could be brought against the Board if they force something on others when they do not want it; he exclaimed the Board should not deny or disparage the rights of the people.

Orem resident Sharon Anderson came forward in agreement with previous agreements against the Provo/Orem Bus Rapid Transit project. She is worried that actual costs for BRT may have been underestimated. Ms. Anderson quoted articles related to financial consequences for local government when misled on long-term projects. She is concerned about transparency between levels of government, and information being withheld from City Council members. Ms. Anderson noted Commission meeting minutes and associated documents related to the interlocal agreement with Utah Transit Authority were not available online, and suggested they are being hidden from the public. Ms. Anderson repeated citizens are either manipulated or uninformed about the facts on BRT, and encouraged the Board to vote against it.

Julie Reneer and Janet Russon are both Provo residents. They approached the bench together to speak in opposition to the Provo/Orem Bus Rapid Transit project. Ms. Reneer stated she learned about BRT by accident even though she lives on the proposed route for travel. She does not think the Utah Transit Authority has adequately notified the public regarding this project. Ms. Reneer has been raised with a "no waste, no debt" philosophy, and is concerned by the empty busses that now pass her home without any passengers. She believes the current system can accommodate inevitable community growth. Ms. Reneer pointed out that Brigham Young University is preparing to offer their own shuttle service, which will further decrease the ridership on UTA busses. She mentioned the inconvenience of using public transit even when located near a bus stop, and suggested the funds for BRT be spent in outlying areas such as Saratoga Springs where growth is more likely to occur. Ms. Reneer reiterated that the current busses should be filled before adding more, and Janet Russon concurred with Ms. Reneer's statements. Ms. Russon also added comments about heavy traffic along 900 East potentially disrupting emergency response teams.

Orem resident Barbara Petty read a statement from Erin Madsen, wife of Utah State Senator Mark B. Madsen, against the Provo/Orem Bus Rapid Transit project. The letter identified bad financial planning and lack of service to the North and South ends of Utah County as problems with BRT, and called the decision to spend so much in bonds for a small percentage of the constituency 'baffling.' Ms. Petty asked the commissioners to reconsider and vote against BRT.

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Alpine resident Ed Barfuss explained eighty-four trees would be removed for the implementation of Bus Rapid Transit. The trees would be valued at approximately \$10,000 each, and can add between six and eighteen percent value to property. They are also good for the environment. Mr. Barfuss noted these as additional considerations in providing public transportation for residents.

Derek Whetten lives in Orem. He initially voted to support BRT through the Orem Transportation Committee, but is concerned about management by the Utah Transit Authority. Mr. Whetten also would prefer the route run through Brigham Young University campus, but overall finds BRT to be the right compromise for cost and mass transit. He pays taxes and entrusts the elected leaders to provide municipal services and to proactively plan for the future, and therefore supports BRT.

Pam Openshaw, Provo resident, is grateful for the new commissioners that will fight to stop Bus Rapid Transit if it is not economically feasible. A lot of people will need to ride BRT in order to make a profit. Ms. Openshaw has read reports indicating the amount of riders will increase if the busses travel more frequently, but does not believe this will be the case because busses are still empty even in large cities. She agrees with previous comments that mass transit should be a private enterprise.

Orem City Councilmember Hans Anderson has also been denied certain information related to Bus Rapid Transit by the Mountainland Association of Governments (MAG). Mr. Anderson pointed out only fifteen percent of the project will pay for itself; for each five-dollar fare purchased by a bus rider, the general public would be expected to contribute \$4.25. He also indicated that the likelihood of Utah Transit Authority suing Utah County for breaking any contract would be slim. Mr. Anderson stated this agreement was made behind closed doors because the public would have voted against it had they been given the opportunity to do so. He encouraged the Board to deny BRT.

Lehi resident and State Representative Jake Anderegg serves as the Vice-Chair for the House Transportation Committee, and is sickened by the potential of increased taxes for road maintenance. He is concerned that bonding is not being used optimally, mentioning that Bus Rapid Transit would better serve an East-West route for northern Utah County than downtown Provo City. Mr. Anderegg also expressed discomfort with the approving vote for the project being one of the final actions of the previous Commission, preventing them from publicly facing the ramifications of that decision.

Larry Ballard, Utah County resident, has been attending the MPO (Metropolitan Planning Organization) meetings and does not think Bus Rapid Transit is ready for implementation. The regional board seems to be gaining power and influence over government decisions. Mr. Ballard noted false assurances given to city leaders that BRT would not impact any federal funds for future road projects. Mr. Ballard talked about the transition of city road to county road near his home on the border of Salem City, and the dangers of speeding cars passing the irrigation canal. He questioned what should be expected for the solution to local road issues if funds will be redirected for BRT.

Commissioner Ellertson thanked everyone for their public comments, and recognized the differences in opinions expressed today. He clarified that there has been no intent to hide information. Commissioner Ellertson also disagrees that the project has been hurried through, noting federal program deadlines. He reminded the audience the commissioners are not the only ones who made this decision to move forward with Bus Rapid Transit; there were public meetings, involvement from other cities, and a process through the Mountainland Association of Governments. Commissioner Ellertson noted that taxes pay for roads; there are certain things that the private sector will not provide, and some needs are fulfilled by the government.

Commissioner Lee asked the Utah County Attorney's Office to begin researching the possible outcomes and penalties of cancelling the current contract in place with the Utah Transit Authority.

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This concluded the public comment portion of the open meeting, and the meeting recessed at 11:14 A.M. to go into closed sessions. The public meeting reconvened at 12:23 P.M.

**Commissioner Graves made the motion to adjourn the January 13, 2015 meeting of the Utah County Board of Commissioners. The motion was seconded by Commissioner Lee and carried with the following vote:**

**AYE: Larry A. Ellertson  
William C. Lee  
Greg Graves  
NAY: None**

There being no further business nor public comment, the meeting adjourned at 12:23 P.M. The minutes of the January 13, 2015 Commission meeting were approved as transcribed on March 3, 2015.

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LARRY A. ELLERTSON, Commission Chair

ATTEST:

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BRYAN E. THOMPSON  
Utah County Clerk/Auditor