

BOARD OF COUNTY COMMISSIONERS, UTAH COUNTY, UTAH
MINUTES OF PUBLIC MEETING
COMMISSION CHAMBERS, ROOM 1400
OF THE UTAH COUNTY ADMINISTRATION BUILDING
April 21, 2015 - 9:00 A.M.

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

ALSO PRESENT:

David Shawcroft, Civil Division Chief Deputy Attorney	John Higgins, Mapleton Resident
Bryan E. Thompson, Utah County Clerk/Auditor	Jim Honaker, American Fork Resident
Scott C. Hogensen, Chief Deputy Clerk/Auditor	Rob Hughes, Utah Transit Authority
Julie Rollins, Utah County Purchasing Agent	Hugh Johnson, Utah Transit Authority
Peter A. Jepps, Utah County Assessor's Office	Pam Jones, Provo Resident
Dr. Joseph K. Miner, Health Department Exec. Director	Dane Kellar, Utah Transit Authority
Robert Johnson, Drug & Alcohol Prevention & Treatment	Lisa Liddiard, Pleasant Grove Resident
Richard Nielson, Utah County Public Works Director	Steve Meyer, Utah Transit Authority
James O. Tracy, Utah County Sheriff	Barbara Petty, Utah County Voting Delegate
Dalene Higgins, Utah County Sheriff's Office	Ellen Rands, Orem Resident
Mike Forshee, Utah County Sheriff's Office	Peter H. Rehm, Orem Resident
Kevin Cortez, Utah County Sheriff's Office - Fire	Robert Ridge, Utah County Voting Precinct Chair
Gary Ratcliffe, Utah County Surveyor	Lynda Roper, Utah County Voting Precinct Chair/Delegate
Kim T. Jackson, Utah County Treasurer	Dora C. Schoenfeld, Orem Resident
Matt Dugdale, George K. Baum & Company	Erik Watkins, Provo Resident
Randy Larsen, Ballard Spahr	Merlin Weekes, Utah County Voting Precinct Vice-Chair
Hans Anderson, Orem City Council	Clinton Whipple, Provo Resident
Peter Anderson, Orem Resident	Rachel Whipple, Provo Resident
Sharon Anderson, Orem Resident	Curtis Wood, Orem Resident
Larry Ballard, Utah County Resident	Janet Wells Woodward, Salem Resident
Jennifer Baptista, Pleasant Grove Resident	Richard Ziegler, Utah County Voting Delegate
Brent Barlow, American Fork Resident	James Faucett, -No further information given-
Marge Barlow, American Fork Resident	Matt Powers, -No further information given-
Jayne Blakesley, Utah Transit Authority	Argie Shumway, -No further information given-
Jason Christensen, Provo Resident	Grey Turner, -No further information given-
Ron Eliason, Provo Resident	Danielle Downs, <i>The Daily Herald</i>
Lorne Grierson, Orem Resident	Mike Stansfield, Fairways Media
David Harding, Provo Transportation & Mobility Comm.	Renée Huggins-Caron, Clerk/Auditor Admin. Assist.

Commissioner Ellertson called the meeting to order at 9:04 A.M. and welcomed those present. The following matters were discussed:

PRAYER/READING/THOUGHT: Jason Christensen, Provo Resident

PLEDGE OF ALLEGIANCE: Larry Ballard, Utah County Resident

PUBLIC COMMENTS

Noting the increased numbers of general public present in the audience today, Commissioner Ellertson clarified that a Public Hearing regarding the Provo/Orem Bus Rapid Transit project would take place on May 12, 2015. He invited those with public comment for that issue return at that time if possible.

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Orem resident Peter Anderson came forward to speak about American History since 1976, quoting the 1987 book "Our Common Future" by the World Commission On Environment and Development. He spoke of long-term sustainability compared to private property and water rights, mentioning the United Nations' *Agenda 21* publication. Mr. Anderson referred to the futility of executive federal orders as "soft law" which cannot be adequately enforced, and expressed concern over what is being taught to the youth through the public education system. Mr. Anderson is opposed to the Provo/Orem Bus Rapid Transit project and ended his statements by declaring the commissioners are following a Communist agenda.

Jason Christensen is a former candidate for Provo City Mayor and the Chair of the Utah County Independent American Party. He quoted a 1792 opinion article by "Father of the Constitution" James Madison in which property is defined as land, merchandise, or money. Since the Provo/Orem Bus Rapid Transit (BRT) project will cost a minimum of \$75,000 in taxpayer monies, which is contradictory to the purpose of government: instituted to protect property of every sort, including that which lies in the various rights of individuals. Mr. Christensen explained that property rights are God-given rights, and an individual has the right to be safe within their property. He stated eminent domain will be needed to secure the route along 900 East, which would be unconstitutional. Mr. Christensen encouraged the Board to be respectful and uphold the constitution as they swore to do when elected.

Provo resident Julie Reneer lives on 900 East in Provo and does not want the commissioners to take her property. She is worried that many Utah County residents are still unaware of the proposed Bus Rapid Transit project; when Ms. Reneer enlightens her neighbors, they are very concerned. Ms. Reneer read a letter from a neighbor in which it was expressed that BRT is like buying a mansion for a small family of three, and forcing Utah County residents to pay the mortgage for that property. She requested this issue be presented for a vote by the people, noting there is already an effective public transportation system in place. When Commissioner Ellertson pointed out more than 2,500 residents use the current system, Ms. Reneer countered that going into debt is unnecessary when the current routes are utilized.

Pam Jones is a Provo resident. She urged the commissioners to allow a referendum regarding Bus Rapid Transit. All county residents should have a voice in spending so much money and making such extensive changes to the infrastructure. Ms. Jones stated "no new taxes."

Provo resident Erik Watkins addressed earlier comments opposed to government subsidization, correcting and pointing out that every time an individual drives down the road they are being subsidized; the citizens only spend one dollar of the required ten dollars needed to purchase and maintain those corridors. Mr. Watkins noted the money spent on freeways, stating cities cannot afford to buy more roads to manage the population that will double during the next thirty-five years without increasing taxes. Mass transit can reduce road use by thirty percent, and the voters already approved the quarter-cent sales tax which is funding this project. BRT has been in the making for fifteen years, which allowed plenty of time for those opposed to raise their concerns.

Merlin Weekes is an Orem resident who expressed that individuals are elected to represent the people in all levels of government. There are mixed agendas when candidates do not carry through with actions promised during their campaigns. Mr. Weekes voted for Commissioner Graves because he was opposed to BRT. When Mr. Weekes mentioned a January Utah County Republican Central Committee meeting, Commissioner Ellertson clarified that the actual vote was a majority vote, which is not the same as a two-thirds vote. Commissioner Lee countered that it was in fact a two-thirds vote, and the two commissioners briefly debated that point before Commissioner Graves interrupted and encouraged his fellow Board members to allow Mr. Weekes to finish his comments. Mr. Weekes went on to state the "majority" does not have all of the information and does not know what is going on with the Bus Rapid Transit project. A bus line is already in place and underutilized; it may need embellishment in the future, but not currently. Mr. Weekes implored the Board to take the time to find out what the people really want in order to best represent them.

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Barbara Petty is an Orem resident and voting delegate. She stated if it is true that the Utah County Commissioners represent the people, they would be in favor of letting the people vote on Bus Rapid Transit. Ms. Petty read statements from Utah State Senators David P. Hinkins, Curt Bramble, and Alvin B. Jackson in which hope was expressed that the Commissioners would listen carefully to their constituents, reflect the values of our republic, and take caution in creating further dependence on a financially overburdened federal government. Ms. Petty also noted Senator Margaret Dayton's opposition to the federalization of transportation and concerns about sustainability. Lastly, Ms. Petty pointed out Representative Jacob L. Anderegg's opposition to BRT in Provo and Orem due to the vacancy of properties downtown and the misallocation of resources. Ms. Petty encouraged the Board to pause in moving forward with the BRT project, stating she would sign a referendum if it becomes necessary.

Provo resident David Harding supports the Bus Rapid Transit project, and expressed there are many in the community who concur it is critical to build the infrastructure now in order to maintain quality of life in the future as population increases. The public has been able to vote on public transportation; BRT is the implementation of the taxes which were already approved. The current system is underutilized because it is not convenient - this project will increase efficiency.

Provo resident Ron Eliason asked how the proposed Bus Rapid Transit will improve traffic flow, and how will the rest of the county benefit from the project taking place in Provo and Orem. He asked if the information would be available during this meeting or the main May 12, 2015 session, and Commissioner Ellertson stated he would contact Mr. Eliason.

Curtis Wood is a retired Colonel and Orem resident who moved to Utah because his home state of California has "completely lost their mind," going billions of dollars into debt for wasteful transportation projects such as the proposed Bus Rapid Transit here. Mr. Wood expressed the percentage of individuals who would use mass transit in Utah County are a very small minority. He mentioned a recent increase in fuel tax, and questioned why we cannot pay more to maintain the roads. Mr. Wood stated he does not use public transit and will never use BRT. The proposed project greatly benefits university students, but those students are only in Utah Valley for a few years. He asked the commissioners to listen to those who generated the taxes in the first place, and stop BRT.

Sharon Anderson, Orem resident, responded to comments regarding the approved vote during the 2006 election cycle for an increased transit tax. She pointed out that the vote should not justify Bus Rapid Transit because BRT was not specified on the ballot. Ms. Anderson paraphrased an email from Representative Brad Daw in which further review of the project was encouraged. Ms. Anderson is concerned the federal government is attempting to bribe the county and forcing us to meet requirements that are not necessarily vital for the community. If BRT had been designed locally, it would go past the high schools and medical facilities rather than the current route. Ms. Anderson is also concerned that one more meeting in May will not be sufficient to inform the public of BRT; the federal government wants to remove barriers to collaboration, but oftentimes the citizens are the so-called barriers.

Peter Rehm is also an Orem resident. He spoke about attending a university in Florida during the 1980's where the school made a deal to save money on floppy disks for computers at the wonderful discounted price of one dollar each. The market price dropped after the deal was made, and the company was unable to provide reliable products - the same thing will happen with Bus Rapid Transit. Soon there will be self-driving cars, and public transit will seem outdated when vehicles can shuttle people without having to wait at a bus stop. Mr. Rehm referenced a Forbes magazine article on Curbing Cars: America's Independence From the Auto Industry by Micheline Maynard, quoting University of Michigan economist David Grimes:

"But think about the potential for a driverless car as a mass transit vehicle," Grimes says. "Envision those driverless vehicles rooming the city. Someone calls a central dispatcher, or sends an email or text message to a computer, which then identifies the nearest driverless vehicle and sends it to pick the passenger up. As that vehicle is en route to its destination, it can pick up other passengers on the way. It drops the passenger off at his or her preferred destination, and goes on to pick someone else up. To me, the basis of future mass transit is not buses or trains running on fixed routes, but more of a sophisticated taxi system without drivers, and where the vehicles use sophisticated software and communications systems to pick up and deliver multiple passengers on any particular trip."

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American Fork resident Brent Barlow thanked the Board for listening to all public comments, and spoke of the marvelous public transit systems in Japan. He asked them to consider that the entire system in Japan is private, and reminded the commissioners that Utah County is the most conservative county in the most conservative state of a country all about liberty and enterprise. Mr. Barlow suggested taking a look at the Japanese business model, being cautious moving forward to that the system can be designed to fit local needs with a bearable tax burden without seeking additional finances from the federal government. He asked the Board to take the issue to the ballots so that people can be more involved.

Orem resident Derek Whetten supports the Bus Rapid Transit project. In a long-term view, a dollar invested in BRT now will serve more people than a dollar spent on a road. As a member of the Orem City Planning Commission, Mr. Whetten recently visited 400 South in Salt Lake City to review the benefits of their Trax line. Vehicle trips on that road have been reduced from 40,000 to 22,000 because of mass transit, a worthwhile investment which will continue to pay dividends. Mr. Whetten wants BRT to run through Provo and Orem, but is not sure about the current route. He noted that Provo City also questioned the route and spent \$100,000 to have engineers review the options; those engineers came to the same conclusion of the current route being the best option. Mr. Whetten asked the commissioners to support BRT so that the tax dollars can be returned to Utah County.

Utah Transportation Coalition Director Abby Albrecht supports the Bus Rapid Transit project. She sees BRT as “one of the spokes in our massive transportation system.” She noted the expected doubling of population over the next twenty-five years, much of it anticipated in Utah County. Ms. Albrecht clarified that 18.5 cents of each dollar of gas taxes is paid into the federal Highway Trust Fund - the money for BRT is coming back to Utah County from those funds. She emphasized that the citizens are getting back what has already been put into the system, and BRT is the best use for a capacity project. When Ms. Albrecht spoke of the need for the Missionary Training Center, malls, and universities, Commissioner Lee asked if she is under the opinion that the data collected on student ridership is correct; Ms. Albrecht responded yes.

Rachel Whipple is a Provo resident and represents the Maeser neighborhood, which is very much in favor of Bus Rapid Transit. They are a low-income community where public transportation is very important. Commissioner Lee asked whether the current system could accommodate a doubled population, and Ms. Whipple responded no, providing examples of how BRT would be much more accessible for residents.

Provo resident Carla Gledhill asked the Board to please put the issue of Bus Rapid Transit to a vote by the people. Her family uses public transit on a regular basis, and it is underutilized even during rush hours. The county is considering spending a lot of money on a system that is already in place and could just use an update. Ms. Gledhill explained the local culture is unique and BRT does not meet our needs; put it to a vote so that it can be slowed down or stopped entirely. Ms. Gledhill repeated that the current system only needs improvement, and it is ridiculous to spend so much money on an entirely new system.

Cameron Martin lives in Provo and works at Utah Valley University. The increased frequency and reliability of East-West traffic flow is very important to UVU. In his neighborhood, people do not get driver's licenses until they are between eighteen and twenty years old; Bus Rapid Transit is building a future for a new mindset. Mr. Martin responded to an earlier comment about students being in the valley for a few years, pointing out that eighty percent of them are actually from Utah County or decide to stay here once their studies are completed. These students build our community, and it would be impossible to add 10,000 more without shutting down the infrastructure. Mr. Martin explained Interstate-15 would be a parking lot every morning without BRT. It is important to have access to higher learning, and he applauds the commissioners for thinking progressively.

Commissioner Lee mentioned that Utah Valley University is a unique situation, and noted a concern that the current 830 bus route can be an issue for students. He considers Utah Valley University a commuter college, compared to the destination college Brigham Young University. Commissioner Lee asked Cameron Martin whether the need could be

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fixed with less money than what is proposed, and Mr. Martin stated he could not make that call. Mr. Martin also noted that student ridership of public transit second only to the University of Utah in Salt Lake City when compared to the entire state. Commissioner Lee acknowledged there is definite need for transportation between Utah Valley University, the FrontRunner train line, and downtown Provo; Mr. Martin agreed.

Utah County resident Larry Ballard commented on the great public outcry in the past about spending tax dollars just to be able to receive them back from the federal government. He noted the Mountainland Association of Governments' excitement to have those funds returned, but it is now only worth twenty cents per dollar. Mr. Ballard pointed out that a Board used to decide how money would be delivered to MAG but now the responsibility falls on one bureaucrat. He reiterated the funds being returned to Utah County are not the same value as when they left.

Hans Andersen of the Orem City Council referred to Bus Rapid Transit as Socialism. He noted UTOPIA Internet in Orem, a currently debated service where government versus private enterprise is an issue. He also mentioned the defunct iProvo company. Mr. Andersen stated asking the government to outsmart business is like asking a steer to reproduce. BRT and FrontRunner only support fifteen percent of their function. Mr. Andersen wants the people to be able to vote on the issue, and asked what the compelling deadline is that would not allow this to be delayed for one month. When Commissioner Lee stated there is no reason, Commissioner Ellertson countered that the county needs to move forward. Commissioner Ellertson explained the parameters resolution is not a bond which sets an obligation on the people of Utah County, as the revenue is already funded by the current taxes. When Mr. Andersen expressed distaste in taking tax money to fund this project, Commissioner Graves pointed out the same money is being used to fix roads. Commissioners Ellertson and Graves clarified how transit-dedicated funds work.

Salem resident Janet Wells Woodward keeps hearing that Utah County is going to double in size, but doubts that most of that growth will happen in the middle of residential Provo. She commented on the changes to the Brigham Young University campus over several decades. The proposed route for BRT serves BYU, Utah Valley University, and the mall, which focuses on a very limited group. Ms. Woodward talked about growing up in Philadelphia, Pennsylvania and Boston, Massachusetts, expressing her understanding of the need for public transportation but also her lack of trust in the Utah Transit Authority. She stated if Utah County is going to partner with an entity, it should be a truly responsible private property seeking to make a profit.

Argie Shumway wondered aloud how much Utah County is buying into Socialism. She reminded the Board that we live in a republic and a conservative community. Ms. Shumway asked the commissioners about "Ride," a successful transit enterprise serving the Brigham Young University campus. Commissioner Graves clarified that "Ride" has asked Provo City a \$2,000,000 subsidy because they are not making money. Ms. Shumway asked the Board to look into their business model and determine whether the university can provide for itself.

Following public comments, the commissioners moved forward with the agenda as scheduled.

CONSENT AGENDA

- 1. DECLARE ATTACHED LIST OF COMPUTER EQUIPMENT AS SURPLUS, AND ALLOW DISPOSITION BY PUBLIC AUCTION**
- 2. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AMENDMENT TO AGREEMENT NO. 2013-801 WITH RBM SERVICES**

The Board requested Consent Agenda Item No. 2 be continued to the next meeting of the Board.

CONTINUED TO APRIL 28, 2015

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3. **ABATE PERSONAL PROPERTY ACCOUNTS ATTACHED FOR THE YEARS INDICATED, HAVING BEEN IDENTIFIED AS UNCOLLECTIBLE; THERE ARE NO ASSETS AVAILABLE**

4. **APPROVE TAX CREDITS AND REFUNDS RECOMMENDED BY THE COUNTY TREASURER'S OFFICE IN CANCELLATION LETTER NO. 20330, DATED APRIL 15, 2015**

The Board requested Consent Agenda Item No. 4 be moved to the Regular Agenda for discussion.
PULLED TO REGULAR

5. **APPROVE PROPERTY TAX ACTIONS CONTAINED IN RECOMMENDATION LETTER NO. 2015-7**

The Board requested Consent Agenda Item No. 5 be continued to the next meeting of the Board.
CONTINUED TO APRIL 28, 2015

6. **ADOPT A RESOLUTION APPROVING A VOLUNTEER WHO WISHES TO DONATE THEIR SERVICES TO THE UTAH COUNTY HEALTH DEPARTMENT**

7. **APPROVE THE MINUTES OF THE MARCH 24, 2015 COMMISSION MEETING**

8. **RATIFICATION OF PAYROLL**

Period 8	15 Checks: \$ 8,976.02	1,085 Total Deposits: \$1,426,533.65	Total: \$1,435,509.67
		Federal Payroll Taxes	Total: \$ 215,254.84

9. **RATIFICATION OF WARRANT REGISTER SUMMARY**

Register No. 405	April 13, 2015	Purchasing Cards 4685-4686	Total: \$ 1,810.00
Register No. 406	April 13, 2015	Purchasing Cards 4687-4701	Total: \$ 3,020.00
Register No. 407	April 13, 2015	Purchasing Cards 4702-4702	Total: \$ 48.31
Register No. 408	April 13, 2015	Direct Deposit:21825-21851	Total: \$ 6,353.94
Register No. 409	April 13, 2015	Check Nos. 206366-206395	Total: \$ 6,927.26
Register No. 410	April 13, 2015	Direct Deposit:21852-21869	Total: \$ 5,271.40
Register No. 411	April 13, 2015	Check Nos. 206396-206411	Total: \$ 4,982.96
Register No. 412	April 13, 2015	Wires: 406-406	Total: \$ 188.30
Register No. 413	April 13, 2015	Purchasing Cards 4703-4703	Total: \$ 304.44
Register No. 414	April 13, 2015	Direct Deposit:21870-21877	Total: \$ 12,626.22
Register No. 415	April 13, 2015	Check Nos. 206412-206469	Total: \$ 639,503.80
Register No. 416	April 14, 2015	Check Nos. 206470-206531	Total: \$ 2,472.00
Register No. 417	April 14, 2015	Check Nos. 206532-206535	Total: \$ 3,203.00
Register No. 418	April 14, 2015	Check Nos. 206536-206544	Total: \$ 12,409.64
Register No. 419	April 14, 2015	Purchasing Cards 4704-4705	Total: \$ 425.00
Register No. 420	April 15, 2015	Check Nos. 206545-206580	Total: \$ 164,782.90
Register No. 421	April 16, 2015	Wires: 407-407	Total: \$ 763.71
Register No. 422	April 16, 2015	Direct Deposit:21878-21900	Total: \$ 67,836.21
Register No. 423	April 16, 2015	Check Nos. 206581-206607	Total: \$ 73,130.81
Register No. 424	April 16, 2015	Check Nos. 206608-206616	Total: \$ 282.00
Register No. 425	April 16, 2015	Direct Deposit:21901-21903	Total: \$ 204.38
Register No. 426	April 16, 2015	Check Nos. 206617-206655	Total: \$ 31,569.97
Register No. 427	April 17, 2015	Wires: 408-408	Total: \$ 215,254.84
Register No. 428	April 17, 2015	Direct Deposit:21904-21914	Total: \$ 789,756.69
Register No. 429	April 17, 2015	Check Nos. 206656-206668	Total: \$ 81,480.78
Register No. 430	April 17, 2015	Check Nos. 206669-206679	Total: \$ 5,187.00
Register No. 431	April 17, 2015	Direct Deposit:21915-21921	Total: \$ 24,069.92
Register No. 432	April 17, 2015	Check Nos. 206680-206713	Total: \$ 115,778.82

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Register No. 433	April 17, 2015	Purchasing Cards 4706-4710	Total: \$	346.90
Register No. 434	April 17, 2015	Check Nos. 206714-206714	Total: \$	4,237.04
			<u>Total:</u>	<u>\$2,274,228.24</u>

Consent Agenda Item Nos. 1, 3, and 6 through 9 were approved as written. Commissioner Ellertson recommended the following Regular Agenda items be moved to Consent:

2. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN A MAINTENANCE AGREEMENT WITH LES OLSON COMPANY FOR AN MX-M363U COPIER, SERIAL NO. 15011226, LOCATED IN THE RECORDER'S OFFICE; EXPIRES 4/3/2016**
3. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN A MAINTENANCE AGREEMENT WITH LES OLSON COMPANY FOR AN AR-M455N COPIER, SERIAL NO. 55032347, LOCATED IN THE SHERIFF'S OFFICE; EXPIRES 4/3/2016**
4. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN A MAINTENANCE AGREEMENT WITH LES OLSON COMPANY FOR AN AR-M355 COPIER, SERIAL NO. 6505361X, LOCATED IN THE SHERIFF'S OFFICE; EXPIRES 4/15/2016**
6. **RATIFY THE SIGNATURE OF THE COMMISSION CHAIR ON A LEASE AGREEMENT BETWEEN THE UTAH COUNTY DEPARTMENT OF DRUG AND ALCOHOL PREVENTION AND TREATMENT, AND PINNACLE HOLDINGS, LLC., FOR A YOUTH TREATMENT FACILITY**
7. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT WITH TERRAWORKS INC. FOR INSTALLATION OF A NEW LANDSCAPE SPRINKLER SYSTEM ON THE WEST SIDE OF THE HISTORIC COURTHOUSE**
8. **RATIFY THE SIGNATURE OF THE COMMISSION CHAIR ON THE STANDARD SALES TERMS AND CONDITIONS AGREEMENT WITH CROSSMATCH FOR SOFTWARE PURCHASE**
9. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN APPLICATION FOR USE OF SCHOOL FACILITIES WITH NEBO SCHOOL DISTRICT DURING SWAT HELL WEEK**

ACTIONS TAKEN

Consent Agenda Item No. 1 was **declared** as surplus; Nos. **2 and 5** were **continued** to the April 28, 2015 meeting of the Board; No. **3** was **abated**; No. **4** was **tabled** for further discussion; No. **6** was **adopted**; No. **7** was **approved**; and Nos. **8 and 9** were **ratified**. **Regular Agenda Item** Nos. **2, 3, 4, 7 and 9** were **approved and authorized**; and Nos. **6 and 8** were **ratified**.

AGREEMENT NOS.: 2015-213, 2015-214, 2015-215, 2015-216, 2015-217, 2015-218, 2015-219, 2015-220 and 2015-221
RESOLUTION NO.: 2015-56

REGULAR AGENDA

(PULLED FROM CONSENT)

4. APPROVE TAX CREDITS AND REFUNDS RECOMMENDED BY THE COUNTY TREASURER'S OFFICE IN CANCELLATION LETTER NO. 20330, DATED APRIL 15, 2015

When Commissioner Lee expressed concern about the word "illegal" used in explanations for crediting certain personal property accounts, Utah County Civil Division Chief Deputy Attorney David Shawcroft explained the language is quoted directly from statute.

Commissioner Graves made the motion to approve the tax credits and refunds recommended by the County Treasurer's Office in Cancellation Letter No. 20330 as outlined in Consent Agenda Item No. 4. 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. 2015-222

REGULAR AGENDA

1. AUTHORIZE THE FOLLOWING STAFFING PLAN CHANGES FOR THE DEPARTMENT OF DRUG AND ALCOHOL PREVENTION AND TREATMENT (ACCOUNT NUMBER 210-43350): *DELETE TWO FULL-TIME CAREER SERVICE PROGRAM SERVICES MANAGER POSITIONS (POSITIONS 1067-2-1 AND 1067-3-1); *ADD ONE FULL-TIME CAREER SERVICE DEPUTY DIRECTOR-OPERATIONS POSITION (CLASS CODE TO BE DETERMINED); AND *ADD ONE FULL-TIME CAREER SERVICE DEPUTY DIRECTOR-CLINICAL SERVICES POSITION (CLASS CODE TO BE DETERMINED)

Commissioner Ellertson summarized this request coming from Richard Nance, the Department of Drug and Alcohol Prevention and Treatment Director, whom Commissioner Graves confirmed had clarified certain questions for himself and Commissioner Lee. Since Mr. Nance was not present at the meeting today, Commissioner Ellertson suggested continuing discussion of this item for one week. Utah County Personnel Director Lana Jensen interjected to note the department's anxiousness to post the positions in order to begin the interview process, and Commissioner Ellertson conceded that he would speak privately with Mr. Nance outside of this session.

Commissioner Graves made the motion to authorize the Staffing Plan changes for the Department of Drug and Alcohol Prevention and Treatment as detailed in Regular Agenda Item No. 1. The motion was seconded by Commissioner Lee and carried with the following vote:

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

APPROVED

5. APPROVE OR DENY A LATE VETERAN ABATEMENT APPLICATION FOR BRENT BAUER, SERIAL NO. 38:334:0234, WITH A FINDING THAT THE FAILURE OF THE CLAIMANT TO TIMELY FILE THE APPLICATION WAS BEYOND THE CLAIMANT'S REASONABLE CONTROL AND TO NOT EXTEND THE DEADLINE WOULD BE AGAINST EQUITY OR GOOD CONSCIENCE

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Utah County Clerk/Auditor Bryan E. Thompson provided a copy of the late veteran abatement application to Commissioner Ellertson, who agreed that the application should be approved.

Commissioner Graves made the motion to approve the late veteran abatement application for Brent Bauer on Property Serial No. 38:334:0234 as specified in Regular Agenda Item No. 5, with the finding that the failure of the claimant to timely file the application was beyond the claimant's reasonable control and to not extend the deadline would be against equity or good conscience. The motion was seconded by Commissioner Lee and carried with the following vote:

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

APPROVED

10. CONSIDERATION FOR ADOPTION OF A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF UTAH COUNTY, UTAH AUTHORIZING THE ISSUANCE AND SALE OF NOT MORE THAN \$65,000,000 AGGREGATE PRINCIPAL AMOUNT OF SUBORDINATED TRANSPORTATION SALES TAX REVENUE BONDS; AND RELATED MATTERS

Commissioner Ellertson invited Matt Dugdale of George K. Baum & Company, Financial Advisor for Utah County, to approach the bench for a summary of this resolutions. Mr. Dugdale came forward with Randy Larsen of Ballard Spahr to explain this resolution is the first required legal step when contemplating bonds. Approval of this item will set an official Public Hearing for May 12, 2015.

Matt Dugdale explained that Utah County has bonds outstanding currently which have a 'Senior Lien Pledge' on the Transportation Sales Tax revenues. Since this is a subordinated bond, the senior bonds will receive priority - the first dollars go to pay that debt service. Once the Senior Lien has been met, the subordinated bonds are paid. This is fully disclosed to investors, who will essentially pay based on assessed credit risk and profile. Mr. Dugdale noted the maximum parameters for principal and interest rates; the parameters cannot be exceeded without further action from the Board. Randy Larsen clarified this would be the legislative action of the county to authorize the bond documents assuming the parameters can be met and there is a successful closing. Mr. Larsen added the County is not bound to issue bonds, and the Board reserves the right to revoke authorization at any time until the day the bonds are issued. The legal terms and standard form document are available for public review.

Commissioner Lee asked whether the bond resolution could be delayed to sometime in the future, and still meet the necessary requirements. Matt Dugdale responded the timing is completely up to the Board of Commissioners, but there may be some considerations based on an attached interlocal agreement; there is generally a two-month window from the day the resolution is adopted to the bonds being issued.

Commissioner Lee explained he did not have the resolution details made available to him until late in the previous week, and this is a large issue for the community; he questioned whether it would be prudent to allow more time for public comment. Commissioner Lee was under the impression that action for this project would not take place until the federal government made a funding decision, but moving forward with this resolution at this time would indicate otherwise. He spoke of the Board being sensitive to the people and their concerns, asking Matt Dugdale whether it is "too soon" to move forward, and Commissioner Graves stated that is not an appropriate question for a Financial Advisor or legal counsel - it is a discussion and decision for the commissioners. Commissioner Lee rephrased to ask whether it is normal for a parameters resolution to be approved before federal monies are granted, and Randy Larsen explained how issuers can begin the process prior to the source of funds being verified; it is relatively common to begin the bonding process while still in discussions with the funding source.

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Commissioner Ellertson responded to Commissioner Lee's comment about timing of the resolution, stating it is not a new issue. The Bus Rapid Transit discussion has been taking place for years between the cities, the Mountainland Association of Governments, and regional planning groups. Commissioner Ellertson emphasized that Utah County is not making a unilateral decision, and Commissioner Graves listed several entities that have been involved in the process.

Commissioner Ellertson went on to note the importance of having funds returned to the county by the federal government as part of a budget which has been reviewed by the United States President Barack Obama himself as well as teams of engineers and planners who approve of the Bus Rapid Transit project. Commissioner Ellertson mentioned the need to communicate intent in moving forward to the Federal Transit Administration, so that they in turn can make the final commitment of a full-funding grant agreement with Utah County. Commissioners Ellertson and Lee debated the significance of budget proposals not yet approved by Congress.

Commissioner Lee lamented a lack of communication between the commissioners, and Commissioner Ellertson countered again that this is not new information to anyone and least of all the Board. Commissioner Graves added that if the implied complaint is that there is a conspiracy in place, it would not be a very good conspiracy since he was made aware of the resolution's inclusion on today's calendar at the same time as Commissioner Lee. Commissioner Graves bluntly stated if there was going to be an attempt to hide information from the public, it was unwise to publish the agenda the day before the Utah County Republican Party Organizing Convention (*April 18, 2015*) and give people the opportunity to discuss it at length; it would have made more sense to wait until the following week to avoid opposition. Commissioner Lee asked if Commissioner Graves was fine with the public being made aware, and Commissioner Graves responded "absolutely! Everybody should know." Commissioner Ellertson added "there was no secret," asking Commissioner Lee to refrain from making such accusations.

Jayne Blakesley, general counsel for Utah Transit Authority, addressed the competitive nature of the funds being sought for the Provo/Orem Bus Rapid Transit project. He asked the commissioners to recognize UTA has been in line for quite some time, and is subject to federal appropriations just like every federal program. Mr. Blakesley and Commissioner Lee discussed the timing and process of a transportation bill.

Commissioner Lee noted for the record he is not opposed to mass transit, but is only intent on showing there is a priority problem when funding projects of this magnitude. He spoke of the division of sales taxes between the Utah Transit Authority and cities and towns within Utah County, and the county itself, stating we are over-leveraged and speaking of "filling the bucket and then asking for more money." Commissioner Graves stated he does not disagree regarding the sales tax sources, but the public have continually chosen this route through their votes. Quarter-cent sales taxes were not forcibly thrust upon the citizenry, including UTA involvement. Commissioner Graves warned against blanket assumption statements of opposition to the BRT, suggesting a balance between sticking to facts and ensuring voices are heard without falsely accusing individuals.

Commissioner Lee responded to the mention of a 2006 vote on mass transit, stating it seems like a lifetime ago. He suggested the issue of Bus Rapid Transit was within the top five during the election campaigns of himself and Commissioner Graves last year. Commissioner Lee acknowledged the differing views and proposed the Board allow the citizens to settle it once and for all. Commissioner Lee stated if a public vote came through in favor of BRT, he would personally pick up a shovel alongside Utah Transit Authority. However, if they say the process should be halted, Commissioner Lee would also support that decision. Commissioner Graves confirmed he would support any referendum or process which conveys the will of the people; if those opposed to BRT have the clear majority, he is not afraid to say he was wrong.

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Commissioner Lee presented three options for action on today's agenda item:

- Vote today on this resolution, which might pass and go forward despite his "nay" vote.
- Strike this resolution from the agenda in order to avoid a lawsuit from a group seeking a referendum.
- Compromise between the Utah Transit Authority contract and the will of the people by approving this resolution with the condition that it be placed on a ballot to be ratified by public vote.

Commissioner Lee expressed his preference in approving the resolution with the intent to seek public vote, or ideally having the majority of the Board vote against the resolution and have the bonding process fail.

Commissioner Ellertson commented on the use of quarter-cent taxes. He clarified that 100% of the second quarter was for roads during the first several years of institution, not transit. Utah Transit Authority allowed the monies to be used to build roads, and it is now being repaid by Utah County. Commissioner Ellertson also noted the third quarter financing is only temporary; ultimately, Provo/Orem Bus Rapid Transit will be paid from the first quarter transit tax. The monies will come back to Utah County and be used for roads. He went on to explain the forced savings account which will be accessible for future roads, commenting on the several millions of dollars still available each year during the time bond payments are being made for BRT. Commissioner Ellertson does not view this as taking road money to buy transit because the county has had more than what was allotted for roads - this is neither lost money or a new source of funds, only a prioritization of funds already collected. He reiterated that the funding in question is not 'federal money,' but county revenues which are being returned to us.

Commissioner Lee responded to Commissioner Ellertson's comments, expressing concern in engaging a 'Quid Pro Quo' situation which was not previously agreed to in contract language. Commissioner Lee is also skeptical of claims that this is the only time such an opportunity will present itself. Commissioner Ellertson clarified that there is a contract in place with Utah Transit Authority regarding repayment, and they discussed federal timelines and expectations of an interlocal agreement.

Commissioner Lee asked for feedback on his suggestion to adopt the resolution subject to a ratifying vote by the public, and Commissioner Graves clarified that adopting the resolution does not bind Utah County to any bonding; if the federal grant is denied, no further action takes place. Commissioner Graves compared this part of the process as the first step of many still needed for the project to be a reality. Commissioner Lee mentioned potential legal liability if Utah County does not approve this resolution, and his suggested constrictions as a compromise with minimal risk. Commissioner Graves countered that a referendum would allow that same process.

Commissioner Graves explained he and Commissioner Lee were not a part of this process from the beginning, as the previous Board worked in conjunction with several City Councils, City Engineers, the Mountainland Association of Governments, the Utah Transit Authority, and the Utah Department of Transportation. He thanked them for that work and doing their best in projecting community needs, offering support for their plans.

Commissioner Graves made the motion to adopt the resolution authorizing the issuance and sale of not more than \$65,000,000 aggregate principal amount of subordinated Transportation Sales Tax Revenue Bonds and related matters as defined in Regular Agenda Item No. 10.

Because there was lack of a second, Commissioner Ellertson briefly suspended Robert's Rules of Order for the purpose of seconding this motion.

The motion was seconded by Commissioner Ellertson, and discussion continued.

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Commissioner Lee proposed an amendment to the motion made by Commissioner Graves:

Commissioner Lee made the motion to adopt the resolution authorizing the issuance and sale of not more than \$65,000,000 aggregate principal amount of subordinated Transportation Sales Tax Revenue Bonds and related matters as defined in Regular Agenda Item No. 10, subject to the resolution being placed on a ballot for ratification by the citizenry. The motion died for lack of a second.

When Commissioner Graves mentioned the next election would not take place until 2016, Commissioner Lee indicated there may be a process allowing a vote to take place this year.

Commissioner Lee proposed a motion in place of the one made by Commissioner Graves:

Commissioner Lee made the motion strike Regular Agenda Item No. 10 from the agenda, with the intent to return for discussion in one month to allow the public fair notice. The motion died for lack of a second.

Commissioner Graves noted that when regular discussion of the proposed Provo/Orem Bus Rapid Transit project began during Commission meetings in January 2015, the Board had stated the item would be addressed in mid-April; in essence, this has been widely anticipated for approximately three months.

Commissioner Ellertson reminded the audience that there is a public process, and part of it includes moving forward with the Public Hearing being set for May 12, 2015 upon approval of this agenda item. He called for a vote on the remaining active motion for adoption by Commissioner Graves as stated above.

The motion to adopt the resolution, made by Commissioner Graves and seconded by Commissioner Ellertson, carried with the following vote:

**AYE: Larry A. Ellertson
Greg Graves
NAY: William C. Lee**

RESOLUTION NO. 2015-57

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

14. APPROVE AND SET A DATE, TIME AND LOCATION FOR A CLOSED MEETING FOR A STRATEGY SESSION TO DISCUSS THE SALE OF REAL PROPERTY, WATER RIGHTS, OR WATER SHARES, PREVIOUSLY PUBLICLY NOTICED FOR SALE (SUGGESTED FOR TODAY'S DATE, AT THIS LOCATION, FOLLOWING THE COMPLETION OF THE REGULAR AGENDA AND WORK SESSION AGENDA ITEMS) (ANNOUNCE THE VOTE OF EACH COMMISSIONER)

Commissioner Lee made the motion to strike Regular Agenda Item No. 14 to set a date, time, and location for a closed meeting for a strategy session to discuss the sale of real property, water rights, or water shares, previously publicly noticed for sale. The motion was seconded by Commissioner Graves and carried with the following vote:

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

STRICKEN

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11. **APPROVE AND 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 (SUGGESTED FOR TODAY'S DATE, AT THIS LOCATION, FOLLOWING THE COMPLETION OF THE REGULAR AGENDA AND WORK SESSION AGENDA ITEMS) (ANNOUNCE THE VOTE OF EACH COMMISSIONER)**

Commissioner Lee 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 follow the Regular Agenda and Work Session Agenda items today in Room 1400 of the County Administration Building. The motion was seconded by Commissioner Graves and carried with the following vote:

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

SET

12. **APPROVE AND SET A DATE, TIME AND LOCATION FOR A CLOSED MEETING FOR A STRATEGY SESSION TO DISCUSS PENDING OR REASONABLY IMMINENT LITIGATION (SUGGESTED FOR TODAY'S DATE, AT THIS LOCATION, FOLLOWING THE COMPLETION OF THE REGULAR AGENDA AND WORK SESSION AGENDA ITEMS) (ANNOUNCE THE VOTE OF EACH COMMISSIONER)**

Commissioner Lee 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 follow the Regular Agenda and Work Session Agenda items today in Room 1400 of the County Administration Building. The motion was seconded by Commissioner Graves and carried with the following vote:

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

SET

13. **APPROVE AND SET A DATE, TIME AND LOCATION FOR A CLOSED MEETING FOR A STRATEGY SESSION TO DISCUSS THE PURCHASE, EXCHANGE, OR LEASE OF REAL PROPERTY, WATER RIGHTS, OR WATER SHARES (SUGGESTED FOR TODAY'S DATE, AT THIS LOCATION, FOLLOWING THE COMPLETION OF THE REGULAR AGENDA AND WORK SESSION AGENDA ITEMS) (ANNOUNCE THE VOTE OF EACH COMMISSIONER)**

Commissioner Lee 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, water rights, or water shares to follow the Regular Agenda and Work Session Agenda items today in Room 1400 of the County Administration Building. The motion was seconded by Commissioner Graves and carried with the following vote:

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

SET

WORK SESSION

1. PRESENTATION ON THE “WILDLAND URBAN INTERFACE ORDINANCE”

Utah State Fire Marshal Coy Porter approached the bench to distribute the proposed Wildland Urban Interface Ordinance plan to the Utah County Commissioners, copies of which can be found attached to these minutes. Mr. Porter explained the state is reaching out to every county in response to small cabin construction concerns in unincorporated areas. County Commissioners are tasked with deciding on enforceable codes, and the state would like to have statewide cooperation with local variations as needed. When there are structures built in rural settings without adequate water supply, the risk for fire is greater. Mr. Porter spoke about necessary permits, different building size restrictions in different counties, and required road conditions for emergency response teams. The commissioners discussed the burning of wood pallets and nuisance laws with Mr. Porter, thanking him for his presentation and suggesting ongoing communication with Utah County Fire Marshal Jack Snow as well as Assistant Fire Warden Kevin Cortez.

This concluded discussion of all scheduled agenda items, and the meeting recessed at 11:34 A.M. to go into closed sessions. The public meeting reconvened at 12:18 P.M.

Commissioner Graves made the motion to adjourn the April 21, 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 12:19 P.M. The minutes of the April 21, 2015 Commission meeting were approved as transcribed on June 2, 2015.

LARRY A. ELLERTSON, Commission Chair

ATTEST:

BRYAN E. THOMPSON
Utah County Clerk/Auditor