

BOARD OF COUNTY COMMISSIONERS, UTAH COUNTY, UTAH
MINUTES OF PUBLIC MEETING
COMMISSION CHAMBERS, ROOM 1400
OF THE UTAH COUNTY ADMINISTRATION BUILDING
September 9, 2014 - 9:00 A.M.

PRESENT: COMMISSIONER GARY J. ANDERSON, CHAIR
COMMISSIONER LARRY A. ELLERTSON, VICE-CHAIR
COMMISSIONER DOUG WITNEY

ALSO PRESENT:

E. Kent Sundberg, Civil Division Chief Attorney
David Shawcroft, Utah County Deputy Attorney
Robert J. Moore, Utah County Deputy Attorney
Paul Jones, Utah County Deputy Attorney
Cort Griffin, Utah County Deputy Attorney
Bryan E. Thompson, Utah County Clerk/Auditor
Scott C. Hogensen, Chief Deputy Clerk/Auditor
Sandy Nielson, Clerk/Auditor's Office - Tax Admin.
Julie Rollins, Utah County Purchasing Agent
Kris Poulson, Utah County Assessor
Peter A. Jepps, Utah County Assessor's Office
Jim Stevens, Utah County Assessor's Office
Peggy Kelsey, Community Development
Dr. Joseph K. Miner, Health Department Exec. Director
Marianne Christensen, Utah County Health Department
Bryce C. Larsen, Utah County Health Department
Richard Nance, Drug&Alcohol Prevention&Treatment
Richard Nielson, Utah County Public Works Director

Lana Jensen, Utah County Personnel Director
Andrea Allen, Utah County Recorder's Office
Dalene Higgins, Utah County Sheriff's Office
Mike Forshee, Utah County Sheriff's Office
Wally Perschon, Utah County Sheriff's Office
Gary Ratcliffe, Utah County Surveyor
Robert C. Kirk, Utah County Treasurer
Joel Racker, Utah Valley Convention & Visitors Bureau
Charlene Christensen, UV Convention & Visitors Bureau
Larry Ballard, Utah County Resident
Courtney Jordan, Tough Mudder Inc.
Peter L. Anderson, Utah County Resident
Sharon P. Anderson, Utah County Resident
Eldon A. Neves, Citizens for Rural Utah
Chad Eccles, -No further information given-
Bill Lee, -No further information given-
Billy Hesterman, *The Daily Herald*
Mike Stansfield, Fairways Media
Renée Huggins-Caron, Clerk/Auditor Admin. Assist.

Commissioner Anderson called the meeting to order at 9:02 A.M. and welcomed those present. The following matters were discussed:

PRAYER/READING/THOUGHT: Larry A. Ellertson, Utah County Commissioner
PLEDGE OF ALLEGIANCE: Doug Witney, Utah County Commissioner

The Board momentarily recessed to assemble as The Board of Equalization of Utah County from 9:04 A.M. to 9:05 A.M. The Utah County Board of Commissioners reconvened at 9:05 A.M., and the commissioners moved forward with the following agenda items.

CONSENT AGENDA

1. **DECLARE THE ATTACHED LIST OF EQUIPMENT AND VEHICLES AS SURPLUS, AND AUTHORIZE THE DISPOSAL OF THESE ITEMS THROUGH PUBLIC AUCTION**
2. **APPROVE PROPERTY TAX ACTIONS CONTAINED IN RECOMMENDATION LETTER NO. 2014-17**
3. **APPROVE THE MINUTES OF THE AUGUST 19, 2014 COMMISSION MEETING**
The Board requested that Consent Agenda Item No. 3 be moved to the Regular Agenda for discussion.
PULLED TO REGULAR

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4. APPROVE THE MINUTES OF THE AUGUST 26, 2014 COMMISSION MEETING

5. RATIFICATION OF PAYROLL

| | | | | | |
|-----------|-----------------------|-------|--------------------------------|--------|----------------|
| Period 18 | 9 Checks: \$ 5,732.04 | 1,132 | Total Deposits: \$1,462,788.75 | Total: | \$1,468,520.79 |
| | | | Federal Payroll Taxes | Total: | \$ 213,516.25 |

6. RATIFICATION OF WARRANT REGISTER SUMMARY

| | | | | | |
|------------------|-------------------|----------------------------|---------------|----|------------------------------|
| Register No. 847 | August 28, 2014 | Direct Deposit:20177-20177 | Total: | \$ | 214.00 |
| Register No. 848 | August 28, 2014 | Purchasing Cards 2875-2875 | Total: | \$ | 1,912.00 |
| Register No. 849 | August 28, 2014 | Bond Wires:302-303 | Total: | \$ | 109.39 |
| Register No. 850 | August 28, 2014 | Check Nos. 198365-198381 | Total: | \$ | 118,077.53 |
| Register No. 851 | August 29, 2014 | Purchasing Cards 2876-2887 | Total: | \$ | 2,083.15 |
| Register No. 852 | August 29, 2014 | Check Nos. 198382-198411 | Total: | \$ | 49,884.54 |
| Register No. 853 | August 29, 2014 | Check Nos. 198412-198419 | Total: | \$ | 2,741.00 |
| Register No. 854 | August 29, 2014 | Purchasing Cards 2888-2889 | Total: | \$ | 13,652.50 |
| Register No. 855 | August 29, 2014 | Direct Deposit:20178-20185 | Total: | \$ | 628.00 |
| Register No. 856 | August 29, 2014 | Check Nos. 198420-198432 | Total: | \$ | 25,632.71 |
| Register No. 857 | September 2, 2014 | Check Nos. 198433-198453 | Total: | \$ | 12,176.29 |
| Register No. 858 | September 3, 2014 | Check Nos. 198454-198484 | Total: | \$ | 46,099.96 |
| Register No. 859 | September 4, 2014 | Check Nos. 198485-198537 | Total: | \$ | 2,544.00 |
| Register No. 860 | September 4, 2014 | Bond Wires:304-304 | Total: | \$ | 60.24 |
| Register No. 861 | September 4, 2014 | Direct Deposit:20186-20188 | Total: | \$ | 2,733.51 |
| Register No. 862 | September 4, 2014 | Purchasing Cards 2890-2903 | Total: | \$ | 5,648.37 |
| Register No. 863 | September 4, 2014 | Check Nos. 198538-198564 | Total: | \$ | 150,841.35 |
| Register No. 864 | September 4, 2014 | Check Nos. 198565-198584 | Total: | \$ | 16,250.49 |
| Register No. 865 | September 5, 2014 | Direct Deposit:20189-20201 | Total: | \$ | 831,372.47 |
| Register No. 866 | September 5, 2014 | Check Nos. 198585-198597 | Total: | \$ | 80,476.16 |
| Register No. 867 | September 5, 2014 | Check Nos. 198598-198608 | Total: | \$ | 32,284.68 |
| Register No. 868 | September 5, 2014 | Purchasing Cards 2904-2909 | Total: | \$ | 1,372.67 |
| Register No. 869 | September 5, 2014 | Direct Deposit:20202-20254 | Total: | \$ | 60,060.51 |
| Register No. 870 | September 5, 2014 | Check Nos. 198609-198620 | Total: | \$ | 6,157.65 |
| Register No. 871 | September 5, 2014 | Check Nos. 198621-198632 | Total: | \$ | 7,422.61 |
| | | | Total: | | <u>\$1,470,435.78</u> |

Consent Agenda Item Nos. 1, 2, and 4 through 6 were approved as written. Commissioner Anderson recommended the following Regular Agenda items be moved to Consent:

1. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN A MAINTENANCE AGREEMENT WITH LES OLSON COMPANY FOR AN AR-208 COPIER, SERIAL NO. 05021645, LOCATED AT THE UTAH COUNTY JAIL; RENEWAL DATES 08/21/2014 - 08/20/2015
2. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT, AND AN ADDENDUM TO AGREEMENT, WITH SUNDANCE FOR SPONSORSHIP OF TOUR OF UTAH EVENTS
3. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN THE LARGE PUBLIC ASSEMBLY LICENSE FOR THE TOUGH MUDDER, INC EVENT AT WASATCH WING & CLAY, LLC. FOR SEPTEMBER 13, 2014

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4. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN THE SINGLE EVENT BEER LICENSE APPLICATION FOR TOP SHELF SERVICES FOR THE TOUGH MUDDER, INC EVENT AT WASATCH WING & CLAY, LLC. FOR SEPTEMBER 13, 2014**
5. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT WITH THE UTAH DEPARTMENT OF HEALTH - EPIDEMIOLOGY DIVISION FOR INFECTIOUS DISEASE OUTBREAK SURVEILLANCE AND INVESTIGATION**
9. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AMENDMENT TO AGREEMENT NO. 2012-871 WITH SUMMIT ENERGY, LLC. (Continued from the September 2, 2014 Commission meeting)**
10. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN A SUBDIVISION IMPROVEMENT AND WARRANTY - CASH BOND AGREEMENT WITH J. LYNE ROBERTS AND SONS INC. FOR THE LOAFER VIEW RANCHES SUBDIVISION, PLAT "A," IN THE AMOUNT OF \$187,177.75**
12. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN A MOUNTAINLAND ASSOCIATION OF GOVERNMENTS UTAH COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT AWARD OF UP TO \$300,000.00 TO AMERICAN FORK CITY FOR THE 200 WEST FIRE PROTECTION AND WATER LINE REPLACEMENT PROJECT**
13. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN A MOUNTAINLAND ASSOCIATION OF GOVERNMENTS UTAH COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT AWARD OF UP TO \$20,000.00 TO TABITHA'S WAY FOR THE FACILITY UPGRADES PROJECT**

ACTIONS TAKEN

Consent Agenda Item Nos. 1 was declared as surplus; Nos. 2 and 4 were approved; No. 3 was tabled for further discussion; and Nos. 5 and 6 were ratified. Regular Agenda Item Nos. 1 through 5, 9, 10, 12, and 13 were approved and authorized.

AGREEMENT NOS.: 2014-603, 2014-604, 2014-605, 2014-606, 2014-607, 2014-608, 2014-609, 2014-610, 2014-611, 2014-612, 2014-613 and 2014-614

REGULAR AGENDA

(PULLED FROM CONSENT)

3. **APPROVE THE MINUTES OF THE AUGUST 19, 2014 COMMISSION MEETING**

Commissioner Ellertson noted a correction in the motion related to Regular Agenda Item No. 6, on page 9 of the minutes.

Commissioner Ellertson made the motion to approve the minutes of the August 19, 2014 Commission meeting as detailed in Consent Agenda Item No. 3, with the changes noted. The motion was seconded by Commissioner Witney and carried with the following vote:

AYE: Gary J. Anderson
Larry A. Ellertson
Doug Witney
NAY: None

APPROVED

REGULAR AGENDA

6. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT WITH STATE OF UTAH DEPARTMENT OF HUMAN SERVICES DIVISION OF CHILD AND FAMILY SERVICES FOR THE WELCOME BABY PROGRAM

Utah County Health Department Executive Director Dr. Joseph K. Miner explained that the State of Utah Department of Human Services designates one dollar from the purchase of each birth certificate in the state into a fund for the prevention of child abuse and neglect. The 'Welcome Baby' program is made possible through those monies, and allows nurses to visit high-risk homes and assist mothers and newborn children. Dr. Miner noted Utah County contributes greatly to the fund as the county holds the highest birth rates in the state. This program has been active for twenty years. Commissioner Anderson spoke of the importance of this program.

Commissioner Witney made the motion to approve and authorize the agreement with the State of Utah Department of Human Services - Division of Child and Family Services for the Welcome Baby Program as identified in Regular Agenda Item No. 6. The motion was seconded by Commissioner Ellertson and carried with the following vote:

**AYE: Gary J. Anderson
Larry A. Ellertson
Doug Witney
NAY: None**

AGREEMENT NO. 2014-615

7. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT TO PROVIDE SENIOR COMPANIONS TO COMMUNITY NURSING SERVICES HOME HEALTH AND HOSPICE

Commissioner Ellertson asked about the collaboration between Utah County and Wasatch County for Community Nursing Services, and Marianne Christensen of the Utah County Health Department clarified that this agreement is only for services in Utah County. Commissioners Ellertson and Anderson pointed out that the contract wording includes Wasatch County, and asked Utah County Civil Division Chief Deputy Attorney E. Kent Sundberg to review the details.

Commissioner Ellertson made the motion to approve and authorize the agreement to provide Senior Companions to Community Nursing Services Home Health and Hospice, subject to legal review, as discussed in Regular Agenda Item No. 7. The motion was seconded by Commissioner Witney and carried with the following vote:

**AYE: Gary J. Anderson
Larry A. Ellertson
Doug Witney
NAY: None**

AGREEMENT NO. 2014-616

8. ACCEPT THE RECOMMENDATION, AND APPROVE THE RECOMMEND FUNDING LIST, FOR PROJECTS FUNDED WITH COUNTY SALES TAX PROCEEDS AS PRESENTED BY THE MOUNTAINLAND ASSOCIATION OF GOVERNMENTS OR AS AMENDED BY THE BOARD OF COMMISSIONERS (Continued from the August 26, 2014 Commission meeting)

Utah County Public Works Director Richard Nielson introduced Andrew Jackson and Shawn Eliot of the Mountainland Association of Governments (MAG). Commissioner Anderson summarized the process in which the recommended funding list for transportation projects is created. Commissioner Ellertson expressed appreciation for all of the effort, and mentioned his discomfort with approving a multi-year program; he suggested that perhaps the funds could be approved annually.

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Richard Nielson and Commissioner Ellertson discussed other funds and reimbursement options, as well as match requirements. When Commissioner Anderson suggested this item be continued, Mr. Nielson mentioned that American Fork City has begun work on their 900 West project in anticipation of the funds approved within this proposed list.

Commissioner Ellertson made the motion to continue Regular Agenda Item No. 8 regarding the recommended funding list for projects funded with County Sales Tax for two weeks to the September 23, 2014 meeting of the Utah County Board of Commissioners. The motion was seconded by Commissioner Witney and carried with the following vote:

**AYE: Gary J. Anderson
Larry A. Ellertson
Doug Witney
NAY: None**

CONTINUED TO SEPTEMBER 23, 2014

11. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN A PURCHASE AGREEMENT WITH AMERICAN AIRBOAT CORPORATION

Commissioners Witney and Ellertson noted that the original estimated cost for the airboat for the Utah County Sheriff's Office was \$60,000; an additional \$40,000 in upgrades has now been requested. Mike Forshee of the Utah County Sheriff's Office explained that the base price of a brand new boat is generally for an empty hull; a personal purchase in 2007 began at \$79,000 but had reached \$139,000 by the time it was prepared for Utah Lake. Commissioner Anderson stated the Board had not been made aware of this at the time a \$60,000 expense was authorized.

Wally Perschon of the Utah County Sheriff's Office clarified that the basic airboat is more appropriate for climates in the states of Florida or Texas. The upgrades include moving to a 750 horsepower engine from a 500 horsepower engine so that the boat can push across the local terrain at slow speeds during searches; this costs \$15,000.00. Several thousand dollars were added for a trailer, as well as upgrading the hull for icy conditions that are not concerns in other states.

Commissioner Anderson asked why the Board was not informed of these additional costs at the time the initial request was made by the Sheriff's Office, and Wally Perschon noted he was not involved in those primary discussions. Mike Forshee admitted that the research may not have been done, and other factors like potentially purchasing from another company may have also affected the estimates. Commissioner Anderson stated the Board is not questioning the need for the boat, but is dismayed at the lack of information. He questioned where the extra money would be coming from, and Mr. Perschon detailed budget transfers, insurance settlements, surplus, and airplane donations. Mr. Forshee also commented on future purchases that would not be funded by the commissioners. Commissioner Witney reiterated that the Board is grateful for the Search and Rescue work as well as volunteer work, but does not appreciate surprises where the budget is involved.

Commissioner Witney made the motion to approve and authorize the purchase agreement with American Airboat Corporation as defined in Regular Agenda Item No. 11, subject to future discussions to determine funding for the purchase. The motion was seconded by Commissioner Ellertson, and discussion continued.

Commissioner Anderson expressed discomfort with approving an agreement contingent upon conversations which have not yet taken place. He agreed that the funds must be identified, as well as other internal matters discussed, and questioned why those conversations cannot take place prior to approval. Mike Forshee commented on the time frame, and Utah County Clerk/Auditor Bryan E. Thompson pointed out that capital purchases can come from targeted funds in order to meet deadlines.

With further clarification, Commissioner Witney withdrew his previous motion and submitted the following instead:

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Commissioner Witney made the motion to continue Regular Agenda Item No. 11 regarding the purchase agreement with American Airboat Corporation for one week to the September 16, 2014 meeting of the Utah County Board of Commissioners. The motion was seconded by Commissioner Ellertson and carried with the following vote:

**AYE: Gary J. Anderson
Larry A. Ellertson
Doug Witney
NAY: None**

CONTINUED TO SEPTEMBER 16, 2014

14. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN A MEMORANDUM OF UNDERSTANDING BETWEEN UTAH COUNTY AND UTAH TRANSIT AUTHORITY

Commissioners Ellertson and Anderson noted this memorandum of understanding has been discussed at length between Utah County, the Utah Transit Authority and the Mountainland Metropolitan Planning Organization (MPO). Commissioner Witney clarified that this item is only to approve the guidelines that will be expanded upon for the final project. While it likely will not be these same members of the Board that makes the final decision, the memorandum of understanding will serve as the tool to attain \$75,000,000 from the federal government.

Andrew Jackson of the Mountainland Association of Governments (MAG) explained how this memorandum of understanding will document the discussions between Utah County, the cities, Utah Transit Authority, and the MPO. Mr. Jackson reviewed the draft and figures for the record to prevent future miscommunication. He stated \$2,800,000 was originally taken out of the third quarter to pay for the design; MAG had previously been told that it would be included as part of the \$65,000,000 required for the local match. A local match of \$75,000,000 is needed; \$2,800,000 was already part of the \$65,000,000 that would be needed, and \$10,000,000 coming from the right-of-way with the Utah Department of Transportation. There is a question whether or not that appraisal will actually return at \$10,000,000. Mr. Jackson said it is appropriate to show the \$2,800,000 there because it may be needed along with the \$65,000,000 in order to get the required match.

Commissioner Ellertson noted all of these details would be finalized as part of the interlocal agreement; the \$2,800,000 in question is a separate agreement that Utah County already has in place. They discussed whether or not the \$2,800,000 is included in the \$65,000,000, and Commissioner Ellertson the local match of \$75,000,000 is comprised of bonds, right-of-way, and other monies if needed. Andrew Jackson asked about reimbursement, and Utah County Civil Division Chief Deputy Attorney E. Kent Sundberg quoted from paragraph one of the memorandum of understanding. Mr. Jackson also pointed out decisions that would have to be made by elected officials in the year 2027 or 2028. Commissioner Ellertson summarized that there are a number of details yet to be worked out in the interlocal process and the bonding process; the Board has the responsibility to do that in a prudent matter.

Commissioner Anderson repeated Commissioner Witney's point that this memorandum will allow the Utah Transit Authority to make their application to the federal government. Commissioner Anderson expressed his opinion: "I do think it's a great project, I know that there's some people who disagree with that; I think this is another spoke in the wheel of economic development in Utah County." He stated it is a lot of money with a lot of things to be worked out, and noted the federal funds are not guaranteed. Bus Rapid Transit would not be able to move forward if those monies are denied. Commissioner Anderson commended the cooperation between the agencies, and invited public comment.

Utah County resident Sharon Anderson came forward to say this contract can be viewed as the memorialization of all the interagency efforts, but it may also memorialize the death of limited government principles. Ms. Anderson is concerned about local transparency because she was unable to obtain a copy of the proposed memorandum of understanding; she was told it would not be available until after a decision is made. Commissioner Witney explained it would be premature to release the draft version of a contract to the public as changes can still occur. Ms. Anderson asked if that means changes can be made to the document after the fact, and the Board responded no. They also explained the differences between a memorandum of understanding and an interlocal agreement.

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When Sharon Anderson asked the commissioners not to rush a decision based on the deadline for the Federal Transit Administration Small Starts Grant Program, they clarified that this arrangement has been in progress for years. Ms. Anderson addressed financial concerns, noting the \$240,000,000 cost to the Utah Transit Authority (UTA) to buy the project. Commissioner Ellertson corrected the dollar amounts, and E. Kent Sundberg added comments about principle and interest. Commissioner Ellertson explained that the monies are raised through sales taxes by the citizens of Utah County, and must be used for transportation purposes. He noted it is the same principle as work on Interstate-15. They discussed taxes, and Ms. Anderson explained that if the Bus Rapid Transit (BRT) cost were to be divided by two - half each for Provo City and Orem City - the dollar amount per family could be used to purchase a car for the one-third of the population considered low-income. Commissioner Ellertson refuted that they would not be able to drive the cars because the roads would be so full. He encouraged the citizens to look to the future and consider the overall transportation network.

Utah County resident Peter Anderson came forward to remind Commissioner Ellertson of his comment related to Regular Agenda Item No. 8 (page 4 of these minutes), wherein Commissioner Ellertson expressed discomfort with a multi-year contract. Mr. Anderson lauded that comment as sound advice and applied it to this memorandum of understanding with UTA. He spoke about international financial impact, mentioning Russia, Afghanistan, France, and Germany. Mr. Anderson stated our country is on the verge of collapse, and projects such as this will be laid on the backs of the taxpayers. He urged the Board to further analyze this contract, stating that while items are needed for the future, the money must be there to pay for it.

Commissioner Ellertson explained BRT is part of a broader network. This is not the first, nor will it be the last, project to provide mobility to the people that live here and those yet to come. We cannot wait until the time is present, because it takes time to put projects into place - they take time to grow. Commissioner Ellertson noted, "We have to think ahead. We have to think of the future. Provo didn't just happen today to serve us today." He shared his view that this project will augment and pave the way for future projects to serve other parts of the county as well, not just Provo and Orem. If the plans are not put into place now, when everything comes crashing down later, the citizens will question "Why didn't we do this earlier?" Commissioner Ellertson pointed out the duality of that outlook, indicating there is no satisfaction either way. He acknowledged taxpayer concerns and reminded the audience they are all taxpayers, himself included. Commissioner Ellertson reiterated this project is being funded by local sales tax and fuel taxes that are paid by us and sent to Washington D.C.; it is just being sent back to Utah County so that it can be used where it was generated.

Commissioner Ellertson made the motion to approve and authorize a memorandum of understanding between Utah County and Utah Transit Authority as specified in Regular Agenda Item No. 14. The motion was seconded by Commissioner Witney and carried with the following vote:

**AYE: Gary J. Anderson
Larry A. Ellertson
Doug Witney
NAY: None**

AGREEMENT NO. 2014-617

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

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

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

STRICKEN

19. 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

STRICKEN

Commissioner Witney made the motion to strike Regular Agenda Item Nos. 17, 18 and 19 to set dates, times and locations for closed meetings for a strategy session to discuss the purchase, exchange, or lease of real property; for a strategy session to discuss the sale of real property; and to discuss commercial information as defined in Section 59-1-404, U.C.A., as amended. The motion was seconded by Commissioner Ellertson and carried with the following vote:

AYE: Gary J. Anderson
Larry A. Ellertson
Doug Witney
NAY: None

15. 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 Ellertson made the motion to 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 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 Witney and carried with the following vote:

AYE: Gary J. Anderson
Larry A. Ellertson
Doug Witney
NAY: None

SET

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

Commissioner Ellertson 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 Witney and carried with the following vote:

AYE: Gary J. Anderson
Larry A. Ellertson
Doug Witney
NAY: None

SET

WORK SESSION

NO WORK SESSION ITEMS WERE SUBMITTED

PUBLIC COMMENTS

Utah County resident Larry Ballard commented on the most recent Mountainland Metropolitan Planning Organization (MPO) meeting. He expressed concerns with the structure and methodologies of the MPO in relation to his own experiences as part of the Fire Marshals Association of Utah. Mr. Ballard explained that the Fire Marshals had a policy to never take action on an item that was introduced during at monthly meeting at that same session; they would always take some time to review the information. He mentioned the MPO was asked to pass a resolution regarding Tier 3 gasoline, but they are not a legislative body. Nothing in the by-laws allows a regional appointed body such as the MPO to take legislative action.

Larry Ballard asked that there is no more voting on items introduced during MPO meetings without taking the time to do the research. Mr. Ballard talked about fuel regulations and the dangers of spending tax dollars on a secretive and potentially destructive action, mentioning that the U.S. Environmental Protection Agency (EPA) will cause personal transportation to be that much more expensive.

The Board thanked Sharon Anderson, Peter Anderson, and Larry Ballard for their comments and involvement in important local government issues.

This concluded the public comment portion of the open meeting, and the meeting recessed at 9:50 A.M. to go into closed meetings. The public meeting reconvened at 10:48 A.M.

Commissioner Witney made the motion to adjourn the September 9, 2014 meeting of the Utah County Board of Commissioners. The motion was seconded by Commissioner Ellertson and carried with the following vote:

**AYE: Gary J. Anderson
Larry A. Ellertson
Doug Witney
NAY: None**

There being no further business nor public comment, the meeting adjourned at 10:48 A.M. The minutes of the September 9, 2014 Commission meeting were approved as transcribed on September 16, 2014.

GARY J. ANDERSON, Commission Chair

ATTEST:

BRYAN E. THOMPSON
Utah County Clerk/Auditor

Copies Available on the County Web Site at www.utahcountyonline.org
Recorded by Renée Huggins-Caron, Clerk/Auditor Administrative Assistant