



Minutes of the Four Hundred and Seventeenth Meeting  
Of the Utah Transit Authority Board of Trustees

The Four Hundred and Seventeenth meeting of the Board of Trustees of the Utah Transit Authority was held on November 24, 2008, in the Board Room of the Meadowbrook Facility located at 3600 South 700 West, Salt Lake City, Utah.

Members of the Board of Trustees in attendance:

Larry Ellertson, President

Gregory Simonsen, Vice President

Justin Y. Allen

Michelle Baguley

Keith Bartholomew

Burtis Bills

Necia Christensen

J. Stephen Curtis

Terry C. Diehl

Charles Henderson

Robert A. Hunter

P. Bret Millburn

Frederick W. Oates

Michael Romero

Absent:

Christopher R. Bleak

Gregory Hughes

J. Kent Millington

Also in attendance were John English, General Manager; Bruce Jones, General Counsel; Celeste Burningham, Corporate Office Specialist, as well as interested citizens, UTA staff and media representatives.

---

**Welcome** – President Ellertson called the meeting to order at 2:33 p.m. He welcomed those in attendance and excused Trustees Millington, Hughes, and Bleak.

**Public Hearing on the Proposed 2009 Budget**

Trustee Bills made a motion to begin the Public Hearing for the Proposed 2009 Budget. Trustee Christensen seconded the motion. The motion passed unanimously with 14 voting members present.

President Ellertson opened the meeting for public comments in regards to the 2009 budget.

Irene Huntsman stated that she had received 29 acknowledgment pages from the Commissioners and Mayors stating they have looked at the budget. She stated the only comments that have been made are that the UTA projection for sales tax revenue is high.

Ken Montague discussed some of the reasons that the projection for sales tax is high and stated that staff is meeting to discuss this. He stated that there will be adjustments that need to be made to the final budget before final acceptance.

**Close Public Hearing**

Trustee Diehl made a motion to close the Public Hearing for the 2009 Budget. Trustee Millburn seconded the motion. The motion passed unanimously with 14 voting members present.

Board Meeting Report  
November 24, 2008

**Public Comment**

Necia Christensen, on behalf of the senior community at Silver Pines. Mrs. Christensen presented a petition, signed by 117 members of the community at Silver Pines, to provide some form of public transportation to the residents of Silver Pines. She stated that this community, located at 700 East 11000 South, and other senior housing complexes in the area would like to have a form of transportation they could rely on other than a car. She stated that she wanted to present the petition to President Ellertson and John English.

**Resolutions**

- Resolution of the Board of Trustees of the Utah Transit Authority Acknowledging Election Results and Approving the Annexation of the Municipality Saratoga Springs into the Public Transit District.

Trustee Baguley stated that this Resolution is to authorize the election results in Saratoga Springs and accept them into the transit district. She stated that in this Resolution, the Board is directing the Lieutenant Governor to send the certifying letter to Saratoga Springs upon execution of the Interlocal Agreement.

Trustee Baguley made a motion to adopt the Resolution. Trustee Curtis seconded the motion. The motion passed unanimously with 14 voting members present.

- Resolution of the Board of Trustees of the Utah Transit Authority Acknowledging Election Results and Approving the Annexation of the Municipality of Eagle Mountain into the Public Transit District.

Trustee Baguley stated that this Resolution is the same as the one for Saratoga Springs but this one is for the City of Eagle Mountain. She stated that the Letter of Certification will be sent upon executive of the Interlocal Agreement.

Trustee Baguley made a motion to adopt the Resolution. Trustee Henderson seconded the motion. The motion passed unanimously with 14 voting members present.

- Resolution of the Board of Trustee of the Utah Transit Authority Authorizing Adopting a Development Agreement Between Utah Transit Authority, Draper City, Draper City Redevelopment Agency and Whitewater VII Holdings.

President Ellertson stated that the Board had received notification from Trustee Diehl that he has a potential conflict of interest on this matter and will not voting on this matter. President Ellertson stated that the Board had received notification from Vice President Simonsen that he has a potential conflict of interest in this matter and will not be voting on this matter.

Trustee Christensen stated that this is a Resolution adopting a development agreement between Draper City, Draper City Redevelopment Agency, Whitewater VII Holdings and UTA.

Board Meeting Report  
November 24, 2008

Bruce Jones stated that this agreement is not a station location decision. He stated that UTA is still involved in the public process in determining the site location in this area. He discussed the process for determining site locations. He discussed the four potential site locations for this station. He stated that the property in Draper has been rezoned to allow for Transit Oriented Developments and the city has proposed this development agreement. He discussed the terms and conditions listed in 2.1.1 of the agreement and stated that all the conditions including the infrastructure development, granting the land to UTA and a road connecting the Bangerter Highway will all need to be satisfied if this is the location that UTA determines to be the most suitable location.

Mr. Jones discussed the conflicts of interests of Trustee Diehl, Trustee Hughes and Vice President Simonsen.

Trustee Bills stated that he was in favor of this but that he would like to see a more detailed agreement developed if this site is chosen.

Mr. Jones stated that this agreement was a road map and that the studies and process still need to be completed before choosing a final site. He stated that this agreement allows for follow up agreements which would allow for discussion on funding and other areas. He stated that none of the land or infrastructure would be paid for by UTA.

Trustee Bartholomew stated that this is an important opportunity for UTA. He stated that this is a hopeful precedential action that the Board could take and it will be very valuable. He stated that this makes connections between making decisions about major transit investments in coordination with progressive land use policies done by our local government partners is a an excellent model.

Mr. Jones reminded the Board that there is still a lot of work to be done and there are a number of locations that are being considered. He stated that this site does have the potential to be a model for other areas to look at in developing Transit Oriented Developments at other station sites. He stated that this agreement is just a road map for the work to progress.

Trustee Bartholomew stated that this is important because UTA is linking together a integrated decision making process with our governmental partners so that we are conditioning our investment on the wise land use policies adopted by our government partners. He stated that this is important because we are not just now making an investment with the hope that wise land use developments will take place at those locations.

Trustee Christensen made a motion to adopt the Resolution regarding the development agreement. Trustee Oates seconded the motion. The motion passed with 12 members voting "aye" and 2 abstaining members, Trustee Diehl and Vice President Simonsen.

**President's Report**

- President Ellertson stated that UTA's efforts in regards to finding a solution for the issues facing Paratransit should be applauded. He stated that staff is

Board Meeting Report  
November 24, 2008

discussing this issue with different people and working to find solutions to help those that need the Paratransit service

**General Manager's Report**

- Fare Increase. Mr. English stated that the scheduled fare increase for January 1, 2009 will be postponed due to the economic conditions affecting the riders. He stated that staff will be considering whether to implement the increase on April 1, 2009. He reported that the fuel surcharge would remain in effect, in line with the fuel surcharge policy. He discussed the surcharge policy and the timing for adding or removing it. He stated that in April there could be a possibility of both of the surcharges coming off. He stated that staff is distributing information about this to keep the public aware.
- Mid-Jordan Progress Luncheon. Mr. English reported that staff hosted a luncheon to update officials and stakeholders on the progress of the Mid-Jordan Line. He stated that it was a successful event and that staff plans to hold more of these events in the future.
- UTA Receives Awards. Mr. English reported that UTA was recognized during the annual Achievement Awards breakfast for the Downtown Alliance with the "economic development" award which celebrated the completion of the FrontRunner and the TRAX extension to the Salt Lake Central Station. Mr. English reported that UTA was also recognized at the American Consulting Engineers Council banquet with the "Grand Award" in engineering excellence. He stated that Dave Warnock received the "Engineer of the Year" award as well.
- Taylorsville City Streetcar/BRT Tour. Mr. English reported that staff and Board Members accompanied Mayor Wall and other Taylorville city officials to Oregon to tour the Portland streetcar and the Eugene Bus Rapid Transit systems. He stated that the tour was successful.
- Coordinating Paratransit Service. Mr. English stated that he continues to be involved with several high-level meetings with state and local government officials in regards to the issues facing Paratransit. He stated that he felt confident that a solution would come from these discussions. He stated that the "United We Ride" initiative is moving forward with the objective of solving the issue of transportation services to people with disabilities.
- UTP Charter on Sustainable Development. Mr. English stated that TUA has been a pledge charter member for the past 2 years and at a recent meeting UTA was honored to become a full Charter Signatory. He stated that only a handful of transit systems in the County have complied with the requirements to become a full member.

**General Counsel's Report.**

- Mr. Jones stated that his office is currently working on a number of issues. He discussed some of the agreements that are being worked on with Kennecott, Mid-Jordan, Draper and with the employment policies.
- Mr. Jones reported on the claim that UTA has received since last Board Meeting.
- Mr. Jones reported that UTA will participate in the mediation of a prior reported claim.
- Mr. Jones discussed the issues that would affect UTA that are being discussed at the Legislature. He stated that the Open and Public Meetings law might be

Board Meeting Report  
November 24, 2008

changed which would require that the recorded minutes of an open meeting become available five working days following the meeting.

- Mr. Jones stated that the Revenue and Taxation Interim Committee met to discuss a proposed bill that would require state agencies, counties, municipalities, local and special districts, school districts and charter schools to provide detailed financial information on a State run website.
- Mr. Jones stated that staff made a presentation to the joint Transportation Committee of the legislature regarding suggestions for improving Utah's air quality.
- Mr. Jones reported on a number of other issues that staff, from the Office of General Counsel, is working on.

**Closed Session**

Trustee Diehl made a motion to move to Closed Session. Trustee Oates seconded the motion. The motion passed unanimously. The Board moved to Closed Session at 3:24 p.m.

The Board moved back into Open Session at 3:35 p.m. on a motion by Trustee Christensen and a second by Trustee Hunter.

**Action Taken Regarding Matters Discussed in Closed Session**

Trustee Diehl made a motion to authorize staff to enter into a purchase and sale agreement with the Box Elder School District to purchase property in Brigham City. Trustee Oates seconded the motion. The motion passed unanimously with 14 voting members present.

Trustee Diehl made a motion to authorize staff to condemn the four pieces of property owned by Heartland West Valley Commercial Limited located at 3500 South and 2700 West. Trustee Allen seconded the motion. The motion passed unanimously with 14 voting members present.

Trustee Diehl made a motion to authorize staff to condemn the property owned by Decker Lake Ventures located in the same area as the Heartland property. Trustee Henderson seconded the motion. The motion passed unanimously with 14 voting members present.

Trustee Diehl made a motion to authorize staff to condemn the property owned by Russell Jones located approximately at 2770 South and Research Way. Trustee Millburn seconded the motion. The motion passed unanimously with 14 voting members present.

Trustee Diehl made a motion to authorize staff to declare 26 acres surplus known as the Dalton Spur. Trustee Romero seconded the motion. The motion passed unanimously with 14 voting members present.

Trustee Diehl made a motion to authorize staff to enter into a purchase and sell agreement to sell the surplus land to Kennecott Land for \$1.75 per square foot or approximately \$2 million. He stated that the conditions that need to be met in order to enter into this agreement are:

Board Meeting Report  
November 24, 2008

- Amendment of agreement with Savage Services (a deal has already been reached)
- Consent of Union Pacific
- UTA Board Approval
- Property will be quitclaimed with no warranties of title
- Property conveyed “as-is, where-is”, with full release from KLC for any environmental claims they might have against UTA or UP
- KLC will implement work plan to remove contaminated soil and clean property up to residential standards
- KLC will record restrictive covenant against property, prohibiting residential use
- KLC indemnifies UTA for any losses arising from KLC’s failure to clean property and restrict its use

Trustee Christensen seconded the motion. The motion passed unanimously with 14 voting members present.

**Other Business**

- Trustee Simonsen stated that Trustee Baguley had included a report she completed regarding her attendance at the Rail-Volution Conference. He stated that this was a great way to share the information obtained at the Conference with the full Board. He reported that he had attended the Hobblecreek Convention in Utah County. He stated that it was a worth while project and he was pleased that UTA participated in that event.
- President Ellertson stated that he would like to see other Board Members adopt the standard set by Trustee Baguley and report on the items they learned while attending conventions and meetings on behalf of the Board.

**Consent**

- Approval of Financial Statements of September 30, 2008. The Financial Statements were approved by consent.
- Approval of Minutes of Board Meeting of October 22, 2008. The Minutes of the Board Meeting were approved by consent.

**Adjournment**

Trustee Curtis made a motion to adjourn. Trustee Henderson seconded the motion. The motion passed unanimously. The Board adjourned at 3:43 p.m.

Report Transcribed by:  
Celeste Burningham  
Corporate Office Specialist  
Email: [cburningham@rideuta.com](mailto:cburningham@rideuta.com)  
Telephone: 801-287-2369