

PUBLIC NOTICE IS HEREBY GIVEN THAT THE
BOARD OF COMMISSIONERS OF UTAH COUNTY, UTAH
WILL HOLD ITS REGULAR PUBLIC MEETING
IN THE COMMISSION CHAMBERS - ROOM 1400
OF THE UTAH COUNTY ADMINISTRATION BUILDING
100 East Center Street, Provo, Utah
May 5, 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	Lana Jensen, Utah County Personnel Director
Robert J. Moore, Utah County Deputy Attorney	Mark Brady, Personnel Office
Paul Jones, Utah County Deputy Attorney	Jane Ivie, Personnel Office
Carl Hollan, Utah County Deputy Attorney	Sarah Ruiz, Personnel Office
Bryan E. Thompson, Utah County Clerk/Auditor	Judy Hamaker-Mann, Personnel Office
Burt Harvey, Clerk/Auditor - Tax Admin. Supervisor	James O. Tracy, Utah County Sheriff
Julie Rollins, Utah County Purchasing Agent	Dalene Higgins, Utah County Sheriff's Office
Brian Voeks, Utah County Commission Office	Mike Forshee, Utah County Sheriff's Office
Bryce Armstrong, Community Development	Nathan Trujillo, Utah County Sheriff's Office
Peggy Kelsey, Community Development	Gary Ratcliffe, Utah County Surveyor
Brandon Larsen, Community Development	Kim T. Jackson, Utah County Treasurer
Joshua Ivie, Community Development	Nick Baird, Hadlo Construction
Dr. Joseph K. Miner, Health Department Exec. Director	Larry Ballard, Utah County Resident
Ralph Clegg, Utah County Health Department	Ken Condie, Condie Construction Company
Bryce C. Larsen, Utah County Health Department	Travis Confield, Staker Parson Companies
Steve Mickelson, Utah County Health Department	Jamie Evans, Evans Grader and Paving
Marianne Christensen, Utah County Health Department	Wayne Humphries, Sunroc Corporation
Josiah Horne, Utah County Health Department	Andrew Jackson, Mountainland Assoc. of Governments
Kennan Richards, Utah County Health Department	Dak Maxfield, Staker Parson Companies
P.J. Maughan, Drug & Alcohol Prevention & Treatment	Julie Smith, Clyde Companies
Neil Peterson, Information Systems Director	Rich Thorn, Associated General Contractors
Shad Ruf, Information Systems	Chris Faulheber, -No further information given-
George Serrano, Information Systems	Brent Sumsion, -No further information given-
Patrick Wawro, Information Systems	Scott Thayn, -No further information given-
Richard Nielson, Utah County Public Works Director	Paul Washburn, -No further information given-
Andrea Allen, Utah County Recorder's Office	Mike Stansfield, Fairways Media
	Renée Huggins-Caron, Clerk/Auditor Admin. Assist.

Commissioner Ellertson called the meeting to order at 9:01 A.M. and welcomed those present. The following matters were discussed:

PRAYER/READING/THOUGHT: Andrew Jackson, Mountainland Association of Governments

PUBLIC COMMENTS

Andrew Jackson, Executive Director of Mountainland Association of Governments, addressed the Provo/Orem Bus Rapid Transit project. He mentioned that some people have suggested the bond for BRT will maximize Utah County's debt limit, and asked the commissioners what that limit is and how close they currently are to reaching it. Mr. Jackson also noted the suggestion that BRT will utilize 100% of the third-quarter cent sales tax, which is not true. Mr. Jackson clarified that a 2009 series bond represents an additional \$100,000,000 (with \$28,000,000 additional cash flow) beyond

UTAH COUNTY BOARD OF COMMISSIONERS

MINUTES - May 5, 2015

Page 2

this bonding which has been designated for road projects, and explained requirements for subordinate bonds which would prevent "capping." Mr. Jackson spoke about the second-quarter differences between fixed and non-fixed guideways, as well as highways, and how the specific language was not included in an opinion question because it was quoted directly from state code.

Commissioner Ellertson responded that Utah County presently has no general obligation bond debt, but the capacity is slightly more than \$700,000,000. Utah County Civil Division Chief Deputy Attorney David H. Shawcroft added that the Provo/Orem Bus Rapid Transit proposal would not come from general obligation debt, and Commissioner Ellertson confirmed it would be a special revenue source.

Brent Sumsion came forward to speak to Regular Agenda Item No. 7 on today's calendar, and the commissioners invited him to return to the stand once discussion begins on that item.

CONSENT AGENDA

- 1. DECLARE THE EQUIPMENT AND VEHICLES LISTED IN THE ATTACHED DOCUMENTS AS SURPLUS TO BE DISPOSED OF VIA TRADE-IN, BUY-BACK AGREEMENT, SALVAGE OR PUBLIC AUCTION** (*Continued from the April 28, 2015 Commission meeting*)
- 2. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN THE FY 2015 HAZARDOUS MATERIALS EMERGENCY PREPAREDNESS (HMEP) GRANT AWARD FROM THE UTAH DEPARTMENT OF PUBLIC SAFETY - DIVISION OF EMERGENCY MANAGEMENT**
- 3. ABATE PERSONAL PROPERTY ACCOUNTS ATTACHED FOR THE YEARS INDICATED, HAVING BEEN IDENTIFIED AS UNCOLLECTIBLE; THERE ARE NO ASSETS AVAILABLE**

4. APPROVE PROPERTY TAX ACTIONS CONTAINED IN RECOMMENDATION LETTER NO. 2015-8
Commissioner Ellertson questioned why two parcels contained within the Recommendation Letter, Property Tax Serial Nos. 04:084:0004 and 04:084:0005 registered to H&S Resources, were recommended for denial of the applications for payment agreements to remove property from the 2015 May Tax Sale. Utah County Clerk/Auditor Bryan E. Thompson explained that policy has been to allow payment agreements for homes and primary residences; neither of these properties fall into either of these categories. When Commissioner Ellertson stated he would be open to considering a payment plan, Utah County Civil Division Chief Deputy Attorney David Shawcroft added there is also a long list of lienholders; each one would need to grant written permission to accept a payment agreement.

Bryan E. Thompson noted each application is thoroughly reviewed before a recommendation is made, and reminded the Board that taxes are five years delinquent at this point. It is difficult to accept claims of ignorance for taxes due when property owners are expected to take responsibility. Commissioner Graves pointed out the amount owed for each parcel, and Commissioner Ellertson proposed Recommendation Letter No. 2015-8 be approved with the exception of these two parcels. There were no objections and it was noted the two properties would be continued to the next Recommendation Letter for discussion and a decision during the May 12, 2015 meeting of the Board.

APPROVED WITH CHANGES

- 5. ADOPT A RESOLUTION APPROVING VOLUNTEERS WHO WISH TO DONATE THEIR SERVICES TO THE CHILDREN'S JUSTICE CENTER, THE UTAH COUNTY HEALTH DEPARTMENT, AND THE SENIOR COMPANION PROGRAM**
- 6. APPROVE THE MINUTES OF THE APRIL 7, 2015 COMMISSION MEETING**

UTAH COUNTY BOARD OF COMMISSIONERS
 MINUTES - May 5, 2015
 Page 3

7. **RATIFICATION OF PAYROLL**

Period 9	14 Checks: \$10,619.28	1,106 Total Deposits: \$1,478,164.54	Total: \$1,488,783.82
		Federal Payroll Taxes	Total: \$ 214,501.52

8. **RATIFICATION OF WARRANT REGISTER SUMMARY**

Register No. 465	April 27, 2015	Check Nos. 206903-206915	Total: \$ 14,807.00
Register No. 466	April 27, 2015	Wires: 412-412	Total: \$ 598.00
Register No. 467	April 27, 2015	Check Nos. 206916-206925	Total: \$ 7,355.41
Register No. 468	April 28, 2015	Purchasing Cards 4770-4771	Total: \$ 192.71
Register No. 469	April 28, 2015	Check Nos. 206926-206954	Total: \$ 56,313.22
Register No. 470	April 28, 2015	Direct Deposit:21995-21995	Total: \$ 78.00
Register No. 471	April 28, 2015	Check Nos. 206955-206964	Total: \$ 100,680.84
Register No. 472	April 29, 2015	Check Nos. 206965-206977	Total: \$ 52,200.38
Register No. 473	April 29, 2015	Direct Deposit:21996-21996	Total: \$ 5,689.72
Register No. 474	April 29, 2015	Check Nos. 206978-207010	Total: \$ 138,081.40
Register No. 475	April 29, 2015	Check Nos. 207011-207083	Total: \$ 3,126.00
Register No. 476	April 30, 2015	Purchasing Cards 4772-4772	Total: \$ 229.40
Register No. 477	April 30, 2015	Purchasing Cards 4773-4778	Total: \$ 1,062.91
Register No. 478	April 30, 2015	Direct Deposit:21997-22027	Total: \$ 33,311.24
Register No. 479	April 30, 2015	Check Nos. 207084-207104	Total: \$ 47,673.57
Register No. 480	April 30, 2015	Direct Deposit:22028-22031	Total: \$ 391.25
Register No. 481	April 30, 2015	Check Nos. 207105-207105	Total: \$ 435.00
Register No. 482	April 30, 2015	Check Nos. 207106-207127	Total: \$ 34,192.36
Register No. 483	April 30, 2015	Wires: 413-413	Total: \$ 214,501.52
Register No. 484	April 30, 2015	Direct Deposit:22032-22042	Total: \$ 792,356.42
Register No. 485	April 30, 2015	Check Nos. 207128-207138	Total: \$ 79,897.43
Register No. 486	April 30, 2015	Check Nos. 207139-207147	Total: \$ 27,248.38
Register No. 487	April 30, 2015	Direct Deposit:22043-22049	Total: \$ 3,160.63
Register No. 488	April 30, 2015	Purchasing Cards 4779-4794	Total: \$ 13,967.09
Register No. 489	April 30, 2015	Purchasing Cards 4795-4795	Total: \$ 72.20
Register No. 490	May 1, 2015	Direct Deposit:22050-22050	Total: \$ 86.82
Register No. 491	May 1, 2015	Check Nos. 207148-207148	Total: \$ 1,645.00
Register No. 492	May 1, 2015	Check Nos. 207149-207163	Total: \$ 205,160.10
Register No. 493	May 1, 2015	Check Nos. 207174-207164	Total: \$ 2,475.00
		Total:	<u>\$1,836,989.00</u>

Consent Agenda Item Nos. 1 through 8 were approved as written, with the changes noted to Item No. 4. Commissioner Ellertson recommended the following Regular Agenda items be moved to Consent:

3. **APPROVE ACTING PAY (BEGINNING MAY 5, 2015 AND CONTINUING APPROXIMATELY SIX WEEKS) FOR A DEPUTY-ENFORCEMENT WHO IS ACTING AS SERGEANT-ENFORCEMENT IN THE SHERIFF'S OFFICE DURING THE INCUMBENT'S PERIOD OF LEAVE**
4. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO EXECUTE AMENDMENTS TO ADMINISTRATIVE SERVICE AGREEMENT NOS. 2011-802, 2011-803, AND 2011-804 WITH PRUDENTIAL RETIREMENT FOR THE ADMINISTRATION OF THE UTAH COUNTY 401(A) AND 401(K) RETIREMENT PLANS, AND THE 457 DEFERRED COMPENSATION PLAN**
11. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT WITH ALPINE SCHOOL DISTRICT FOR SCHOOL NURSING SERVICES**

UTAH COUNTY BOARD OF COMMISSIONERS

MINUTES - May 5, 2015

Page 4

12. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT WITH VECTOR DISEASE CONTROL INTERNATIONAL FOR AERIAL SPRAYING FOR MOSQUITO CONTROL
14. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AMENDMENT TO AGREEMENT NO. 2007-225 WITH CKR ENGINEERS, INC. FOR STRUCTURAL ENGINEERING SERVICES *(Continued from the April 28, 2015 Commission meeting)*
17. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN A LICENSE AGREEMENT WITH THE UTAH VALLEY CONVENTION CENTER FOR THE UTAH COUNTY SHERIFF'S OFFICE MERITORIOUS SERVICE AWARDS CEREMONY AND BANQUET TO BE HELD MAY 20, 2015
23. ADOPT A RESOLUTION REAPPOINTING DAN WILLIAMS AND NEIL LUNDELL TO THE BENJAMIN DRAINAGE DISTRICT BOARD OF TRUSTEES
24. ADOPT A RESOLUTION REAPPOINTING WARREN H. PETERSON TO THE GOSHEN VALLEY LOCAL DISTRICT BOARD OF TRUSTEES
25. ADOPT A RESOLUTION REAPPOINTING DEAN CORLESS, DALE CORNABY, AND ALBERT CORNABY TO THE NORTH LAKE SHORE DRAINAGE DISTRICT BOARD OF TRUSTEES
26. ADOPT A RESOLUTION APPOINTING WILLIAM C. LEE TO THE UTAH COUNTY CHILDREN'S JUSTICE CENTER ADVISORY BOARD
27. ADOPT A RESOLUTION APPOINTING WILLIAM C. LEE TO THE BOARD OF TRUSTEES OF THE NORTH UTAH COUNTY WATER CONSERVANCY DISTRICT
28. ADOPT A RESOLUTION APPOINTING WILLIAM C. LEE AS A COUNTY REPRESENTATIVE AND GREG GRAVES AS A COUNTY ALTERNATE REPRESENTATIVE TO THE TAXING ENTITY COMMITTEE FOR ALL URBAN RENEWAL AND ECONOMIC DEVELOPMENT PROJECT AREAS IN LEHI CITY, UTAH

ACTIONS TAKEN

Consent Agenda Item No. 1 was declared as surplus; No. 2 was approved and authorized; No. 3 was abated; No. 4 was approved with changes; No. 5 was adopted; No. 6 was approved; and Nos. 7 and 8 were ratified. **Regular Agenda Item No. 3** was approved; Nos. 4, 11, 12, 14 and 17 were approved and authorized; and Nos. 23 through 28 were adopted.

AGREEMENT NOS.: 2015-243, 2015-244, 2015-245, 2015-246, 2015-247, 2015-248, 2015-249, 2015-250, 2015-251, 2015-251(A), 2015-252, 2015-252(A), 2015-253, 2015-253(A), 2015-254, 2015-255, 2015-256, 2015-257, 2015-258, 2015-259, and 2015-260

RESOLUTION NOS.: 2015-59, 2015-60, 2015-61, 2015-62, 2015-63, 2015-64, and 2015-65

REGULAR AGENDA

1. RECOGNITION OF THE UTAH COUNTY EMPLOYEE OF THE MONTH FOR MAY 2015

Sherry Bullock of Utah County Information Systems was recognized as the Employee of the Month for May 2015.

Since the Board planned to continue Regular Agenda Item Nos. 2 and 10 with no discussion, they immediately motioned for that action now before moving on with the agenda.

2. DELETE ONE FULL TIME CAREER SERVICE LIEUTENANT-ENFORCEMENT POSITION FROM THE STAFFING PLAN OF THE ENFORCEMENT BUREAU OF THE SHERIFF'S OFFICE (100-42120-2531-22-1) AND REPLACE IT WITH ONE FULL TIME CAREER SERVICE MAJOR CRIMES TASK FORCE FIELD DIRECTOR (100-42120-XXXX-22-1)

CONTINUED TO MAY 12, 2015

10. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT WITH CLAIMREMEDI FOR ELECTRONIC MEDICAL CLAIM TRANSMISSION (Continued from the April 28, 2015 Commission meeting)

CONTINUED TO MAY 12, 2015

Commissioner Graves made the motion to continue Regular Agenda Item Nos. 2 and 10 regarding Staffing Plan changes to the Enforcement Bureau of the Sheriff's Office and an agreement with ClaimRemedi for electronic medical claim transmission, respectively, for one week to the May 12, 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**

The commissioners moved forward with the remaining agenda items as numbered.

5. DESIGNATE PAST DUE ACCOUNTS RECEIVABLE AS UNCOLLECTIBLE, AND APPROVE AND AUTHORIZE THE AMOUNTS TO BE WRITTEN OFF

There was some discussion between Commissioner Ellertson and Utah County Clerk/Auditor Bryan E. Thompson to clarify that only two items should be included on the write-off list: an invoice dated 09/20/2012 for \$1,644.84, and Invoice No. 27093 related to a Coverdell Grant Reimbursement. The Board agreed.

Commissioner Lee made the motion to approve the designated past due accounts receivable as uncollectible, with the changes as discussed in Regular Agenda Item No. 5. The motion was seconded by Commissioner Graves and carried with the following vote:

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

AGREEMENT NO. 2015-2015-261
APPROVED WITH CHANGES

6. ADOPT (OR DENY) AN ORDINANCE TO AMEND SECTION 2-2-A-118-C OF THE UTAH COUNTY LAND USE ORDINANCE

Bryce Armstrong of the Utah County Community Development Office commented on necessary criteria for subdivisions, mentioning an exception for property owners who choose to dedicate land to governmental entities for roadways. If a dedication creates building lots from previously un-buildable lots, the subdivision process must still be followed. This amendment proposes allowing property be dedicated to the county without needing the subdivision process, assuming all other requirements are met. The county would still need to accept the dedication to provide some oversight.

Commissioner Lee made the motion to adopt an ordinance to amend Section 2-2-A-118-C of the Utah County Land Use Ordinance as described in Regular Agenda Item No. 6. The motion was seconded by Commissioner Graves and carried with the following vote:

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

ORDINANCE NO. 2015-13

7. ADOPT (OR DENY) AN ORDINANCE TO AMEND SECTIONS 5-7-B AND 5-7-C OF THE UTAH COUNTY LAND USE ORDINANCE

Commissioner Ellertson referred to minutes of a Utah County Planning Commission meeting, mentioning his request for the Planning Commission to review and consider issues related to mining operations. Bryce Armstrong of the Utah County Community Development Office summarized that staff was asked to prepare an amendment which would make mining operations and their associated facilities a permitted conditional use within Mining and Grazing Zones rather than the current permitted use. This would require applications to be reviewed by the Board of Adjustment. Mr. Armstrong explained how distance and conflict areas were considered, as well as the interest of the gravel pit operators. The Utah County Planning Commission ultimately decided to deny the conditional use suggestion, and instead focused on existing road requirements. Mr. Armstrong mentioned a committee was formed fifteen years ago to initiate the current ordinance. He addressed Chapter 3, stating staff is comfortable with those guidelines for now. There is potential for collaboration between the county and gravel pit operators to evaluate road requirements. The Planning Commission was very specific in their recommendation to not utilize the conditional use route.

Commissioner Graves and Bryce Armstrong reviewed some details of the proposed ordinance. Commissioner Lee suggested folding committees into county-wide functions as part of a resource management plan. Commissioner Ellertson noted resource management is for many issues, not just gravel operation, and Mr. Armstrong agreed with both commissioners. Commissioner Ellertson and Mr. Armstrong discussed the format of a group meeting, noting a preference for open dialogue and public meetings rather than an official committee or formal process. Utah County Deputy Attorney Robert J. Moore mentioned the Planning Commission concern that it is too difficult to deny conditional uses; any modifications should be based on permitted use.

Commissioner Ellertson asked about off-site impacts and Utah County Public Works Director Richard Nielson responded about engineering studies which prompt bonding for improvements to roadways if needed; this approach has worked so far. Several audience members came forward to express a willingness to participate in a group discussion, including Brent Sumsion, Dak Maxfield of Staker Parsons & Company, Rich Thorn of Associated General Contractors, and Jamie Evans of Evans Grader and Paving. Commissioner Ellertson thanked everyone for their comments.

Commissioner Lee made the motion to DENY Regular Agenda Item No. 7. The motion was seconded by Commissioner Graves and carried with the following vote:

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

NAY: None

DENIED

8. ADOPT (OR DENY) AN ORDINANCE TO AMEND THE OFFICIAL UTAH COUNTY ZONE MAP FROM THE RESIDENTIAL AGRICULTURAL (RA-5) ZONE TO THE MINING AND GRAZING (M&G-1) ZONE ON A PORTION OF PARCEL 61:096:0007 LOCATED IN SEC. 19, T10S R1W, ELBERTA AREA OF UTAH COUNTY

Commissioner Lee asked for a summary, and Bryce Armstrong of the Utah County Community Development Office clarified it is appropriate to change an RA-5 Zone property into M&G-1 Zone in this situation because the property is the only RA-5 on that side of the road, and the majority of the parcel has already been zoned for mining and grazing. There is no irrigation or prime agricultural land. Mr. Armstrong reviewed the map and location with the commissioners.

Commissioner Graves made the motion to adopt an ordinance to amend the Official Utah County Zone Map from the Residential Agricultural (RA-5) Zone to the Mining and Grazing (M&G-1) Zone on a portion of Parcel Serial No. 61:096:0007 as defined in Regular Agenda Item No. 8. The motion was seconded by Commissioner Lee and carried with the following vote:

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

ORDINANCE NO. 2015-14

9. APPROVE (OR DENY) THE REQUEST OF RAY LYNN HURST AND DALENE SMITH HURST (AKA DALENE S. HURST) FOR A DELAY IN THE RELOCATION OF THE EXISTING UTILITY POLES IMMEDIATELY EAST OF LOTS 1 AND 2, HURST FAMILY FARM SUBDIVISION, PLAT "A" (Continued from the April 28, 2015 Commission meeting)

Commissioner Ellertson noted the applicant has withdrawn their application, and Brandon Larsen of the Utah County Community Development Office confirmed that the Hursts are working with his office to make improvements as needed to move forward.

Commissioner Lee made the motion to STRIKE Regular Agenda Item No. 9. 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

13. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT BETWEEN THE UTAH COUNTY DEPARTMENT OF DRUG AND ALCOHOL PREVENTION AND TREATMENT, AND BRUCE BERGLUND, TO LEASE PROPERTY FOR THE "PROMISE OF WOMEN AND CHILDREN - NORTH COUNTY FACILITY"

The commissioners confirmed the dollar amount within the contract should be \$1,750; Utah County Deputy Attorney Paul Jones and PJ Maughan of the Utah County Department of Drug and Alcohol Prevention and Treatment concurred.

Commissioner Graves made the motion to approve and authorize an agreement with Bruce Berglund to lease property for the "Promise of Women and Children - North County Facility" as detailed in Regular Agenda Item No. 13. 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. 2015-262

15. APPROVE OR DENY A REQUEST FROM WASATCH MENTAL HEALTH TO WAIVE THE \$300 EVENT PERMIT FEE FOR USE OF A PORTION OF THE PROVO RIVER PARKWAY FOR THE WASATCH WELLNESS RUN TO BE HELD ON JULY 18, 2015

Commissioner Graves made the motion to waive the \$300 event permit fee for use of a portion of the Provo River Parkway for the Wasatch Wellness Run to be held on July 18, 2015 as described in Regular Agenda Item No. 15, with the finding that the benefit to the community exceeds the monetary fees in fair and adequate consideration to the county. 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. 2015-263

16. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN A RIGHT-OF-WAY EXPANSION AGREEMENT WITH JARED DEHART FOR COUNTY ROAD 9600 SOUTH

Utah County Public Works Director Richard Nielson clarified the commissioners' questions about encroachment. Mr. Nielson explained the location as being where the roadway crosses the Highline Canal, and into a cul-de-sac on the west side of the canal. Commissioner Ellertson mentioned a similar request several years ago which was denied, and Utah County Deputy Attorney David H. Shawcroft noted that had been a zone change request. Mr. Nielson mentioned this expansion is in the same area, and they discussed geography.

Commissioner Lee made the motion to approve and authorize the Right-of-Way Expansion Agreement with Jared DeHart for County Road 9600 South as identified in Regular Agenda Item No. 16. The motion was seconded by Commissioner Graves and carried with the following vote:

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

AGREEMENT NO. 2015-264

18. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN A MEMORANDUM OF UNDERSTANDING WITH THE UTAH DIVISION OF FORESTRY, FIRE AND STATE LANDS

When Utah County Sheriff James O. Tracy mentioned state involvement for this agreement, Utah County Deputy Attorney Cort Griffin clarified this memorandum of understanding is to allow county forces be sent out of jurisdiction; a separate agreement will address state funding.

Commissioner Graves made the motion to approve and authorize the Memorandum of Understanding with the Utah Division of Forestry, Fire and State Lands as specified in Regular Agenda Item No. 18. 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. 2015-265

19. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT WITH THE COACH KARL TUCKER FOUNDATION FOR SPONSORSHIP OF THE 2015 PROVO OPEN TOURNAMENT *(Continued from the April 28, 2015 Commission meeting)*

When Commissioner Lee stated he has concerns about the use of TRCC (Tourism, Recreation, Culture and Convention Facilities Tax) monies, Commissioner Graves mentioned he had met with a representative of the Provo Open Tournament and requested that financial breakdown information be provided to Commissioner Lee.

Commissioner Lee made the motion to continue Regular Agenda Item No. 19 regarding an agreement with the Coach Karl Tucker Foundation for sponsorship of the 2015 Provo Open Tournament for one week to the May 12, 2015 meeting of the Utah County Board of Commissioners. The motion was seconded by Commissioner Graves and carried with the following vote:

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

CONTINUED TO MAY 12, 2015

20. ADOPT AN ORDINANCE AMENDING SUBSECTION 2-1-4(C) OF THE UTAH COUNTY CODE RELATING TO FINANCIAL ADMINISTRATION

Commissioner Graves explained the previous Board of Commissioners had updated purchase order limits within the procurement code, but definitions within the financial codes do not necessarily match the \$2,500 maximum for Department Head approval. This change will only affect purchase orders, and Utah County Clerk/Auditor Bryan E. Thompson concurs that the codes should align. Commissioner Ellertson stated the language is unclear, and suggested continuing discussion in order to clarify some wording.

Commissioner Graves made the motion to continue Regular Agenda Item No. 20 regarding an ordinance amending the Utah County Code relating to Financial Administration for one week to the May 12, 2015 meeting of the Utah County Board of Commissioners. The motion was seconded by Commissioner Graves and carried with the following vote:

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

CONTINUED TO MAY 12, 2015

21. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT WITH SCERA FOR UTAH COUNTY SPONSORSHIP OF THE 2015 SCERA SHELL SEASON

Both Commissioners Ellertson and Lee suggested this item be continued for one week.

Commissioner Lee made the motion to continue Regular Agenda Item No. 21 regarding an agreement with the SCERA for Utah County Sponsorship of the 2015 SCERA Shell Season for one week to the May 12, 2015 meeting of the Utah County Board of Commissioners. The motion was seconded by Commissioner Graves and carried with the following vote:

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

CONTINUED TO MAY 12, 2015

22. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT WITH THE UTAH VALLEY CHAMBER OF COMMERCE FOR 2015 SILVER MEMBERSHIP

Commissioner Ellertson requested a chance to clarify some contract language with the Utah Valley Chamber of Commerce before moving forward with this agreement.

Commissioner Lee made the motion to continue Regular Agenda Item No. 22 regarding an agreement with the Utah Valley Chamber of Commerce for 2015 Silver Membership for one week to the May 12, 2015 meeting of the Utah County Board of Commissioners. The motion was seconded by Commissioner Graves and carried with the following vote:

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

CONTINUED TO MAY 12, 2015

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

30. 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)

STRICKEN

32. 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)

STRICKEN

Commissioner Lee made the motion to strike Regular Agenda Item Nos. 30 and 32 to set dates, times, and locations for closed meetings to for a strategy session to discuss pending or reasonably imminent litigation; and 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**

UTAH COUNTY BOARD OF COMMISSIONERS

MINUTES - May 5, 2015

Page 11

29. 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

31. 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

NO WORK SESSION ITEMS WERE SUBMITTED

This concluded discussion of all scheduled agenda items, and the meeting recessed at 10:15 A.M. to go into closed sessions. The public meeting reconvened at 11:07 A.M.

Commissioner Graves made the motion to adjourn the May 5, 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

UTAH COUNTY BOARD OF COMMISSIONERS
MINUTES - May 5, 2015
Page 12

There being no further business nor public comment, the meeting adjourned at 11:08 A.M. The minutes of the May 5, 2015 Commission meeting were approved as transcribed on June 9, 2015.

LARRY A. ELLERTSON, Commission Chair

ATTEST:

BRYAN E. THOMPSON
Utah County Clerk/Auditor