

**BOARD OF COUNTY COMMISSIONERS, UTAH COUNTY, UTAH**  
**MINUTES OF PUBLIC MEETING**  
**COMMISSION CHAMBERS, ROOM 1400**  
**OF THE UTAH COUNTY ADMINISTRATION BUILDING**  
**June 2, 2015 - 9:00 A.M.**

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

**ALSO PRESENT:**

Jeffrey R. Buhman, Utah County Attorney	Mark Brady, Assistant Personnel Director
David Shawcroft, Civil Division Chief Deputy Attorney	Jane Ivie, Personnel Office
Robert J. Moore, Utah County Deputy Attorney	Andrea Allen, Utah County Recorder's Office
Paul Jones, Utah County Deputy Attorney	James O. Tracy, Utah County Sheriff
Burt Harvey, Clerk/Auditor - Tax Admin. Supervisor	Yvette Rice, Utah County Sheriff's Office
Julie Rollins, Utah County Purchasing Agent	Mike Forshee, Utah County Sheriff's Office
Casey Allen, Utah County Commission Office	Gary Ratcliffe, Utah County Surveyor
Lisa K. Nielson, Utah County Commission Office	Kim T. Jackson, Utah County Treasurer
Brian Voeks, Utah County Commission Office	Dan Ford, Mapleton Heights
Kris Poulson, Utah County Assessor	Jared Hall, Clyde Companies Inc.
Mardene Barker, Utah County Assessor's Office	Britton Lund, Utah State Library
Jim Stevens, Utah County Assessor's Office	Eldon A. Neves, Citizens for Rural Utah
Peggy Kelsey, Community Development	Danielle Downs, <i>The Daily Herald</i>
Joshua Ivie, Community Development	Janet Dutson, -No further information given-
Steve Mickelson, Utah County Health Department	Jason Phillips, -No further information given-
Richard Nance, Drug & Alcohol Prevention & Treatment	Collette Russell, -No further information given-
	Renée Huggins-Caron, Clerk/Auditor Admin. Assist.

Commissioner Ellertson called the meeting to order at 9:05 A.M. and welcomed those present. The following matters were discussed:

**PRAYER/READING/THOUGHT:** Larry A. Ellertson, Utah County Commissioner

**PLEDGE OF ALLEGIANCE:** Clark H. Caras, Benjamin Resident

**PUBLIC COMMENTS**

Clark H. Caras lives in Benjamin, which he considers "one of the last rural areas in the county." He has grave concerns about open pit mining in West Mountain. Loaded gravel trucks begin operating at 7:30 A.M., passing through every three minutes. Mr. Caras provided a map of the area to the commissioners to demonstrate risk on the road as harvest season begins. The gravel trucks ignore stop signs and push cyclists from the road. The main road is a major thoroughfare, and the current heavy truck traffic will lead to destruction of the roads. Mr. Caras has worked in the Governor's Office of Economic Development and is in favor of progress, but would like county government to review current ordinances regarding operations and get involved in making this neighborhood safer for the residents. He confirmed for Commissioner Lee that the gravel pit operators are using the roads as staging areas.

Collette Russell is another Benjamin resident concerned about the open pit mining operation. She is not opposed to change, but this change in the community is putting the safety of children at risk. Ms. Russell witnessed youth playing at the park on the last day of school, and not being able to cross the street due to truck traffic. If she had small children at home, Ms. Russell would encourage them to stay inside and play video games rather than risk riding bicycles or horses outside because of the gravel trucks.

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Collette Russell described herself as “a farm girl, through and through,” and explained to the commissioners how bale wagons are used to carry hay. The view for the driver can be obscured, and the gravel trucks are putting farmers in danger. There are numerous safety concerns in having farming machinery travel the same path as large commercial trucks, and Ms. Russell questions why there was no vote requested from the community before this occurred - she is a voting taxpayer and she did not get to have a voice in the matter. Ms. Russell pointed out the pit is not easily accessible to any highway, with no freeway entrance within fifteen miles, and questioned the decision to use that location.

Utah County resident Eldon A. Neves mentioned previous comments he had made during a Commission meeting in March of 2012 regarding heavy truck use on county roads, and here the subject is being raised again. Mr. Neves confirmed that work and travel begin every morning at 7:30 A.M., and provided pictures to the Board for example. Mr. Neves lives on the Palmyra side of a 22-foot wide road with no shoulder, and ditches on either side. He mentioned having five grandchildren under the age of 11 living across the street, and two grandchildren next door under the age of six. The school bus stops there where the speed limit is 30 miles-per-hour, yet gravel trucks regularly barrel through at 50-60 MPH. Mr. Neves emphasized that the trucks operate all day, every day; even holidays and Sundays. They are taking over the community, and he is very worried for the safety of children, cyclists, and farmers. Mr. Neves reiterated that the roads are being destroyed, and now children are unable to cross the street in what used to be a nice quiet place.

Richard Nance, Director of the Utah County Department of Drug and Alcohol Prevention and Treatment, came forward to mention a bicycle ride he had taken in West Mountain in the last week. He organizes rides for a group of 8 to 20 cyclists, and on Memorial Day he led a ride from Benjamin Park and around Lake Shore, Palmyra, and Benjamin. They completed the route in the early afternoon with no incident, but Mr. Nance was startled to see a double side-dump truck swing wide to turn right through a stop sign at 7300 South without pausing. Mr. Nance had to in fact slam on his brakes and reverse his vehicle in order to avoid a collision.

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

### CONSENT AGENDA

- 1. APPROVE THE AUDITOR’S LIST OF PROPERTIES DEEMED IN THE BEST INTEREST OF THE PUBLIC TO WITHDRAW FROM THE 2015 ANNUAL DELINQUENT TAX SALE NOT PREVIOUSLY APPROVED IN AGREEMENT NO. 2015-266**
- 2. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN A SUPPLEMENTAL LAW ENFORCEMENT CONTRACT WITH PROVO POLICE DEPARTMENT FOR TEN DEPUTIES TO ASSIST WITH PUBLIC SAFETY AND TRAFFIC SECURITY ALONG THE UTAH VALLEY MARATHON ROUTE ON JUNE 13, 2015**
- 3. APPROVE REQUESTED EXEMPTIONS ON LIST DATED MAY 26, 2015, APPLIED FOR BY TAXPAYERS, FOR PAYMENT OF TAXES WERE THE MARKET VALUE OF EQUIPMENT WAS LESS THAN \$10,200 AS PROVIDED BY THE UTAH STATE LEGISLATURE FOR 2015**
- 4. APPROVE TAX CREDITS AND REFUNDS RECOMMENDED BY THE COUNTY ASSESSOR’S OFFICE IN CANCELLATION AND CORRECTION LETTER NO. 281, DATED MAY 26, 2015**
- 5. ABATE PERSONAL PROPERTY ACCOUNTS ATTACHED FOR THE YEARS INDICATED, HAVING BEEN IDENTIFIED AS UNCOLLECTIBLE; THERE ARE NO ASSETS AVAILABLE**
- 6. APPROVE RELEASE OF LIEN RECORDED AGAINST PARCEL SERIAL NO. 10:017:0001 (AGREEMENT NO. 2014-315)**

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7. **APPROVE RELEASE OF LIEN RECORDED AGAINST PARCEL SERIAL NO. 52:854:0009 (AGREEMENT NO. 2015-273)**

8. **APPROVE PROPERTY TAX ACTIONS CONTAINED IN RECOMMENDATION LETTER NO. 2015-10 (Continued from the May 26, 2015 Commission meeting)**

Commissioner Ellertson suggested Recommendation Letter No. 2015-10 be approved as stated with the exception of Property Tax Parcel No. 05:026:0018, registered to Louis E. Crandall, to be omitted.

APPROVED WITH CHANGES

9. **ADOPT A RESOLUTION APPROVING VOLUNTEERS WHO WISH TO DONATE THEIR SERVICES TO THE CHILDREN'S JUSTICE CENTER, THE UTAH COUNTY DEPARTMENT OF DRUG AND ALCOHOL PREVENTION AND TREATMENT, AND THE UTAH COUNTY HEALTH DEPARTMENT**

10. **APPROVE THE MINUTES OF THE APRIL 21, 2015 COMMISSION MEETING (Continued from the May 26, 2015 Commission meeting)**

The Board requested Consent Agenda Item No. 10 be moved to the Regular Agenda for discussion.

PULLED TO REGULAR

11. **APPROVE THE MINUTES OF THE APRIL 28, 2015 COMMISSION MEETING (Continued from the May 26, 2015 Commission meeting)**

12. **APPROVE THE MINUTES OF THE MAY 5, 2015 COMMISSION MEETING (Continued from the May 26, 2015 Commission meeting)**

The Board suggested this item be stricken from the agenda.

STRICKEN

13. **RATIFICATION OF PAYROLL**

14. **RATIFICATION OF WARRANT REGISTER SUMMARY**

Commissioner Ellertson and Utah County Clerk/Auditor Bryan E. Thompson discussed the internal approval process.

Consent Agenda Item Nos. 1 through 7, 9, 11, 13 and 14 were approved as written. Commissioner Ellertson recommended the following Regular Agenda items be moved to Consent:

2. **AUTHORIZE STAFFING PLAN CHANGES FOR THE CRIMINAL AND INVESTIGATIONS DIVISIONS OF THE ATTORNEY'S OFFICE AS OUTLINED ON ATTACHED LISTING**

4. **TAKE ACTION TO SET A PUBLIC HEARING FOR THE PROPOSED CHERRY SPRING PROPERTIES, LLC AGRICULTURE PROTECTION AREA APPLICATION FOR APPROXIMATELY 87.371 ACRES LOCATED IN SECTION 3, T10S, R1E, IN THE SANTAQUIN/GENOLA AREA OF UNINCORPORATED UTAH COUNTY; PROPOSED DATE: TUESDAY, JUNE 16, 2015 AT 9:00 A.M. IN ROOM 1400 OF THE UTAH COUNTY ADMINISTRATION BUILDING AT 100 EAST CENTER STREET, PROVO, UTAH**

9. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN A MAINTENANCE AGREEMENT WITH AUTOMATED BUSINESS PRODUCTS FOR A RICOH MPC3000 COPIER, SERIAL NO. L3785100425, LOCATED IN THE SHERIFF'S OFFICE; EXPIRES 5/7/2016**

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The commissioners requested Regular Agenda Item Nos. 13 through 30 be continued to the next meeting of the Board.

- 13. APPROVE AND AUTHORIZE COMMISSION CHAIR TO EXECUTE AGREEMENT BETWEEN UTAH COUNTY AND ALPINE CITY FOR A UTAH COUNTY COMMUNITY ACTIVITIES GRANT FOR A TOURISM AND RECREATION DEVELOPMENT PROJECT** *(Continued from the May 26, 2015 Commission meeting)*

CONTINUED TO JUNE 9, 2015

- 14. APPROVE AND AUTHORIZE COMMISSION CHAIR TO EXECUTE AGREEMENT BETWEEN UTAH COUNTY AND AMERICAN FORK CITY FOR A UTAH COUNTY COMMUNITY ACTIVITIES GRANT FOR A TOURISM AND RECREATION DEVELOPMENT PROJECT** *(Continued from the May 26, 2015 Commission meeting)*

CONTINUED TO JUNE 9, 2015

- 15. APPROVE AND AUTHORIZE COMMISSION CHAIR TO EXECUTE AGREEMENT BETWEEN UTAH COUNTY AND THE TOWN OF CEDAR FORT FOR A COMMUNITY ACTIVITIES GRANT FOR A TOURISM AND RECREATION DEVELOPMENT PROJECT** *(Continued from the May 26, 2015 Commission meeting)*

CONTINUED TO JUNE 9, 2015

- 16. APPROVE AND AUTHORIZE COMMISSION CHAIR TO EXECUTE AGREEMENT BETWEEN UTAH COUNTY AND THE CITY OF CEDAR HILLS FOR A UTAH COUNTY COMMUNITY ACTIVITIES GRANT FOR A TOURISM AND RECREATION DEVELOPMENT PROJECT** *(Continued from the May 26, 2015 Commission meeting)*

CONTINUED TO JUNE 9, 2015

- 17. APPROVE AND AUTHORIZE COMMISSION CHAIR TO EXECUTE AGREEMENT BETWEEN UTAH COUNTY AND EAGLE MOUNTAIN CITY FOR A UTAH COUNTY COMMUNITY ACTIVITIES GRANT FOR A TOURISM AND RECREATION DEVELOPMENT PROJECT** *(Continued from the May 26, 2015 Commission meeting)*

CONTINUED TO JUNE 9, 2015

- 18. APPROVE AND AUTHORIZE COMMISSION CHAIR TO EXECUTE AGREEMENT BETWEEN UTAH COUNTY AND THE CITY OF ELKRIDGE FOR A UTAH COUNTY COMMUNITY DEVELOPMENT GRANT FOR A TOURISM AND RECREATION DEVELOPMENT PROJECT** *(Continued from the May 26, 2015 Commission meeting)*

CONTINUED TO JUNE 9, 2015

- 19. APPROVE AND AUTHORIZE COMMISSION CHAIR TO EXECUTE AGREEMENT BETWEEN UTAH COUNTY AND THE TOWN OF FAIRFIELD FOR A UTAH COUNTY COMMUNITY ACTIVITIES GRANT FOR A TOURISM AND RECREATION DEVELOPMENT PROJECT** *(Continued from the May 26, 2015 Commission meeting)*

CONTINUED TO JUNE 9, 2015

- 20. APPROVE AND AUTHORIZE COMMISSION CHAIR TO EXECUTE AGREEMENT BETWEEN UTAH COUNTY AND THE TOWN OF GOSHEN FOR A UTAH COUNTY COMMUNITY ACTIVITIES GRANT FOR A TOURISM AND RECREATION DEVELOPMENT PROJECT** *(Continued from the May 26, 2015 Commission meeting)*

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- 21. APPROVE AND AUTHORIZE COMMISSION CHAIR TO EXECUTE AGREEMENT BETWEEN UTAH COUNTY AND LINDON CITY COMMUNITY ACTIVITIES GRANT FOR A TOURISM AND RECREATION DEVELOPMENT PROJECT**

CONTINUED TO JUNE 9, 2015

- 22. APPROVE AND AUTHORIZE COMMISSION CHAIR TO EXECUTE AGREEMENT BETWEEN UTAH COUNTY AND OREM CITY FOR A UTAH COUNTY COMMUNITY ACTIVITIES GRANT FOR A TOURISM AND RECREATION DEVELOPMENT PROJECT** *(Continued from the May 26, 2015 Commission meeting)*

CONTINUED TO JUNE 9, 2015

- 23. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO EXECUTE AGREEMENT BETWEEN UTAH COUNTY AND PLEASANT GROVE CITY FOR A UTAH COUNTY COMMUNITY ACTIVITIES GRANT FOR A TOURISM AND RECREATION DEVELOPMENT PROJECT** *(Continued from the May 26, 2015 Commission meeting)*

CONTINUED TO JUNE 9, 2015

- 24. APPROVE AND AUTHORIZE COMMISSION CHAIR TO EXECUTE AGREEMENT BETWEEN UTAH COUNTY AND PROVO CITY FOR A UTAH COUNTY COMMUNITY ACTIVITIES GRANT FOR A TOURISM AND RECREATION DEVELOPMENT PROJECT** *(Continued from the May 26, 2015 Commission meeting)*

CONTINUED TO JUNE 9, 2015

- 25. APPROVE AND AUTHORIZE COMMISSION CHAIR TO EXECUTE AGREEMENT BETWEEN UTAH COUNTY AND SALEM CITY FOR A UTAH COUNTY COMMUNITY ACTIVITIES GRANT FOR A TOURISM AND RECREATION DEVELOPMENT PROJECT** *(Continued from the May 26, 2015 Commission meeting)*

CONTINUED TO JUNE 9, 2015

- 26. APPROVE AND AUTHORIZE COMMISSION CHAIR TO EXECUTE AGREEMENT BETWEEN UTAH COUNTY AND SANTAQUIN CITY FOR A UTAH COUNTY COMMUNITY ACTIVITIES GRANT FOR A TOURISM AND RECREATION PROJECT** *(Continued from the May 26, 2015 Commission meeting)*

CONTINUED TO JUNE 9, 2015

- 27. APPROVE AND AUTHORIZE COMMISSION CHAIR TO EXECUTE AGREEMENT BETWEEN UTAH COUNTY AND SARATOGA SPRINGS FOR A UTAH COUNTY COMMUNITY ACTIVITIES GRANT FOR A TOURISM AND RECREATION DEVELOPMENT PROJECT** *(Continued from the May 26, 2015 Commission meeting)*

CONTINUED TO JUNE 9, 2015

- 28. APPROVE AND AUTHORIZE COMMISSION CHAIR TO EXECUTE AGREEMENT BETWEEN UTAH COUNTY AND SPANISH FORK CITY FOR A UTAH COUNTY COMMUNITY ACTIVITIES GRANT FOR A TOURISM AND RECREATION DEVELOPMENT PROJECT** *(Continued from the May 26, 2015 Commission meeting)*

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29. **APPROVE AND AUTHORIZE COMMISSION CHAIR TO EXECUTE AGREEMENT BETWEEN UTAH COUNTY AND SPRINGVILLE CITY FOR A UTAH COUNTY COMMUNITY ACTIVITIES GRANT FOR A TOURISM AND RECREATION DEVELOPMENT GRANT** *(Continued from the May 26, 2015 Commission meeting)*

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30. **APPROVE AND AUTHORIZE COMMISSION CHAIR TO EXECUTE AGREEMENT BETWEEN UTAH COUNTY AND WOODLAND HILLS CITY FOR A UTAH COUNTY COMMUNITY ACTIVITIES GRANT FOR A TOURISM AND RECREATION DEVELOPMENT PROJECT** *(Continued from the May 26, 2015 Commission meeting)*

CONTINUED TO JUNE 9, 2015

33. **ADOPT A RESOLUTION APPOINTING DUSTIN MAGOFFIN AS A UTAH COUNTY BAIL COMMISSIONER**

34. **ADOPT A RESOLUTION APPOINTING RON D. WILKINSON TO THE ADMINISTRATIVE CONTROL BOARD OF THE ALPINE COVE WATER SPECIAL SERVICE DISTRICT**

35. **ADOPT A RESOLUTION APPOINTING MARTIN LARSON AS AN ALTERNATE DIRECTOR TO THE BOARD OF DIRECTORS OF THE MT. NEBO WATER AGENCY, REPRESENTING THE STRAWBERRY HIGH LINE CANAL COMPANY**

36. **ADOPT A RESOLUTION APPOINTING LARRY MENDENHALL TO THE BOARD OF TRUSTEES OF THE NORTH UTAH COUNTY WATER CONSERVANCY DISTRICT**

37. **ADOPT A RESOLUTION REAPPOINTING JAMES A. EATON AND CORT GRIFFIN TO THE ADMINISTRATIVE CONTROL BOARD OF THE SOUTH UTAH VALLEY ANIMAL SERVICES SPECIAL SERVICE DISTRICT**

38. **ADOPT A RESOLUTION OF APPOINTMENT OF BRYCE LARSEN, YVETTE M. RICE, AND DARIN DURFEY TO THE UTAH COUNTY WORKERS' COMPENSATION ACCIDENT REVIEW BOARD**

39. **ADOPT A RESOLUTION REAPPOINTING SHERIFF JIM TRACY AS A MEMBER TO THE UTAH VALLEY DISPATCH SPECIAL SERVICE DISTRICT ADMINISTRATIVE CONTROL BOARD**

40. **ADOPT A RESOLUTION APPOINTING KIM T. JACKSON TO THE UTAH VALLEY ROAD SPECIAL SERVICE DISTRICT ADMINISTRATIVE CONTROL BOARD**

**ACTIONS TAKEN**

**Consent Agenda Item Nos. 1, 3, 4, 6, 7 and 11 were approved; No. 2 was approved and authorized; No. 5 was abated; No. 8 was approved with changes as discussed; No. 9 was adopted; No. 10 was tabled for further discussion; No. 12 was stricken from the agenda; and Nos. 13 and 14 were ratified. Regular Agenda Item No. 2 was authorized; No. 4 was set; No. 9 was approved and authorized; Nos. 13 through 30 were continued to the June 9, 2015 meeting of the Board; and Nos. 33 through 40 were adopted.**

**AGREEMENT NOS.:** 2015-312, 2015-313, 2015-314, 2015-315, 2015-316, 2015-317, 2015-318, 2015-319, 2015-320 and 2015-321

**RESOLUTION NOS.:** 2015-70, 2015-71, 2015-72, 2015-73, 2015-74, 2015-75, 2015-76 and 2015-77

**REGULAR AGENDA**

**(PULLED FROM CONSENT)**

**10. APPROVE THE MINUTES OF THE APRIL 21, 2015 COMMISSION MEETING *(Continued from the May 26, 2015 Commission meeting)***

Commissioner Lee noted that within the last paragraph of Page 2 of the April 21, 2015 Commission meeting minutes, a comment between himself and Commissioner Ellertson was vaguely paraphrased - it stated "Commissioner Lee interjected before discussion continued." Commissioner Lee asked that the actual subject matter be included in the record: the difference between a two-thirds vote and a majority vote. There were no objections to the updated language.

**Commissioner Lee made the motion to approve the minutes of the April 21, 2015 Commission meeting as discussed in Consent Agenda Item No. 10. The motion was seconded by Commissioner Graves and carried with the following vote:**

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

APPROVED WITH CHANGES

**REGULAR AGENDA**

**1. RECOGNITION OF THE UTAH COUNTY EMPLOYEE OF THE MONTH FOR JUNE 2015**

Deputy Jerritt Simons of the Utah County Sheriff's Office was recognized as the Utah County Employee of the Month for June 2015.

**3. ADOPT (OR DENY) AN ORDINANCE AMENDING SECTION 2-2-A-13, TO ADD DEFINITION OF 'BOND;' AMENDING VARIOUS SUBSECTIONS OF SECTION 3-24: 'OPEN PIT EXTRACTION OF EARTH PRODUCTS;' SUBSECTIONS 3-24-C-10-D, TO ADD AN OPTION OF POSTING 'CASH OR BOND' TO SECURE ROAD IMPROVEMENTS; 3-24-D, TO AMEND THE TITLE FOR CLARIFICATION; 3-24-D-1, TO AMEND THE REQUIRED BOND AMOUNT FOR OPEN PIT (MINING) OPERATIONS WHICH INCLUDES OPTIONS; 3-24-D-4, TO AMEND THE TIMING OF REHABILITATION TO COINCIDE WITH THE VALIDATION TIME OF A BUSINESS LICENSE OF THE UTAH COUNTY LAND USE ORDINANCE**

Commissioner Lee asked about the bonding process, and Peggy Kelsey of the Utah County Community Development Office explained how the county has decided to follow the example set by the Utah Division of Oil, Gas and Mining. The state's bonding works very well and is respected by the industry. Ms. Kelsey noted there are approximately 30 business licenses for mining operations in Utah County, half of which are bonded with the state and the other half with the county. It is in the county's best interest to have similar processes. Commissioner Lee asked whether this change will also help monitor increases and pacing, and Ms. Kelsey confirmed. They discussed the involvement of the County Engineer.

**Commissioner Lee made the motion to adopt the ordinance amending 'Open Pit Extraction of Earth Products' of the Utah County Land Use Ordinance as defined in Regular Agenda Item No. 3. The motion was seconded by Commissioner Graves and carried with the following vote:**

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

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The commissioners chose to address Regular Agenda Item Nos. 5 and 6 in tandem, as they are directly related.

5. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN THE 'COMPLIANCE AGREEMENT AND BOND FOR OPEN PIT MINING OPERATIONS' FOR STAKER & PARSON CO. FOR AN EXISTING MINING OPERATION WITH A SITE LOCATION OF APPROXIMATELY 12062 N I-15 FRONTAGE RD, POINT OF THE MOUNTAIN IN UNINCORPORATED UTAH COUNTY; SURETY BOND NO. 09161906 IN AMOUNT OF \$55,211.76 WITH FIDELITY AND DEPOSIT COMPANY OF MARYLAND, 1400 AMERICAN LC, TOWER 1, 18TH FLOOR, OWINGS MILLS, MD AGREEMENT NO. 2015-322**

6. **APPROVE THE RELEASE OF COMPLIANCE AGREEMENT AND BOND FOR OPEN PIT MINING OPERATIONS, AGREEMENT NO. 2006-228 FOR STAKER & PARSON CO., SURETY BOND NO. 14-039-832 IN THE AMOUNT OF \$30,757.50, AND AUTHORIZE THE COMMISSION CHAIR TO SIGN THE RELEASE LETTER: LIBERTY MUTUAL INSURANCE CO., 175 BERKELEY ST, BOSTON, MA 02117**  
AGREEMENT NO. 2015-323

Peggy Kelsey of the Utah County Community Development Office explained how compliance agreements span seven years. Near the expiration, her department reviews operations and, when applicable, submit a new contract for approval before release of the previous agreement. Commissioner Ellertson asked whether the new agreement will provide additional protection, and Ms. Kelsey confirmed there will be bonding at the new rate. Commissioner Ellertson summarized the mining operation outlined in Regular Agenda Item No. 6 is currently in effect and the pit will be double-bonded for a few seconds between the approval of the new agreement and the release of the older contract. Commissioner Lee noted the wrong date on the documents, which will be corrected before signatures are obtained.

**Commissioner Lee made the motion to approve the Compliance Agreement and Bond for Open Pit Mining Operations for Staker & Parson Co. for an existing mining operation, and to release Compliance Agreement No. 2006-228 for Staker & Parson Co. as detailed, respectively, in Regular Agenda Item Nos. 5 and 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**

APPROVED

The commissioners also chose to address Regular Agenda Item Nos. 7 and 8 in tandem, as they are directly related.

7. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN THE 'COMPLIANCE AGREEMENT AND BOND FOR OPEN PIT MINING OPERATIONS' FOR AN EXISTING MINING OPERATION AND SANITARY LANDFILL FOR SUNROC CORP WITH A SITE LOCATION OF APPROXIMATELY 15852 S I-15 FRONTAGE RD, SOUTH OF SANTAQUIN CITY IN UNINCORPORATED UTAH COUNTY; SURETY BOND NO. 105858468 IN AMOUNT OF \$111,877.53 WITH TRAVELERS CASUALTY & SURETY COMPANY OF AMERICA, ONE TOWER SQUARE, HARTFORD, CT 06183**  
AGREEMENT NO. 2015-324



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- 8. APPROVE THE RELEASE OF COMPLIANCE AGREEMENT AND BOND FOR OPEN PIT MINING OPERATIONS, AGREEMENT NO. 2006-438 FOR SUNROC CORPORATION, SURETY BOND NO. 104137578 IN THE AMOUNT OF \$62,347.50, AND AUTHORIZE THE COMMISSION CHAIR TO SIGN THE RELEASE LETTER: SURETY IS TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA, ONE TOWER SQUARE, HARTFORD, CT 06183**  
AGREEMENT NO. 2015-325

Peggy Kelsey of the Utah County Community Development Office described the location of the pit, mentioning the process is identical to that discussed in Regular Agenda Item Nos. 5 and 6.

**Commissioner Lee made the motion to approve the Compliance Agreement and Bond for Open Pit Mining Operations for Sunroc Corp for an existing mining operation, and to release Compliance Agreement No. 2006-438 for Sunroc Corporation as detailed, respectively, in Regular Agenda Item Nos. 7 and 8. The motion was seconded by Commissioner Graves and carried with the following vote:**

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

APPROVED

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

- 10. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN A CONFLICT OF INTEREST FORM ON BEHALF OF THE UTAH COUNTY DEPARTMENT OF DRUG AND ALCOHOL PREVENTION AND TREATMENT, FOR AN AMENDMENT TO A CONTRACT WITH THE STATE OF UTAH DEPARTMENT OF SUBSTANCE ABUSE AND MENTAL HEALTH**

Richard Nance, Director of the Utah County Department of Drug and Alcohol Prevention and Treatment, clarified for Commissioner Ellertson that department employees are notified of the conflict of interest procedure through online ethics training and also during the annual Christmas party/departamental business meeting.

**Commissioner Lee made the motion to approve a Conflict of Interest form with the State of Utah Department of Substance Abuse and Mental Health as identified in Regular Agenda Item No. 10. 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. 2015-326

- 11. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN A CASH BOND AGREEMENT WITH STEVE MOON FOR THE S. MOON SUBDIVISION, PLAT 'A'**

Commissioner Lee noted the wrong date on the documents, which will be corrected before signatures are obtained.

**Commissioner Lee made the motion to approve the cash bond agreement with Steve Moon for the S. Moon Subdivision, Plat 'A' as outlined in Regular Agenda Item No. 11. 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. 2015-327

**12. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT WITH LIVINGSTONE PSYCHOLOGICAL SERVICES AND ASSESSMENTS FOR PRE-EMPLOYMENT TESTING AND EVALUATION**

Lieutenant Yvette M. Rice of the Utah County Sheriff's Office confirmed for Commissioner Ellertson that the service rates are the same as previous contracts because the county is using the same provider. She also clarified that the testing is specifically for background investigations and fitness for duty evaluations for Sheriff's Office employees, and Utah County Sheriff James O. Tracy joked that they could offer complimentary assessments for the Board.

**Commissioner Lee made the motion to approve an agreement with Livingstone Psychological Services and Assessments for pre-employment testing and evaluation as outlined in Regular Agenda Item No. 12. 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. 2015-328

**31. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO EXECUTE AN AGREEMENT WITH CENTRO HISPANO FOR ITS 2015 FESTIVO LATINO AMERICANO**

Utah County Public Works Director Richard Nielson confirmed the times for Commissioner Ellertson from the audience.

**Commissioner Lee made the motion to approve an agreement with Centro Hispano for the 2015 Festivo Latino Americano as specified in Regular Agenda Item No. 31. 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. 2015-329

**32. ADOPT A RESOLUTION REGARDING LEHI CITY'S NOTICE OF INTENT TO SUBMIT AN OPINION QUESTION TO ITS VOTERS REGARDING THE IMPOSITION OF A 'RAP' TAX, CONFIRMING THAT UTAH COUNTY IS NOT SEEKING TO IMPOSE A TAX UNDER SECTION 59-12-1402**

Commissioner Ellertson requested additional time to speak with the Mayor of Lehi before taking action on this item.

**Commissioner Lee made the motion to continue Regular Agenda Item No. 32 regarding Lehi City's Notice of Intent to submit an opinion question to its voters regarding the imposition of a 'RAP' tax for one week to the June 9, 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

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

- 42. 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

- 43. 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)**

STRICKEN

- 44. 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 Graves made the motion to strike Regular Agenda Item Nos. 42, 43 and 44 to set dates, times, and locations for closed meetings for a strategy session to discuss pending or reasonably imminent litigation; for a strategy session to discuss the purchase, exchange, or lease of real property, water rights, or water shares; 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 Lee and carried with the following vote:**

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

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

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

SET

### **WORK SESSION**

#### **1. DISCUSS THE REQUEST OF MAPLETON CITY FOR UTAH COUNTY TO CONSENT TO MAPLETON HEIGHTS ANNEXATION WHICH LEAVES AN UNINCORPORATED ISLAND**

Utah County Deputy Attorney Robert J. Moore came forward to explain Mapleton City has requested the county agree to an annexation which would create an 'island' for the county. Utah laws have changed in the last month to allow such an agreement; previously, property could not be annexed into a city if it would create an unincorporated island under the petition process. Mapleton City has two pending annexations: Mapleton Heights, and The Point at Maple Mountain. A one-year delay is expected for The Point because of water issues, but Mapleton Heights is ready to progress once a closure error is resolved - the map needs to be corrected to include Highway 89.

Robert J. Moore reviewed a map of the area with the commissioners, noting this request from Mapleton City is the first since the new laws went into effect in May 2015. Alpine City has mentioned another potential request. Commissioner Ellertson stated the county does not want to take responsibility for an island; if developed, the city needs to take charge. They discussed road access, and Mr. Moore clarified for Commissioner Lee that land must be included within an annexation or policy plan before a petition can be submitted. Mr. Moore and Commissioner Graves discussed water concerns such as Spanish Fork facilities being at maximum capacity. Commissioner Ellertson reiterated the city should annex the entire area and find a solution amongst themselves.

Utah County Attorney Jeffrey R. Buhman commented on the issues islands can create for law enforcement. Questions arise of which agency is responsible for arrests, the issuance of citations, and prosecution. Overall it is problematic for the courts.

Bryce Armstrong of the Utah County Community Development Office added that the requested island is currently zoned within TR-5, meaning there is potential for development if requirements are met. Ideally, his office would like to avoid any islands. Robert J. Moore summarized Mapleton City does not want Mapleton Heights to be delayed solely because of the pending issues with The Point at Maple Mountain. Utah County Civil Division Chief Deputy Attorney David Shawcroft joined the discussion of annexation options.

*\*Please refer to the final page of these minutes for additional notations.*

#### **2. DISCUSSION REGARDING BOOKMOBILE SERVICES**

Britton Lund is the Utah State Library Division - Bookmobile Program Manager. She presented the commissioners with a copy of the Utah County Bookmobile Statistics for Fiscal Years 2014 and 2015 (*a copy of which can be found attached to these minutes*). Ms. Lund explained how the Bookmobile Program collaborates with the Governor's Office to minimize costs while increasing service, benefitting everyone. She spoke about the patrons at Utah County stops, and how the inventory is rotated every eight years; the county is due this October 2015.

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Commissioner Ellertson asked about electronic access, and Britton Lund clarified that a local library card will give an individual access to all data - printed, electronic, audio - at any time, anywhere in the world. A resident from Elberta can access an audio book in China. The Bookmobile also offers electronic tests such as the Law School Admission Test (LSAT) and General Educational Development (GED). They have recently begun collecting magazines, and already have more than 100,000 available. The commissioners thanked Ms. Lund for the work and her presentation.

At this point, the meeting recessed at 10:25 A.M. to go into closed sessions. The public meeting reconvened at 10:37 A.M., and the commissioners returned to discussion of Work Session Agenda Item No. 1.

**WORK SESSION**

**1. DISCUSS THE REQUEST OF MAPLETON CITY FOR UTAH COUNTY TO CONSENT TO MAPLETON HEIGHTS ANNEXATION WHICH LEAVES AN UNINCORPORATED ISLAND**

Utah County Deputy Attorney Robert J. Moore introduced Dan Fort, the applicant petitioning for annexation of the Mapleton Heights development with Mapleton City. Commissioner Ellertson repeated his earlier comments for Mr. Fort, noting how the county would prefer not to take possession of an island created by the annexation. They discussed the process with Mr. Moore, and encouraged additional communication with Mapleton City to resolve the situation.

This concluded discussion of all items on the agenda.

**Commissioner Graves made the motion to adjourn the June 2, 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 10:48 A.M. The minutes of the June 2, 2015 Commission meeting were approved as transcribed on July 7, 2015.

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LARRY A. ELLERTSON, Commission Chair

ATTEST:

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BRYAN E. THOMPSON  
Utah County Clerk/Auditor

**\*Work Session Item No. 1:**

The Board returned to discussion of the Mapleton City request for annexation following closed sessions, once the applicant arrived to the meeting (*see pages 12 and 13*).

Copies available on the Utah County website at [www.utahcounty.gov](http://www.utahcounty.gov)  
Recorded by Renée Huggins-Caron, Clerk/Auditor Administrative Assistant