

BOARD OF COUNTY COMMISSIONERS, UTAH COUNTY, UTAH
MINUTES OF PUBLIC MEETING
COMMISSION CHAMBERS, ROOM 1400
OF THE UTAH COUNTY ADMINISTRATION BUILDING
June 30, 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
Paul Jones, Utah County Deputy Attorney
Burt Harvey, Clerk/Auditor - Tax Admin. Supervisor
Julie Rollins, Utah County Purchasing Agent
Lisa K. Nielson, Utah County Commission Office
Brian Voeks, Utah County Commission Office
Peggy Kelsey, Community Development
Joshua Ivie, Community Development
Dr. Joseph K. Miner, Health Department Exec. Director
Marianne Christensen, Utah County Health Department
Cheri Tuckett, Utah County Senior Services
Richard Nance, Drug & Alcohol Prevention & Treatment
Mark Brady, Assistant Personnel Director
Richard Nielson, Utah County Public Works Director
Dalene Higgins, Utah County Sheriff's Office
Gary Ratcliffe, Utah County Surveyor
Kim T. Jackson, Utah County Treasurer
Keith Broadhead, Santaquin City Councilmember
Adam Cowie, Lindon City Administrator
Cameron Diehl, Utah League of Cities and Towns
Brad Frost, American Fork City Councilmember
David Hathaway, Santaquin City Councilmember
Willie Holdman, Protect&PreserveAmerican Fork Canyon
Andrew Jackson, Mountainland Assoc. of Governments
Mark Johnson, Lehi City Councilmember
Kristen Lavelett, Local First Utah
Dennis Marker, Santaquin City Community Development
Steve Meyer, Utah Transit Authority
Nick Miller, Santaquin City Councilmember
Rich Nelson, Alpine City Administrator
Barbara Petty, Utah State and County Voting Delegate
Randi Powell, Lindon City Councilmember
Ben Reeves, Santaquin City Manager
Hal Shelley, Elk Ridge Mayor

Shaun Sajov, Mountainland Association of Governments
Scott Sandstrom, Protect&PreserveAmerican ForkCanyon
Mark Thompson, Highland City Mayor
Wendi Baggaley, Eagle Mountain Resident
Trent Bezzant, Highland Resident
Miriam Broderick, Payson Resident
Richard Child, Springville Resident
Lisa Clark, Provo Resident
Robert Ethington, American Fork Resident
Zach Garrett, Cedar Hills Resident
Cynthia L. Hallen, Springville Resident
Stan Harvey, Provo Resident
Keith Irwin, Cedar Hills
Christine Ivins, Highland Resident
Ray Ivins, Highland Resident
Travis Johnson, Payson Resident
Steve Leifson, Spanish Fork Resident
Marlene Madsen, Lehi Resident
Steve Nau, American Fork Resident
Eldon A. Neves, Citizens for Rural Utah
Claude Richards, Orem Resident
Lynda Roper, Provo Resident
Kristen Shelley, Alpine Resident
Robert Shelley, Alpine Resident
Merlin Weekes, Orem Resident
Heather Williamson, Saratoga Springs Resident
Danielle Downs, *The Daily Herald*
Sharon Anderson, -No further information given-
Ann Boekweg, -No further information given-
Peggy Denna, -No further information given-
Becky Pirente, -No further information given-
Randy Sims, -No further information given-
Jason Walker, -No further information given-
Mike Stansfield, Fairways Media
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: Rich Nelson, Alpine City Administrator
PLEDGE OF ALLEGIANCE: Randi Powell, Lindon City Councilmember

PUBLIC COMMENTS

American Fork City Councilmember Brad Frost addressed the proposed Mountain Accord land exchange for commercial ski development in American Fork Canyon. He noted many books have been written about the canyon, and the decision facing the commissioners will add a chapter in the history for the area. Mr. Frost initially believed the dissenters of Mountain Accord were a very loud, well-organized minority of the public, but has realized differently over the last few weeks as concerned citizens reach out to him in favor of preserving American Fork Canyon. Mr. Frost stated all sides of the issue agree that boundaries have been overstepped, and expressed his hopes that the commissioners will unite in taking a stand for the community.

Commissioner Ellertson clarified that the Board is aligned in their thinking that decisions for American Fork Canyon should be made here, in Utah County. Commissioner Lee added they are currently drafting a resolution to be presented during the next meeting.

Mark Allen, representative of the group "Protect & Preserve American Fork Canyon," talked about owning American Fork Canyon Vision (AFCVision). He explained AFCVision has decided to return \$50,000 to Snowbird in order to send a message they will not tolerate corporations acting as legal entities and claiming jurisdiction for land decisions. Mr. Allen offered to begin a fund with a personal donation of \$500 for Commissioner Ellertson to be able to return the 2012 campaign contribution monies from Bob Bonar, Snowbird CEO and President. He named several other local politicians that could be considered socially connected to Snowbird representatives. Mr. Allen asked the leaders to stand together and represent their people.

Heather Williamson of Saratoga Springs is concerned about the legislative proposal for a quarter-cent local sales tax for transportation funding as part of the Fuel Tax Increase House Bill 362. She read a letter urging the commissioners to vote against placing this sales tax option on the Utah County ballot this upcoming November. Ms. Williamson noted taxpayers across Utah are already facing a five-cent-per-gallon increase to the motor fuel tax, a \$75,000,000 property tax increase, and additional city and school district property tax increases this Fall. She stated fourteen percent of the personal income for Utahns go to taxes and fees, and the county has the third highest combined sales and use tax rate in the state (6.75%). Ms. Williamson commented general sales taxes should not be used to fund transportation, and noted the unfair advantage to online retailers not having to pay taxes. She mentioned forty percent of the revenues from the sales tax increase would go towards funding Utah Transit Authority (UTA) projects instead of fixing and maintaining roads; UTA already receives \$33,800,000 in sales tax revenue from Utah County. Ms. Williamson reiterated her plea to refrain from placing a sales tax increase on the ballot, suggesting the Board ask state lawmakers to instead create a transparent user-fee model.

Orem resident Sharon Anderson commented on Regular Agenda Item No. 2, expressing concern that additional information is not readily available to the public regarding the request for a letter in support of military training events. She stated that while most of the community supports the troops, that does not imply complete agreement with military objectives or those who issue rules of engagement. Ms. Anderson questioned the true nature of these training events, specifically the potential involvement of civilians and moving local law enforcement departments to rely on federal resources. She also asked whether this agenda item is related to the United States Armed Forces 'Jade Helm' exercise taking place from July through September 2015. Ms. Anderson warned against moving the country towards a police state, and asked the Board to fully investigate issues before endorsing them.

Saratoga Springs resident Becky Pirente opposes development in American Fork Canyon, any military exercises occurring amongst residents in Utah County, and the proposed tax increase which would make Utah County the highest taxed region in the state. Ms. Pirente mentioned that if a tax raise is desperately needed to provide for the transportation needs of the county, it surely was a mistake to divert funds for the recently approved Provo/Orem Bus Rapid Transit (BRT) project. She is concerned about giving such a high proportion of transportation revenue to the Utah Transit Authority (UTA), and would prefer to see the funds spent on local roads.

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Pleasant Grove City Mayor Mike Daniels addressed Utah House Bill 362 - Transportation Infrastructure Funding, stating he supports 60% of the bill: the forty percent designated for local roads, and an additional twenty percent for county roads. Mayor Daniels questions the remaining 40% for the Utah Transit Authority and Provo/Orem Bus Rapid Transit project, and believes the matter should be placed on the November 2015 ballot for a vote by the people. He reminded the Board that state legislature drafted the bill, hence any comments or concerns should be directed to the legislators.

Vic Devano did not identify his hometown. He spoke of the 1994 realignment of roads near 1200 South in Orem, near Utah Valley University - the changes were desperately fought by some residents and city and county officials at the time, but now the interchange serves as one of the most vital traffic developments in Utah County. Mr. Devano attended the state legislative session this year and was surprised at the lack of media coverage and absence of public representation. While he does not want the quarter-cent tax imposed, Mr. Devano stated it should be determined by a vote of the people. He does not support the private handling of transportation.

Lehi City Councilmember Mark Johnson expressed support for the comments made by Pleasant Grove City Mayor Mike Daniels - Utah House Bill 362 should be put to a public vote. Lehi City is concerned about the transportation issues in the valley; some of the infrastructure is failing and is in vital need of repair. Citizens should take the opportunity to research the facts and make an informed decision.

Randi Powell, Lindon City Councilmember, noted that Lindon was one of the first cities to pass a resolution in support of House Bill 362. The Utah League of Cities and Towns has worked hard to pass this legislation, and Ms. Powell hopes the citizens recognize it is very difficult for municipalities to obtain funds for transportation infrastructure. Lindon has 55 miles of roads to maintain, and have only been able to pave less than one mile in the last year. Ms. Powell explained that the best roads are a priority in order to maintain them for the longest period of time and for the best quality. She asked the Board to make sure the citizens are fully informed before taking a vote, because while paying taxes are a chore it is also difficult to drive on rough unkempt roads.

Provo resident Lisa Clark is opposed to any tax increase, and would like the Provo/Orem Bus Rapid Transit (BRT) project to be placed on a ballot for a vote. Ms. Clark believes 95% of Utah County residents are unaware of BRT, and is against the large sum of money being spent on an eleven-mile route which only half consists of dedicated lanes. She stated this is not rapid transit; it is bigger busses with fewer stops on an extremely busy that is already overcrowded. Ms. Clark is upset about the impending changes to her Cherry Lane neighborhood, stating she is not against public transportation but there are already busses on that route and Utah County residents have not been given the time to learn about this project.

Eagle Mountain resident Wendi Baggaley referred to a 2007 Sales and Use Tax amendment to question how many more times the taxes will go up "just a little bit more." Utah County has grown significantly in the last eight years, so additional funding has also come from taxes. Ms. Baggaley was against this transportation tax increase until the Eagle Mountain Mayor released a statement regarding the need for local road improvement monies, but is still concerned that the county is accepting unnecessary stipulations in order to receive that funding. She finds the Utah Transit Authority (UTA) to be financially wasteful and inefficient, especially the six-figure salary for their Chief Executive Officer. Ms. Baggaley acknowledged that the county has needs but must use the money wisely.

American Fork resident Steve Nau stood to support the Board in taking action against any development in American Fork Canyon. He asked the commissioners to set an example for the cities and towns, reminding them that Utah County can be just as powerful and intimidating as Salt Lake County. Mr. Nau thanked the Board for the work completed so far and encouraged them to continue.

Commissioner Lee mentioned attending an executive meeting of the Mountain Accord group seeking the development of ski areas in American Fork Canyon; they have acknowledged that Utah County needs to be more involved in the process. Commissioner Ellertson confirmed having a similar conversation with group representatives in the past week.

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Willie Holdman offered to escort the commissioners on a hike in American Fork Canyon. He spoke of visiting Mary Ellen Gulch with his son, an area proposed for development by Snowbird Resort LLC. Mr. Holdman was impressed by the beauty and dispersed camping available; if Snowbird acquires the land, all recreation will be fee-based. He read a portion of a Mountain Accord document which states they will not supercede local authorities, calling them contradictory to their attempts to exchange Utah County land without involving the authorities. Mr. Holdman declared if the commissioners go with him to see the canyon, they would also want to save it.

Alpine City Administrator Rich Nelson encourages a public vote on the proposed quarter-cent sales tax increase. Alpine receives approximately \$320,000 for road projects and does not have revenue-generating businesses.

Diane Christensen is a Provo resident who would like to see the quarter-cent sales tax increase put to a vote of the people. There have been many recent increases in Provo including utility rates, a proposed recreational tax, and the approved Provo/Orem Bus Rapid Transit (BRT) bonding. Ms. Christensen is also concerned that forty percent of the quarter-cent increase is designated for Utah Transit Authority and BRT when the public was repeatedly told during the process that BRT will not raise taxes.

Scott Sandstrom expressed that the American Fork Canyon Vision process has been tainted by expressing a focus on bringing a gondola to the area. Mr. Sandstrom proposed that the Board be involved in starting over with the Mountain Accord, whether by renaming the group or identifying the stakeholders. The agreement with the Mountainland Association of Governments has not involved any public input or information.

Christine Ivins, Highland Resident reminded the Board she had suggested at the previous Commission meeting that they visit American Fork Canyon. She reiterated that request, and thanked the commissioners for their hard work in preserving the canyon. Utah County resident Eldon A. Neves came forward to echo that appreciation, thanking Commissioner Lee specifically for attending a meeting about transportation issues and thanking the Board members for their work.

Springville resident and Utah County Voting Precinct District 11 delegate Cynthia Hallen stated that while a petition against the resolution for the Provo/Orem Bus Rapid Transit project had been unsuccessful, the BRT discussion is not over. Ms. Hallen acknowledged the importance of fixing roads, suggesting the BRT project be cancelled in order to address road maintenance. She also spoke of the unique beauty and wildlife habitat of Tibble Fork in American Fork Canyon, asking the Board to prevent any disturbances to the area.

Riley Madsen is a Lehi City resident in favor of preserving American Fork Canyon. Ms. Madsen said, "That canyon has been my life; my absolute homestead, my escape." She spoke of camping and off-roading in the Mineral Basin area, commenting on the passion of the citizens to protect the splendor and asking the commissioners to 'keep our homes safe.'

Provo resident Linda Roper collected signatures in May and June of this year for the petition against the resolution for the Provo/Orem Bus Rapid Transit (BRT) project. Ms. Roper explained how 95% of the individuals she spoke with were unaware of BRT and had no idea of the plans for their tax dollars. The quarter-cent sales taxes were set aside for roads and highways; now the money desperately needed by the cities is being diverted to BRT. Ms. Roper noted previous declarations that BRT would not cause a tax increase, but that is exactly what is happening. She pointed out that the public would have loudly voted against BRT if they had been given the chance.

Lehi City Administrator and Saratoga Springs resident Jason Walker expressed Utah House Bill 362 should be put to a public vote. People do not often have the opportunity to be involved in legislature for local government, and it would send a message to the politicians to find better solutions if this bill does not pass. Mr. Walker mentioned hailing from Hawaii and seeing the consequence of low sales taxes there and the lack of transportation infrastructure damaging their economy. The best option is to educate the people and allow them to participate in the democratic process to make informed decisions about their taxes.

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Stan Harvey, Provo resident, shared a story of his mother-in-law saying “if you put enough good stuff on it, even rocks taste good.” Mr. Harvey equated this anecdote with the recent acceptance of the Provo/Orem Bus Rapid Transit (BRT) project. He suggested the county not get carried away with the promise of benefits which actually hide tax increases.

Orem City resident Claude Richards is running for City Council because he feels obligated to be a voice for the people that are getting frustrated with tax increases and other changes in government. Mr. Richards noted approving additional taxes is similar to adding barnacles to a ship; one barnacle does not halt operations, but eventually the entire hull must be scraped. He spoke about the unfair tax burden upon citizens and suggested the Provo/Orem Bus Rapid Transit (BRT) issue be returned to a public vote, questioning the rush to accept federal funds while the nation is bankrupt. Mr. Richards stated “we are taxed enough.”

Highland City Mayor Mark Thompson had encouraged local legislators to identify additional monies because it is four times more expensive to lay asphalt now than it was in 1997, when the last gas pump tax increase was approved. Mayor Thompson supports the proposed quarter-cent sales tax increase and supports the inclusion of the issue on the ballot. He pointed out that no one wants a cell tower in their backyard, but everyone has a cell phone in their pocket. Additional revenues are needed for thriving communities, and the infrastructure must be maintained.

Merlin Weekes, Orem resident, is pleased to see people standing to speak about important issues. He appreciates the discussions surrounding American Fork Canyon, taxes, and the Provo/Orem Bus Rapid Transit project. Mr. Weekes reminded the Board they were elected to represent the people, and have a responsibility to educate the public in their votes. He acknowledged the difficulties the commissioners face.

Lindon City Administrator Adam Cowie lives in Payson and commutes across the county daily for work, so he has seen first-hand the need for road repair. Mr. Cowie is in favor of the transportation tax, and the issue being placed on a ballot for public vote.

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

CONSENT AGENDA

- 1. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN A FAIRGROUND FACILITIES USE AGREEMENT WITH SPANISH FORK CITY FOR A 4-H HORSE PROGRAM ACTIVITY TO BE HELD JULY 9, 2015 IN THE PONDEROSA ROOM**
- 2. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN A FAIRGROUND FACILITIES USE AGREEMENT WITH SPANISH FORK CITY FOR THE UTAH COUNTY 4-H BANQUET TO BE HELD AUGUST 5, 2015 IN THE PONDEROSA ROOM**

The commissioners requested Consent Agenda Item No. 2 be continued to the next meeting of the Board.
CONTINUED TO JULY 7, 2015

- 3. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN A FAIRGROUND FACILITIES USE AGREEMENT WITH SPANISH FORK CITY FOR THE EXTENSION FRUIT GROWERS CONFERENCE ON JANUARY 20-22, 2016 IN THE PONDEROSA ROOM**

The commissioners requested Consent Agenda Item No. 3 be continued to the next meeting of the Board.
CONTINUED TO JULY 7, 2015

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4. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN A FAIRGROUND FACILITIES USE AGREEMENT WITH SPANISH FORK CITY FOR THE EXTENSION FRUIT GROWERS CONFERENCE ACTIVITY TO BE HELD ON JANUARY 20-22, 2016 IN THE HIGH CHAPARRAL ROOM**

The commissioners requested Consent Agenda Item No. 4 be continued to the next meeting of the Board.
CONTINUED TO JULY 7, 2015

5. **APPROVE REDUCING THE PENALTY IN THE AMOUNTS LISTED FOR THE ATTACHED PERSONAL PROPERTY ACCOUNTS, HAVING BEEN IDENTIFIED AS MEETING THE QUALIFICATIONS UNDER ORDINANCE NO. 2010-4 AND RESOLUTION NO. 2011-64 OF THE UTAH COUNTY CODE**

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

7. **APPROVE TAX CREDITS AND REFUNDS RECOMMENDED BY THE COUNTY TREASURER'S OFFICE IN CANCELLATION LETTER NO. 20335, DATED JUNE 24, 2015**

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

9. **APPROVE THE MINUTES OF THE MAY 12, 2015 COMMISSION MEETING** *(Continued from the June 16 and 23, 2015 Commission meetings)*

10. **APPROVE THE MINUTES OF THE MAY 26, 2015 COMMISSION MEETING** *(Continued from the June 16 and 23, 2015 Commission meetings)*

The commissioners requested Consent Agenda Item No. 10 be continued to the next meeting of the Board.
CONTINUED TO JULY 7, 2015

11. **APPROVE THE MINUTES OF THE JUNE 2, 2015 COMMISSION MEETING** *(Continued from the June 23, 2015 Commission meeting)*

The commissioners requested Consent Agenda Item No. 11 be continued to the next meeting of the Board.
CONTINUED TO JULY 7, 2015

12. **APPROVE THE MINUTES OF THE JUNE 9, 2015 COMMISSION MEETING** *(Continued from the June 23, 2015 Commission meeting)*

The commissioners requested Consent Agenda Item No. 12 be continued to the next meeting of the Board.
CONTINUED TO JULY 7, 2015

13. **APPROVE THE MINUTES OF THE JUNE 16, 2015 COMMISSION MEETING**

The commissioners requested Consent Agenda Item No. 13 be continued to the next meeting of the Board.
CONTINUED TO JULY 7, 2015

14. **RATIFICATION OF PAYROLL**

15. **RATIFICATION OF WARRANT REGISTER SUMMARY**

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Consent Agenda Item Nos. 1, 5 through 9, and 14 and 15 were approved as written. Commissioner Ellertson recommended the following Regular Agenda items be moved to Consent:

3. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN A MAINTENANCE AGREEMENT WITH LES OLSON COMPANY FOR AN MX-M950 COPIER, SERIAL NO. 25008743, LOCATED IN INFORMATION SYSTEMS; EXPIRES 06/27/2016**
4. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN ADDENDUM TO AGREEMENT NO. 2013-718 WITH THE NYHART COMPANY IN THE AMOUNT OF \$500 FOR ADDITIONAL WORK RELATED TO THE COUNTY'S HEALTH REIMBURSEMENT ACCOUNT BENEFIT FOR PUBLIC SAFETY EMPLOYEES**
8. **APPROVE THE RELEASE OF COMPLIANCE AGREEMENT AND BOND FOR OPEN PIT MINING OPERATIONS, AGREEMENT NO. 2007-266 FOR STAKER & PARSON CO., SURETY BOND NO. 8878968 IN THE AMOUNT OF \$31,441.00; AND AUTHORIZE THE COMMISSION CHAIR TO SIGN THE RELEASE LETTER TO FIDELITY AND DEPOSIT COMPANY OF MARYLAND**
9. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT WITH THE UTAH DEPARTMENT OF HEALTH FOR FUNDING FOR THE BREAST AND CERVICAL CANCER PROGRAM** *(Continued from the June 23, 2015 Commission meeting)*

The Board suggested this item be stricken from the agenda.
STRICKEN

10. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AMENDMENT NO. 1 TO AGREEMENT NO. 2014-653 WITH THE UTAH DEPARTMENT OF HEALTH FOR ADDITIONAL FUNDING FOR ABSTINENCE EDUCATION**
11. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT WITH THE UTAH DEPARTMENT OF HEALTH TO REDUCE THE BURDEN OF RADON**
12. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN A FOOD HANDLER PERMIT TRAINING AGREEMENT WITH ACE FOOD HANDLER/MANUEL CAMPOS**
13. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN THE FOSTER GRANDPARENTS SOCIAL SERVICES BLOCK GRANT AGREEMENT WITH MOUNTAINLAND ASSOCIATION OF GOVERNMENTS**
14. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN THE SENIOR COMPANION SOCIAL SERVICES BLOCK GRANT AGREEMENT WITH MOUNTAINLAND ASSOCIATION OF GOVERNMENTS**
15. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN THE TRANSPORTATION SERVICE CONTRACT WITH MOUNTAINLAND ASSOCIATION OF GOVERNMENTS FOR THE FOSTER GRANDPARENT PROGRAM**
16. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN THE TRANSPORTATION SERVICE CONTRACT WITH MOUNTAINLAND ASSOCIATION OF GOVERNMENTS FOR THE SENIOR COMPANION PROGRAM**

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17. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT WITH THE STATE OF UTAH, DEPARTMENT OF HUMAN SERVICES, DIVISION OF SUBSTANCE ABUSE AND MENTAL HEALTH FOR SUBSTANCE ABUSE DISORDER PREVENTION AND TREATMENT SERVICES TO THE CITIZENS OF UTAH COUNTY**
19. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT WITH TIFFANI MILLER FOR THE MISS UTAH COUNTY PAGEANT**
20. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT WITH MARK WARD FOR A COUNTY RESOURCE MANAGEMENT PLAN AS PROVIDED IN UTAH CODE 17-27A-401(3)**
21. **ADOPT A RESOLUTION REGARDING PROVO 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**
24. **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)**

The Board suggested this item be stricken from the agenda.

STRICKEN

25. **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)**

The Board suggested this item be stricken from the agenda.

STRICKEN

ACTIONS TAKEN

Consent Agenda Item No. 1 was **approved and authorized**; Nos. **2, 3, 4, 10, 11, 12 and 13** were **continued** to the July 7, 2015 meeting of the Board; Nos. **5, 7, and 9** were **approved**; No. **6** was **abated**; No. **8** was **adopted**; and Nos. **14 and 15** were **ratified**. **Regular Agenda Item Nos. 3, 4, 10 through 17, 19 and 20** were **approved and authorized**; No. **8** was **approved**; Nos. **9, 24, and 25** were **stricken** from the agenda; and No. **21** was **adopted**.

AGREEMENT NOS.: 2015-407, 2015-408, 2015-409, 2015-410, 2015-411, 2015-412, 2015-413, 2015-414, 2015-415, 2015-416, 2015-417, 2015-418, 2015-419, 2015-420, 2015-421, 2015-422 and 2015-423

RESOLUTION NO.: 2015-91

In consideration of the schedules of those present in the audience today for discussion regarding Utah House Bill 362, the commissioners chose to immediately address Work Session Item No. 1 before continuing on with the posted agenda.

WORK SESSION

1. DISCUSSION REGARDING IMPLEMENTATION OF UTAH HOUSE BILL 362 - TRANSPORTATION INFRASTRUCTURE FUNDING

Commissioner Ellertson summarized Utah House Bill 362 as being passed by the legislature to give an opportunity for public information and to be put before the counties throughout the state as a ballot issue. Utah County has invited the Utah League of Cities and Towns, as well as Mountainland Association of Governments, to present different aspects of the proposed bill today.

Utah League of Cities and Towns Director of Government Relations Cameron Diehl came forward with Orem Mayor Richard Brunst and Santaquin City Councilmember Keith Broadhead. Mr. Diehl noted some cities in Utah County have passed resolutions supporting the fourth-quarter-cent sales tax, explaining this conversation is about comprehensive transportation is taking place throughout all 29 counties in Utah. The local option is in recognition that local governments are struggling to maintain infrastructure with their current resources. Mr. Diehl presented some statistics on the costs of transportation needs.

Orem Mayor Richard Brunst introduced Orem City Councilmember Margaret Black and Orem City Manager Jamie Davidson and mentioned that the City Council had voted 6-1 to place House Bill 362 on the ballot. Mayor Brunst noted the importance of this issue to the cities as represented through the number of mayors and city administrators who made public comment today. He pointed out Orem's population has grown forty percent in twenty years, yet the road monies have decreased by fifty percent. Mayor Brunst stated at least 12 Utah County cities have passed or will pass a resolution in support of House Bill 362: Alpine, Cedar Fort, Elk Ridge, Fairfield, Highland, Lehi, Lindon, Orem, Payson, Provo, Santaquin, Saratoga Springs, and Spanish Fork. He also mentioned that 86 cities and towns in 15 counties have passed or will pass similar resolutions in favor of this first comprehensive transportation bill in the entire state.

Santaquin City Councilmember Keith Broadhead introduced members of City Administration, and expounded upon Orem Mayor Richard Brunst's comments. Santaquin City voted 5-0 in favor of the resolution to support House Bill 362. Councilmember Broadhead provided historical background and statistics for projected growth in Utah County. Mayor Brunst added that providing roads is a priority concern for Orem residents, encouraging the Board to place the fourth-quarter-cent sales tax on the 2015 ballot. Andrew Jackson of Mountainland Association of Governments (MAG) then presented an informative slide show (*a copy of which can be found attached to these minutes*) emphasizing roads, taxes, and the benefits of this proposed tax increase.

Utah County Public Works Director Richard Nielson commented on road maintenance costs and gas tax funds, presenting a slide show to demonstrate deterioration and repair costs (*a copy of which can be found attached to these minutes*). Utah Transit Authority's Steve Meyer summarized the transit improvements which would take place if House Bill 362 is enacted, including a focus on connectivity, route convenience, and frequency. He mentioned no portion would be used for the Provo/Orem Bus Rapid Transit (BRT) project, explaining BRT is funded through third-quarter-cent sales tax revenues, which will in turn be reimbursed, with interest, through first-quarter-cent sales tax revenues.

Commissioner Graves excused himself from the meeting at this time. Commissioner Lee summarized Utah House Bill 362 is a new tax increase. Andrew Jackson of Mountainland Association of Governments confirmed that the proposed fourth-quarter-cent is a new sales tax. Commissioner Lee asked whether Utah County would be the highest sales-taxed county in the state if no other counties enact House Bill 362. Cameron Diehl answered that Utah County could hypothetically be the highest if it were the only county to adopt the bill, but all 29 counties are considering approval and are all within one cent of each other ranging from 5.85 to 6.95 percent. Currently, Utah County is not the highest taxed; Commissioner Ellertson noted the Wasatch Front communities are higher, and Mr. Diehl confirmed Weber and Salt Lake Counties both have higher tax rates than Utah County.

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Commissioner Lee referred to Regular Agenda Item No. 1 on today's calendar, commenting on the irony of promoting local retailers with a proclamation while in the same meeting ~~also~~ considering an increased sales tax which would essentially drive out those businesses. He also contended that a fourth-quarter-cent sales tax increase is directly tied to the Provo/Orem Bus Rapid Transit (BRT) project in Utah County, seeing as the third-quarter-cent sales tax revenue from 2009 through 2014 had previously been used exclusively for road funding. Commissioner Lee noted the exception of \$2,800,000 spent to study BRT and the debt service used to pay back the Utah Transit Authority (UTA) for roads. Andrew Jackson of Mountainland Association of Governments countered that the third-quarter-cent is not designated solely for roads, pointing out it can also be used for airports, highways, and transit.

Commissioner Lee noted previous assurances by those in favor of Provo/Orem Bus Rapid Transit (BRT): as recently as eight months ago, proponents had indicated that road funding in Utah County would be sufficient to pay for needed road projects through the year 2028, and that using third-quarter-cent sales tax revenues to pay for BRT would not harm current road projects. Now less than a year later he is being presented with graphs and charts claiming the roads are falling apart, and infrastructure collapse is imminent without a tax increase. Andrew Jackson of Mountainland Association of Governments commented on the difference between quarter-cent taxes and direct allocations, stating third-quarter-cent sales tax funds can only be used for new capacity of regional and state road and cannot legally be used for road maintenance.

Commissioner Lee questioned why state legislators were asked to dismantle the third-quarter-cent silos in 2014, and Andrew Jackson defined the old requirements: 40 percent of revenues were to be spend on state roads, another 40 percent on regional roads, and the final 20 percent on rights-of-way. Mr. Jackson stated the funding for regional roads was insufficient in comparison to state road funding, and removing the silos helped provide the flexibility needed to ensure higher prioritized regional road projects receive funding before lower prioritized state road projects. Commissioner Lee summarized the purpose of removing the old silos was to provide flexibility and funding for roads, not other projects. He acknowledged the need for local road funds but also voiced skepticism over the lack of passion for those monies when BRT was being presented as a priority over other local road projects between now and the year 2028.

Commissioner Ellertson mentioned this issue would be brought forward for a public vote, reminding Commissioner Lee that he had previously been adamant about allowing the people to vote on previous issues. Commissioner Lee responded that requiring a public vote prior to implementation of the fourth-quarter-cent sales tax is the "saving grace" behind this proposal. He also commented on the hypocrisy of those who claimed less than one year ago funding was sufficient to pay for both much-needed road projects and the Provo/Orem Bus Rapid Transit project.

Commissioner Lee suggested Utah House Bill 362 would ideally be returned to the legislature without the Utah Transit Authority (UTA) portion attached so that road needs can actually be addressed, calling the current proposal an ice cream cone with "60% good ice cream, but 40% bugs." Commissioner Lee stated the legislature does not want to enact the bill statewide because of the political heat. He also commented on the confusing nature of opinion poll questions, arguing that the public often does not understand that the results are binding. Commissioner Lee noted that some mayors have focused only on the roads portion of this proposal, but it must be discussed in its entirety when addressed - the forty percent for city roads, the forty percent for UTA, and the twenty percent for county roads - in order to truly understand what is being presented. He encouraged the Board to reject this proposal.

Following Work Session, the commissioners moved forward with the agenda as numbered.

REGULAR AGENDA

1. PROCLAIM JULY 1, 2015 TO JULY 7, 2015 ‘INDEPENDENTS WEEK’ TO RECOGNIZE AND SALUTE LOCALLY OWNED INDEPENDENT BUSINESSES AND THE CONTRIBUTIONS THEY MAKE TO OUR COMMUNITY

Commissioner Ellertson read the following proclamation for the record:

- ▶ **WHEREAS**, Independents Week provides a time to celebrate the independence of members of the community of Utah County and the entrepreneurial spirit represented by our core of local independent businesses; and
- ▶ **WHEREAS**, the individual decisions every community member makes today affect the future of Utah County; and
- ▶ **WHEREAS**, Utah County’s local independent businesses help preserve the uniqueness of the community in good, services, time and talent; and
- ▶ **WHEREAS**, the health of Utah County’s economy depends on our support of businesses owned by our friends and neighbors; and
- ▶ **WHEREAS**, Utah County’s independent business owners and employees enrich community members’ shopping experiences with their knowledge and passion;
- ▶ **THEREFORE**, as we celebrate Independents Week 2015, we acknowledge that the ability to choose the direction of Utah County lies within each of us.
- ▶ **NOW, THEREFORE**, we, the Utah County Commissioners, do hereby proclaim the week of July 1, 2015 to July 7, 2015 as “Independents Week” and salute our community members and locally owned independent businesses which are integral to the unique flavor of Utah County and honor their efforts to make Utah County the place we want to live and work.

Commissioner Lee made the motion to proclaim July 1 through July 7, 2015 as “Independents Week” as defined in Regular Agenda Item No. 1. The motion was seconded by Commissioner Ellertson and carried with the following vote:

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

PROCLAMATION NO. 2015-3

2. REQUEST FOR LETTER OF SUPPORT FROM THE COUNTY FOR MILITARY TRAINING EVENTS SET TO TAKE PLACE IN UTAH COUNTY

Commissioner Lee made the motion to continue Regular Agenda Item No. 2 regarding a letter of support from the county for military training events for one week to the July 7, 2015 meeting of the Utah County Board of Commissioners. The motion was seconded by Commissioner Ellertson and carried with the following vote:

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

CONTINUED TO JULY 7, 2015

5. ADOPT A RESOLUTION ESTABLISHING THE 2015 TAX RATE LEVIES FOR UTAH COUNTY, UTAH

Utah County Tax Administration Supervisor Burt Harvey of the Clerk/Auditor's Office explained how tax rates generally decrease as property values increase.

Commissioner Graves returned to the meeting at this time, putting Robert's Rules of Order back into effect.

Commissioner Lee made the motion to adopt the resolution establishing the 2015 Tax Rate Levies for Utah County, Utah as defined 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**

RESOLUTION NO. 2015-93

6. ADOPT (OR DENY) AN ORDINANCE TO AMEND SECTION 3-28-B-7 OF THE UTAH COUNTY LAND USE ORDINANCE RELATED TO PERMANENT STRUCTURES ASSOCIATED WITH HAUNTED HOUSES AND OUTSIDE HAUNTED EVENTS (Continued from the June 23, 2015 Commission meeting)

The applicant, Robert Ethington, asked the Board to delay discussion on this item for an additional week.

Commissioner Lee made the motion to continue Regular Agenda Item No. 6 regarding an ordinance related to permanent structures associated with haunted houses and outside haunted events for one week to the July 7, 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 JULY 7, 2015

7. TAKE ACTION TO REFER THE TAYLOR AGRICULTURAL PROTECTION AREA APPLICATION, 21.387 ACRES, TO THE UTAH COUNTY PLANNING COMMISSION AND THE UTAH COUNTY AGRICULTURAL ADVISORY BOARD; LOCATED IN SECTION 28, TOWNSHIP 6 SOUTH, RANGE 2 EAST, SLB&M, LOCATED ALONG GENEVA ROAD IN THE OREM AREA OF UNINCORPORATED UTAH COUNTY

Peggy Kelsey of the Utah County Community Development Office clarified for Commissioner Ellertson that the surrounding properties are not within agricultural protection areas - only residential and a school.

Commissioner Lee made the motion to refer the Taylor Agricultural Protection Area application to the Utah County Planning Commission and the Utah County Agricultural Advisory Board as detailed in 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**

AGREEMENT NO. 2015-424

18. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN A ‘CASH BOND AGREEMENT’ WITH MATT SHADE FOR OPEN PIT MINING IN THE AMOUNT OF \$44,695.00 (Continued from the June 23, 2015 Commission meeting)

Utah County Public Works Director Richard Nielson discussed with Commissioners Ellertson and Lee why some open pit mining operations require bonding up front while others are allowed to begin work without road improvements, and Utah County Civil Division Chief Deputy Attorney David Shawcroft pointed out a missing document.

Commissioner Graves made the motion to continue Regular Agenda Item No. 18 regarding a ‘Cash Bond Agreement’ with Matt Shade for one week to the July 7, 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**

CONTINUED TO JULY 7, 2015

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

22. 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 to discuss the character, professional competence, or physical or mental health of an individual or individuals to follow the Regular 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

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

Commissioner Lee made the motion to set a date, time and location for a closed meeting for a strategy session to discuss pending or reasonably imminent litigation to follow the Regular Agenda items today in Room 1400 of the County Administration Building. The motion was seconded by Commissioner Graves and carried with the following vote:

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

SET

This concluded discussion of all scheduled agenda items, and the meeting recessed at 11:39 A.M. to go into closed sessions. The public meeting reconvened at 11:57 A.M.

Commissioner Graves made the motion to adjourn the June 30, 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 11:57 A.M. The minutes of the June 30, 2015 Commission meeting were approved as transcribed on September 22, 2015.

LARRY A. ELLERTSON, Commission Chair

ATTEST:

BRYAN E. THOMPSON
Utah County Clerk/Auditor

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