

BOARD OF COUNTY COMMISSIONERS, UTAH COUNTY, UTAH
MINUTES OF PUBLIC MEETING
COMMISSION CHAMBERS, ROOM 1400
OF THE UTAH COUNTY ADMINISTRATION BUILDING
July 7, 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	Dave Fields, Snowbird Resort LLC.
Paul Jones, Utah County Deputy Attorney	Andrew Jackson, Mountainland Assoc. of Governments
Carl Hollan, Utah County Deputy Attorney	Doran Williams, Wasatch Mental Health Services
Scott C. Hogensen, Chief Deputy Clerk/Auditor	John Aland, Orem Resident
Julie Rollins, Utah County Purchasing Agent	Mark Allen, Lindon Resident
Lisa K. Nielson, Utah County Commission Office	Paige Allevent, Lehi Resident
Brian Voeks, Utah County Commission Office	Trent Bezzant, Highland Resident
Jim Stevens, Utah County Assessor's Office	Alice Cospers, Alpine Resident
Peggy Kelsey, Community Development	Jill Day, Highland Resident
Brandon Larsen, Community Development	Robert Ethington, American Fork Resident
Joshua Ivie, Community Development	Elaine Ewell, American Fork Resident
Dr. Joseph K. Miner, Health Department Exec. Director	Bruce Haggard, American Fork Resident
Steven Mickelson, Utah County Health Department	Willie Holdman, Heber Resident
Bryce C. Larsen, Utah County Health Department	Ryan Hunter, Lehi Resident
Pat Bird, Drug & Alcohol Prevention & Treatment	Dan Jensen, Provo Resident
Rebecca Martell, Children's Justice Center	Jeff Johnson, Provo Resident
Lana Jensen, Utah County Personnel Director	Rosemary Lind, Alpine Resident
Mark Brady, Assistant Personnel Director	Marla Madsen, Lehi Resident
Jane Ivie, Personnel Office	Reno Mahe, Lehi Resident
Jeff Smith, Utah County Recorder	Karen McCoy, American Fork Resident
Sherri Wilkinson, Utah County Recorder's Office	Annie Nicholes, Utah County Resident
Mike Forshee, Utah County Sheriff's Office	Carla Nielsen, American Fork Resident
Gary Ratcliffe, Utah County Surveyor	Robert Openshaw, Provo Resident
Kim T. Jackson, Utah County Treasurer	Johnny Revill, Lehi Resident
Jared DeHart, -No further information given-	Colby Rollins, Lehi Resident
Robert Macfarlane, -No further information given-	Emmerin Schutz, Highland Resident
Steve Nau, -No further information given-	Craig Searle, American Fork Resident
Danielle Downs, <u>The Daily Herald</u>	Kristen Shelley, Alpine Resident
Mike Stansfield, Fairways Media	Robert Shelley, Alpine Resident
	Renée Huggins-Caron, Clerk/Auditor Admin. Assist.

Commissioner Ellertson called the meeting to order at 9:08 A.M. and welcomed those present. The following matters were discussed:

PRAYER/READING/THOUGHT: Jeff Johnson, Provo Resident

PLEDGE OF ALLEGIANCE: Andrew Jackson, Mountainlands Association of Governments

PUBLIC COMMENTS

In reference to Regular Agenda Item No. 7 on today's calendar, Commissioner Ellertson noted for the record that the Board is aligned in a desire to preserve American Fork Canyon. Commissioner Lee agreed, mentioning how great it has been to receive public input on the matter. Commissioner Graves reminded the audience of the three-minute time limit for public comments.

Karen McCoy is an American Fork resident with pioneer heritage who sees the issue of development in American Fork Canyon as a catalyst in bringing together the voices of the community. She asked the commissioners to review CE-1 Zoning and special use permit codes for the sake of protecting the watershed and preserving enjoyment of the canyon. Ms. McCoy thanked the Board for representing the people.

Utah County resident Dr. Jeff Johnson appreciates the Board's willingness to adopt a resolution to protect American Fork Canyon. He encouraged sending a strong message that Utah County land cannot be included in a Mountain Accord land exchange, especially since the county was not involved in the process. Dr. Johnson also suggested forming a local committee to chart the course of the canyon in the future, and excusing participants that may have been influenced by developers. Those who oppose development in the canyon are not rebellious radicals, but a broad spectrum of citizens that support the commissioners in saving the canyon.

Robert Macfarlane has skied in American Fork Canyon and at resorts for twenty years. He stated resorts are big enough; the non-commercial quality of the canyon is unique. Mr. Macfarlane noted the many types of outdoor recreation available in American Fork Canyon, and commented on the negative downstream impact on environmental quality during development of "The Canyons Resort" in Park City. His family owned a ranch in East Canyon in the 1970's and 1980's - the East Canyon Stream supplied a blue-ribbon fishery at the time. When the resort began intense development, the sensitive soil and vegetation were damaged to a point that the Environmental Protection Agency (EPA) had to get involved. Mr. Macfarlane spoke of the Snowbird Resort owners and asked the Board to create a task force for the protection of American Fork Canyon.

Alpine resident Robert Shelley grew up in American Fork and is amazed by the number of people speaking up to protect American Fork Canyon. He supports the commissioners in adopting the strongest resolution possible against ski development in the canyon. Mr. Shelley compared the proposed development in American Fork Canyon to widening 'The Narrows' in Zion National Park in order to allow more traffic, destroying it in the act. He asked the Board to adopt a process for Utah County to be able to decide what is best for the canyon.

Kristen Shelley spent the holiday weekend speaking to visitors of American Fork Canyon and discovered that the majority seemed to be unaware of this pending action by Snowbird Resort. She commented on the irony of celebrating freedom yet not having a voice in this proposed development. Ms. Shelley noted that while Mountain Accord has heard the public outcry from the community, they have not taken action to remove Utah County land from their exchange documents. She mentioned conversations with Snowbird representatives that indicated plans for a gondola in the canyon, and suggested the commissioners tell the developers to "keep their hands off."

Dave Fields, Snowbird Vice President of Resort Operations, clarified that if a gondola to connect Snowbird to American Fork Canyon was to be considered, Utah County residents would need to be involved in that decision. Mr. Fields stated that is why Snowbird supported the American Fork Canyon Vision process: in order to be as inclusive as possible. He mentioned confusion about the Mountain Accord land exchange, explaining that the group has been reaching out to leaders and citizens throughout this process and will continue to do so. Mr. Fields also explained that the proposed land swap would involve property for skiing and snowboarding in Mary Ellen Gulch, most of which is property owned by Snowbird. Snowbird currently operates on 500 acres of mostly private land in Mineral Basin, and has requested the approximately 400 acres from Utah County be included to provide avalanche control and better lift alignment. The exchange does not permit, nor does Snowbird desire, building hotels, private homes, or condominiums on lands received

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through the exchange. Mr. Fields closed his comments with the statement “Snowbird has been and will continue to be a good steward of the lands on which it operates; we believe in a transparent inclusive process to determine the best future of these lands.”

Lindon resident Mark Allen came forward to represent the 7,100 individuals who have expressed support for the ‘Protect & Preserve American Fork Canyon’ group on Facebook. He mentioned conducting surveys on public trust and the differences between two versions of a resolution by the commissioners to oppose the inclusion of land located in Utah County as part of the Mountain Accord land exchange; the majority support to more strongly-worded ‘Version A’ as submitted by Commissioner Lee. Mr. Allen stated there is a low opinion of elected officials, and asked the Board to reconsider zoning in the area in order to change the view of the public. He suggested a grassroots-based process to eliminate the private development interest, and provided copies of the social media surveys for the commissioners.

Emmerin Schutz is a Highland resident who does not see the need for additional commercial ski areas in Utah County, as Little Cottonwood Canyon and Sundance Resort are respectively forty minutes to the north and forty minutes to the south from anywhere within the county. Ms. Schutz talked about the land being irrecoverable once developed, and pointed out that water is a primary concern - the issue is not space, but snow. She commented on farming and impacts of drought, stating the county cannot afford to take additional risks with the water supply.

Willie Holdman confirmed Dave Fields (Snowbird Vice President of Resort Operations) had attended a June 16, 2015 meeting at Fox Hollow Golf Course in American Fork, and thanked him for attempting transparency during that session. Mr. Holdman quoted 16th American President Abraham Lincoln in speaking of a ‘government of the people, by the people,’ and ‘for the people,’ stating that citizens need to be informed of what is happening. Mr. Holdman talked about the different recreational activities available in American Fork Canyon, expressing that most residents would like the canyon to remain in the current state and requesting the Board enforce that vision of keeping it accessible for future generations.

Carla Nielsen has lived in American Fork for ten years, and expressed dissatisfaction with the lack of Utah County representation during important discussions regarding the future of American Fork Canyon. She stated all residents in the county should be offended that they were not taken into consideration, because the watershed is for everyone.

Provo resident Daniel Jensen mentioned a ‘Hidden Peak’ development which was originally rejected by Salt Lake County but approved by Utah County because there was lack of information available to the public. He suggested that in addition to adopting a strongly-worded resolution opposing the inclusion of Utah County land in the Mountain Accord exchange, the public notice process in the county also needs to be reconsidered. Mr. Jensen reiterated the importance of informing local residents of the issues, noting that there are still users of American Fork Canyon that are unaware of these proposed changes.

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

CONSENT AGENDA

- 1. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN A CONTRACT WITH THE STATE OF UTAH FOR FY 2015-20 BASIC FUNDING FOR THE UTAH COUNTY CHILDREN’S JUSTICE CENTER**

The Board requested Consent Agenda Item No. 1 be moved to the Regular Agenda for discussion.
PULLED TO REGULAR

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2. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN THE QUALIFIED SITE CONTRACT ON BEHALF OF THE CHILDREN'S JUSTICE CENTER FOR THE UTAH CAMPUS COMPACT AMERICORPS PROGRAM**

The Board requested Consent Agenda Item No. 2 be moved to the Regular Agenda for discussion.
PULLED TO REGULAR

3. **APPROVE (OR DENY) SPERRY SUBDIVISION, PLAT 'C,' BEING AN AMENDMENT AND PARTIAL VACATION OF LOT 2 OF SPERRY SUBDIVISION, PLAT 'B'**

4. **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** *(Continued from the June 30, 2015 Commission meeting)*

5. **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** *(Continued from the June 30, 2015 Commission meeting)*

6. **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** *(Continued from the June 30, 2015 Commission meeting)*

7. **APPROVE THE INTERLOCAL AGREEMENT BETWEEN UTAH AND JUAB COUNTIES CONCERNING ELECTION EQUIPMENT**

The Board requested Consent Agenda Item No. 7 be moved to the Regular Agenda for discussion.
PULLED TO REGULAR

8. **APPROVE THE INTERLOCAL COOPERATION AGREEMENT BETWEEN UTAH COUNTY AND AMERICAN FORK CITY FOR THE ADMINISTRATION OF THE 2015 MUNICIPAL ELECTIONS**

9. **APPROVE THE INTERLOCAL COOPERATION AGREEMENT BETWEEN UTAH COUNTY AND EAGLE MOUNTAIN FOR THE ADMINISTRATION OF THE 2015 MUNICIPAL ELECTIONS**

10. **APPROVE THE INTERLOCAL COOPERATION AGREEMENT BETWEEN UTAH COUNTY AND ELK RIDGE CITY FOR THE ADMINISTRATION OF THE 2015 MUNICIPAL ELECTIONS**

11. **APPROVE THE INTERLOCAL COOPERATION AGREEMENT BETWEEN UTAH COUNTY AND PLEASANT GROVE CITY FOR THE ADMINISTRATION OF THE 2015 MUNICIPAL ELECTIONS**

12. **APPROVE THE INTERLOCAL COOPERATION AGREEMENT BETWEEN UTAH COUNTY AND PROVO CITY FOR THE ADMINISTRATION OF THE 2015 MUNICIPAL ELECTIONS**

13. **APPROVE THE INTERLOCAL COOPERATION AGREEMENT BETWEEN UTAH COUNTY AND SARATOGA SPRINGS CITY FOR THE ADMINISTRATION OF THE 2015 MUNICIPAL ELECTIONS**

14. **APPROVE THE INTERLOCAL COOPERATION AGREEMENT BETWEEN UTAH COUNTY AND SPRINGVILLE CITY FOR THE ADMINISTRATION OF THE 2015 MUNICIPAL ELECTIONS**

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15. **RATIFY THE SIGNATURE OF THE COMMISSION CHAIR ON AN AGREEMENT WITH DEL'CO WESTERN TO REPAIR THE CULINARY WELL AT SOLDIER SUMMIT**
16. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN A SUPPLEMENTAL PROJECT AGREEMENT TO THE MASTER PARTICIPATING AGREEMENT NO. 2011-404 BETWEEN UTAH COUNTY AND THE USDA FOREST SERVICE FOR NOXIOUS WEED CONTROL WORK WITHIN NATIONAL FOREST AREAS**

The Board requested Consent Agenda Item No. 16 be moved to the Regular Agenda for discussion.
PULLED TO REGULAR

17. **APPROVE REQUESTED EXEMPTIONS ON LIST DATED JUNE 30, 2015, APPLIED FOR BY TAXPAYERS, FOR PAYMENT OF TAXES WHERE THE MARKET VALUE OF EQUIPMENT WAS LESS THAN \$10,200 AS PROVIDED BY THE UTAH STATE LEGISLATURE FOR 2015**
18. **APPROVE TAX CREDITS AND REFUNDS RECOMMENDED BY THE COUNTY ASSESSOR'S OFFICE IN CANCELLATION AND CORRECTION LETTER NO. 282, DATED JUNE 29, 2015**
19. **APPROVE TAX CREDITS AND REFUNDS RECOMMENDED BY THE COUNTY ASSESSOR'S OFFICE IN CANCELLATION AND CORRECTION LETTER NO. 60326, DATED JULY 2, 2015**
20. **APPROVE TAX CREDITS AND REFUNDS RECOMMENDED BY THE COUNTY TREASURER'S OFFICE IN CANCELLATION LETTER NO. 20336, DATED JULY 1, 2015**
21. **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**
22. **ABATE PERSONAL PROPERTY ACCOUNTS ATTACHED FOR THE YEARS INDICATED, HAVING BEEN IDENTIFIED AS UNCOLLECTIBLE; THERE ARE NO ASSETS AVAILABLE**
23. **ADOPT A RESOLUTION APPOINTING BEAU BUFTON AS A UTAH COUNTY BAIL COMMISSIONER**
24. **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**
25. **RATIFICATION OF WARRANT REGISTER SUMMARY**

Consent Agenda Item Nos. 3 through 6, 8 through 15, and 17 through 25 were approved as written. Commissioner Ellertson recommended the following Regular Agenda items be moved to Consent:

2. **APPROVE THE MINUTES OF THE MAY 26, 2015 COMMISSION MEETING** *(Continued from the June 16, June 23, and June 30, 2015 Commission meetings)*
3. **APPROVE THE MINUTES OF THE JUNE 2, 2015 COMMISSION MEETING** *(Continued from the June 23 and June 30, 2015 Commission meetings)*

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4. **APPROVE THE MINUTES OF THE JUNE 9, 2015 COMMISSION MEETING** (*Continued from the June 23 and June 30, 2015 Commission meetings*)

5. **APPROVE THE MINUTES OF THE JUNE 16, 2015 COMMISSION MEETING** (*Continued from the June 30, 2015 Commission meeting*)

The commissioners requested Regular Agenda Item No. 5 be continued to the next meeting of the Board.
CONTINUED TO JULY 21, 2015

6. **REQUEST FOR LETTER OF SUPPORT FROM THE COUNTY FOR MILITARY TRAINING EVENTS SET TO TAKE PLACE IN UTAH COUNTY** (*Continued from the June 30, 2015 Commission meeting*)

The commissioners requested Regular Agenda Item No. 6 be continued to a future meeting of the Board.
CONTINUED TO JULY 28, 2015

9. **AUTHORIZE THE ADDITION OF ONE FULL-TIME CAREER SERVICE EVIDENCE AND FINGERPRINT TECHNICIAN TO THE SHERIFF - INVESTIGATIONS STAFFING PLAN (CLASS CODE 5041, ACCOUNT NUMBER 100-42120)**

The commissioners requested Regular Agenda Item No. 9 be continued to the next meeting of the Board.
CONTINUED TO JULY 21, 2015

10. **AUTHORIZE THE ADDITION OF ONE HALF-TIME CAREER SERVICE OFFICE SPECIALIST III - ENFORCEMENT POSITION TO THE SHERIFF PATROL STAFFING PLAN (ACCOUNT NUMBER 100-42110, CHANGING POSITION 6483-60-1-.50 TO 6483-60-1-1.0)**

The commissioners requested Regular Agenda Item No. 10 be continued to the next meeting of the Board.
CONTINUED TO JULY 21, 2015

11. **AUTHORIZE THE ADDITION OF ONE HALF-TIME CAREER SERVICE OFFICE SPECIALIST III - OPERATIONS POSITION TO THE WILDLAND FIRE DIVISION OF THE SHERIFF'S OFFICE (BUDGET ACCOUNT NUMBER 100-42200, STAFFING PLAN ACCOUNT NUMBER 272-42200; CHANGING POSITION 6482-6-1-.50 TO 6482-6-1-1.0)**

The commissioners requested Regular Agenda Item No. 11 be continued to the next meeting of the Board.
CONTINUED TO JULY 21, 2015

13. **ADOPT AN ORDINANCE AMENDING SHEET 9 OF THE OFFICIAL UTAH COUNTY ROAD MAP, TO EXTEND 9600 SOUTH (WESTWARD) AS AN OFFICIAL COUNTY ROAD, SUBJECT TO THE CONDITIONS FOUND IN THE STAFF REPORT; AND ACCEPT DEDICATION OF RIGHT-OF-WAY AS SET FORTH IN THE SUBJECT APPLICATION** (**Continued from the March 26, 2013 Utah County Commission meeting**)

14. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT WITH THE UTAH DEPARTMENT OF HEALTH FOR FUNDING FOR THE WISE WOMAN CANCER PROGRAM**

15. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT WITH HEMOCUE FOR THE PURCHASE OF MICROCUVETTES TO BE USED FOR BLOOD TESTING**

20. **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 and June 30, 2015 Commission meetings*)

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

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21. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT WITH JONES PAINT & GLASS TO PROVIDE AND INSTALL GLASS SAFETY WALLS ALONG THE BALCONY RAILINGS ON THE SECOND FLOOR OF THE HEALTH AND JUSTICE BUILDING**
22. **ADOPT A RESOLUTION APPROVING AND AUTHORIZING AN INTERLOCAL COOPERATION AGREEMENT BETWEEN UTAH COUNTY AND WASATCH MENTAL HEALTH SERVICES SPECIAL SERVICE DISTRICT**

The commissioners requested Regular Agenda Item No. 22 be continued to the next meeting of the Board.
CONTINUED TO JULY 21, 2015

ACTIONS TAKEN

Consent Agenda Item Nos. 1, 2, 7 and 16 were tabled for further discussion; Nos. 3, 8 through 14, and 17 through 21 were approved; Nos. 4, 5 and 6 were approved and authorized; Nos. 15 and 25 were ratified; No. 22 was abated; and Nos. 23 and 24 were adopted. Regular Agenda Item Nos. 2, 3 and 4 were approved; Nos. 5, 9, 10, 11 and 22 were continued to the July 21, 2015 meeting of the Board; No. 6 was continued to the July 28, 2015 meeting of the Board; No. 13 was adopted; Nos. 14, 15 and 21 were approved and authorized; and No. 20 was stricken from the agenda.

AGREEMENT NOS.: 2015-425, 2015-426, 2015-427, 2015-428, 2015-429, 2015-430, 2015-431, 2015-432, 2015-433, 2015-434, 2015-435, 2015-436, 2015-437, 2015-438, 2015-439, 2015-440, 2015-441, 2015-442, 2015-443, 2015-444 and 2015-445
RESOLUTION NOS.: 2015-94 and 2015-95
ORDINANCE NO.: 2015-17

REGULAR AGENDA

(PULLED FROM CONSENT)

1. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN A CONTRACT WITH THE STATE OF UTAH FOR FY 2015-20 BASIC FUNDING FOR THE UTAH COUNTY CHILDREN'S JUSTICE CENTER**

Commissioner Ellertson pointed out that the contract lists Juab and Millard Counties as service areas, but not Utah County. Utah County Children's Justice Center Director Rebecca Martell confirmed that Utah County is included, and the Board requested that the phrase "Utah County" specifically be added to the contract language for clarification. Ms. Martell confirmed the dollar amount specified is for the first year only.

Commissioner Graves made the motion to approve the contract with the State of Utah for Fiscal Years 2015-20 Basic Funding for the Utah County Children's Justice Center as discussed in Consent Agenda Item No. 1, with the changes as noted. 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. 2015-446

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(PULLED FROM CONSENT)

2. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN THE QUALIFIED SITE CONTRACT ON BEHALF OF THE CHILDREN'S JUSTICE CENTER FOR THE UTAH CAMPUS COMPACT AMERICORPS PROGRAM

Utah County Children's Justice Center Director Rebecca Martell confirmed for the Board that she is the site supervisor.

Commissioner Lee made the motion to approve the Qualified Site Contract on behalf of the Children's Justice Center for the Utah Campus Compact Americorps Program as detailed in Consent Agenda Item No. 2. 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. 2015-446

(PULLED FROM CONSENT)

7. APPROVE THE INTERLOCAL AGREEMENT BETWEEN UTAH AND JUAB COUNTIES CONCERNING ELECTION EQUIPMENT

When Utah County Chief Deputy Clerk/Auditor Scott Hogensen mentioned there is no funding included in this agreement - only the lending of equipment - for the Board, Commissioners Lee and Graves questioned the cost to Utah County; specifically a recent expense of \$60,000 on batteries for voting machines. Mr. Hogensen clarified that the seven machines in question do not use batteries and usually sit unused, and Juab County has agreed to pick up the equipment and indemnify Utah County.

Commissioner Lee made the motion to approve the interlocal agreement between Utah and Juab Counties concerning election equipment as identified in Consent 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. 2015-448

(PULLED FROM CONSENT)

16. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN A SUPPLEMENTAL PROJECT AGREEMENT TO THE MASTER PARTICIPATING AGREEMENT NO. 2011-404 BETWEEN UTAH COUNTY AND THE USDA FOREST SERVICE FOR NOXIOUS WEED CONTROL WORK WITHIN NATIONAL FOREST AREAS

Commissioner Ellertson asked who supplies the chemicals for noxious weed control. Utah County Deputy Attorney Carl Hollan noted the United States Department of Agriculture will provide additional equipment as needed, and Glen Tanner of the Utah County Public Works Department explained how the Forest Service will fund the spray so that the county can mix and apply it.

Commissioner Graves made the motion to approve the supplemental project agreement to Agreement No. 2011-404 with the USDA Forest Service for noxious weed control as outlined in Consent Agenda Item No. 16. 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. 2015-449

REGULAR AGENDA

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

Sherrie Wilkinson of the Utah County Recorder's Office was recognized as the Employee of the Month for July 2015.

7. APPROVE AND ADOPT A RESOLUTION OPPOSING INCLUSION OF LAND LOCATED IN UTAH COUNTY IN THE MOUNTAIN ACCORD

Commissioner Ellertson noted for the record his suggested edits to the proposed resolution were intended to make the document more succinct, not to weaken the language. He and Commissioner Lee discussed wording for emphasis and repetitive phrases, making changes as they worked and reviewed the resolution in its entirety with Commissioner Graves and input from Utah County Civil Division Chief Deputy Attorney David Shawcroft.

Commissioner Graves made the motion to adopt the resolution opposing inclusion of land located in Utah County in the Mountain Accord as specified in Regular Agenda Item No.

7. The motion was seconded by Commissioner Lee and carried with the following vote:

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

RESOLUTION NO. 2015-96

8. ADOPT A RESOLUTION APPROVING THE UTAH COUNTY PURCHASING AGENT'S LIMITED DELEGATION OF AUTHORITY

Commissioner Ellertson recommended supporting the Utah County Purchasing Agent by adding language to the resolution indicating the agent will consult with commissioners as needed, and Commissioner Lee suggested using the title "Administrative Assistant to the Portfolio Commissioner" in place of an individual's name.

Commissioner Graves made the motion to adopt the resolution approving the Utah County Purchasing Agent's Limited Delegation of Authority as detailed 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

RESOLUTION NO. 2015-97

12. 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 and June 30, 2015 Commission meetings)

Commissioner Ellertson summarized how the proposed ordinance was reviewed by the Utah County Planning Commission, and had requested county staff to find an alternative with the applicant. Bryce Armstrong of the Utah County Community Development Office noted the Planning Commission did not approve the amended and updated

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version, but staff prefers the ordinance currently in place. Mr. Armstrong and the commissioners discussed state codes regarding fruit stand operations and the difference between permanent and temporary structures, with Utah County Civil Division Chief Deputy Attorney David Shawcroft commenting on legislative jurisdiction.

Bryce Armstrong talked about the impact of an amended ordinance throughout the county, and the potential introduction of a commercial element within agricultural zones. He also addressed building permits, nuisance codes, and whether or not annexation of the property into American Fork City is an option. Commissioner Lee expressed a desire to find the balance between fulfilling the needs of the applicant and minimizing community impact.

Commissioner Graves pointed out the inconsistency of allowing some seasonal business structures - such as fruit stands - but prohibiting others. Bryce Armstrong mentioned intensity of the use of the structure. Utah County Building Official Steve Kitchen came forward to discuss with the commissioners the intentions of the ordinance, the definition of temporary structures, conditional use, and fire hazards.

Utah County Fire Marshal Jack Snow mentioned concerns of emergency access, and the measures taken by the applicant last year to mitigate traffic issues. Mr. Snow reviewed requirements that would satisfy fire safety problems and suggested entities such as the Utah County Sheriff's Office, Utah County Public Works, and other emergency responders share an opinion on the matter. The commissioners reviewed the proposed ordinance with Bryce Armstrong.

Robert Ethington is the applicant for the proposed ordinance and owner of "The Haunted Forest." He thanked the Board and county staff for working with him, and spoke about Halloween being the second largest holiday-related business. Mr. Ethington takes safety operations very seriously; there has never been a fire hazard on his property, and he takes measures to have security and other trained personnel on site for unusual circumstances. Mr. Ethington addressed the hardship it would place upon him to tear down and re-build the seasonal structures annually. He mentioned previous solutions used to correct traffic issues.

American Fork Fire Chief Kris Garcia commented on the access concern, pointing out that the only way to a fire in "The Haunted Forest" may be through the fire; having only one narrow road leading to the property is a hazard. Chief Garcia noted American Fork City had provided fire watch the previous season at a financial loss and is unavailable for that service again this year. Robert Ethington responded that he is willing to accommodate any requests made by the Utah County Fire Marshal to minimize risk. Mr. Ethington indicated there had been difficulty in communicating with the city because of Chief Garcia, and Commissioner Graves asked him to stay on topic of the proposed ordinance.

Commissioner Ellertson summarized that Robert Ethington had been working well with American Fork City at the previous location of his business within city limits, and asked Mr. Ethington to continue cooperating with the authorities. Commissioner Graves noted Bryce Armstrong and the Community Development staff have taken all concerns into consideration, and expressed confidence in the proposed ordinance based on their input.

Commissioner Lee made the motion to adopt the 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, with the understanding that there would be further conversation with the Utah County Fire Marshal, Utah County Health Department, Utah County Sheriff's Office, and Utah County Building Official to clarify compliance for all parties, as discussed 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**

ORDINANCE NO. 2015-18

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The commissioners chose to address Regular Agenda Item Nos. 16 through 19 in tandem, as they are directly related.

16. RATIFY THE SIGNATURE OF THE COMMISSION CHAIR ON AN AGREEMENT WITH THE STATE OF UTAH - DEPARTMENT OF WORKFORCE SERVICES FOR THE ASPIRE KIDS AFTERSCHOOL PROGRAM FOR GOSHEN ELEMENTARY IN THE NEBO SCHOOL DISTRICT AGREEMENT NO. 2015-450

17. RATIFY THE SIGNATURE OF THE COMMISSION CHAIR ON AN AGREEMENT WITH THE STATE OF UTAH - DEPARTMENT OF WORKFORCE SERVICES FOR THE ASPIRE KIDS AFTERSCHOOL PROGRAM FOR TAYLOR ELEMENTARY IN THE NEBO SCHOOL DISTRICT AGREEMENT NO. 2015-451

18. RATIFY THE SIGNATURE OF THE COMMISSION CHAIR ON AN AGREEMENT WITH THE STATE OF UTAH - DEPARTMENT OF WORKFORCE SERVICES FOR THE ASPIRE KIDS AFTERSCHOOL PROGRAM FOR WESTSIDE ELEMENTARY IN THE NEBO SCHOOL DISTRICT AGREEMENT NO. 2015-452

19. RATIFY THE SIGNATURE OF THE COMMISSION CHAIR ON AN AGREEMENT WITH THE STATE OF UTAH - DEPARTMENT OF WORKFORCE SERVICES FOR THE ASPIRE KIDS AFTERSCHOOL PROGRAM FOR WILSON ELEMENTARY IN THE NEBO SCHOOL DISTRICT AGREEMENT NO. 2015-453

Pat Bird of the Utah County Department of Drug and Alcohol Prevention and Treatment explained that the agreements in Regular Agenda Item Nos. 16 through 19 are for continuing grants.

Commissioner Lee made the motion to ratify the signature of the Commission Chair on agreements with the State of Utah - Department of Workforce Services for afterschool programs from Goshen Elementary, Taylor Elementary, Westside Elementary, and Wilson Elementary Schools in the Nebo School District as identified in Regular Agenda Item Nos. 16 through 19. The motion was seconded by Commissioner Graves and carried with the following vote:

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

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

26. 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)

Commissioner Graves made the motion to strike Regular Agenda Item No. 26 to 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. The motion was seconded by Commissioner Lee and carried with the following vote:

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

STRICKEN

- 23. 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

- 24. 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 Graves 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 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

- 25. 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 Graves 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 Lee 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 11:33 A.M. to go into closed sessions. The public meeting reconvened at 12:07 P.M.

Commissioner Graves made the motion to adjourn 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

There being no further business nor public comment, the meeting adjourned at 12:07 P.M. The minutes of the July 7, 2015 Commission meeting were approved as transcribed on August 18, 2015.

LARRY A. ELLERTSON, Commission Chair

ATTEST:

BRYAN E. THOMPSON
Utah County Clerk/Auditor