

BOARD OF COUNTY COMMISSIONERS, UTAH COUNTY, UTAH
MINUTES OF PUBLIC MEETING
COMMISSION CHAMBERS, ROOM 1400
OF THE UTAH COUNTY ADMINISTRATION BUILDING
August 25, 2015 - 9:00 A.M.

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

ALSO PRESENT:

Paul Jones, Utah County Deputy Attorney
Bryan E. Thompson, Utah County Clerk/Auditor
Burt Harvey, Clerk/Auditor - Tax Admin. Supervisor
Michelle Araujo, Utah County Commission Office
Lisa K. Nielson, Utah County Commission Office
Brian Voeks, Utah County Commission Office
Kris Poulson, Utah County Assessor
Bryce Armstrong, Community Development
Peggy Kelsey, Community Development
Joshua Ivie, Community Development
Ralph Clegg, Utah County Health Department
Pat Bird, Drug & Alcohol Prevention & Treatment
Lana Jensen, Utah County Personnel Director
Richard Nielson, Utah County Public Works Director
Jeff Smith, Utah County Recorder
Andrea Allen, Utah County Recorder's Office
James O. Tracy, Utah County Sheriff
Dalene Higgins, Utah County Sheriff's Office
Nancy Killian, Utah County Sheriff's Office
Erik Knutzen, Utah County Sheriff's Office
Darin Durfey, Utah County Sheriff's Office
Gary Ratcliffe, Utah County Surveyor
Kim T. Jackson, Utah County Treasurer
Cary McConnell, Utah County Treasurer's Office

Neil Peterson, Information Systems Director
Jolene Bunnell, Utah County 4-H
Sakia Brost, Utah County 4-H
Haygen Kogianes, Utah County 4-H
Dwight Liddiard, Utah County 4-H
McKayla Mangelson, Utah County 4-H
Jorgen Olsen, Utah County 4-H
Porter Olsen, Utah County 4-H
Tell Orton, Utah County 4-H
Gracie Sorensen, Utah County 4-H
Mallory Sorensen, Utah County 4-H
Taylor Oldroyd, Utah County Association of Realtors
Bert Wilson, Lehi City Mayor
Jason Walker, Lehi City Administrator
Brenn Bybee, Orem City Assistant Manager
Steven Downs, Orem City Administration
Ben Reeves, Santaquin City Manager
Andrew Jackson, Mountainland Assoc. of Governments
Curtis A. Wood, Orem Resident
Danielle Downs, *The Daily Herald*
Brian Grimmett, *KUER News*
Mike Stansfield, Fairways Media
Lisa Allsup, -No further information given-
Barbara Davies, -No further information given-
Renée Huggins-Caron, Clerk/Auditor Admin. Assistant

Commissioner Ellertson called the meeting to order at 9:00 A.M. and welcomed those present. The following matters were discussed:

PRAYER/READING/THOUGHT: Taylor Oldroyd, Utah County Association of Realtors

PLEDGE OF ALLEGIANCE: Michelle Araujo, Utah County Commission Office

Commissioner Lee took a moment of personal privilege to point out that the 'Public Comments' portion of the meeting had been moved to the end of the session, rather than the beginning immediately preceding the Consent Agenda. When Commissioner Lee said he was not involved in the conversation which led to that decision, Commissioners Ellertson and Graves replied that some elected officials and county department heads had made the suggestion. Commissioner Lee contended that public comment does not take much time, and they are not given at every session; placing them at the end of the calendar essentially cuts the public out of the process since they are then unable to comment until after the Board has voted on issues during the meeting. He reminded the Board they are public servants, suggesting public comment be invited before discussion of each agenda item to be fair. Commissioner Lee also stated controversial items can all be consistently placed at the beginning or all at the end of the agenda for fairness. He noted that while some county employees may find public comments an inefficient use of their time, some probably find the entire process entertaining.

UTAH COUNTY BOARD OF COMMISSIONERS

MINUTES - August 25, 2015

Page 2

Commissioner Lee made the motion to change meeting form to allow Public Comment before every agenda item in order to satisfy public and staff needs. The motion died for lack of a second.

Commissioner Ellertson responded that there was not a specific discussion regarding the timing of public comments on the agenda; after receiving input from others in the county, he directed the employee who posts the agenda to make the change and she followed orders. He noted that Commissioner Lee's suggestion of inviting public comment before each agenda item would turn every meeting into a public hearing rather than having set times and places for those events.

Commissioner Lee warned against the appearance that comments are being stifled, noting the placement was changed earlier this year and stating public comments should not be used as political maneuvering. When Commissioner Graves pointed out that Commissioner Lee also questioned that decision, Commissioner Lee responded that the decision should be made between all three members of the Board in an administrative meeting, mentioning he was blindsided for a second time on this issue. Commissioner Ellertson asked whether Commissioner Lee was planning an event that would have changed the order of the meeting today, and Commissioner Lee replied "that is not necessarily the point." Commissioner Lee reiterated moving the Public Comments at the last second appears to be a political move, and recognized concerns of county employees having to sit through lengthy Public Comments sessions at the beginning of the meetings.

Commissioner Graves agreed with Commissioner Ellertson that there was no specific conversation regarding the placement of public comments, only a brief mention by Commissioner Ellertson that "I asked (the secretary) to move public comment, is that okay with you?" and his answer had been "yes." Commissioner Graves' answer was based on the suggestion a couple of weeks prior to not squander staff time.

Commissioner Ellertson pointed out that not every single agenda item is discussed internally between the Board members before being placed on the calendar, and Commissioner Lee countered that this is an issue about agenda format. He questioned what would occur if he directed the secretary to return public comments to the beginning of the agenda, and Commissioner Ellertson responded he took action as the Board Chair to move Public Comments to the end of the agenda, as it had previously been for years. Commissioner Lee again suggested allowing public comment before each issue; Commissioner Ellertson acquiesced that it may be possible, but reminded the commissioners that they are the ones who take majority vote and make the final decision on official items.

CONSENT AGENDA

- 1. TAKE ACTION TO SET A PUBLIC HEARING FOR THE PROPOSED CHERRY HILL DAIRY FARM, LLC AGRICULTURE PROTECTION AREA APPLICATION FOR APPROXIMATELY 41.35 ACRES LOCATED IN SECTION 28, T6S, R2E, IN THE WEST OREM AREA OF UNINCORPORATED UTAH COUNTY; PROPOSED DATE: TUESDAY, SEPTEMBER 8, 2015 AT 9:00 A.M. IN ROOM 1400 OF THE UTAH COUNTY ADMINISTRATION BUILDING AT 100 EAST CENTER STREET, PROVO, UTAH**
- 2. TAKE ACTION TO SET A PUBLIC HEARING FOR THE PROPOSED TAYLOR AGRICULTURE PROTECTION AREA APPLICATION FOR APPROXIMATELY 21.387 ACRES LOCATED IN SECTION 28, T6S, R2E, IN THE WEST OREM AREA OF UNINCORPORATED UTAH COUNTY; PROPOSED DATE: TUESDAY, SEPTEMBER 8, 2015 AT 9:00 A.M. IN ROOM 1400 OF THE UTAH COUNTY ADMINISTRATION BUILDING AT 100 EAST CENTER STREET, PROVO, UTAH**
- 3. RATIFY THE SIGNATURE OF THE COMMISSION CHAIR ON ROAD PROJECT AGREEMENT #15-RO-11041000-024 WITH THE USDA, FOREST SERVICE, MANTI-LA SAL NATIONAL FOREST FOR WORK ON THE LAKE FORK AND DAIRY FORK ROADS (CONTINUED FROM THE AUGUST 18, 2015 COMMISSION MEETING)**

UTAH COUNTY BOARD OF COMMISSIONERS

MINUTES - August 25, 2015

Page 3

4. **RATIFY THE SIGNATURE OF THE COMMISSION CHAIR ON MODIFICATION #2 TO US FOREST SERVICE AGREEMENT #4-RO-11041915-032 (COUNTY AGREEMENT NO. 2014-492) FOR ADDITIONAL ROAD WORK ON FOREST SERVICE ROADS**
5. **REVOKE AGREEMENT NO. 2015-500, A GRANT AGREEMENT WITH THE UTAH DEPARTMENT OF NATURAL RESOURCES, TO BE REPLACED BY A COOPERATIVE AGREEMENT THAT ACCOMPLISHES THE SAME PURPOSE**

The Board requested Consent Agenda Item No. 5 be moved to the Regular Agenda for discussion.
PULLED TO REGULAR

6. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN A COOPERATIVE AGREEMENT WITH THE UTAH DEPARTMENT OF NATURAL RESOURCES, DIVISION OF WILDLIFE RESOURCES TO PROVIDE FUNDING FOR THE UTAH LAKE SHORELINE RESTORATION PROJECT YEAR 7 FOR TREATMENT OF PHRAGMITES AND OTHER INVASIVE WEED SPECIES**

The Board requested Consent Agenda Item No. 6 be moved to the Regular Agenda for discussion.
PULLED TO REGULAR

7. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT WITH HELO-WOOD HELICOPTERS, INC FOR AERIAL APPLICATION OF HERBICIDES**
8. **RATIFY THE SIGNATURE OF THE COMMISSION CHAIR ON AN AGREEMENT WITH AM/PM TOWING FOR THE DONATION OF A CAR FOR A CAR SMASH TO PROMOTE THE REDUCTION OF UNDERAGE DRINKING/PARENTSEMPOWERED.ORG**
9. **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**
10. **ABATE PERSONAL PROPERTY ACCOUNTS ATTACHED FOR THE YEARS INDICATED, HAVING BEEN IDENTIFIED AS UNCOLLECTIBLE; THERE ARE NO ASSETS AVAILABLE**
11. **APPROVE TAX CREDITS AND REFUNDS RECOMMENDED BY THE COUNTY TREASURER'S OFFICE IN CANCELLATION LETTER NO. 20339, DATED AUGUST 19, 2015**
12. **APPROVE AND AUTHORIZE A STIPULATION AND AGREEMENT BETWEEN UTAH COUNTY AND MICHAEL R. CRITCHFIELD AND NASHAUN M. CRITCHFIELD REGARDING AN ILLEGAL SUBDIVISION**
13. **ADOPT A RESOLUTION APPROVING A VOLUNTEER WHO WISHES TO DONATE THEIR SERVICES TO THE UTAH COUNTY HEALTH DEPARTMENT**
14. **APPROVE PROPERTY TAX ACTIONS CONTAINED IN RECOMMENDATION LETTER NO. 2015-13**
The Board suggested this item be stricken from the agenda.
STRICKEN
15. **RATIFICATION OF PAYROLL**
16. **RATIFICATION OF WARRANT REGISTER SUMMARY**

UTAH COUNTY BOARD OF COMMISSIONERS

MINUTES - August 25, 2015

Page 4

Consent Agenda Item Nos. 1 through 4, 7 through 13, and 15 and 16 were approved as written. Commissioner Ellertson recommended the following Regular Agenda items be moved to Consent:

1. **APPROVE THE MINUTES OF THE JUNE 30, 2015 COMMISSION MEETING** *(Continued from the August 4 and August 18, 2015 Commission meetings)*

The commissioners requested Regular Agenda Item No. 1 be continued to the next meeting of the Board.

CONTINUED TO SEPTEMBER 1, 2015

4. **ADD ONE FULL-TIME CAREER SERVICE SYSTEMS ANALYST/PROGRAMMER III POSITION (CLASS CODE 2031, ACCOUNT 670-41671), AND DELETE ONE FULL-TIME CAREER SERVICE SYSTEMS ANALYST/PROGRAMMER II POSITION (CLASS CODE 2030, ACCOUNT 670-41671), FROM THE STAFFING PLAN OF THE INFORMATION SYSTEMS DEPARTMENT IN ORDER TO FACILITATE A CAREER LADDER ADVANCEMENT**
5. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN A MAINTENANCE AGREEMENT WITH LES OLSON COMPANY FOR AN AR-208D COPIER, SERIAL NO. 05021645, LOCATED IN THE SECURITY CENTER; EXPIRES 8/20/2016**
6. **RATIFY THE APPOINTMENT OF RALPH CLEGG AS INTERIM DIRECTOR FOR THE UTAH COUNTY HEALTH DEPARTMENT PER THE UTAH COUNTY BOARD OF HEALTH, ADJUSTING HIS SALARY IN ACCORDANCE WITH UTAH COUNTY ACTING PAY POLICIES - EFFECTIVE AUGUST 20, 2015**
7. **RATIFY THE SIGNATURE OF THE COMMISSION CHAIR ON A WORK ORDER WITH ECLINICALWORKS FOR ADDITIONAL TRAINING AND SUPPORT - Reference Agreement No. 2015-198**
8. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AMENDMENT TO LEASE AGREEMENT NO. 2015-276 WITH DIVERSIFIED PROPERTY HOLDING, LLC, FOR THE HEALTH DEPARTMENT AND WIC SERVICES AMERICAN FORK NORTH COUNTY BUILDING, UPDATING THE OWNER TO 'CHECKERPROP UTAH'**
9. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT WITH THE UTAH DEPARTMENT OF HEALTH TO FUND THE EARLY PERIODIC SCREENING, DIAGNOSIS, AND TREATMENT PROGRAM FOR CHILDREN (CHEC)**
10. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT WITH THE UTAH DEPARTMENT OF HEALTH TO PROVIDE AND PROMOTE PHYSICAL ACTIVITY, NUTRITION, AND DIABETES AND HEART DISEASE PREVENTION ACTIVITIES (EPICC)**
11. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT WITH THE UNIVERSITY OF UTAH POISON CONTROL CENTER TO PROMOTE POISON PREVENTION EDUCATION**
12. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT WITH ALPINE SCHOOL DISTRICT RELATING TO THE PROVISION OF SUBSTANCE ABUSE PREVENTION SERVICES**

UTAH COUNTY BOARD OF COMMISSIONERS

MINUTES - August 25, 2015

Page 5

13. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT WITH NEBO SCHOOL DISTRICT RELATING TO THE PROVISION OF SUBSTANCE ABUSE PREVENTION SERVICES**
14. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT WITH PROVO CITY SCHOOL DISTRICT RELATING TO THE PROVISION OF SUBSTANCE ABUSE PREVENTION SERVICES**
15. **APPROVE AND AUTHORIZE THE COMMISSION CHAIRMAN TO SIGN AN AGREEMENT WITH FORSGREN ASSOCIATES INC FOR THE DESIGN OF TWO BRIDGE STRUCTURES**
16. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AMENDMENT TO COMMISSARY SERVICES AGREEMENT NO. 2015-129 WITH TRINITY SERVICES GROUP, INC.**
17. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN A USE AGREEMENT WITH ACTION TARGET TO LEASE THE UTAH COUNTY SHOOTING RANGE FOR A LAW ENFORCEMENT FIREARMS TRAINING COURSE**
19. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO EXECUTE AN AMENDMENT TO AGREEMENT NO. 2014-717 WITH THE TIMPANOGOS LEGAL CENTER TO EXTEND THE CONTRACT THROUGH JUNE 30, 2016**
20. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT WITH THE STATE OF UTAH DEPARTMENT OF AGRICULTURE FOR PREDATOR CONTROL**
21. **ADOPT A RESOLUTION APPOINTING ERNEST M. JOHN TO THE BOARD OF TRUSTEES OF THE NORTH UTAH COUNTY WATER CONSERVANCY DISTRICT**

ACTIONS TAKEN

Consent Agenda Item Nos. 1 and 2 were set; Nos. 3, 4, 8, 15 and 16 were ratified; Nos. 5 and 6 were tabled for further discussion; Nos. 7 and 12 were approved and authorized; Nos. 9 and 11 were approved; No. 10 was abated; No. 13 was adopted; and No. 14 was stricken from the agenda. Regular Agenda Item No. 1 was continued to the September 1, 2015 meeting of the Board; No. 4 was approved; Nos. 5, 8 through 17, 19, and 20 were approved and authorized; Nos. 6 and 7 were ratified; and No. 21 was adopted.

AGREEMENT NOS.: 2015-567, 2015-568, 2015-569, 2015-570, 2015-571, 2015-572, 2015-573, 2015-574, 2015-575, 2015-576, 2015-577, 2015-578, 2015-579, 2015-580, 2015-581, 2015-582, 2015-583, 2015-584, 2015-585, 2015-586, 2015-587 and 2015-588

RESOLUTION NOS.: 2015-115 and 2015-116

REGULAR AGENDA

(PULLED FROM CONSENT)

5. **REVOKE AGREEMENT NO. 2015-500, A GRANT AGREEMENT WITH THE UTAH DEPARTMENT OF NATURAL RESOURCES, TO BE REPLACED BY A COOPERATIVE AGREEMENT THAT ACCOMPLISHES THE SAME PURPOSE**

UTAH COUNTY BOARD OF COMMISSIONERS

MINUTES - August 25, 2015

Page 6

Commissioner Lee addressed the change of grant agreements being switched to cooperative agreements, asking if employees are now tied to the cooperative agreements. Utah County Personnel Director Lana Jensen explained that employees within grant positions sign a document acknowledging the funding is finite when they accept the position. Commissioner Lee summarized that employees tied to grants are now instead tied to agreements, and Ms. Jensen confirmed. Commissioner Ellertson pointed out that additional funding sources may become available, and Utah County Public Works Director Richard Nielson confirmed several different grants may be utilized. Mr. Nielson also noted that the state has made the request to revoke this Agreement No. 2015-500 with the understanding that Consent Agenda Item No. 6 on today's calendar will replace that contract. Commissioner Ellertson joked that cooperative agreements indicate the state is willing to cooperate with the county.

Commissioner Lee made the motion to revoke Agreement No. 2015-500 with the Utah Department of Natural Resources as defined in Consent 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

REVOKED

(PULLED FROM CONSENT)

- 6. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN A COOPERATIVE AGREEMENT WITH THE UTAH DEPARTMENT OF NATURAL RESOURCES, DIVISION OF WILDLIFE RESOURCES TO PROVIDE FUNDING FOR THE UTAH LAKE SHORELINE RESTORATION PROJECT YEAR 7 FOR TREATMENT OF PHRAGMITES AND OTHER INVASIVE WEED SPECIES**

Commissioner Lee made the motion to approve a cooperative agreement with the Utah Department of Natural Resources, Division of Wildlife Resources to provide funding for the Utah Lake Shoreline Restoration Project Year 7 as outlined in Consent Agenda Item No. 6. The motion was seconded by Commissioner Graves and carried with the following vote:

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

NAY: None

AGREEMENT NO. 2015-589

REGULAR AGENDA

- 2. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT WITH UTAH FOUNDATION FOR 2015 SILVER MEMBERSHIP** *(Continued from the August 18, 2015 Commission meeting)*

Commissioner Lee read aloud portions of the letter submitted by the Utah Foundation for the 2015 Silver Membership agreement *(a copy of which can be found attached to these minutes)*, questioning the language that implies the contract has already been approved. He asked whether it is a misunderstanding that seems to invite only Commissioner Ellertson to serve on their board. When Commissioner Lee mentioned this expense was not included in the annual budget, Commissioner Ellertson countered that it should have been. Utah County Clerk/Auditor Bryan E. Thompson clarified that no line item was specified though there is a budget category for these types of items. Commissioner Ellertson noted he had confirmed through the Clerk/Auditor's Office that funds were available, as the previous Board of Commissioners had made the suggestion last year to support this agreement.

UTAH COUNTY BOARD OF COMMISSIONERS

MINUTES - August 25, 2015

Page 7

Commissioner Lee said it seems as though the membership cost is a fee to serve on the Utah Foundation Board, stating he does not see a need to spend \$5,000 of taxpayer money to cover services already handled by other entities. Commissioner Lee noted there is only one other county participating with a gold membership, and a few cities in Salt Lake County. Commissioner Ellertson declared he does not have to serve on their board, and he sees the services provided by the foundation differently than those covered by Mountainland Association of Governments. He repeated that the previous commission had made the suggestion, but this commission may choose not to do so by majority vote.

**Commissioner Lee made the motion to strike Regular Agenda Item No. 2 from the agenda.
The motion died for lack of a second.**

Commissioner Graves asked whether the membership fee for studies would be paid annually on a calendar year, and Commissioner Ellertson estimated that the Utah Foundation will likely request the fee every July. Commissioner Graves said he is interested in seeing how the county could benefit from the Utah Foundation studies, and suggested approving it for this first year and later reassessing the need.

**Commissioner Graves made the motion to approve an agreement with Utah Foundation for
2015 Silver Membership as discussed in Regular Agenda Item No. 2.**

Because there was lack of a second, Commissioner Ellertson briefly suspended Robert's Rules of Order for the purpose of seconding this motion.

The motion was seconded by Commissioner Ellertson and carried with the following vote:

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

AGREEMENT NO. 2015-590

Michelle Araujo, Administrative Assistant for Commissioner Ellertson, approached the bench with a copy of the budget with the line item specified for this agreement with Utah Foundation. Utah County Clerk/Auditor Bryan E. Thompson acknowledged that it was in fact included in the annual budget.

- 3. ADOPT A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF UTAH COUNTY, UTAH, RESCINDING THE BOARD'S AUGUST 18, 2015 APPROVAL OF THE IMPOSITION OF A .25% COUNTY OPTION SALES AND USE TAX FOR HIGHWAYS AND PUBLIC TRANSIT, RESCINDING THE BOARD'S PRIOR APPROVAL OF THE SUBMISSION OF AN OPINION QUESTION ON THE IMPOSITION OF SAID TAX TO THE COUNTY'S REGISTERED VOTERS, CANCELLING THE PUBLIC MEETING, AND RELATED MATTERS**

Commissioner Lee commented on the conflicts arising from this resolution which was approved during the last Board of Commissioners meeting for an opinion question on the imposition of a .25% County Option Sales and Use Tax for Highways and Public Transit to be included on the ballot. He mentioned conflict regarding the vote-by-mail or regular voting process, and claims of support from the cities for the resolution. The Utah League of Cities and Towns sent an email requesting any mayors in support of the county's action to forward that information to Commissioner Lee; the number of cities and towns submitting resolutions in favor of the proposed .25% sales tax has only increased from six last week to a total of eight this week, and therefore Commissioner Lee submits that last week's resolution should be rescinded.

UTAH COUNTY BOARD OF COMMISSIONERS

MINUTES - August 25, 2015

Page 8

Tallying by population, Commissioner Lee explained that the eight cities and towns in support of the county's resolution only equal thirty-two percent of the county. Commissioner Graves mentioned an email from the Mountainland Association of Governments from the previous night, and Commissioner Lee repeated that the legislative bodies do not seem supportive of the issue based on the paperwork he has received. Commissioner Lee talked about unknown sales tax profits and population growth, using his home residence city of Pleasant Grove as an example. The \$17,000,000 generated by taxes and equally divided among all county residents equals \$31 per person; when taking Pleasant Grove population into account, that is \$1,085,000, but they will only receive \$374,000 from this proposed tax. Commissioner Lee questioned where the remaining funds are going, calling the portion designated for the Utah Transit Authority (UTA) the 'elephant in the room.' Without the UTA designation, Pleasant Grove would instead amass \$700,000.

Commissioner Lee explained he has been advocating to reject this proposed tax and allow the issue to go through one more legislative session. He acknowledged other counties in the state have moved forward and will be placing this question on their ballots, but that will 'lock in' the legislation once it is approved; there will not be any opportunities to adjust silos as was done for the most recent third-quarter cent sales tax. Commissioner Lee noted UTA will receive approximately \$6,500,000 each year through this tax to essentially sell services such as increased route times and Sunday transportation, which Commissioner Lee does not prioritize over road needs in Utah County.

Commissioner Lee suggested again that last week's resolution should be rescinded, reiterating that further discussion is needed with the legislators. This would alleviate voting issues as well as public perception. He reviewed deficits in transportation funding as documented by the League of Cities and Towns, including a \$14,000,000 shortfall for Utah County despite an account with \$9,000,000 which could have been allocated for road projects this year. Commissioner Lee stated this is not a taxing problem; it is a priority problem, and this fourth-quarter cent sales tax is laced with mis-priorities.

Commissioner Graves pointed out that Pleasant Grove City has claimed an \$80,000,000 shortfall for transportation funding. Each person would have to pay \$2,285 for the city to correct that issue. Commissioner Graves said he is sure the county is not suggesting that Pleasant Grove City just 'take care of it themselves,' noting that at one point twenty-two mayors stated they would accept the funds because of the need in their cities. He commented that rescinding the resolution would be 'punting' the issue. Commissioner Graves talked about the legislators, stating that the citizens are the ones that can get them to listen by voting. He also noted that the \$9,000,000 of unappropriated funds mentioned by Commissioner Lee have restrictions for use, partly imposed by silos in the third-quarter cent.

Commissioner Ellertson added that the entities that have spoken with him represent approximately seventy percent in support of the county resolution. He noted that a lot of sales taxes are also collected from non-Utah County residents, and does not include food, homes, rent, insurance, and other big-ticket items that are generally considered within individual budgets. Commissioner Ellertson maintained that he mostly has received positive and supportive feedback; transit is, and will be in the future even more, an important part of the county's overall transportation system. Our system has been expanded in a responsible way, and there is success in the way people are using the transit investments. Commissioner Ellertson stated that it is important to invest now in the future as it will only become more expensive if delayed.

Commissioner Graves pointed out that the tax amount is minimal; in context, he volunteered to gladly submit one dollar to taxes for every \$400 in clothes and other consumer goods for the benefit of the county.

Commissioner Graves made the motion to DENY the resolution specified in Regular Agenda Item No. 3.

Because there was lack of a second, Commissioner Ellertson briefly suspended Robert's Rules of Order for the purpose of seconding this motion.

UTAH COUNTY BOARD OF COMMISSIONERS
MINUTES - August 25, 2015
Page 9

The motion was seconded by Commissioner Ellertson, and discussion continued.

Commissioner Ellertson referred to comments made by Utah County Clerk/Auditor Bryan E. Thompson during the last meeting of the Board of Commissioners on August 18, 2015. Mr. Thompson had addressed conducting an "Equal Access Election," and Commissioner Ellertson encourages all entities to work together for the best and fair election possible.

The motion to DENY the resolution, made by Commissioner Graves and seconded by Commissioner Ellertson, carried with the following vote:

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

DENIED

18. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN A MEMORANDUM OF UNDERSTANDING WITH IMMIGRATION AND CUSTOMS ENFORCEMENT FOR REIMBURSEMENT OF JOINT OPERATION EXPENSES

Erik Knutzen of the Utah County Sheriff's Office confirmed for Commissioner Ellertson that the dollar amount within the memorandum of understanding is similar to past contracts.

Commissioner Graves made the motion to approve a memorandum of understanding with Immigration and Customs Enforcement for reimbursement of joint operation expenses as identified in Regular Agenda Item No. 18. The motion was seconded by Commissioner Lee and carried with the following vote:

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

AGREEMENT NO. 2015-591

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

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)

Commissioner Graves made the motion to strike Regular Agenda Item No. 24 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. 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

UTAH COUNTY BOARD OF COMMISSIONERS

MINUTES - August 25, 2015

Page 10

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 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 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

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 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 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 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 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 to follow the Regular 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

PUBLIC COMMENTS

A group of youths representing the Utah County Fair Livestock program came forward to thank the commissioners for their support. Sakia Brost, Mallory Sorensen, Jorgen Olsen, Porter Olsen, Gracie Sorensen, McKayla Mangelson, and Haygen Kogianes, explained that the money appropriated for livestock shows helps each of them be able to show their animals and receive awards. This year, there were 16 cattle, 63, hogs, and 151 lambs. Each of the 235 exhibitors was able to receive a cash reward and other prizes to help with the costs of their animals; many of them here today gained prizes and ribbons. Utah County kids dominate in livestock shows around the state, and even though they are competitive within the show ring, they are all friends. After pointing out that showing livestock is a great way to keep youth involved in worthwhile projects, the group presented each commissioner with a hoodie sweatshirt in appreciation of their support.

Commissioner Graves noted Mike Stansfield in the audience, Utah County Fair Director, and concurred that Utah County kids do dominate. Commissioner Ellertson thanked them for being great citizens of the county.

Curtis A. Wood is a retired colonel of the U.S. Army and was a candidate for Orem City Council. He came forward to speak in support of Utah County Clerk/Auditor Bryan E. Thompson speaking out against vote-by-mail. Mr. Wood reviewed the timeline of filing for candidacy in Orem and finding out that the election would be vote-by-mail after the fact. He pointed out that Election Day was officially August 11, 2015, and yet today is August 25th and the results of the election are still unknown. He commented the city has effectively taken the best election process of the greatest and most free country in the world, and made it into something a developing community could accomplish better. Mr. Wood stated he spent 35 years in the military so that people could vote; if his 84-year-old neighbor can get dressed every Election Day to honor the right, the rest of America can stop being lazy and “get off their butts.”

Andrew Jackson of the Mountainland Association of Governments responded to Commissioner Lee’s statements regarding Regular Agenda Item No. 3 on today’s calendar. He explained how the funds are calculated by the Utah League of Cities and Towns to clarify and discrepancies between surplus and deficits. Commissioner Lee pointed out that the Board has already voted on the issue, and the point was that needs are not actually being addressed.

Santaquin City Manager Ben Reeves repeated how the chart by Utah League of Cities and Towns could erroneously be interpreted to show a \$3,000,000 surplus for roads in his city. He thanked the county for their support of the Santaquin Main Street expansion, and noted that the city is deficient. Commissioner Lee asked whether Santaquin would support more money for roads or more money for Utah Transit Authority (UTA), and Mr. Reeves talked about county growth - Santaquin has long-term goals of having FrontRunner come to their city and being considered the ‘Lehi of the South’ with additional expansion.

This concluded the public comment portion of the open meeting, and the meeting recessed at 10:12 A.M. to go into closed sessions. The public meeting reconvened at 12:02 P.M.

Commissioner Graves made the motion to adjourn the August 25, 2015 meeting of the Utah County Board of Commissioners. The motion was seconded by Commissioner Lee and carried with the following vote:

UTAH COUNTY BOARD OF COMMISSIONERS
MINUTES - August 25, 2015
Page 12

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

There being no further business nor public comment, the meeting adjourned at 12:02 P.M. The minutes of the August 25, 2015 Commission meeting were approved as transcribed on November 3, 2015.

LARRY A. ELLERTSON, Commission Chair

ATTEST:

BRYAN E. THOMPSON
Utah County Clerk/Auditor