

BOARD OF COUNTY COMMISSIONERS, UTAH COUNTY, UTAH
MINUTES OF PUBLIC MEETING
COMMISSION CHAMBERS, ROOM 1400
OF THE UTAH COUNTY ADMINISTRATION BUILDING
September 1, 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	Lana Jensen, Utah County Personnel Director
Scott C. Hogensen, Chief Deputy Clerk/Auditor	Jane Ivie, Personnel Office
Sandy Nielson, Clerk/Auditor's Office - Tax Admin.	Richard Nielson, Utah County Public Works Director
Julie Rollins, Utah County Purchasing Agent	Jeff Smith, Utah County Recorder
Michelle Araujo, Utah County Commission Office	Andrea Allen, Utah County Recorder's Office
Lisa K. Nielson, Utah County Commission Office	James O. Tracy, Utah County Sheriff
Brian Voeks, Utah County Commission Office	Dalene Higgins, Utah County Sheriff's Office
Peter A. Jeppsen, Utah County Assessor's Office	Jason Randall, Utah County Sheriff's Office
Clarissa Reeve, Utah County Assessor's Office	Gary Ratcliffe, Utah County Surveyor
Jim Stevens, Utah County Assessor's Office	Kim T. Jackson, Utah County Treasurer
PJ Maughan, Drug & Alcohol Prevention & Treatment	Cary McConnell, Utah County Assistant Treasurer
Robert Johnson, Drug & Alcohol Prevention & Treatment	Danielle Downs, <i>The Daily Herald</i>
Michael LaGiglia, Drug&Alcohol Prevention&Treatment	Mike Stansfield, Fairways Media
	Renée Huggins-Caron, Clerk/Auditor Admin. Assistant

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

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

PLEDGE OF ALLEGIANCE: Greg Graves, Utah County Commissioner

CONSENT AGENDA

- 1. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AMENDMENT TO AGREEMENT NO. 2014-426 WITH THE UTAH DIVISION OF WILDLIFE RESOURCES FOR YEAR 6 OF THE UTAH LAKE SHORELINE RESTORATION PROJECT**
- 2. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT WITH M&M ASPHALT SERVICE, INC. FOR PARKING LOT REPAIR AND SEALING**
- 3. ADOPT A RESOLUTION APPROVING VOLUNTEERS WHO WISH TO DONATE THEIR SERVICES TO THE UTAH COUNTY HEALTH DEPARTMENT AND THE FOSTER GRANDPARENT PROGRAM**
- 4. RATIFICATION OF WARRANT REGISTER SUMMARY**

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Consent Agenda Item Nos. 1 through 4 were approved as written. Commissioner Ellertson recommended the following Regular Agenda items be moved to Consent:

2. APPROVE THE MINUTES OF THE JUNE 30, 2015 COMMISSION MEETING *(Continued from the August 4, 18, and 25, 2015 Commission meetings)*

The commissioners requested Regular Agenda Item No. 2 be continued to the next meeting of the Board.
CONTINUED TO SEPTEMBER 8, 2015

- 5. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN A MAINTENANCE AGREEMENT WITH CANON SOLUTIONS AMERICA FOR AN IRADV4245 COPIER, SERIAL NO. RKM04344, LOCATED IN THE ADMIN HJB DEPT; EXPIRES 8/10/2020**
- 6. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN A MAINTENANCE AGREEMENT WITH CANON SOLUTIONS AMERICA FOR AN IRADV6265 COPIER, SERIAL NO. NML07365, LOCATED IN THE CIS HJB DEPARTMENT; EXPIRES 8/10/2020**
- 7. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN A MAINTENANCE AGREEMENT WITH CANON SOLUTIONS AMERICA FOR AN IRADV4225 COPIER, SERIAL NO. RKF02588, LOCATED IN THE HJB LAB; EXPIRES 8/10/2020**
- 8. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN A MAINTENANCE AGREEMENT WITH CANON SOLUTIONS AMERICA FOR AN IRADV4245 COPIER, SERIAL NO. RKM04458, LOCATED IN THE OUTPATIENT HJB DEPARTMENT; EXPIRES 8/10/2020**
- 9. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN A MAINTENANCE AGREEMENT WITH CANON SOLUTIONS AMERICA FOR AN IRADV4245 COPIER, SERIAL NO. RKM04464, LOCATED IN THE PROMISE NORTH OREM DEPARTMENT; EXPIRES 8/10/2020**
- 10. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN A MAINTENANCE AGREEMENT WITH CANON SOLUTIONS AMERICA FOR AN IR1025IF COPIER, SERIAL NO. DRL95869, LOCATED IN THE JAIL OUT PROGRAM; EXPIRES 8/10/2020**
- 11. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN THE SUPPLEMENTAL LAW ENFORCEMENT CONTRACT WITH MAPLETON 1/2 MOONLIGHT MARATHON, TO HAVE THREE DEPUTIES FOR TRAFFIC CONTROL AND CROSSING AT RIGHT HAND FORK, ROTARY PARK, AND HOBBLE CREEK GOLF COURSE FROM 8:30 P.M. TO 11:30 P.M. AUGUST 28, 2015**
- 13. RATIFY THE SIGNATURE OF THE COMMISSION CHAIR ON A MEMORANDUM OF UNDERSTANDING WITH THE UTAH ATTORNEY GENERAL'S OFFICE FOR THE INTERNET CRIMES AGAINST CHILDREN TASK FORCE**
- 15. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO EXECUTE A CERTIFICATE OF AUTHORITY FOR WELLS FARGO SECURITIES, LLC**
- 16. ADOPT A RESOLUTION APPOINTING ALTERNATE MEMBERS TO THE UTAH VALLEY DISPATCH SPECIAL SERVICE DISTRICT ADMINISTRATIVE CONTROL BOARD**

ACTIONS TAKEN

Consent Agenda Item Nos. 1 and 2 were **approved and authorized**; No. 3 was **adopted**; and No. 4 was **ratified**. **Regular Agenda Item No. 2** was **continued** to the September 8, 2015 meeting of the Board; Nos. 5 through 11, and 15, were **approved and authorized**; No. 13 was **ratified**; and No. 16 was **adopted**.

AGREEMENT NOS.: 2015-592, 2015-593, 2015-594, 2015-595, 2015-596 and 2015-597
RESOLUTION NOS.: 2015-117 and 2015-118

REGULAR AGENDA

1. RECOGNITION OF THE UTAH COUNTY EMPLOYEE OF THE MONTH FOR SEPTEMBER 2015
Ben Cannon of the Utah County Department of Drug and Alcohol Prevention and Treatment was recognized as the Employee of the Month for September 2015.

3. APPROVE OR DENY A LATE VETERAN ABATEMENT APPLICATION FOR SAM F. BREWSTER JR, SERIAL NO. 46:058:0017, WITH A FINDING THAT THE FAILURE OF THE CLAIMANT TO TIMELY FILE THE APPLICATION WAS BEYOND THE CLAIMANT'S REASONABLE CONTROL AND TO NOT EXTEND THE DEADLINE WOULD BE AGAINST EQUITY OR GOOD CONSCIENCE

Commissioner Graves made the motion to approve the late veteran abatement application for Sam F. Brewster Jr. on Property Serial No. 46:058:0017 as specified in Regular Agenda Item No. 3, with the finding that the failure of the claimant to timely file the application was beyond the claimant's reasonable control and to not extend the deadline would be against equity or good conscience. The motion was seconded by Commissioner Lee and carried with the following vote:

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

APPROVED

4. APPROVE OR DENY A LATE VETERAN ABATEMENT APPLICATION FOR GARY SCHWARTZ, SERIAL NO. 38:066:0006, WITH A FINDING THAT THE FAILURE OF THE CLAIMANT TO TIMELY FILE THE APPLICATION WAS BEYOND THE CLAIMANT'S REASONABLE CONTROL AND TO NOT EXTEND THE DEADLINE WOULD BE AGAINST EQUITY OR GOOD CONSCIENCE

Commissioner Graves made the motion to approve the late veteran abatement application for Gary Schwartz on Property Serial No. 38:066:0006 as specified in Regular Agenda Item No. 4, with the finding that the failure of the claimant to timely file the application was beyond the claimant's reasonable control and to not extend the deadline would be against equity or good conscience. The motion was seconded by Commissioner Lee and carried with the following vote:

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

APPROVED

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12. AUTHORIZE AND APPROVE THE COMMISSION CHAIR TO SIGN THE COUNTY PERFORMANCE INCENTIVE PROGRAM (CPIP) GRANT APPLICATION WITH THE STATE OF UTAH

Utah County Sheriff James O. Tracy explained this grant application is related to Utah House Bill 348 (regarding sentencing, parole, and earned-time credit for incarcerated persons). The form sent to all counties in the state by the Utah Commission on Criminal and Juvenile Justice (CCJJ) includes a formula which erroneously calculates false estimates for the implementation of the bill; this unfortunately results in grants which cannot cover the necessary costs. Commissioner Ellertson summarized that the requested dollar amount is inadequate, and Sheriff Tracy confirmed.

Sheriff Tracy noted the county does not want to miss the deadline for the application, but will be continuously working with other counties and the state to correct the funding discrepancies. He explained the program will be helpful to those caught in the 'prison whirlpool,' but the creation of the bill at a state level with minimal input from local entities led to this confusion. When Commissioner Lee asked whether all counties are united in this effort, and Sheriff Tracy responded yes, stating "if we don't hang together, we will surely hang separately." Sheriff Tracy talked about screening tools, general business office hours compared to working correctional facility hours, electronic forms, cost calculations, and budget shortfalls. He ultimately suggested ratifying the signed application at the next meeting of the Board.

Commissioner Graves made the motion to strike Regular Agenda Item No. 12 from the calendar. 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

14. APPROVE AND AUTHORIZE THE MASS NOTIFICATION INTERLOCAL COOPERATION AGREEMENT FOR COUNTY WIDE MASS NOTIFICATION SERVICES WITH TWENTY-FOUR CITIES AND TOWNS THROUGHOUT UTAH COUNTY

Utah County Sheriff James O. Tracy explained the county is exchanging a sub-par mass notification system for one that is simultaneously better and less expensive. Utah County Deputy Attorney Cort Griffin noted the county has already entered into a contract with Everbridge, Inc. as the provider - this interlocal agreement is for the cities and towns to join in and receive the same services for the same costs.

Commissioner Ellertson mentioned some cities have indicated they will not be joining the county network, but that has yet to be confirmed. He noted that bills have been sent to the cities and towns, and the county has not yet received questions or concerns in response to that invoicing. Commissioner Lee stated the interlocal agreements should have been completed before bills were sent, asking about county liability for costs. Commissioner Ellertson responded the county price was initially \$3,000, but may be closer to \$5,000 or \$6,000 once the number of participants have been calculated. Commissioner Lee reiterated his support for the system while expressing nervousness at completing the process backwards - he does not want Utah County to end up 'holding the bag.' Utah County Sheriff James O. Tracy pointed out this project was discussed in Council of Governments and there was mutual agreement between most cities and towns. He noted some cities will join later, once their current contracts have ended, and Commissioner Graves added that American Fork City has indicated they are not joining at this time because of other obligations, not necessarily because they do not agree with the project.

Commissioner Lee repeated his concerns, and Sheriff Tracy explained the previous system was unreliable. Sheriff Tracy noted the change needed to occur and the county would have spent even more money for a functional system; allowing other entities to join lowers costs for all involved. Commissioner Lee asked Sheriff Tracy to coordinate an update from

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Peter Quittner of the Utah County Sheriff's Office, and Utah County Deputy Attorney Cort Griffin confirmed there has been extensive communication between the cities and the county. Mr. Griffin also noted the agreement is written so that any city or town can "jump in" and be included as soon as signatures are received and fees are paid; the contract is terminated at two years if that does not occur. The costs will be re-calculated in the third year based on participation. Commissioner Graves pointed out the risk was taken to move forward because a contract for solely the county would have been \$15,000, and Sheriff Tracy mentioned that the previous contract was \$6,000; the county is saving money while improving services.

Commissioner Graves made the motion to approve the mass notification interlocal cooperation agreement for county wide mass notification services as outlined in Regular Agenda Item No. 14. 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. 2015-598

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

- 18. APPROVE AND SET A DATE, TIME AND LOCATION FOR A CLOSED MEETING FOR A STRATEGY SESSION TO DISCUSS PENDING OR REASONABLY IMMINENT LITIGATION (Suggested for today's date, at this location, following the completion of the Regular Agenda and Work Session Agenda items) (Announce the vote of each commissioner)**

STRICKEN

- 19. APPROVE AND SET A DATE, TIME AND LOCATION FOR A CLOSED MEETING FOR A STRATEGY SESSION TO DISCUSS THE PURCHASE, EXCHANGE, OR LEASE OF REAL PROPERTY, WATER RIGHTS, OR WATER SHARES (Suggested for today's date, at this location, following the completion of the Regular Agenda and Work Session Agenda items) (Announce the vote of each commissioner)**

STRICKEN

Commissioner Lee made the motion to strike Regular Agenda Item Nos. 18 and 19 to set dates, times, and locations for closed meetings for a strategy session to discuss pending or reasonably imminent litigation; and 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 Graves and carried with the following vote:

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

- 17. 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

- 20. 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 Lee 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 Graves and carried with the following vote:**

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

SET

WORK SESSION

NO WORK SESSION ITEMS WERE SUBMITTED

PUBLIC COMMENTS

There were no public comments and the meeting recessed at 9:48 A.M. to go into closed meetings. The public meeting reconvened at 10:05 A.M.

Commissioner Lee made the motion to adjourn the September 1, 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**

There being no further business nor public comment, the meeting adjourned at 10:06 A.M. The minutes of the September 1, 2015 Commission meeting were approved as transcribed on October 20, 2015.

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LARRY A. ELLERTSON, Commission Chair

ATTEST:

BRYAN E. THOMPSON
Utah County Clerk/Auditor