

BOARD OF COUNTY COMMISSIONERS, UTAH COUNTY, UTAH
MINUTES OF PUBLIC MEETING
COMMISSION CHAMBERS, ROOM 1400
OF THE UTAH COUNTY ADMINISTRATION BUILDING
October 6, 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	Peggy Kelsey, Community Development
Robert J. Moore, Utah County Deputy Attorney	Rebecca Martell, Children's Justice Center
Paul Jones, Utah County Deputy Attorney	Lana Jensen, Utah County Personnel Director
Carl Hollan, Utah County Deputy Attorney	Jane Ivie, Personnel Office
Scott C. Hogensen, Chief Deputy Clerk/Auditor	Jeff Smith, Utah County Recorder
Sandy Nielson, Clerk/Auditor's Office - Tax Admin.	Andrea Allen, Utah County Recorder's Office
Julie Rollins, Utah County Purchasing Agent	Darin Durfey, Utah County Sheriff's Office
Michelle Araujo, Utah County Commission Office	Dalene Higgins, Utah County Sheriff's Office
Brian Voeks, Utah County Commission Office	Milo Keele, Utah County Sheriff's Office
Kris Poulson, Utah County Assessor	Nancy Killian, Utah County Sheriff's Office
Merlin Ethington, Utah County Assessor's Office	Gary Ratcliffe, Utah County Surveyor
Peter A. Jepps, Utah County Assessor's Office	Kim T. Jackson, Utah County Treasurer
Jim Stevens, Utah County Assessor's Office	Jamie Evans, Evans Grader & Paving
Bryce C. Larsen, Utah County Health Department	Morris Flygare, JJ Dynamo LLC
Robert Johnson, Drug & Alcohol Prevention & Treatment	Renée Huggins-Caron, Clerk/Auditor Admin. Assistant

Commissioner Ellertson called the meeting to order at 9:09 A.M. and welcomed those present. The following matters were discussed:

PRAYER/READING/THOUGHT: Bill Lee, Utah County Commissioner
PLEDGE OF ALLEGIANCE: Jamie Evans, Evans Grader & Paving

CONSENT AGENDA

- 1. DECLARE SPECIFIED ITEMS AS SURPLUS TO BE DISPOSED OF VIA PUBLIC AUCTION OR AS JUNK**
- 2. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN THE STATE OF UTAH - VICTIMS OF CRIME ACT (VOCA) GRANT ADDENDUM FOR THE UTAH COUNTY CHILDREN'S JUSTICE CENTER, FAMILY JUSTICE CENTER PROGRAM AND REPORT ON VOCA PROGRAMS**
The commissioners requested Consent Agenda Item No. 2 be continued to the next meeting of the Board.
CONTINUED TO OCTOBER 13, 2015
- 3. APPROVE PROPERTY TAX ACTIONS CONTAINED IN RECOMMENDATION LETTER NO. 2015-4 (ABATEMENTS)**
- 4. APPROVE PROPERTY TAX ACTIONS CONTAINED IN RECOMMENDATION LETTER NO. 2015-16**
The commissioners requested Consent Agenda Item No. 4 be continued to the next meeting of the Board.
CONTINUED TO OCTOBER 13, 2015

UTAH COUNTY BOARD OF COMMISSIONERS
MINUTES - October 6, 2015
Page 2

5. **RATIFICATION OF PAYROLL**
6. **RATIFICATION OF WARRANT REGISTER SUMMARY**

Consent Agenda Item Nos. 1, 3, 5 and 6 were approved as written. Commissioner Ellertson recommended the following Regular Agenda items be moved to Consent:

2. APPROVE THE MINUTES OF THE AUGUST 18, 2015 COMMISSION MEETING

The commissioners requested Regular Agenda Item No. 2 be continued to the next meeting of the Board.
CONTINUED TO OCTOBER 13, 2015

3. APPROVE MEMORANDUM OF UNDERSTANDING BETWEEN THE US FOREST SERVICE, INTERMOUNTAIN REGION AND UTAH COUNTY REGARDING COMMUNICATIONS AND NATURAL RESOURCE MANAGEMENT *(Continued from the September 29, 2015 Commission meeting)*

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

9. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN A MAINTENANCE AGREEMENT WITH RICOH FOR AN MPC300-RIC COPIER, SERIAL NO. L3775100210, LOCATED IN THE ATTORNEY'S OFFICE - EXPIRES 9/16/2016

10. RATIFY THE SIGNATURE OF THE COMMISSION CHAIR ON AN AMENDMENT TO AGREEMENT NO. 2015-186 WITH CREDIBLE WIRELESS FOR THE ICD-10 GEMS MAPPING/CODING REQUIRED FOR DIAGNOSIS FOR REPORTING AND BILLING

11. ADOPT A RESOLUTION AMENDING THE UTAH COUNTY FACILITY USE POLICY, INCLUDING POLICIES REGARDING POLITICAL DISPLAYS, PROTEST ZONES, AMUSEMENT RIDES, AND HORSE TRIPPING, AS WELL AS VARIOUS MINOR CHANGES AND UPDATES *(Continued from the September 29, 2015 Commission meeting)*

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

14. RATIFY THE SIGNATURE OF THE COMMISSION CHAIR ON NOTICE TO PROPERTY OWNERS RELATED TO ENCROACHMENT ON A UTAH COUNTY RIGHT-OF-WAY COMMONLY KNOWN AS GRANGER CANYON ROAD

ACTIONS TAKEN

Consent Agenda Item No. 1 was **declared as surplus**; Nos. **2 and 4** were **continued** to the October 13, 2015 meeting of the Board; No. **3** was **approved**; and Nos. **5 and 6** were **ratified**. **Regular Agenda Item No. 2** was **continued** to the October 13, 2015 meeting of the Board; Nos. **3 and 11** were **stricken** from the agenda; No. **9** was **approved and authorized**; and Nos. **10 and 14** were **ratified**.

AGREEMENT NOS.: 2015-664, 2015-665, 2015-666, 2015-667, and 2015-668

UTAH COUNTY BOARD OF COMMISSIONERS
MINUTES - October 6, 2015
Page 3

Commissioner Ellertson took a moment of personal privilege to acknowledge the matching shirts worn by himself and his fellow Board members to represent National 4-H Week, October 4 through 10, 2015. He also reminded the audience of Fall Farm Field Days taking place at the Utah County Equestrian Park located near Lehi and American Fork, encouraging participation and attendance.

REGULAR AGENDA

- 1. RECOGNITION OF THE UTAH COUNTY EMPLOYEE OF THE MONTH FOR OCTOBER 2015**
Stacy Pulley of the Utah County Sheriff's Office was recognized as the Employee of the Month for October 2015.

The commissioners chose to address Regular Agenda Item Nos. 4 through 7 in tandem, as they are directly related.

- 4. APPROVE AND AUTHORIZE A MEMORANDUM OF UNDERSTANDING BETWEEN THE US FOREST SERVICE, MANTI-LA SAL NATIONAL FOREST, AND UTAH COUNTY, UTAH**
APPROVED WITH CHANGES
AGREEMENT NO. 2015-669

- 5. APPROVE AND AUTHORIZE A LETTER FROM UTAH COUNTY TO THE FOREST SUPERVISOR OF THE MANTI-LA SAL NATIONAL FOREST RELATED TO A MEMORANDUM OF UNDERSTANDING**
APPROVED WITH CHANGES
AGREEMENT NO. 2015-670

- 6. APPROVE AND AUTHORIZE A MEMORANDUM OF UNDERSTANDING BETWEEN THE US FOREST SERVICE, UINTA NATIONAL FOREST, AND UTAH COUNTY, UTAH**
APPROVED WITH CHANGES
AGREEMENT NO. 2015-671

- 7. APPROVE AND AUTHORIZE A LETTER FROM UTAH COUNTY TO THE FOREST SUPERVISOR OF THE UINTA NATIONAL FOREST RELATED TO A MEMORANDUM OF UNDERSTANDING**
APPROVED WITH CHANGES
AGREEMENT NO. 2015-672

Utah County Deputy Attorney Robert Moore explained these memorandums of understanding were initiated by the Utah Association of Counties (UAC). There are two forest districts within Utah County: Uinta and Manti-La Sal. Mr. Moore noted Commissioner Lee has been working with UAC, which has an agreement with the Forest Service; these contracts are in the spirit of further cooperation and communication. Mark Ward, a representative with UAC, initially had himself listed as the contact for these memorandums, but the county can update that information. Commissioner Ellertson directed that Utah County Public Works Director Richard Nielson should be listed as the program contact for operational concerns, and the administrative contact specified as the Commission Chair. Mr. Moore mentioned the contract will run through the year 2020, and discussed use of Forest Service insignia and the county logo with the commissioners.

Commissioner Lee made the motion to approve the memorandums of understanding and letters between Utah County and the U.S. Forest Service, Manti-La Sal National Forest and Uinta National Forest as outlined, respectively, in Regular Agenda Item Nos. 4 through 7 with changes as discussed. The motion was seconded by Commissioner Graves and carried with the following vote:

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

- 8. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN THE ‘COMPLIANCE AGREEMENT AND BOND FOR OPEN PIT MINING OPERATIONS’ WITH JJ DYNAMO LLC (JAMIE AND TERRY EVANS) WITH A SITE LOCATION OF APPROXIMATELY 2131 S US HWY 89, SECTION 21, T7S, R3E, SLB&M, INDUSTRIAL (I-1) ZONE, SOUTH PROVO AREA OF UNINCORPORATED UTAH COUNTY; LETTER OF CREDIT NO. 75-524751 IN TOTAL AMOUNT OF \$47,300.00 WITH CENTRAL BANK, 1300 N STATE ST., PROVO, UTAH**

Peggy Kelsey of the Utah County Community Development Office summarized the location and dimensions of the pit. She explained that the applicant already controls the gravel pit, and would like to expand the area. Jamie Evans of Evans Grader & Paving noted that the triangular piece of land goes to the end of the county; they own the area up to the building, but it is partially located within Springville City boundaries. Commissioner Ellertson and Utah County Civil Division Chief Deputy Attorney David Shawcroft discussed the applicant keeping a valid letter of credit on file, and Ms. Kelsey confirmed her department will monitor the paperwork.

Commissioner Graves made the motion to approve the Compliance Agreement and Bond for Open Pit Mining Operations with JJ Dynamo LLC as specified 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

AGREEMENT NO. 2015-673

- 12. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN THE 2015 JAG BLOCK GRANT APPLICATION FOR THE STATE OF UTAH COMMISSION ON CRIMINAL AND JUVENILE JUSTICE**

Dalene Higgins of the Utah County Sheriff’s Office noted the application has been reviewed by the state.

Commissioner Lee made the motion to approve the 2015 JAG Block Grant Application for the State of Utah Commission on Criminal and Juvenile Justice as identified in Regular Agenda Item No. 12. The motion was seconded by Commissioner Graves and carried with the following vote:

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

AGREEMENT NO. 2015-674

- 13. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN A LABOR AGREEMENT WITH EAGLE MOUNTAIN CITY**

Dalene Higgins of the Utah County Sheriff’s Office explained this new contract with Eagle Mountain City is similar to a standing agreement with the Utah Department of Transportation (UDOT). Eagle Mountain will be provided the same services through the work diversion program. Deputy costs will be covered by the contract, which Commissioner Graves noted are consistent with the UDOT agreement. When Commissioner Ellertson asked whether other cities would be interested in participating, Ms. Higgins stated Eagle Mountain is already serviced as part of the regular work rotation, but they specifically requested additional time from the county.

UTAH COUNTY BOARD OF COMMISSIONERS
MINUTES - October 6, 2015
Page 5

Utah County Deputy Attorney Cort Griffin confirmed from the audience that he had reviewed the contract.

Commissioner Graves made the motion to approve the labor agreement with Eagle Mountain City as defined in Regular Agenda Item No. 13. 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. 2015-675

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

- 17. 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 Lee made the motion to strike Regular Agenda Item No. 17 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 Graves and carried with the following vote:

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

STRICKEN

- 15. 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

16. **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:

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

SET

18. **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 9:36 A.M. to go into closed meetings. The public meeting reconvened at 10:09 A.M.

Commissioner Graves made the motion to adjourn the October 6, 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**

UTAH COUNTY BOARD OF COMMISSIONERS
MINUTES - October 6, 2015
Page 7

There being no further business nor public comment, the meeting adjourned at 10:10 A.M. The minutes of the October 6, 2015 Commission meeting were approved as transcribed on October 20, 2015.

LARRY A. ELLERTSON, Commission Chair

ATTEST:

BRYAN E. THOMPSON
Utah County Clerk/Auditor