

BOARD OF COUNTY COMMISSIONERS, UTAH COUNTY, UTAH
MINUTES OF PUBLIC MEETING
COMMISSION CHAMBERS, ROOM 1400
OF THE UTAH COUNTY ADMINISTRATION BUILDING
November 10, 2015 - 9:00 A.M.

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

ALSO PRESENT:

Jeffrey R. Buhman, Utah County Attorney	Bryce Armstrong, Community Development
David Shawcroft, Civil Division Chief Deputy Attorney	Ralph Clegg, Utah County Health Department
Robert J. Moore, Utah County Deputy Attorney	Richard Nance, Drug & Alcohol Prevention & Treatment
Paul Jones, Utah County Deputy Attorney	Neil Petersen, Information Systems Director
Carl Hollan, Utah County Deputy Attorney	Lana Jensen, Utah County Personnel Director
Chris Buckley, Utah County Attorney's Office	Jeff Smith, Utah County Recorder
Katie Fox, Utah County Attorney's Office	Andrea Allen, Utah County Recorder's Office
Bryan E. Thompson, Utah County Clerk/Auditor	James O. Tracy, Utah County Sheriff
Sandy Nielson, Clerk/Auditor's Office - Tax Admin.	Dalene Higgins, Utah County Sheriff's Office
Vicky Westergard, Clerk/Auditor's Office	Gary Ratcliffe, Utah County Surveyor
Julie Rollins, Utah County Purchasing Agent	Kim T. Jackson, Utah County Treasurer
Michelle Araujo, Utah County Commission Office	Jeff Acerson, Lindon City Mayor
Lisa K. Nielson, Utah County Commission Office	Larry Ballard, -No further information given-
Brian Voeks, Utah County Commission Office	Danielle Downs, <i>The Daily Herald</i>
Peter A. Jepps, Utah County Assessor's Office	Mike Stansfield, Fairways Media
Jim Stevens, Utah County Assessor's Office	Renée Caron, Clerk/Auditor Administrative Assistant

Commissioner Ellertson called the meeting to order at 9:04 A.M. and welcomed those present. The following matters were discussed:

PRAYER/READING/THOUGHT: Gary Ratcliffe, Utah County Surveyor
PLEDGE OF ALLEGIANCE: Lisa Nielson, Utah County Commission Office

CONSENT AGENDA

- 1. APPROVE THE COUNTY HOLIDAY SCHEDULE FOR 2016**
- 2. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN A CANCELLATION LETTER FOR AGREEMENT NO. 2015-46 WITH LES OLSON COMPANY FOR THE AR-M450 COPIER, SERIAL NO. 35031495, LOCATED IN THE SHERIFF'S OFFICE**
- 3. RATIFY THE SIGNATURE OF THE COMMISSION CHAIR ON AN AGREEMENT WITH LIFELOCK BUSINESS SOLUTIONS TO PROVIDE IDENTIFICATION THEFT SERVICES**
- 4. APPROVE TAX CREDITS AND REFUNDS RECOMMENDED BY THE COUNTY ASSESSOR'S OFFICE IN CANCELLATION AND CORRECTION LETTER NO. 60332, DATED NOVEMBER 5, 2015**
- 5. APPROVE REDUCING THE PENALTY IN THE AMOUNTS LISTED FOR THE ATTACHED PERSONAL PROPERTY ACCOUNTS, HAVING BEEN IDENTIFIED AS MEETING THE QUALIFICATIONS UNDER ORDINANCE NO. 2010-4 AND RESOLUTION NO. 2011-64 OF THE UTAH COUNTY CODE**

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6. **ABATE PERSONAL PROPERTY ACCOUNTS ATTACHED FOR THE YEARS INDICATED, HAVING BEEN IDENTIFIED AS UNCOLLECTIBLE; THERE ARE NO ASSETS AVAILABLE**
7. **APPROVE TAX CREDITS AND REFUNDS RECOMMENDED BY THE COUNTY TREASURER'S OFFICE IN CANCELLATION LETTER NO. 20346, DATED NOVEMBER 4, 2015**
8. **APPROVE PROPERTY TAX ACTIONS CONTAINED IN RECOMMENDATION LETTER NO. 2015-6 (ABATEMENTS)**
9. **ADOPT A RESOLUTION APPROVING VOLUNTEERS WHO WISH TO DONATE THEIR SERVICES TO THE CHILDREN'S JUSTICE CENTER AND THE UTAH COUNTY HEALTH DEPARTMENT**
10. **RATIFICATION OF WARRANT REGISTER SUMMARY**

Consent Agenda Item Nos. 1 through 10 were approved as written. Commissioner Ellertson recommended the following Regular Agenda items be moved to Consent:

2. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN A JOINT AGREEMENT REGARDING THE APPOINTMENT OF LINDON MAYOR JEFF ACERSON AS THE ELECTED OFFICIAL FROM UTAH COUNTY TO THE BOARD OF TRUSTEES OF THE UTAH TRANSIT AUTHORITY**
4. **APPROVE AND RATIFY THE SIGNATURE OF THE COMMISSION CHAIR ON THE MEMORANDUM OF UNDERSTANDING AND PREMIUM RATE SCHEDULE PERTAINING TO THE SELECTHEALTH SHARE PROGRAM FOR 2016**
5. **DENY (OR ADOPT) AN ORDINANCE TO AMEND THE UTAH COUNTY GENERAL PLAN LAND USE MAP FROM AGRICULTURAL/WATERSHED TO RESIDENTIAL, AND TO AMEND THE UTAH COUNTY ZONE MAP FROM THE CRITICAL ENVIRONMENT (CE-1) ZONE TO THE TRANSITIONAL RESIDENTIAL (TR-5) ZONE IN SECTION 18, T4S R2E, ALPINE AREA OF UTAH COUNTY** *(Continued from the September 22 and 29, and October 27, 2015 Commission meetings)*

The commissioners requested Regular Agenda Item No. 5 be continued to a future meeting of the Board, on a date yet to be determined.

CONTINUED WITHOUT DATE

6. **DENY (OR ADOPT) AN ORDINANCE TO AMEND THE UTAH COUNTY GENERAL PLAN LAND USE MAP FROM AGRICULTURAL/WATERSHED TO RESIDENTIAL, AND TO AMEND THE UTAH COUNTY ZONE MAP FROM THE CRITICAL ENVIRONMENT (CE-1) ZONE TO THE TRANSITIONAL RESIDENTIAL (TR-5) ZONE IN SECTION 13, T4S R1E AND SECTION 18, T4S R2E, ALPINE AREA OF UTAH COUNTY** *(Continued from the September 22 and 29, and October 27, 2015 Commission meetings)*

The commissioners requested Regular Agenda Item No. 6 be continued to a future meeting of the Board, on a date yet to be determined.

CONTINUED WITHOUT DATE

9. **RATIFY THE SIGNATURE OF THE COMMISSION CHAIR ON THE JUSTICE REINVESTMENT INITIATIVE (JRI) GRANT HUB APPLICATION TO THE STATE OF UTAH COMMISSION ON CRIMINAL AND JUVENILE JUSTICE**

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10. **APPROVE PROPERTY DAMAGE RELEASE WITH SALT LAKE CITY CORPORATION FOR PROPERTY DAMAGE**
11. **APPROVE A MOUNTAINLAND ASSOCIATION OF GOVERNMENTS UTAH COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT AWARD UP TO \$10,000.00 TO HOUSE OF HOPE FOR CHILDREN'S THERAPEUTIC DAY TREATMENT**
12. **APPROVE A MOUNTAINLAND ASSOCIATION OF GOVERNMENTS UTAH COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT AWARD UP TO \$20,000.00 TO KIDS WHO COUNT FOR INDIVIDUAL AND FAMILY THERAPY**
13. **APPROVE A MOUNTAINLAND ASSOCIATION OF GOVERNMENTS UTAH COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT AWARD UP TO \$31,200.00 TO MOUNTAINLAND ASSOCIATION OF GOVERNMENTS FOR THE HOME-DELIVERED MEALS PROGRAM**
14. **APPROVE A MOUNTAINLAND ASSOCIATION OF GOVERNMENTS UTAH COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT AWARD UP TO \$140,000.00 TO PLEASANT GROVE LIBRARY FOR AN ADA ELEVATOR**
15. **APPROVE A BOUNDARY LINE AGREEMENT BETWEEN UTAH COUNTY, UTAH, AND PLEASANT GROVE CITY**

The Board suggested this item be stricken from the agenda.

STRICKEN

16. **ADOPT FINDINGS OF FACT, CONCLUSIONS OF LAW, AND DECISION TO DENY (OR APPROVE) AN ORDINANCE TO AMEND THE UTAH COUNTY GENERAL PLAN LAND USE MAP FROM AGRICULTURAL/WATERSHED TO RESIDENTIAL, AND TO AMEND THE UTAH COUNTY ZONE MAP FROM THE CRITICAL ENVIRONMENT (CE-1) ZONE TO THE TRANSITIONAL RESIDENTIAL (TR-5) ZONE IN SECTION 13, T4S R1E AND SECTION 18, T4S R2E, APLINE AREA OF UTAH COUNTY (GRANT APPLICATION)**

The commissioners requested Regular Agenda Item No. 16 be continued to a future meeting of the Board, on a date yet to be determined.

CONTINUED WITHOUT DATE

17. **APPROVE AND AUTHORIZE A DEVELOPMENT AGREEMENT BETWEEN UTAH COUNTY, UTAH, AND ZOLMAN HOLDINGS, LLC, IN RELATION TO THE GRANT APPLICATION**

The commissioners requested Regular Agenda Item No. 17 be continued to a future meeting of the Board, on a date yet to be determined.

CONTINUED WITHOUT DATE

18. **ADOPT FINDINGS OF FACT, CONCLUSIONS OF LAW, AND DECISION TO DENY (OR APPROVE) AN ORDINANCE TO AMEND THE UTAH COUNTY GENERAL PLAN LAND USE MAP FROM AGRICULTURAL/WATERSHED TO RESIDENTIAL, AND TO AMEND THE UTAH COUNTY ZONE MAP FROM THE CRITICAL ENVIRONMENT (CE-1) ZONE TO THE TRANSITIONAL RESIDENTIAL (TR-5) ZONE IN SECTION 18, T4S R2E, APLINE AREA OF UTAH COUNTY (OBERRE APPLICATION)**

The commissioners requested Regular Agenda Item No. 18 be continued to a future meeting of the Board, on a date yet to be determined.

CONTINUED WITHOUT DATE

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19. APPROVE AND AUTHORIZE A DEVELOPMENT AGREEMENT BETWEEN UTAH COUNTY, UTAH, AND OBERRE ALPINE FARMS, LLC, IN RELATION TO THE OBERRE APPLICATION

The commissioners requested Regular Agenda Item No. 19 be continued to a future meeting of the Board, on a date yet to be determined.

CONTINUED WITHOUT DATE

21. ADOPT A RESOLUTION DESIGNATING A BUDGET OFFICER FOR UTAH COUNTY

22. ADOPT RESOLUTION AMENDING THE UTAH COUNTY GOVERNMENT TRAVEL POLICY

23. SET A DATE, TIME AND LOCATION FOR A PUBLIC HEARING TO CONSIDER A CHANGE IN THE EXISTING SALARIES OF THE COUNTY OFFICERS OF UTAH COUNTY, UTAH; SUGGESTED DATE: TUESDAY, DECEMBER 8, 2015 AT 9:00 A.M. IN ROOM # 1400 OF THE COUNTY ADMINISTRATION BUILDING AT 100 EAST CENTER STREET IN PROVO, UTAH

24. SET A DATE, TIME AND LOCATION FOR A PUBLIC HEARING TO DISCUSS AMENDING AND INCREASING THE 2015 UTAH COUNTY BUDGET IN THE COUNTY'S GENERAL FUND AND VARIOUS OTHER BUDGETARY FUNDS; SUGGESTED DATE: TUESDAY, DECEMBER 22, 2015 AT 9:00 AM IN ROOM 1400 OF THE COUNTY ADMINISTRATION BUILDING, 100 EAST CENTER, PROVO, UTAH

ACTIONS TAKEN

Consent Agenda Item Nos. 1, 4, 5, 7 and 8 were approved; No. 2 was approved and authorized; Nos. 3 and 10 were ratified; No. 6 was abated; and No. 9 was adopted. Regular Agenda Item No. 2 was approved and authorized; No. 4 was approved and ratified; Nos. 5, 6, 16, 17, 18 and 19 were continued without date; No. 9 was ratified; Nos. 10 through 14 were approved; No. 15 was stricken from the agenda; Nos. 21 and 22 were adopted; and Nos. 23 and 24 were set.

AGREEMENT NOS.: 2015-738, 2015-739, 2015-740, 2015-741, 2015-742, 2015-743, 2015-744, 2015-745, 2015-746, 2015-747, 2015-748, 2015-749, 2015-750, 2015-751, 2015-752 and 2015-753

RESOLUTION NOS.: 2015-139, 2015-140, and 2015-141

REGULAR AGENDA

1. APPROVE THE MINUTES OF THE OCTOBER 20, 2015 COMMISSION MEETING

Commissioners Ellertson and Lee pointed out a couple of typographical errors for correction.

Commissioner Lee made the motion to approve the minutes of the October 20, 2015 Commission meeting with any corrections as noted in Regular Agenda Item No. 1. The motion was seconded by Commissioner Graves and carried with the following vote:

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

APPROVED WITH CHANGES

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3. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN A SUBSCRIPTION AGREEMENT WITH PUBLIC GROUP FOR ACCESS TO THEIR ONLINE CONTRACT MANAGEMENT SITE

Utah County Deputy Attorney Carl Hollan explained that this company already manages the county's public auction contracts, and can offer additional services to track any agreement upon which the county enters. This would assist the County Purchasing Agent in knowing when contracts expire so that they may be renewed. Commissioner Ellertson noted that the management contract asks for two users to be designated, and Commissioner Graves mentioned that they would generally be the Purchasing Agent and the Purchasing Agent's backup person.

Commissioner Lee summarized that a cost of \$160 per month would allow two designated individuals to enter information onto the Public Group contract software, and asked whether that is something which can be done 'in house.' Utah County Clerk/Auditor Bryan E. Thompson commented that he has been exploring that option, and unless the Public Group software allows members of the public to be reminded of expiring contracts in order to submit renewed proposals, the same tracking could likely be handled internally. Commissioner Graves suggested continuing discussion to the next meeting, and Utah County Information Systems Director Neil Peterson mentioned that an internal online contract system has already been in place for several years. Mr. Peterson added that his department has begun making adjustments to the system in the last year to tie into the financial and other county systems.

Commissioner Lee made the motion to continue Regular Agenda Item No. 3 for a subscription agreement with Public Group for one week to the November 17, 2015 meeting of the Utah County Board of Commissioners. The motion was seconded by Commissioner Graves and carried with the following vote:

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

CONTINUED TO NOVEMBER 17, 2015

7. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN EDUCATION GRANT AGREEMENT WITH SANOFI PASTEUR, INC. PROMOTING VACCINES

Utah County Health Department Executive Director Ralph Clegg came forward to explain that this \$4,500 grant will be used to work with nursing homes and other long-term care providers to help them understand the importance of vaccines in vulnerable populations, both for patients and employees. Commissioner Graves and Mr. Clegg discussed how the required seventy percent attendance is confirmed. Commissioner Lee asked whether the grant could be considered 'seed money' for a program which the county will eventually be required to financially maintain, and Mr. Clegg responded that his department would still attempt the education without the funding but it is of great help when they are able to obtain it.

Commissioner Lee made the motion to approve the Education Grant Agreement with Sanofi Pasteur, Inc. as discussed in Regular Agenda Item No. 7. The motion was seconded by Commissioner Graves and carried with the following vote:

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

AGREEMENT NO. 2015-754

8. APPROVE AND AUTHORIZE AN ESCROW AGREEMENT WITH CREDIBLE WIRELESS LLC FOR SUBSTANCE ABUSE SOFTWARE (Continued from the November 3, 2015 Commission meeting)

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Utah County Information Systems Director Neil Peterson confirmed from the audience that he had reviewed the Credible Wireless agreement on behalf of the Utah County Department of Drug and Alcohol Prevention and Treatment.

Commissioner Graves made the motion to approve the Escrow Agreement with Credible Wireless LLC for Substance Abuse Software 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**

AGREEMENT NO. 2015-755

20. UPDATE ON VOCA GRANT FUNDING BY VICTIM WITNESS COORDINATOR CHRIS BUCKLEY AS PER THE GRANT REGULATIONS

Chris Buckley of the Utah County Attorney's Office presented information on the Victim Witness program. Her office was approved for a VOCA grant of \$43,000 in August, and every year they exceed their goals in the number of citizens that are helped. Utah County is one of the fastest-growing counties in the state, which unfortunately means there is also a rise in crime. She reviewed the typical work weeks for herself and her associate Katie Fox, and the increased assistance to the public from July 2013 through June 2014. When Commissioner Ellertson asked whether the increase is in reporting or occurrences, Ms. Buckley responded 'both.'

Commissioner Ellertson thanked Chris Buckley and Katie Fox for their work, and Commissioner Lee asked Ms. Buckley to comment on any areas that are lacking within the program. Utah County Attorney Jeffrey R. Buhman that one of the greatest benefits of the program is in-court appearances with the victims, but those instances have been reduced because there simply is not enough time to help everyone. Ms. Buckley noted that minors and certain individuals in need of the most help are prioritized, and there is some limited relief through interns from Utah Valley University. They discussed VOCA grants, court examples, and how the Utah County Sheriff's Office coordinates with Ms. Buckley's office. Ms. Buckley summarized the mission statement to "help victims through the felony court process, and ease the burden in whatever way we can." Mr. Buhman added that everything from emotional to financial help is offered.

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

28. 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 strike Regular Agenda Item No. 28 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 Graves and carried with the following vote:

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

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25. **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 for a strategy session 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 Graves and carried with the following vote:

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

SET

26. **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 and Work Session 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

27. **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 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 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

Commissioner Ellertson acknowledged the presence of Lindon Mayor Jeff Acerson in the audience, who was appointed as the Utah County representative on the Board of Trustees for the Utah Transit Authority at a special meeting of the Utah County Council of Governments the previous Thursday evening.

This concluded the public comment portion of the open meeting, and th meeting recessed at 9:38 A.M. to go into closed sessions. The public meeting reconvened at 10:33 A.M.

Commissioner Graves made the motion to adjourn the November 10, 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 10:34 A.M. The minutes of the November 10, 2015 Commission meeting were approved as transcribed on December 22, 2015.

LARRY A. ELLERTSON, Commission Chair

ATTEST:

BRYAN E. THOMPSON
Utah County Clerk/Auditor