

BOARD OF COUNTY COMMISSIONERS, UTAH COUNTY, UTAH
MINUTES OF PUBLIC MEETING
COMMISSION CHAMBERS, ROOM 1400
OF THE UTAH COUNTY ADMINISTRATION BUILDING
November 24, 2015 - 9:00 A.M.

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

ALSO PRESENT:

Jeffrey R. Buhman, Utah County Attorney	Burt Garfield, Utah County Assessor's Office
David Shawcroft, Civil Division Chief Deputy Attorney	Ralph Clegg, Utah County Health Department
Robert J. Moore, Utah County Deputy Attorney	Pat Bird, Drug & Alcohol Prevention & Treatment
Paul Jones, Utah County Deputy Attorney	Lana Jensen, Utah County Personnel Director
Carl Hollan, Utah County Deputy Attorney	Richard Nielson, Utah County Public Works Director
Bryan E. Thompson, Utah County Clerk/Auditor	Jeff Smith, Utah County Recorder
Scott C. Hogensen, Chief Deputy Clerk/Auditor	Andrea Allen, Utah County Recorder's Office
Michelle Araujo, Utah County Commission Office	James O. Tracy, Utah County Sheriff
Lisa K. Nielson, Utah County Commission Office	Dalene Higgins, Utah County Sheriff's Office
Brian Voeks, Utah County Commission Office	Gary Ratcliffe, Utah County Surveyor
Bryce Armstrong, Community Development	Kim T. Jackson, Utah County Treasurer
Joshua Ivie, Community Development	Renée Caron, Clerk/Auditor Administrative Assistant

Commissioner Ellertson called the meeting to order at 9:06 A.M. and welcomed those present. He excused Commissioner Lee and noted that Robert's Rules of Order would be waived for the purpose of making motions. 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. **RATIFY THE SIGNATURE OF THE COMMISSION CHAIR TO AMEND THE TERMINATION DATE OF AGREEMENT NO. 2015-627 WITH LEXIS NEXIS**
2. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO ACCEPT THE COUNTY PERFORMANCE INCENTIVE PROGRAM (CPIP) GRANT AWARD FROM THE STATE OF UTAH COMMISSION OF CRIMINAL AND JUVENILE JUSTICE**
3. **DECLARE AS SURPLUS A SMITH & WESSON MODEL M&P 9 FIREARM, SERIAL NUMBER HSA2585, WITH AN ESTIMATED VALUE OF \$330.00 TO BE PRESENTED TO DEPUTY TRACY FARNSWORTH (MAESTAS) FOR SERVING THE UTAH COUNTY SHERIFF'S OFFICE AND THE CITIZENS OF UTAH COUNTY**
4. **ADOPT A RESOLUTION AWARDING COUNTY PERSONAL PROPERTY AS A GIFT TO DEPUTY TRACY FARNSWORTH (MAESTAS) IN RECOGNITION OF HER MERITORIOUS SERVICE TO UTAH COUNTY**

UTAH COUNTY BOARD OF COMMISSIONERS

MINUTES - November 24, 2015

Page 2

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**
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. 20347, DATED NOVEMBER 18, 2015**
8. **RATIFICATION OF WARRANT REGISTER SUMMARY**

Consent Agenda Item Nos. 1 through 8 were approved as written. Commissioner Ellertson recommended the following Regular Agenda items be moved to Consent:

1. **APPROVE AND ADOPT A RESOLUTION TRANSFERRING FUNDS BETWEEN DEPARTMENTS OF UTAH COUNTY**
2. **ADOPT (OR DENY) AN ORDINANCE TO AMEND SECTION 5-12 OF THE UTAH COUNTY LAND USE ORDINANCE**
3. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT WITH THE UTAH DEPARTMENT OF HEALTH FOR THE ARTHRITIS PROGRAM**
6. **APPROVE A MOUNTAINLAND ASSOCIATION OF GOVERNMENTS UTAH COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT AWARD UP TO \$200,000.00 TO AMERICAN FORK CITY FOR CENTER STREET FIRE PROTECTION AND WATER LINE REPLACEMENT**
7. **APPROVE A MOUNTAINLAND ASSOCIATION OF GOVERNMENTS UTAH COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT AWARD UP TO \$20,000.00 TO COMMUNITY ACTION SERVICES AND FOOD BANK FOR THE CIRCLES INITIATIVE**
8. **APPROVE A MOUNTAINLAND ASSOCIATION OF GOVERNMENTS UTAH COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT AWARD UP TO \$10,000.00 TO FRIENDS OF UTAH COUNTY CHILDREN'S JUSTICE CENTER FOR CHILD ABUSE TREATMENT**
9. **APPROVE A MOUNTAINLAND ASSOCIATION OF GOVERNMENTS UTAH COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT AWARD UP TO \$200,000.00 TO SPANISH FORK CITY FOR THE 800 NORTH AND 200 NORTH WATERLINE**
10. **ADOPT A RESOLUTION AUTHORIZING THE COMMISSION CHAIR TO SIGN THE INTERLOCAL COOPERATION AGREEMENT WITH PROVO CITY CONCERNING THE JUST WARE ATTORNEY DOCUMENT AND CASE MANAGEMENT SOFTWARE**
13. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT WITH THE UTAH VALLEY CONVENTION CENTER FOR THE 2016 STATE OF THE COUNTY ADDRESS TO BE HELD JANUARY 19, 2016**

UTAH COUNTY BOARD OF COMMISSIONERS

MINUTES - November 24, 2015

Page 3

ACTIONS TAKEN

Consent Agenda Item Nos. 1 and 8 were ratified; No. 2 was approved and authorized; No. 3 was declared as surplus; No. 4 was adopted; Nos. 5 and 7 were approved; and No. 6 was abated. Regular Agenda Item No. 1 was approved and adopted; Nos. 2 and 10 were adopted; Nos. 3 and 13 were approved and authorized; and Nos. 6 through 9 were approved.

AGREEMENT NOS.: 2015-756, 2015-757, 2015-758, 2015-759, 2015-760, 2015-761, 2015-762, 2015-763, 2015-764, 2015-765, 2015-766, 2015-767 and 2015-768

RESOLUTION NOS.: 2015-145, 2015-146, and 2015-147

ORDINANCE NO.: 2015-26

REGULAR AGENDA

4. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN A CONTRACT WITH THE STATE OF UTAH DIVISION OF SUBSTANCE AND MENTAL HEALTH TO PROVIDE FUNDING FOR THE COMMUNITIES THAT CARE PROGRAM

Commissioner Ellertson summarized this grant will provide \$10,000 annually through September 2020, and Pat Bird of the Utah County Department of Drug and Alcohol Prevention and Treatment confirmed they have been in the process for a year already and are developing within the model. Mr. Bird noted Eagle Mountain, Saratoga Springs, and Payson are involved along with Provo City, and Commissioner Graves mentioned Elk Ridge and Salem are also interested in joining.

Commissioner Graves made the motion to approve a contract with the State of Utah Division of Substance and Mental Health as described in Regular Agenda Item No. 4. The motion was seconded by Commissioner Ellertson and carried with the following vote:

**AYE: Larry A. Ellertson
Greg Graves**

NAY: None

AGREEMENT NO. 2015-769

5. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO EXECUTE THE FIRST AMENDMENT TO AGREEMENT NO. 2014-346 WITH PROVO CITY FOR THE UTAH COUNTY COMMUNITY ACTIVITIES GRANT FOR A TOURISM AND RECREATION DEVELOPMENT PROJECT

Lisa Nielson of the Utah County Commission Office confirmed from the audience that Provo City has now completed their 2014 project.

Commissioner Graves made the motion to execute the first amendment to Agreement No. 2014-346 with Provo City for the Utah County Community Activities Grant as detailed in Regular Agenda Item No. 5. The motion was seconded by Commissioner Ellertson and carried with the following vote:

**AYE: Larry A. Ellertson
Greg Graves**

NAY: None

AGREEMENT NO. 2015-770

UTAH COUNTY BOARD OF COMMISSIONERS
MINUTES - November 24, 2015
Page 4

The commissioners chose to address Regular Agenda Item Nos. 11 and 12 in tandem, as they are directly related.

11. APPROVE AND AUTHORIZE A MEMORANDUM OF UNDERSTANDING BETWEEN THE US FOREST SERVICE, ASHLEY NATIONAL FOREST, AND UTAH COUNTY, UTAH AGREEMENT NO. 2015-771

12. APPROVE AND AUTHORIZE A LETTER FROM UTAH COUNTY TO THE FOREST SUPERVISOR OF THE ASHLEY NATIONAL FOREST RELATED TO A MEMORANDUM OF UNDERSTANDING AGREEMENT NO. 2015-772

Utah County Deputy Attorney Robert J. Moore explained that a small section of Utah County land touches the Ashley National Forest near Soldier Summit. The county is following the same format as a previous letter and memorandum of understanding with the Uinta-Wasatch-Cache National Forest, as the Ashley National Forest has invited Utah County to participate. Mr. Moore clarified that the area does not include roads or any other significant land, and confirmed for Commissioner Ellertson that the documents are only needed for actions being taken by the Forest Service.

Commissioner Graves made the motion to approve the memorandum of understanding and coordinating letter to the Forest Supervisor of the Ashley National Forest as outlined, respectively, in Regular Agenda Item Nos. 11 and 12. The motion was seconded by Commissioner Ellertson and carried with the following vote:

**AYE: Larry A. Ellertson
Greg Graves**

NAY: None

14. ADOPT A RESOLUTION NOMINATING INDIVIDUALS TO BE PRESENTED TO THE GOVERNOR FOR APPOINTMENT TO REPRESENT UTAH COUNTY ON THE BOARD OF TRUSTEES OF THE CENTRAL UTAH WATER CONSERVANCY DISTRICT

The commissioners requested Regular Agenda Item No. 14 be tabled for discussion later in the agenda.

TABLED

**Please refer to the final page of these minutes for additional notations.*

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

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 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 Ellertson and carried with the following vote:

**AYE: Larry A. Ellertson
Greg Graves**

NAY: None

SET

UTAH COUNTY BOARD OF COMMISSIONERS

MINUTES - November 24, 2015

Page 5

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 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 Ellertson and carried with the following vote:

AYE: Larry A. Ellertson

Greg Graves

NAY: None

SET

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 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, 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 Ellertson and carried with the following vote:

AYE: Larry A. Ellertson

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 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 Ellertson and carried with the following vote:

AYE: Larry A. Ellertson

Greg Graves

NAY: None

SET

WORK SESSION

NO WORK SESSION ITEMS WERE SUBMITTED

PUBLIC COMMENTS

There were no public comments.

This concluded discussion of most scheduled agenda items, and the meeting recessed at 9:19 A.M. to go into closed sessions. The public meeting reconvened at 10:48 A.M., and the commissioners returned to previously tabled Regular Agenda Item No. 14 for discussion.

REGULAR AGENDA

14. ADOPT A RESOLUTION NOMINATING INDIVIDUALS TO BE PRESENTED TO THE GOVERNOR FOR APPOINTMENT TO REPRESENT UTAH COUNTY ON THE BOARD OF TRUSTEES OF THE CENTRAL UTAH WATER CONSERVANCY DISTRICT

Commissioner Graves made the motion to adopt a resolution nominating individuals to be presented to the Governor for appointment to represent Utah County on the Board of Trustees of the Central Utah Water Conservancy District, with the following change: replace the names of William C. Lee and Greg Graves with Jim Dain and Merrill Bingham, respectively. The motion was seconded by Commissioner Ellertson and carried with the following vote:

**AYE: Larry A. Ellertson
Greg Graves
NAY: None**

APPROVED WITH CHANGES

RESOLUTION NO. 2015-148

**Please refer to the final page of these minutes for additional notations.*

This concluded the open meeting.

Commissioner Graves made the motion to adjourn the November 24, 2015 meeting of the Utah County Board of Commissioners. The motion was seconded by Commissioner Ellertson and carried with the following vote:

**AYE: Larry A. Ellertson
Greg Graves
NAY: None**

There being no further business nor public comment, the meeting adjourned at 10:49 A.M. The minutes of the November 24, 2015 Commission meeting were approved as transcribed on December 22, 2015.

LARRY A. ELLERTSON, Commission Chair

UTAH COUNTY BOARD OF COMMISSIONERS
MINUTES - November 24, 2015
Page 7

ATTEST:

BRYAN E. THOMPSON
Utah County Clerk/Auditor

***Regular Agenda Item No. 14:**

The commissioners removed Regular Agenda Item No. 14 from the table following closed meetings, and voted unanimously to adopt the resolution nominating Jim Dain, Merrill Bingham, and G. Wayne Andersen to represent Utah County on the Board of Trustees of the Central Utah Water Conservancy District.