

BOARD OF COUNTY COMMISSIONERS, UTAH COUNTY, UTAH
MINUTES OF PUBLIC MEETING
COMMISSION CHAMBERS, ROOM 1400
OF THE UTAH COUNTY ADMINISTRATION BUILDING
January 5, 2016 - 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	Scott C. Hogensen, Chief Deputy Clerk/Auditor
David Shawcroft, Civil Division Chief Deputy Attorney	Karlee Jo Jarvis, Clerk/Auditor's Office
Paul Jones, Utah County Deputy Attorney	Ralph Clegg, Health Department Executive Director
Michelle Araujo, Utah County Commission Office	Bryce C. Larsen, Utah County Health Department
Lisa K. Nielson, Utah County Commission Office	Neil Petersen, Information Systems Director
Brian Voeks, Utah County Commission Office	Dean Richins, Information Systems
Kris Poulson, Utah County Assessor	Lana Jensen, Utah County Personnel Director
Jim Stevens, Utah County Assessor's Office	Marilyn Dye, Personnel Office
Burt Garfield, Utah County Assessor's Office	Jane Ivie, Personnel Office
Peter A. Jeppsen, Utah County Assessor's Office	Andrea Allen, Utah County Recorder's Office
Don Nay, Utah County Public Works Assoc. Director	Gary Ratcliffe, Utah County Surveyor
Bryce Armstrong, Community Development	Kim T. Jackson, Utah County Treasurer
Peggy Kelsey, Community Development	Katie Englund, <i>The Daily Herald</i>
Brandon Larsen, Community Development	Mike Stansfield, Fairways Media
Josh Ivie, Community Development	Renée Caron, Clerk/Auditor Administrative Assistant

Commissioner Ellertson called the meeting to order at 9:02 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: Mike Stansfield, Fairways Media

PLEDGE OF ALLEGIANCE: Scott C. Hogensen, Utah County Chief Deputy Clerk/Auditor

CONSENT AGENDA

- 1. ADOPT A RESOLUTION TO ELECT WILLIAM C. LEE AS CHAIR AND GREG GRAVES AS VICE CHAIR OF THE BOARD OF COUNTY COMMISSIONERS OF UTAH COUNTY, UTAH FOR THE YEAR 2016, PURSUANT TO SECTION 17-53-203, UTAH CODE ANNOTATED, 1953 AS AMENDED**

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

- 2. OBTAIN COMMISSION CHAIR APPROVAL AND SIGNATURE FOR THE UPDATED EMERGENCY RESPONSE PLAN WITH STATE PARKS AND UTAH COUNTY FOR UTAH LAKE RESPONSE**

The Board requested Consent Agenda Item No. 2 be moved to the Regular Agenda for discussion.
PULLED TO REGULAR

- 3. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN THE RENEWAL CLASS B RETAIL BEER LICENSE (ON-PREMISE CONSUMPTION) APPLICATION FOR SUNDANCE PARTNERS, LTD, BEAR CLAW CABIN LOCATED AT 8841 N ALPINE LOOP RD IN THE PROVO CANYON AREA OF UNINCORPORATED UTAH COUNTY**

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4. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN THE RENEWAL CLASS B RETAIL BEER LICENSE (ON-PREMISE CONSUMPTION) APPLICATION FOR SUNDANCE PARTNERS, LTD, CREEKSIDE LOCATED AT 8841 N ALPINE LOOP RD IN THE PROVO CANYON AREA OF UNINCORPORATED UTAH COUNTY**
5. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN THE RENEWAL CLASS B RETAIL BEER LICENSE (ON-PREMISE CONSUMPTION) APPLICATION FOR SUNDANCE PARTNERS, LTD, TREE ROOM - FOUNDRY GRILL LOCATED AT 8841 N ALPINE LOOP RD IN THE PROVO CANYON AREA OF UNINCORPORATED UTAH COUNTY**
6. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN THE RENEWAL CLASS B RETAIL BEER LICENSE (ON-PREMISE CONSUMPTION) APPLICATION FOR SUNDANCE PARTNERS, LTD, GROCERY DELI LOCATED AT 8841 N ALPINE LOOP RD IN THE PROVO CANYON AREA OF UNINCORPORATED UTAH COUNTY**
7. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN THE RENEWAL CLASS B RETAIL BEER LICENSE (ON-PREMISE CONSUMPTION) APPLICATION FOR SUNDANCE PARTNERS, LTD, OUTDOOR THEATER - REHEARSAL HALL - SCREENING ROOM - CATERING - CONFERENCE CENTER LOCATED AT 8841 N ALPINE LOOP RD IN THE PROVO CANYON AREA OF UNINCORPORATED UTAH COUNTY**
8. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN THE RENEWAL CLASS B RETAIL BEER LICENSE (ON-PREMISE CONSUMPTION) APPLICATION FOR SUNDANCE PARTNERS, LTD, OWL BAR LOCATED AT 8841 N ALPINE LOOP RD IN THE PROVO CANYON AREA OF UNINCORPORATED UTAH COUNTY**
9. **APPROVE TAX CREDITS AND REFUNDS RECOMMENDED BY THE COUNTY ASSESSOR'S OFFICE IN CANCELLATION AND CORRECTION LETTER NO. 60334, DATED DECEMBER 30, 2015**
10. **ABATE PERSONAL PROPERTY ACCOUNTS ATTACHED FOR THE YEARS INDICATED, HAVING BEEN IDENTIFIED AS UNCOLLECTIBLE; THERE ARE NO ASSETS AVAILABLE**
11. **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**
12. **ADOPT A RESOLUTION APPROVING VOLUNTEERS WHO WISH TO DONATE THEIR SERVICES TO THE UTAH COUNTY HEALTH DEPARTMENT**
13. **RATIFICATION OF PAYROLL FOR DECEMBER 29, 2015**
14. **RATIFICATION OF WARRANT REGISTER SUMMARY FOR DECEMBER 29, 2015**
15. **RATIFICATION OF WARRANT REGISTER SUMMARY FOR JANUARY 5, 2016**

Consent Agenda Item Nos. 3 through 15 were approved as written. Commissioner Ellertson recommended the following Regular Agenda items be moved to Consent:

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4. APPROVE THE MINUTES OF THE DECEMBER 1, 2015 COMMISSION MEETING

5. APPROVE THE MINUTES OF THE DECEMBER 8, 2015 COMMISSION MEETING

The commissioners requested Regular Agenda Item No. 5 be continued to the next meeting of the Board.
CONTINUED TO JANUARY 12, 2016

6. APPROVE (OR DENY) AN ORDINANCE TO AMEND THE UTAH COUNTY GENERAL PLAN LAND USE ELEMENT MAP FROM MANUFACTURING TO AGRICULTURAL/WATERSHED, AND AMEND THE OFFICIAL UTAH COUNTY ZONING MAP FROM THE PUBLIC FACILITIES (PF) ZONE TO THE RESIDENTIAL AGRICULTURAL (RA-5) ZONE, FOR LAND IN THE PALMYRA AREA IDENTIFIED AS TAX PARCEL 21:090:0002, APPROXIMATELY 51.41 ACRES, 1600 WEST 4000 SOUTH, SECTION 35, T7S R2E (Continued from the December 22, 2015 Commission meeting)

7. APPROVE (OR DENY) THE JOLLEY RANCH SUBDIVISION, PLAT 'A,' SUBJECT TO THE CONDITIONS STATED IN THE STAFF REPORT

8. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT WITH VANCON, INC. FOR CONSTRUCTION OF TWO BRIDGES

9. EXECUTE A QUIT-CLAIM DEED TO TWO PROPERTY OWNERS LOCATED ALONG 2170 WEST STREET, AND RECEIVE A QUIT-CLAIM DEED TO A PORTION OF SAID ROAD

The commissioners requested Regular Agenda Item No. 9 be continued to the next meeting of the Board.
CONTINUED TO JANUARY 12, 2016

10. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN THE AMENDMENT TO AGREEMENT 2014-815 FOR PUBLIC INFORMATION OFFICER AND FAIR DIRECTOR SERVICES WITH FAIRWAYS MEDIA, INC. (Continued from the December 22, 2015 Commission meeting)

11. APPROVE AND ADOPT A RESOLUTION FIXING THE COMPENSATION OF THE UTAH COUNTY JUSTICE COURT JUDGES FOR THE YEAR 2016

12. ADOPT A RESOLUTION APPOINTING BLAINE THATCHER TO THE UTAH COUNTY PLANNING COMMISSION

ACTIONS TAKEN

Consent Agenda Item No. 1 was **stricken** from the agenda; No. **2** was **tabled** for further discussion; Nos. **3 through 8** were **approved and authorized**; Nos. **9 and 11** were **approved**; No. **10** was **abated**; No. **12** was **adopted**; and Nos. **13, 14, and 15** were **ratified**. **Regular Agenda Item Nos. 4, 6, and 7** were **approved**; Nos. **5 and 9** were **continued** one week to the January 12, 2016 meeting of the Board; Nos. **8 and 10** were **approved and authorized**; No. **11** was **approved and adopted**; and No. **12** was **adopted**.

AGREEMENT NOS.: 2016-1, 2016-2, 2016-3, 2016-4, 2016-5, 2016-6, 2016-7, 2016-8, 2016-9, 2016-10, 2016-11 and 2016-12

RESOLUTION NOS.: 2016-1, 2016-2, and 2016-3

ORDER NO.: 2016-1

REGULAR AGENDA

(PULLED FROM CONSENT)

2. OBTAIN COMMISSION CHAIR APPROVAL AND SIGNATURE FOR THE UPDATED EMERGENCY RESPONSE PLAN WITH STATE PARKS AND UTAH COUNTY FOR UTAH LAKE RESPONSE

Commissioner Ellertson noted he had read through the Emergency Response Plan. He discussed the delegation of authority as outlined within the agreement with Utah County Sheriff James O. Tracy, who confirmed there is a continuing dialogue as the county works with the State Parks on a weekly basis. Sheriff Tracy also confirmed the equipment referred to in Paragraph 14 of the plan is already in the county's possession, with the exception of the boat as the age and condition of the boat is still under consideration. Commissioner Ellertson asked whether this agreement will require the county to make any new purchases, and Sheriff Tracy responded "no." They discussed how the search and rescue volunteers provide much of their own equipment, with the county probably owning less than twenty-five percent of the materials deployed in operations, and how grateful the county is to have such devoted volunteers.

Commissioner Graves made the motion to approve the Updated Emergency Response Plan with State Parks as detailed in Regular Agenda Item No. 2. The motion was seconded by Commissioner Ellertson and carried with the following vote:

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

AGREEMENT NO. 2016-13

REGULAR AGENDA

1. RECOGNITION OF THE UTAH COUNTY EMPLOYEE OF THE MONTH FOR JANUARY 2016

Katie Harris of Utah County Information Systems was recognized as the Utah County Employee of the Month for January 2016.

2. ELECT A CHAIR AND VICE-CHAIR OF THE BOARD OF COUNTY COMMISSIONERS OF UTAH COUNTY, UTAH, TO SERVE UNTIL REPLACED BY THE BOARD OF COUNTY COMMISSIONERS OF UTAH COUNTY, UTAH, PURSUANT TO SECTION 17-53-203, UTAH CODE ANNOTATED, 1953 AS AMENDED

Commissioner Ellertson noted Consent Agenda Item No. 1 was stricken from the calendar today because it was a duplicate of this action item; the election of a Chair and Vice-Chair of the Board is handled by a motion rather than through a resolution.

Commissioner Graves made the motion to maintain the current elections of Larry A. Ellertson as Chair and William C. Lee as Vice-Chair of the Board of County Commissioners as outlined in Regular Agenda Item No. 2. The motion was seconded by Commissioner Ellertson, and discussion continued.

Commissioner Ellertson stated the Board has generally rotated the positions of Chair and Vice-Chair on an annual basis for the past few years, but that is neither required or the way it has always been done. He pointed out Commissioner Lee would likely request additional conversation on the matter; there is opportunity to re-address and additional action can be taken at that time. Commissioner Graves acknowledged Commissioner Lee would probably not be happy with the motion.

The motion carried with the following vote:

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

AGREEMENT NO. 2016-13

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3. ADOPT AN ORDINANCE AMENDING SUBSECTION 2-8-6 OF THE UTAH COUNTY CODE RELATING TO ADMINISTRATION (Continued from the December 15 and December 22, 2015 Commission meetings)

Commissioner Ellertson summarized he had let Commissioner Lee know in previous conversations that he is not prepared to make a change to the code, as the main issue is not that a new ordinance is needed but instead the standards of the current code should be more closely followed. Commissioner Ellertson's understanding is that Commissioner Lee is in agreement with that sentiment, and striking this item from today's calendar is done with that intent.

Commissioner Graves made the motion to strike Regular Agenda Item No. 3 from the agenda. The motion was seconded by Commissioner Ellertson, and carried with the following vote:

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

STRICKEN

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 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

16. 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)

STRICKEN

Commissioner Graves made the motion to strike Regular Agenda Item Nos. 39 and 40 to set dates, times, and locations for closed meetings for a strategy session to discuss the purchase, exchange, or lease of real property, water rights, or water shares; and for a strategy session to discuss the sale of real property, water rights, or water shares previously noticed for sale. The motion was seconded by Commissioner Ellertson and carried with the following vote:

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

13. 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 and Work Session 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

- 14. 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 and Work Session 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 and the meeting recessed at 9:26 A.M. to go into closed meetings. The public meeting reconvened at 10:12 A.M.

Commissioner Graves made the motion to adjourn the January 5, 2016 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 10:12 A.M. The minutes of the January 5, 2016 Commission meeting were approved as transcribed on February 9, 2016.

LARRY A. ELLERTSON, Commission Chair

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ATTEST:

BRYAN E. THOMPSON
Utah County Clerk/Auditor

