

THE BOARD OF COMMISSIONERS OF UTAH COUNTY, UTAH
COMMISSION CHAMBERS, ROOM 1400
OF THE UTAH COUNTY ADMINISTRATION BUILDING
Tuesday, February 2, 2016 at 9:00 A.M.

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

ALSO PRESENT:

Gary Ratcliffe, Utah County Surveyor	Richard Roach, Spanish Fork Resident
Kim Jackson, Utah County Treasurer	Tyrone A., Jacobs Eng.
Jeff Smith, Utah County Recorder	Suzanne Livingston, no further information
Kris Pouslon, Utah County Assessor	Pauline Harterger, no further information
Richard Nielson, Utah County Public Works Director	Brian Hey, no further information
Lana Jensen, Utah County Personnel Director	Darrren N., no further information
Ralph Clegg, Health Dept. Executive Director	Peggy Kelsy, no further information
Andrea Allen, Utah County Recorder's Office	Matt Higley, no further information
Christy Long, Utah County ADDAPT	Ernie John, American Fork resident
Richard Nance, Utah County ADDAPT	Chris Ream, Orem resident
Rebecca Martell, Children's Justice Center	Katie England, <u>Daily Herald</u>
Linnea Fletcher, Utah County Health Dept.	Karen McCoy, no further information
Jeanne Gomm, Utah County Arts Board	Peter Schory, Snowbird
Steve Mickelson, Utah County Health Dept.	Rusty Johnson, no further information
Vicky Westergard, Utah County Clerk/Auditor Dept.	Mark Allen, PPAFC
Michelle Araujo, Utah County Commission Office	Dave Fields, Snowbird
Jim Stevens, Utah County Assessor's Office	Chris Dexter, no further information
Josh Ivie, Utah County Community Development	Mike Kipp, no further information
Brandon Larsen, Utah County Community Develop.	Inez Harwood, Utah County Arts Board
Brian Voeks, Utah County Commission Office	Jerel Harwood, Orem Resident
Tyler Plewe, Utah County Health Department	Aislynn Tolman-Hill, Utah County Health Dept.
Bryce Larsen, Utah County Health Department	Colby Rollins, no further information
Bruce Murray, Utah County Health Department	Jason Stowen, no further information
Bryce Armstrong, Utah County Community Develop.	Paul Jones, Utah County Attorney's Office
Mike Forshee, Utah County Sheriff's Office	Mike Stansfield, Fairways Media
Darlene Higgins, Utah County Sheriff's Office	Reneé Huggins-Caron, Clerk/Auditor Adm. Asst.

Commissioner Ellertson called the meeting to order at 9:00 A.M. and welcomed those present. The following matters were addressed:

PRAYER/READING/THOUGHT: Jeanne Gomm
PLEDGE OF ALLEGIANCE: Lana Jensen

CONSENT AGENDA

- 1. RATIFY THE SIGNATURE OF THE COMMISSION CHAIR ON THE MEMORANDUM OF UNDERSTANDING BETWEEN THE UTAH COUNTY CHILDREN’S JUSTICE CENTER AND THE CENTER FOR WOMEN AND CHILDREN IN CRISIS**

The Board requested that Consent Agenda Item No. 1 be moved to the Regular Agenda for discussion.
PULLED TO REGULAR

- 1. APPROVE (OR DENY) COLLETTE CHRISTENSEN SUBDIVISION, PLAT “A,” SUBJECT TO THE CONDITIONS IN THE STAFF REPORT**
- 2. AUTHORIZE THE UTAH COUNTY CLERK TO SIGN A QUIT-CLAIM DEED TO PAYSON BUSINESS CENTER, LLC FOR A PORTION OF THE OLD ALIGNMENT OF 4600 WEST IN THE PAYSON AREA**
- 3. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN THE RIGHT-A-WAY FROM THE US BUREAU OF LAND MANAGEMENT, SERIAL NUMBER UTU-91092 FOR THE KNOLLS SOUTH ROAD**
- 4. APPROVE TAX CREDITS AND REFUNDS RECOMMENDED BY THE COUNTY ASSESSOR’S OFFICE IN CANCELLATION AND CORRECTION LETTER NO. 60336, DATED JANUARY 28, 2016**
- 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 TAX ACCOUNTS ATTACHED FOR THE YEARS INDICATED, HAVING BEEN IDENTIFIED AS UNCOLLECTIBLE; THERE ARE NO ASSETS AVAILABLE**
- 7. APPROVE PROPERTY TAX ACTIONS CONTAINED IN RECOMMENDATION LETTER NO. 2016-4**
- 8. ADOPT A RESOLUTION APPROVING VOLUNTEERS WHO WISH TO DONATE THEIR SERVICES TO THE CHILDREN’S JUSTICE CENTER AND THE UTAH COUNTY DEPARTMENT OF DRUG AND ALCOHOL PREVENTION AND TREATMENT**
- 9. RATIFICATIONS OF WARRANT REGISTER SUMMARY FOR JANUARY 26, 2016 (CONTINUED FROM THE JANUARY 26, 2016 COMMISSION MEETING)**

The Board requested that Consent Agenda Item No. 10 be moved to the Regular Agenda for discussion.
PULLED TO REGULAR

- 10. RATIFICATION OF WARRANT REGISTER SUMMARY FOR FEBRUARY 2, 2016**

Consent Agenda Item Nos. 2 through 9, and 11 were approved as written. Commissioner Ellertson recommended the following Regular Agenda Items be moved to Consent:

2. **APPROVE THE MINUTES OF THE DECEMBER 22, 2015 COMMISSION MEETING**
7. **ADOPT (OR DENY) AN ORDINANCE TO AMEND SECTION 3-11 OF THE UTAH COUNTY LAND USE ORDINANCE RELATED TO REQUIREMENTS FOR FRONTAGE ON AN APPROVE COUNTY CLASS “B” ROAD FOR DWELLINGS OR OTHER OCCUPIED FACILITES**
8. **ADOPT (OR DENY) AN ORDINANCE TO AMEND THE UTAH COUNTY LAND USE ORDINANCE, SECTION 1-6, DEALING WITH NONCOMPLYING AGRICULTURAL BUILDINGS**
9. **ADOPT (OR DENY) AN ORDINANCE TO AMEND THE UTAH COUNTY LAND USE ORDINANCE, SECTION 6-3, DEALING WITH THE REQUIREMENTS FOR PLANNED SUBDIVISIONS**
11. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN THE PESTICIDE USE PROPOSAL YEAR 2016 AGREEMENT WITH THE UTAH RECLAMATION MITIGATION AND CONSERVATION COMMISSION FOR ADULT MOSQUITO SPRAYING WITHIN THE GOSHEN UNIT OF THE UTAH LAKE WETLAND PRESERVE BETWEEN JUNE – SEPTEMBER 2016**
12. **APPROVE AND AUTHORIZE AN AMENDMENT TO TOBACCO AGREEMENT NO. 2015-504 WITH THE UTAH DEPARTMENT OF HEALTH TO EXTEND FUNDING FOR OPERATION VAPEFRONT OBSERVATIONAL SURVEYS**
14. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT WITH THE HOUSE OF HOPE FOR CLIENTS WHO ARE PARTICIPATING IN THE ACCESS TO RECOVERY FEDERAL III GRANT**
15. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT WITH JUAN CHAVEZ DMD PC DBA PLATINUM DENTAL CARE FOR CLIENTS PARTICIPATING IN THE ACCESS TO RECOVERY FEDERAL III GRANT**
16. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT WITH PROVO CITY SCHOOL DISTRICT FOR CLIENTS PARTICIPATING IN THE ACCESS TO RECOVERY FEDERAL III GRANT**
18. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN CHANGE ORDER NO. 3 TO AGREEMENT NO. 2015-703 WITH EIDIKOS LLC FOR THE JAIL SHOWER RENOVATION PROJECT**
21. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN A LABOR AGREEMENT WITH THE UTAH DEPARTMENT OF TRANSPORTATION (UDOT)**

22. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT WITH THE UTAH VALLEY CONVENTION AND VISITORS BUREAU, INC TO PROVIDE FUNDING FROM TRT AND TRC FUNDS
23. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO EXECUTE THE DECISION RELATING TO THE CONSTITUTIONAL TAKINGS REVIEW APPLICATION SUBMITTED BY RICHARD B. AND KRISTEE A ROACH FOR PROPERTY LOCATED AT 1010 WEST 5950 SOUTH, UTAH COUNTY, UTAH
24. APPROVE AND AUTHORIZE COMMISSION CHAIR TO EXECUTE A STIPULATION OF SETTLEMENT AND JOINT MOTION FOR APPROVAL WITH COMCAST OF UTAH AND THE UTAH STATE TAX COMMISSION RELATED TO 2014 PROPERTY TAXES
25. APPROVE AND AUTHORIZE COMMISSION CHAIR TO EXECUTE A SETTLEMENT AGREEMENT BETWEEN J. KEVIN BIRD, IN HIS CAPACITY AS TRUSTEE IN THE CHAPTER 7 BANKRUPTCY CASE OF ROBERT A. PATCH, THE DEBTOR, AND UTAH COUNTY
26. ADOPT A RESOLUTION APPOINTING DAYTON CHILSON AS A UTAH COUNTY BAIL COMMISSIONER

ACTIONS TAKEN

Consent Agenda Item No. 2, 5, 6, and 8 were approved; No. 3 was authorized; No. 4 was approved and authorized; No. 7 was abated; No. 9 was adopted; and No. 11 was ratified. Regular Agenda Item No. 2 was approved; Nos. 7, 8, 9 and 26 were adopted; Nos. 11, 12, 14 through 16, 18 22, 24 and 25 were approved and authorized; No. 21 was continued; and No. 23 was approved, adopted and authorized.

AGREEMENT NOS.: 2016-98, 2016-99, 2016-100, 2016-101, 2016-102, 2016-103, 2016-104, 2016-105, 2016-106, 2016-107, 2016-108, 2016-109, 2016-110, 2016-111, 2016-112, 2016-113, 2016-114, 2016-115

RESOLUTION NOS.: 2016-13, 2016-14

ORDINANCE NOS.: 2016-2, 2016-3, 2016-4

REGULAR AGENDA

(PULLED FROM CONSENT)

1. RATIFY THE SIGNATURE OF THE COMMISSION CHAIR ON THE MEMORANDUM OF UNDERSTANDING BETWEEN THE UTAH COUNTY CHILDREN’S JUSTICE CENTER AND THE CENTER FOR WOMEN AND CHILDREN IN CRISIS

Commissioner Ellertson asked, “There was a comment relative to the Family Justice Center and the signature for that being on the agreement, correct?” Carl Hollan interpreted it as a Memorandum of

Understanding (MOU) that the CJC needed to enter into in order to apply for a grant. He explained that due to late receipt of the form, the signature page had a signature line for the Family Justice Center which is not a legal entity. He requested that in ratifying the signature on behalf of the CJC, they strike the signature line for the Family Justice Center. Commissioner Ellertson asked Rebecca Martell to comment on the importance of having the Family Justice Center within the Children’s Justice Center. Rebecca explained the importance of having the Family Justice Center mentioned on the MOU because it is a separate program within the Children’s Justice Center. Carl explained the concern on signing for an entity that does not exist. Commissioner Ellertson asked Rebecca, “...is it sufficiently described within the documents that are going for the grant or do we need to do something on the signature that recognizes the Family Justice Center? I don’t know if it is a dba or what.” Rebecca answered it was adequately described within the document that it is a program. Commissioner Ellertson said, “So, we can remove that from the signature page.”

Commissioner Lee made the motion to ratify the signature of the commission chair on the Memorandum of Understanding as stated in 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

10. RATIFICATION OF WARRANT REGISTER SUMMARY FOR JANUARY 26, 2016 (CONTINUED FROM THE JANUARY 26, 2016 COMMISSION MEETING)

Commissioner Lee explained, “This item was held last week for further discussion. Paul had some information. There were some questions on the warrant registry and the summary.” Paul Jones summarized Commissioner Lee’s questions last week on if he ratified the summary when he still had questions on a couple of items. He explained the options. The only register was that the only register Commissioner Lee had questions on was Register No. 86. That register could be pulled out and move the rest to consent. A vote could then be taken on Register No. 86. He continued saying it could also be continued a week to try and resolve the questions. Commissioner Ellertson said, “Part of the discussion we had dealt with the fact that if someone questions those expenditures, as to whether the register actually is approved or not for those expenditures. I have learned that those payments are actually held.” Bryan Thompson commented they are held for a period of time. The understanding was they had been operating under an agreement on the previous commission as far as holding the payments if anyone of the three questioned something. The idea is we should probably just re-address that and see what this commission would like to do moving forward. The one concern that is raised is the fact once two of the commissioners approve it; there is no way that we legally can hold that check for very long.

Commissioner Ellertson said, “The curtesy we extended to one another in the last go-round was that if we had a question by any of us, that we feel the question ought to be resolved in a timely manner before we move that particular expenditure forward. The assumption I had been operating under was that is the way it had been happening. The key is getting a timely resolve to it.” Commissioner Lee added, “There could be, we even talked about, a double track for something that there is a question on in which it gets pulled off and goes on a slower track. But, eventually it is going to have to get there because if two commissioners say yes to it, it has to go through. It is not that one commissioner can

stop that process if the two commissioners are on there. That is important to note. My concern in this is that the question mark I put in there I never received any notification or any answers to it. Usually when you put a question mark you automatically get some sort of 'what is going on'. That usually comes fairly quick. It never happened. I never had an opportunity. Now we get down to this point. Unfortunately, I would have rather taken care of these questions previous so we could go through it and get into it. Now we are at a point where we are looking at this and I put it on consent then it trumps the previous question that I had with it. Because there were three on there I am questioning. They had to deal with food and meals. They are simple questions, I think. Two of them (are) in which county employees go out for meals. There is one they tie them back to one of our policies/ordinances. 2.7 which says, 'Meetings, other: A department head or an employee with a department head approval attending a meeting related to his or her duties or responsibilities may be reimbursed for meal expenses not to exceed the amount specified above in "Authorized Amounts" if the meeting occurs outside of Utah County, and (of course the and ties them together) and the meeting or necessary travel occurs during the regular meal period and the meeting does not provide for an employee's meal without expenses to the employee.' That was tagged for justification for two of them. One of them was for 40 something dollars. The other one was for \$70 for three people. I question that. I question when we are tagging it according to certain of our policies in which we are not following. The second one had to deal with taking "volunteers" out for \$125 lunch. The justification on that one was 2.10. It says: 'If members of the community volunteer to serve Utah County in any capacity, the department utilizing those volunteers may provide an annual appreciation luncheon.' Well, I guess you could kind of justify that. But in our county, we have four categories for volunteers if you look it up. These volunteers, as far as I know, never went through the process. We usually look at the volunteers and then we say okay, you are approved to be a volunteer. So, it doesn't match up with what I am seeing. But, the questions I am seeing. The question mark I put in there was never brought forward. I never had an opportunity to put this out there. So, it is inappropriate. I would rather, again, deal with these things on the back end instead of in a Commission Meeting. I think that we could probably see what is going on with them and deal with them there. It is unfortunate that we have to go through this process. This process now gets us to where we are questioning our Warrant Summary. I am glad we brought it up because I have had questions in the past I thought were going through and they were holding as I was questioning that purchase. Now, because we probably put it on Consent, it has been trumped. So, I am concerned about that for the future. "

Commissioner Ellertson stated, "Thank you. I think the situation on these, at least one of the questions that you had Bryan and the notations that are in the system at this point in time indicate that you have been able to get those receipts – the detailed receipts that you were questioning." Bryan Thompson answered to the specific issues yes. Commissioner Ellertson continued saying, "The other side of this is, these payments are on the P-Card for these luncheons, are they?" Bryan answered in the affirmative. Commissioner Ellertson added, "Which means, they have already been paid. So, I think the issue is the discussion of the item is probably something we can have outside of this meeting. But, I think the fact is the payments are already approved. So, as far as the Warrant Register goes, we probably ought to proceed to approve that. Then, have the discussion if we need to have for the discussion on individual purchases outside the meeting." Bryan commented, "Based on the questions that came up last week and in continuance of the conversation we are having today, we actually had met with Danene who is involved with the Accounts Payable, Paul and myself, last week. We started looking at different things.

We would like to move forward just with proposing something to present to you as a commission that I feel will actually answer the concerns by all of you. It is a combination of doing things statutorily, correct and coming up with standard operating procedure protocol that you as a commission would like so everybody's issues are addressed." Commissioner Ellertson stated, "That's all fine. I guess the point here is that we can go ahead and take action; however you choose to vote on the action. We could proceed to take action on it." Commissioner Lee said, "There is the ability to split it because the majority of the summary here, I am fine with." Commissioner Ellertson added, "Even if we move to do it, we can split it. But then we can take a vote on both pieces of that to see if it passes, then it passes and we go on recognizing your opinion on whichever way you decide to vote on it." Commissioner Lee replied, "So, if we split it, I am fine with splitting it, taking that one out, voting on that one separately." Paul then explained he understood they were all in Register No. 86. Commissioner Ellertson said, "That was my understanding also." Commissioner Graves suggested, "Well, why don't we do it like we did in the budget and the employee raise and just note rather than have 2 votes." Commissioner Lee added, "I am fine as long as it is noted that I have questions that have not been resolved on that; that's fine." Commissioner Ellertson said, "I think as part of that motion whomever makes that it would be with the understanding that the questioned on 86 will be pursued and get the answer to." Commissioner Lee stated, "So, if I vote in the affirmative for the whole thing, does it still even with a note...I am just wondering how that, Dave..." Dave Shawcroft answered, "Well, if you want to clarify you are not in favor of that point, it would be better to separate them out and have two votes." Commissioner Lee commented, "Why don't we just separate them out. It makes it cleaner than to speculate on it." Commissioner Ellertson replied, "I think it can work either way. Let's see if we can get a motion on it."

Commissioner Lee made the motion to ratify the Warrant Summary excluding the No. 86 registry to be approved. Due to a lack of a second, Commissioner Ellertson seconded the motion and carried with the following vote:

**AYE: Larry A. Ellertson
William C. Lee
NAY: None
NO VOTE: Greg Graves**

Commissioner Graves made the motion to approve Register NO. 86 as contained in the same Warrant Registry. The motion was seconded by Commissioner Lee and carried with the following vote:

**AYE: Larry A. Ellertson
Greg Graves
NAY: William C. Lee**

REGULAR AGENDA

1. RECOGNITION OF THE UTAH COUNTY EMPLOYEE OF THE MONTH FOR FEBRUARY 2, 2016

Steve Mickelson, Utah County Health Department Nursing Director, was recognized as the Utah County Employee of the Month for February, 2016.

3. ADOPT AN ORDINANCE AMENDING SUBSECTION 2-8-6 OF THE UTAH COUNTY CODE RELATING TO ADMINISTRATION (CONTINUED FROM THE JANUARY 12, 19, AND 26, 2016 COMMISSION MEETINGS)

Commissioner Lee commented, "Thank you, Commissioner Ellertson for going through this. As we have worked through this issue, I think all of the suggestions you put in there, coupled with the ones I have in there, look well. There is one in there that I am going to read through our version of it. The last one that has Commissioner Ellertson's suggestions and mine says: 'Any commissioner who receives a request for a dignitary function on behalf of the County shall forward their request to the other commissioners within a reasonable time and a reasonable manner. The chair is generally the appropriate representative for dignitary functions. Any commissioner who receives a press inquiry involving County business shall notify the other commissioners of the nature of the request and of the general substance of the response to the inquiry within a reasonable time and in a reasonable manner. If the Board of Utah County Commissioners has not officially adopted a position regarding an issue and individual commissioner is prohibited from representing or applying what the position of Utah County is regarding any such issue.'" To make sure they were all on the same copy, Commissioner Graves asked if there were any changes from "C" on. Commissioner Lee answered yes. He continued saying, "The changes were one put in from last week. 'An individual commissioner cannot bind Utah County to any position, obligation or liability without the prior express authorization of the Board of County Commissioners. Press releases generated by one or more commissioners stating or inferring a position of Utah County regarding any issue must be approved by official action of the Board of Utah County Commissioners prior to release. A commissioner may not utilize County employees or County resources for furtherance of the commissioner's proposals involving County business unless authorized by the majority of the Board of Utah County Commissioners. However request for existing departmental information and utilization of the County's Office to assist in drafting proposals and legislation is permissible. An individual commissioner is prohibited from waiving or modifying any policy or procedure or fee established by the Board of the Utah County Commissioners. Any such waiver or modification must be approved by official action of the Board of Utah County Commissioners.' There have been some little modifications. The only one that IS in there that is of concern to me is that No.' B' it says, "Any commissioner who receives a press inquiry involving county business shall notify the other commissioners of the nature of the request and the general substance of the response to the inquiry within a reasonable time [which I am fine with] and in a reasonable manner' which is not defined. Reasonable to one and reasonable to the other could be a shout down the hall or a mention to one of the assistants. I think that if we put 'a reasonable manner', we should define what that reasonable manner is. I suggested last week that (response) be in email form." Commissioner Ellertson stated, "I am not in favor of that. Sometimes it is not convenient to do that." Mark Allen asked to make a public comment to which Commissioner Graves said, "Not yet." Commissioner Lee continued, "The only reason why is that if it is going to be left up to just pure subjective thought process on that. Then, in essence we should just strike "B" out because year, although we had this in written form, I truly tried to follow this manner. I did not see it followed by others. That is the reason why I brought this up in the since, maybe we should just strike this if we are not going to follow it. I think this language goes back into that same thing happening." Commissioner Graves added, "My problem also is with the electronic as well. In the couple I received, I did either call you specifically like on the shooting range or on the Mountain Accord issue. I spoke to you both. So, my concern with it isn't that as much as within reasonable time. As you know, like the recent request I submitted to you both via email, I let you know before, right after

any of the questions. So again letting us know even electronically two days after or 72 hours after I already read my name in the paper. Who cares? That to me, defeats the whole purpose anyway. I believe in the intent of this is to let each of us know, as I stated in my email, you could potentially get an email so here is what I said. My other question on this is 'S' where it says: 'A commissioner may not utilize county employees...' I think if we are going to review this, we need to further define that to specifically state not our own assistants because that defeats the purpose. Technically, they are an employed employee/member of the County and would be working on some of our proposals hypothetically." To this Commissioner Lee replied, "Oh, that's true. So, I think that is reasonable that we could exclude them from that being that they do work on our proposals. They do a lot of things for us. So, they could be thrown as well. If you would like to put that in there, I'd be fine with that." Commissioner Ellertson commented, "Well, it talks in the next sentence, it attempts to address that." Commissioner Lee said, "It says County Attorney's Office..." Commissioner Ellertson added, "We could include it there." Commissioner Graves said, "I know we all understand that, but as long as we are redrafting..." Commissioner Ellertson commented, "You could just say utilization of County Attorney's office or Commission Staff if that is what you wanted to say." Commissioner Lee reiterated, "Again, I don't think it is saying that the nature of the request. Most of the times, the request comes to us from the press on the spur of the moment. They come to us after a meeting. There is no way we can give a heads up that this is going to come. So, when we are talking about the general substance and response, it has to be after. If we are doing it beforehand, then all we are doing is talking about the issues that are at hand and not the response of what actually took place or the general response to the inquiry. So, I don't see the need to not have it in a reasonable manner, being in an email function. Because then we have it. Otherwise it is just subjunctive. I don't see any reason to have 'B' in there if we don't have it somehow." Commissioner Ellertson brought up, "Well, it's talking about a different type of action than 'A' is." To this Commissioner Lee asked: "In what way?" Commissioner Ellertson answered, "Well, the one says for a request for a dignitary function. The other one talks about an inquiry." Commissioner Lee explained, "I know, so one is before and one is after." Commissioner Ellertson replied: "I am just saying they are two different issues." Commissioner Lee added, "Well, one is dealing with the press and one is dealing with a request. So, the dealing with the press is related to what has happened in the general substance of it after." Commissioner Ellertson rebutted, "Not always, though." Commissioner Lee continued, "Well, not always. But, this is saying the nature of the request. I guess you could say there was a request beforehand to visit with you next week and go over an issue. But for the most part as I have seen it, the press has either approached me on the phone or after a meeting. For the most part, I see it as an 'after' general substance and response to the inquiry." Commissioner Ellertson added, "And I recognize that it comes that way, but there are also times when you can control when you talk to them. You know, by setting up an appointment or something of that nature with them. So, again, it is more timely just to make comment to you. I think the important thing is in my view, that what we are trying to do is inform. I don't want to get caught up in form over substance." To this Commissioner Graves added, "Yea, like the other day when we were all sitting there and Larry let us know 'Hey, I just got this phone call.' I don't need you to go down to your office at that point and send me an email in that case. I agree. I think the intent here is to make sure we are responding whether that is via phone text, email, or if we all three together in person. I believe that what it means by reasonable manner. Because if we are all sitting there, it is pointless for me to say I am not talking to you, hold on, I have to write you an email first." Commissioner Lee explained, "Again, we had this last year. It was dysfunctional." Commissioner Ellertson countered, "We recognize that. And I would contend that there

weren't as many inquiries made on some of us as there were for others. So, the thought that there were many of these made on my part was not a correct assumption. There just weren't a whole lot of times when I did it. There may have been a few. So, the general comment I made up front on this when it came to us was let's comply with it instead of change it. So that is what we are striving to do." Commissioner Graves added, "Plus, I have exception with the post after, for example, you did a debate on BRT on KSL Radio. I found out 3 weeks before that from Mayor Curtis you were doing that. I got an email from you the day after. So, we don't always, I mean, that's why to me in those instances it would be nice to know ahead of time. That's why 'reasonable time', I think, works because in that case you can send it before. In the other cases, like you are speaking, yea, you can in no way for you to do that. You get a call right after commission meeting, there is no way to email something before something may hit. I agree. I think that is what reasonable time means." Commissioner Lee said, "Again, I am not a 'Press Prophet'. I can't tell what Doug is going to ask me until after I have been on the radio. There is no way that I can tell you what the nature is of the request or anything that was said on the request until after I have been through the interview. It is just impossible." Commissioner Graves interjected, "Well, nor do I think we expect that from you." Commissioner Ellertson added, "We necessarily need to know stuff you don't know. The idea is that there is going to be an interview or is going to be some interaction with it. If you know the general subject, that is all we are asking for. This is something that is between us. This is something is the way we work with one another." Commissioner Graves suggested, "So, then we could take out general substance off the response and the general substance of the inquiry." Commissioner Ellertson said: "Inquiry and/or response if known...we are not wanting to make things up." Commissioner Graves stated, "I am okay with it as is, with the change in 'F'." Dave Shawcroft suggested adding on the last sentence: "however caller requests for existing departmental information, use of County Commission staff, and utilization of the County Attorney's Office to assist in proposing proposals and legislation, is permissible." He added changing "is" to "are permissible". When asked by Commissioner Ellertson if that was permissible, Commissioner Lee said: "I don't know." Commissioner Graves commented, "I am okay with that." Commissioner Ellertson asked if further discussion was needed on this item. Commissioner Lee asked if they were going to take any public comment on this item. Commissioner Graves answered, "Sure". Commissioner Ellertson said, "I guess we can. Please keep in mind that is something that has to do with our relationship with one another."

Mark Allen, Protecting and Preserving American Fork Canyon, spoke about making 40 GRAMA requests recently. He said the commissioners are obligated to their constituents to let them see how they operate and to leave electronic trails for those constituents. He asked them to take that in consideration.

Commissioner Ellertson said, "I think it is important for everyone to understand based on that comment that we do live in a republic form of government. We are elected to represent you. That doesn't mean that we need to tell you every single thought and thing that we do, I don't believe. I would hope not, because, therefore, it would stifle our actually getting some work done. So, we will consider that as we go on." Commissioner Graves added, "I would also contend that our press inquiry, if resulting in a story, leaves a record in and of itself." Commissioner Ellertson said, "It does."

Commissioner Graves made the motion to adopt the ordinance with the change to Item F as stipulated by Mr. Shawcroft. The motion was seconded by Commissioner Lee and carried with the following vote:

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

Commissioner Lee repeated that he thought paragraph “B” is too weak.

4. ADOPT A RESOLUTION REGARDING SNOWBIRD SKI AND SUMMER RESORT PROPERTY LOCATED IN AMERICAN FORK CANYON (CONTINUED FROM THE JANUARY 26, 2016 COMMISSION MEETING)

Commissioner Ellertson described Item No. 4 as, “Move forward with a resolution that we have addressed for the last couple of weeks. Based on our discussion from last week, there were some suggestions made. We have a redraft of that resolution reaffirming the need to protect property rights and so forth. That redraft was based upon the conversations we had, I believe.” Commissioner Lee explained, “So, we have two different versions that are presented. There is one that I think everyone that wanted a copy has a copy of it from last week. We have another version here that I received last night about 5:00 and a little more information on it this morning.” Commissioner Ellertson asked, “Were there changes to the other one from the prior week?” Commissioner Lee answered, “From the prior week there were suggested changes during the Commission Meeting. This is my concern, as I look at these, I don’t...This is my concern, when I the original one went out... there were a lot of people that had copies of it. It was vetted through for a weekend at least. There are up to 5 different cities that have resolutions. Water Districts are here in the audience in which they expressed to me some of their concerns. Many citizens and at least one commissioner, myself being that commissioner, who tried to find collaboration with others in getting this looked at from both sides to get a resolution that was somewhat reflective of Utah County and the needs that we have. Of course, we went through it last week and the suggestion was to put it off one week and see if we can work on it to find a resolution that takes Snowbird out of the mix.” Commissioner Ellertson added, “Specifically, but we deal with the issues.” Commissioner Lee replied, “Right. Again, I received this, and I don’t think anybody, except for a handful of people have this resolution. So, we’ve got one that has multiple groups and stakeholders involved in it, trying to look at it and work down through it. This one here was given to me last night. There was no working, except for today, that we are going to look at it. The only ones that are looking at are probably 3 to 4 people that are up here.” Commissioner Ellertson asked, “Do you want to continue it one week?” Commissioner Lee answered, “We can’t continue it one week. It’s problematic...” Commissioner Ellertson commented, “You are tying it to the action, I think, you are attempting to tie it to the action of the Board of Adjustments.” Commissioner Lee stated, “Let’s look at that for a second because there are a couple of ways that you kill something or put it off or do something with it. One of them is to attack it on face value and work at it. You look at it in the sense of what do you mean by private property rights? What do you mean by the protecting the health safety and well-being? We talk about that and work it back and forth. Or about public access? And you attack it on the face value and say that is not what we want. We want to actually put a vote on that. But, I would hope that all three of us as commissioners value those. In valuing those, there has to be another way. So, if you don’t like it or if you don’t want to do it because it has the attachment for CE-1 property specific in which there is an issue that we are dealing with. Every CE-1 property that comes before the

Board of Adjustments has to be looked at on the merits of itself. Not in the context of every CE-1 property around the whole entire county.” Commissioner Graves added, “Based on the ordinances in our county. “ Commissioner Lee continued saying, “Exactly. So, as we are going through this process, that is the reason why the Board of Adjustments has the ability to say, ‘Well, we are going to give conditions on this.’ A piece of property at the top of the mountains or a piece of property in the flatlands, whatever the case may be, they are different. Then, you have the environmental impacts that are up there, too. That is the reason why it comes the Board of Commissioners so they can look at it. They can appropriately go through it. If you can’t attack it on the face value of what it is, then you usually try to kill it through process or procedure and find some way to say, ‘Let’s just get this off. I don’t really want to talk about this. I believe in the principles that it is putting forward. But, I don’t like it on some other basis.’ Then, what we get is a watered down version of generals. That is what I see this as – a watered down version. Do I agree? I agree with what is stated in here. Just like I agreed with what is stated in there. It does not go specific to what the issue is at hand and what the resolution is trying to accomplish. That is actually saying as a Board of Commissioners this is who we are, this is where we stand. It also reflects on a specific piece of property that is under consideration.” Commissioner Graves addressed, “So, I guess my question is ‘Why do apply to the Commission? Why do we have a Board of Adjustments?’ If we are going to interfere with the processes, why don’t we change the ordinances and bring it all here. Let’s adopt the resolutions. I mean, are we going to now pass resolutions for all of our ordinances because we can change the ordinance. We can have that discussion in amending it. So, my problem is interfering with part of the process, respecting the rule of law, respecting the ordinances as they are. I think it is very inadequate for us to take this resolution under advisement considering the Board of Adjustment deferred it. In their wise judgement, based on what I have heard, is they continued it for a month to reserve the right to look at water and some of these issues that we are talking about. Having served on the Board of Adjustment, it is entirely in their process that they can continue it again if they still don’t have the answers they need. Why would we interject ourselves in a process that isn’t before us that there are already ordinances on protecting and we have staff that is working with us to go through that process with them to make sure all of those safeguards are followed? I guess that is my question.” Commissioner Lee responded, “Yea, and that is exactly one of the attacks. You don’t want to attack it on the face value; go on the process or procedure. Because resolutions are often put forward and are put forward to express the current commission’s opinion based on what is happening today and what can be done for the future. Again, if I can go back, this is just not a one issue with the County Commissioners. We have got multiple cities that are involved in this thing, too. Water Districts that raising the concern as well. In essence, if you want to call it voicing their opinion into the Board of Adjustments. I don’t see it unreasonable that we as Commissioners actually stand up and say, ‘You know what, this is where we are at this issue.’ And again, if we are going to look at the face value of the resolution itself, tell me again there specifically, what you don’t like. What part of it don’t you like? You don’t like the private property issues?” Commissioner Graves answered, “I don’t like any of it because again as I stated, the application is legal. The acquisition of land was legal. The ordinance protects it. And on its face value, I support Snowbird in that application. If I were voting on the Board of Adjustment, I would approve it, plain and simple. On the face value, I see nothing to deny it. So, why would I interject and have a resolution of which I believe people here are going to twist and take it to them to try and interfere and muddy up the procedures? Now, until somebody shows me something that would change that opinion, some facts, some water, things like that, but I think it is awfully disingenuous for people to come and give public comment about

water when they are one of the principles of the people who came to Snowbird a decade ago and asked them to help expand use of American Fork Canyon. Now, they come and cry foul. So, that is my problem. Now all of a sudden, because a few people are aware of this issue, we want to change the rules. We did this for Sundance. I don't know why we wouldn't do this for Snowbird as long as all the conditions based on the ordinance for Utah County code are met. And until I can see reason that they are not, you are right, I stand opposed to the resolution as I stated last week. I see this as a ploy, as in your own words, to attack the process or because on face value you don't like it." To this Commissioner Lee replied, "Well, I wonder if you'd agree with this comment that says, 'I am 100% committed to protecting American Fork Canyon and making sure that we protect everyone's right to use the canyon. We want to engage in a process with our citizens where together we can create the best solutions for what we would like our beautiful canyon to be in the future. I will not make up my mind on this matter until we have finished this public process with our citizens.'" Commissioner Graves agreed, "Yes, that is what I said. But that is not this application. That is in expanding the use of the canyon. That is not the property that was already acquired, not the property that is already there. That is to talk about the transportation, the dangerous issues we have for the bikers, the hikers and everybody that goes up American Fork Canyon. That is to talk about protecting the Tibble Fork Reservoir and all the camping areas, and making sure that we protect that. That is exactly what it is. It is not that we are going to tell every property owner what they can do with their land.' Commissioner Lee started saying, "No, I think it was..." Commissioner Graves continued, "I made the statement. Don't tell me what you think. That was my statement. I am telling you what my statement was." Commissioner Lee added, "I am just saying that a public process in which we go through was kind of the agreement I..." Commissioner Graves interjected, "This was a public process. They made an application; they are going through it. The concerns are being heard. Board of Adjustments is public process. This is indeed a step along that process." Commissioner Lee responded, "But along the whole way, most of the time, we talked about we were going to have town hall meetings here; we were going to bring the public in. That was the gentleman's agreement in talking with not just the "opposers", but also with Snowbird and others was that we were going to go through a process and be inclusive, which I think this resolution that I put forward is. Looking at cities and trying to put forth resolutions as well, water boards, citizens, we are trying to be more inclusive than seeing if we can just see if we can get this slipped through somehow on a procedural basis. That's the problem I have when this gets put forward to us at 5:00 last night. There is no collaboration in this. There is not talk about this. It is just 'Here it is'." Commissioner Ellertson replied, "I don't believe there is anything in here we did not discuss and get a nod or at least felt like there was agreement on last time. There is nothing in here that I didn't think we didn't have some type of consent on in terms of moving forward in the manner that is in the revision." Commissioner Lee commented, "Yea, seriously, when I read down there is not, it talks about that the general concepts that are out there. There are only a few words in here that bother me. But, nevertheless, for the most part, when I look at this I can say yea, this is a pretty watered down version." Commissioner Ellertson replied, "It is watered down in the sense that it doesn't specify a given situation. But, it basically readdresses the issue from a broad perspective which is what we are obligated to do. We are not attempting, and I don't view that it is our role to interfere with the Board of Adjustment's process. That process is working. They are going to meet again. It's an open process that is open to the public. For us to interfere with that process, I believe is not about what we are doing. Now, I don't know that you are suggesting we are interfering. But, I think this communicates the same thing the other one does. It just

applies more generally and more broadly to all situations under our land-use ordinance and the general plan. That was the intent I thought of what we were intending to move forward from last week on.”

Commissioner Lee stated, “Well, I did take this to staff as well. The resolution that I put forward wasn’t just outside of the county. I asked their opinion on it. I received back that in some cases, they thought that the Board of Adjustment would actually I appreciate something like this. Because it actually gives them some cover, if you want to call it, on some of the things we are trying go through. So, that was conversation that was had within the County as well. So, I know some say it is interfering with the Board of Adjustments. I think it is clarifying a position from the Commissioners which I don’t see anything in here for, in essence, the general broad things that are in here that would interfere with the Board of Adjustments except for, the only difference, we are specifically looking at one piece of property and making a resolution to it where this one here doesn’t. It is a broader look.” Commissioner Ellertson added, “In my opinion is that doesn’t appear to be the best way to govern. So, I don’t think there is anything in either of these that are not in our general plan ordinance already which addresses the issues that are in either one of these proposed resolutions. Hence the Board of Adjustments I think has the direction from us. The concern was that was done some time ago maybe by a prior commission. So, we discussed last time about reaffirming, which is what this draft does, in a general way reaffirms those values and those things to them. I think they are pretty smart people and I think they get what we are attempting to do there.”

Commissioner Graves commented, “My other issue is we talked about how staff saw the resolution. Well, I am pretty sure staff saw the application, spent several hours working on it(many, many hours as several might not be good enough). If we are going to invoke staff, I am pretty sure the application before the Board of Adjustments had a staff recommendation for approval based on the ordinance. So, we have got to paint the whole picture. We can’t interject our self for one aspect of the political process. Because on its face, there is nothing and again, the Board of Adjustments continued it to review the water to make sure because that is one of the stipulations of which they could deny it. And so they are taking that under review. I believe that is what they are doing. The reason, I also don’t think we should give them anything is because-meaning the Board of Adjustments- the Board of Adjustments is also our board that hears the appeals for decisions we make. And so there needs to be a separation between the two of us. When we start interfering with them and vice versa, I think it muddies the waters because there already is a process. And again, if we are not happy with the ordinance and the way it is, I am very open to having suggestions on what changes are in the best interest in the county.”

Commissioner Ellertson said, “I think two of the comments that was made relative to others adopting resolutions, I appreciate the fact they have got some valid concerns. Water is the primary concern. I think the Board of Adjustments has addressed that to some degree in the sense they are saying we need to continue this and get some additional information. So, it tells me that they are hearing that and that they know that is their duty and obligation already. So, I think that we have communicated and either one of these communicates it as well. I am just opposed to not being in a general sense of what we are about doing. It applies to the specifics of any case that they are dealing with and not just one. That is the purpose I have in reaffirming it is so that the next one comes up they also know what we are talking about.”

Commissioner Graves added, “I am not opposed to the language in the draft that you have, Larry - Commissioner Ellertson - my concern is just passing resolutions based on ordinances we have. Because again in a few months, if we have the gentleman from American Fork Haunted Forrest come back because it is on County property, are we going to pass a resolution saying we are in support of your free right to building scary houses? I mean, are we going to have resolutions for things that are already on the books. I just believe it is a little redundant, in my words only, a waste of time.”

Commissioner Lee replied, “I know where I am at on this. So, nevertheless, I would like to...well, are we going to have public comment? Then I will make a motion.” Commissioner Ellertson explained, “This is not a public meeting. We had public comment on it last week.” To this Commissioner Lee said, “I thought our policy was that every time we had public comment.” Commissioner Ellertson stated, “It is. What I am suggesting is, is there something new that we haven’t heard?” Commissioner Lee answered, “Maybe. We won’t know unless we ask.” Commissioner Ellertson replied, “Well, I am just are we through? You are inviting public comment. Are we through discussing for the time being?” Commissioner Graves questioned, “Because after public comment, we need an action, right?” Commissioner Ellertson asked also, “Is anyone ready for action on this?” To this Commissioner Lee said, “I would like to hear the public and then make a motion.” Commissioner stated, “If there is public comment that we haven’t already heard and that we don’t know and understand, we would welcome that. But just to regurgitate and resay the same thing we have heard already isn’t something that we need necessarily.”

Mark Allen, Preserve and Protect American Fork Canyon, stated his dissatisfaction in having to ask the Board to do something to protect the canyon from a specific known threat. He asked for a resolution to protect the canyon.

Karen McCoy spoke on reading commission meeting minutes. She commended Commissioner Lee for his efforts. She stressed wanting the environment and the water to be taken care of. She suggested if the ordinance needs to be changed, to change it.

Colby Rollins, Utah County resident and Snowbird Board member, explained he appreciate the open process that Snowbird has gone through for years. He stated it would be inappropriate to change property rights because you don’t agree with their opinion. He quoted the purpose for the Board of Adjustments as the land-use authority.

Commissioner Lee made a motion to approve the regular resolution regarding Snowbird Ski & Resort property located in American Fork Canyon with the modifications talked about last week. The motion died for a lack of a second.

Commissioner Graves made the motion to strike No. 4 from the agenda as resolutions are not required due to ordinances. Commissioner Ellertson said if no action is taken on it, it is not necessary. Commissioner Graves withdrew his motion.

Commissioner Ellertson said, “I am more than willing to pass a resolution which reaffirms and (which if you chose to use the word) strengthens our commitment to the issues and principles that are in existing

land-use ordinance which I feel are appropriate for us to do and applies to all situations including the present one. I am good with that and that's what I said a week ago. I will reaffirm I am good with that this week as well. But, I think it is inappropriate that we get in the middle of what the Board of Adjustments is doing. That is my own feeling; my purpose in spite of what some may say and may think - I am all for protecting American Fork Canyon. But, I am also all for protecting the rights of people. When we begin to trample on those, I am concerned about it. It appears to me that is part of what the intent is. There have been studies, there's been looks at, there's been demonstrated performance on the part of Snowbird in terms of what they have done, their commitment to this, and that the Board of Adjustments is considering that and will consider that, I believe is well within the existing purview that they have. I think it is their decision and I am reluctant to legislate in a sense anything that interferes with the proper exercise of those issues. And that would be true regardless what side of the issue someone is on. There may come a time when someone is on the other side of an issue and they may appreciate some of the actions we are taking or not taking today."

Commissioner Lee asked, "Specifically in the resolution that I put forward, you said there is trampling upon or overstepping. Part of the language in the language its self; what part of the language do you view that as *trampling upon*?" To this Commissioner Ellertson answered, "When we begin to deal specifically with a given situation rather than looking at it broadly, I think we are beginning to get into the issue of attempting to interfere with the Board of Adjustment's process as a commission. I don't view that as being appropriate." Commissioner Lee then asked, "Other than that, what is in the resolution that you are disagreeable to? Who has read this?" Commissioner Graves stated, "Again, he offered you to continue it for a week." Commissioner Ellertson added, "It basically says the same thing. You've admitted to it. You've read it." Commissioner Lee said, "I've read it." Commissioner Ellertson commented, "We are the ones taking action on it. We are the ones that need to read it. We are supposed to represent the people based on what we've researched and what we believe is the right thing to do. We don't have to take a public vote on everything. We are obligated to represent the people that we are elected by." Commissioner Lee replied, "Right." Commissioner Ellertson continued, "That's what we ought to do. We need to have the backbone to stand up and represent the people." Commissioner Lee stated, "That's exactly what I am talking about." Commissioner Graves added, "There are people that support this as well." Commissioner Ellertson agreed, "There are. The voices that we are hearing here today are not the only voices. I respect them for being here. I do hear those voices. But, I tell you there are others who would appreciate and who have talked with me about this as well. They do have differing opinions." Commissioner Lee said, "So on this resolution that Commissioner Ellertson, you are putting forward, there is one word in here, since most people haven't had a chance to read it, it says 'It's the desire of Utah County citizens' in Utah County, this is a stated goal, 'it is the desire of Utah County citizens and the Utah County legislative body and the Utah County Planning Commission to have a pleasant and progressive county.' The word progressive has a lot of different meanings." Commissioner Ellertson said, "I am not changing that. That is in the existing general plan." Commissioner Lee said, "I know. I realize that. But, anyway, in our political realm that we live in, 'the world, that *progressive county* is an interesting one that is put in there] in which people can live and work without sacrificing the traditional rule of atmosphere inherent in the unincorporated areas of the county while protecting the quality of life in the incorporated municipalities and respecting the rights of private property owners.' I am generally fine with that whole statement; the progressive is the one that throws me for a loop. But, that's one that is in here and since most of the people haven't had an

opportunity to read down through it, I mean, it is pretty heavy on private property rights. [I'm] All for it. I think that is great. It does, like I said, it does talk about generally everything that I have in the other resolution except for it's kind of a watered down version when it comes to specifics."

Commissioner Graves added at this point, "Mr. Chair, with a due respect, we had a motion that fell. If you said no action moves this along, I would like move it along. So, again I'll make a motion to strike or reject all resolutions as stated in No. 4 if we can move along because we have business that needs to be attended to that is actually our responsibility and not the Board of Adjustments."

Commissioner Ellertson said, "If we are not going to have a motion and a second, we do need to move along on the agenda." Commissioner Lee commented, "I don't think there was a second to that motion." Commissioner Ellertson replied, "There wasn't. So, what I am saying is there is no action taken on No. 4." Commissioner Lee said, "Actually the motion he put forward was to strike it. There was no second on that." Commissioner Ellertson stated, "Correct. We are not taking any action." Commissioner Lee asked, "You don't even want to put this resolution on?" Commissioner Ellertson answered, "I would like to."

Commissioner Lee then said, "Well, I will at least, I would like to move that we put this resolution forward to be considered."

Commissioner Ellertson commented, "The one that we are talking about is..." Commissioner Lee added, "...is yours." Commissioner Ellertson countered, "It is not mine. It is the redraft that I was involved in redrafting based on our conversation last week. So that is the one we are talking about?" Commissioner Lee answered, "Right." Commissioner Ellertson continued, "And you are making a motion that we..." to this Commissioner Lee said, "I think we should do something." Commissioner Graves added, "I think we should abstain from all resolutions, because we cannot sit here and talk about interfering with the process and then pass a resolution however vague because the intent is there." Commissioner Ellertson said, "We have a motion to adopt the resolution which basically reaffirms our position relative to our general plan and the property rights and values that we have. Is there a second? I am alright with doing this. I will second the motion." Commissioner Lee noted, "I would. I know this is a quote from the general plan, but I would just like to note that I am not comfortable with the word *progressive*."

Commissioner Ellertson seconded the motion to approve the resolution and carried with the following vote:

**AYE: Larry A. Ellertson
William C. Lee
NAY: Greg Graves**

RESOLUTION NO.: 2016-15

- 5. APPROVE OR DENY A LATE VETERAN ABATEMENT APPLICATION FOR NICHOLAS LOPEZ, SERIAL NO. 07:108:0011, 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 for the applicant as stated in Item No. 5 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. The motion was seconded by Commissioner Lee and carried with the following vote:

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

6. ADD ONE FULL-TIME CAREER SERVICE COOK POSITION (JOB CLASS 8011, ACCOUNT NUMBER 620-42620) TO THE STAFFING PLAN OF THE SUPPORT SERVICES DIVISION OF THE SHERIFF’S OFFICE

Commissioner Ellertson to Lana Jensen, “I think the only question we want to do is to confirm we did in fact have, is it in the budget and we are moving forward with that?” Commissioner Lee stated, “I think that was in the Sheriff’s budget.” Lana answered that was right.

Commissioner Lee made the motion to add one full-time career service cook to the position as stated in Item No. 6. The motion was seconded by Commissioner Graves and carried with the following vote:

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

10. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN MODIFICATION NO. 3 TO PEST MONITORING AND CONTROL SERVICES AGREEMENT NO. 2015-122 WITH THE UTAH RECLAMATION MITIGATION AND CONSERVATION COMMISSION

Commissioner Ellertson said, “The question has to do, I think, with making sure we have got the budget. There was a question about needing a \$2500 transfer.” Bryan Thompson answered there wasn’t a line item specific to that. Ralph Clegg explained when the budget was developed they didn’t know this would be extended for another year. He said they would handle that within procedures. Commissioner Ellertson said, “So, we have assurance that the money will be transferred to make us whole on this. The Auditor even trusts the department to do it.”

Commissioner Graves made the motion to approve and authorize the item stated in No. 10. 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.: 2016-116

13. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT WITH PANDORA (RADIO) FOR ADVERTISING THE WIC PROGRAM; THE AD WILL TARGET POTENTIAL WIC PARTICIPANTS AGED 18-39 YEARS IN 10 ZIP CODES IN UTAH COUNTY, RESULTING IN 35,739 LISTENER INTERACTIONS

Commissioner Ellertson explained he didn't see a document to sign for this item. Ralph Clegg commented how page two it lists "Media Partner" which they are. Commissioner Graves also stated he couldn't see the document either. He asked, "Has legal reviewed it?" Ralph explained this is a new way to try to reach people who might be eligible for WIC. He described how the State failed trying to reach people by advertising in theaters before movies are shown. He added this fee is only \$250 to advertise on Pandora. They think this may be the way to reach the right audience.

Commissioner Graves made the motion to approve and authorize the item as stated in 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.: 2016-117

17. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN CHANGE ORDER NO. 2 TO AGREEMENT NO. 2015-703 WITH EIDIKOS LLC FOR THE JAIL SHOWER RENOVATION PROJECT

Richard Nielson explained Change Order No. 1 was for the pilot area where they wanted to try the shower remodel of the jail. They found some areas with grout damage behind the tile. Change Order No. 2 is the remaining ones where the grout bed behind the tile was damaged. The extra cost is to repair that damage. Change Order No. 3 is for additional labor and additional mobilization because they had to come in several times in order to accommodate the prisoners. Commissioner Graves asked, "We are now at three change orders. Are you still comfortable with the budgeted amount?" Richard answered they were still slightly under budgeted amount was.

Commissioner Lee made the motion to approve and authorize the Commission Chair to sign the Change Order No. 2 as stated in Item No. 17. 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.: 2016-118

19. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO ACCEPT THE COMPLETION OF THE IMPROVEMENTS AND COMMENCE THE ONE YEAR WARRANTY PERIOD FOR THE JOLLEY RANCH PLAT 'A' SUBDIVISION

Commissioner Graves made the motion to approve and authorize the item stated in No. 19. 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.: 2016-119

20. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN THE COOPERATIVE AGREEMENT BETWEEN THE STATE OF UTAH, DIVISION OF PARKS AND RECREATION, JUAB COUNTY, AND UTAH COUNTY FOR THE PURCHASE AND INSTALLATION OF TREAD MATERIAL AND SIGNS ON SECTIONS OF COUNTY OWNED ROADS USED AS PART OF THE CHIEF TINTIC TRAIL SYSTEM

Richard Nielson explained this is a cooperative agreement with the State of Utah, Division of Parks and Recreation, Juab County and Utah County to provide material from state parks to the Counties in order to do some work on roadways out in the Eureka area in the area known as the Chief Tintic Trail System. This is an ATV access system that ties in to the larger Prospector Trail System. These are roads north of Highway 6 in the Eureka area. He continued explaining which canyons and roads that would be affected. Commissioner Ellertson asked, "So, Richard, the money being used for this is coming from a state grant coming from Parks. " Richard answered it was for gravel and culverts on these roads which are all existing County *B and D* roads. Commissioner Ellertson ask, "Do we need to do anything relative to any ordinance we many have relative to allowing ATVs on *B and D* roads?" Paul Jones answered he would check. Richard added if we did we would need to do it also for the Prospector Roads.

Commissioner Graves made the motion to approve the Item as stated in No. 20. 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. : 2016-120

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

29. 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

30. 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. 29 and 30 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 shares; and 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 Lee and carried with the following vote:

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

- 27. 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 THIS REGULAR AGENDA AND WORK SESSION AGENDA ITEMS) (ANNOUNCE THE VOTE OF EACH COMMISSIONER)**

Commissioner Graves made the motion to 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 to follow the Regular Agenda and Work Session Items today in Room 1400 of the County Administration Building. The motion was seconded by Commissioner Lee and carried with the following vote:

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

SET

- 28. 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 a motion to approve and 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 Items today in Room 1400 of the County Administration Building. The motion was seconded by Commissioner Lee and carried with the following vote:

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

SET

WORK SESSION

- 1. INTRODUCTION OF NEW BOARD MEMBERS OF THE UTAH COUNTY ARTS BOARD**

Jeanne Gomm explained there is a new presidency of the Utah County Art Board. She thanked the commissioners for their help while she was president of the Arts Board. She introduced Inez Harwood, the Vice-President, Jo Flores, President, and Marilyn Hayes, Secretary. Inez explained there is a new heritage show opening this Friday on the "Tabernacle to the Temple". She explained local artists were

invited to create images of the temple. She also invited someone from the Commission to come in July to come and give out awards to children that aspire to be artists.

PUBLIC COMMENT

THERE WAS NO PUBLIC COMMENT.

This concluded discussion of all scheduled agenda items, and the meeting recessed at 10:44 A.M. to go into closed sessions. The public meeting reconvened at 11:32 A.M.

Commissioner Graves made the motion to adjourn the February 2, 2016 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 or public comment, the meeting adjourned at 11:34 A.M. The minutes of the February 2, 2016 Commission Meeting were approved on April 12, 2016.

LARRY A. ELLERTSON, Commission Chair

ATTEST:

**BRYAN E. THOMPSON
Utah County Clerk/Auditor**

Copies available on the Utah County website at www.utahcounty.gov
Recorded by Reneé Huggins-Caron, Clerk Administrative Assistant
Transcribed by Vicky Westergard, Tax Administration Clerk