

THE BOARD OF COMMISSIONERS OF UTAH COUNTY, UTAH
COMMISSION CHAMBERS, ROOM 1400
OF THE UTAH COUNTY ADMINISTRATION BUILDING
Tuesday May 10, 2016 at 9:00 AM

Commissioner Ellertson called the meeting to order at 9:00 AM

PRAYER/READING/THOUGHT: Tim Torkildson read the prayer into the record:
O Lord, we ask thee on this day
To send good sense our humble way
Help those who govern to decide
With wisdom and a lack of pride.
And may those who do testify
Tell only truth and never lie
If any here become headstrong,
Keep them, Lord, from being long
We thank thee for our magistrates
Who struggle as our advocates.
Give them a skin as hard as steel
So with complaints they calmly deal.
And finally we give our thanks
for blessings in their varied ranks.
Please keep us from dissension's flame
We humbly ask in God's Great Name. AMEN

PLEDGE OF ALLEGIANCE: Lana Jensen

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

ALSO PRESENT:

Bryan Thompson, Utah County Clerk/Auditor
David Shawcroft, Utah County Atty Div. Chief
Jeff Buhman, Utah County Attorney
Tim Torkildson, The Provo Poet
Michelle Araujo, Commission
Lisa K, Nielson, Commission
Kim Jackson, Utah County Treasurer
Burt Garfield, Assessor's Office
Peggy Kelsey, Community Development
Bryce Armstrong, Community Development
Dalene Higgins, Utah County Sheriff's Office
Richard Nielson, Utah County Public Works
Josh Ivie, Community Development
Eric Edwards, Health Department

Brian Voeks, Commission
Paul Jones, Utah County Deputy Attorney
Andrea Allen, Utah County Recorder's Office
Mike Stansfield, Fairways Media
Dianne Orcutt, Utah County Deputy Attorney
Lana Jensen, Personnel Director
Patty Cross, Utah County Health Department
Gary Ratcliff, Utah County Surveyor
Steve Mickelson, Health Department
Susanne Livingston, Health Department
James O. Tracy, Utah County Sheriff
Mike Forshee, Utah County Sheriff's Office
Linda Strickland, Deputy Clerk/Auditor

CONSENT AGENDA

1. ADOPT A RESOLUTION APPROVING VOLUNTEERS WHO WISH TO DONATE THEIR SERVICES TO UTAH COUNTY
Resolution No. 2016-34

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2. APPROVAL OF THE CHECK WARRANT REGISTER FOR MAY 10, 2016

Commissioner Ellertson said he would like someone in the Clerk/Auditor's Office to talk with them about the way things move through the warrant registers. He said he needs to better understand that. He said he had no problem approving the warrant registers that were presented. Commissioner Lee said on No. 2 Register 664, Purchase Order No. 4472, if he could just put down that he declined instead of approved. Commissioner Ellertson expressed the belief that they would hold that check in the attempt to resolve that issue. Bryan Thompson said the checks go before the Board, then that's when you look at it. When the Commission approves them by at least two Commissioners, it goes on the warrant registers and it appears on the agenda. Commissioner Ellertson said at that point if it shows a denied status, someone is supposed to try to work out the detail of what the concern was. Mr. Thompson agreed, saying they worked with that. Commissioner Lee said they have worked down through that, he just wants to make sure that the warrant registry reflects his denial. Commissioner Ellertson confirmed Commissioner Lee has worked down through the register and still has a problem with that, is that correct? Commissioner Lee replied in the affirmative.

Commissioner Ellertson recommended moving the following Regular Agenda Items to Consent;

1. APPROVAL OF THE MINUTES OF THE APRIL 26, 2016 BOARD OF COMMISSION MEETING
2. APPROVAL OF THE MINUTES OF THE MAY 3, 2016 BOARD OF COMMISSION MEETING

Commissioner Ellertson he just had some "commissioned" to commissioner" changes and a few other very minor changes in verbiage and/or adding a word here and there. Commissioner Lee agreed, saying he made a change from "world" to "would" in the May 3, 2016 minutes. The Board said they were okay to approve the minutes with those changes.

Commissioner Ellertson recommended moving the following Regular Agenda items to Consent as follows:

3. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN A LETTER CANCELING THE MAINTENANCE AGREEMENT ON A CANON IR3300 COPY MACHINE, S.N. MHP40489, THE COPY MACHINE WAS DECLARED SURPLUS AND REPLACED IN JANUARY 2016
7. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AMENDMENT TO AGREEMENT 2015-102 WITH THE UTAH DEPARTMENT OF HEALTH FOR UPDATED ASTHMA SERVICES
9. APPROVE AND AUTHORIZE AN AGREEMENT WITH JFM HANGARS, LLC, FOR THE PURCHASE OF A HANGAR AT THE SPANISH FORK AIRPORT
10. ADOPT A RESOLUTION OF APPOINTMENT OF DUAINÉ DORTON TO THE ADMINISTRATIVE CONTROL BOARD OF THE NORTH FORK SPECIAL SERVICE DISTRICT
11. APPROVE THE NOTICE OF CANCELLATION OF MEETINGS OF THE BOARD OF COUNTY COMMISSIONERS OF UTAH COUNTY, UTAH, FOR TUESDAY, JULY 19, 2016 AND TUESDAY, JULY 26, 2016

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12. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO EXECUTE AN AGREEMENT BETWEEN UTAH COUNTY AND ALPINE CITY FOR A UTAH COUNTY ACTIVITIES GRANT FOR A TOURISM AND RECREATION DEVELOPMENT PROJECT
13. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO EXECUTE AN AGREEMENT BETWEEN UTAH COUNTY AND AMERICAN FORK CITY FOR A UTAH COUNTY ACTIVITIES GRANT FOR A TOURISM AND RECREATION DEVELOPMENT PROJECT
14. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO EXECUTE AN AGREEMENT BETWEEN UTAH COUNTY AND THE TOWN CEDAR FORT FOR A UTAH COUNTY ACTIVITIES GRANT FOR A TOURISM AND RECREATION DEVELOPMENT PROJECT
15. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO EXECUTE AN AGREEMENT BETWEEN UTAH COUNTY AND THE CITY OF CEDAR HILLS FOR A UTAH COUNTY ACTIVITIES GRANT FOR A TOURISM AND RECREATION DEVELOPMENT PROJECT
16. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO EXECUTE AN AGREEMENT BETWEEN UTAH COUNTY AND EAGLE MOUNTAIN CITY FOR A UTAH COUNTY ACTIVITIES GRANT FOR A TOURISM AND RECREATION DEVELOPMENT PROJECT
17. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO EXECUTE AN AGREEMENT BETWEEN UTAH COUNTY AND THE CITY OF ELK RIDGE FOR A UTAH COUNTY ACTIVITIES GRANT FOR A TOURISM AND RECREATION DEVELOPMENT PROJECT
18. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO EXECUTE AN AGREEMENT BETWEEN UTAH COUNTY AND THE TOWN OF FAIRFIELD FOR A UTAH COUNTY ACTIVITIES GRANT FOR A TOURISM AND RECREATION DEVELOPMENT PROJECT
19. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO EXECUTE AN AGREEMENT BETWEEN UTAH COUNTY AND THE TOWN OF GENOLA FOR A UTAH COUNTY ACTIVITIES GRANT FOR A TOURISM AND RECREATION DEVELOPMENT PROJECT
20. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO EXECUTE AN AGREEMENT BETWEEN UTAH COUNTY AND THE TOWN OF GOSHEN FOR A UTAH COUNTY ACTIVITIES GRANT FOR A TOURISM AND RECREATION DEVELOPMENT PROJECT
21. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO EXECUTE AN AGREEMENT BETWEEN UTAH COUNTY AND HIGHLAND CITY FOR A UTAH COUNTY ACTIVITIES GRANT FOR A TOURISM AND RECREATION DEVELOPMENT PROJECT
22. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO EXECUTE AN AGREEMENT BETWEEN UTAH COUNTY AND LEHI CITY FOR A UTAH COUNTY ACTIVITIES GRANT FOR A TOURISM AND RECREATION DEVELOPMENT PROJECT
23. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO EXECUTE AN AGREEMENT BETWEEN UTAH COUNTY AND LINDON CITY FOR A UTAH COUNTY ACTIVITIES GRANT FOR A TOURISM AND RECREATION DEVELOPMENT PROJECT

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24. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO EXECUTE AN AGREEMENT BETWEEN UTAH COUNTY AND MAPLETON CITY FOR A UTAH COUNTY ACTIVITIES GRANT FOR A TOURISM AND RECREATION DEVELOPMENT PROJECT
25. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO EXECUTE AN AGREEMENT BETWEEN UTAH COUNTY AND OREM CITY FOR A UTAH COUNTY ACTIVITIES GRANT FOR A TOURISM AND RECREATION DEVELOPMENT PROJECT
26. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO EXECUTE AN AGREEMENT BETWEEN UTAH COUNTY AND PAYSON CITY FOR A UTAH COUNTY ACTIVITIES GRANT FOR A TOURISM AND RECREATION DEVELOPMENT PROJECT
27. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO EXECUTE AN AGREEMENT BETWEEN UTAH COUNTY AND PLEASANT GROVE CITY FOR A UTAH COUNTY ACTIVITIES GRANT FOR A TOURISM AND RECREATION DEVELOPMENT PROJECT
28. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO EXECUTE AN AGREEMENT BETWEEN UTAH COUNTY AND PROVO CITY FOR A UTAH COUNTY ACTIVITIES GRANT FOR A TOURISM AND RECREATION DEVELOPMENT PROJECT
29. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO EXECUTE AN AGREEMENT BETWEEN UTAH COUNTY AND SALEM CITY FOR A UTAH COUNTY ACTIVITIES GRANT FOR A TOURISM AND RECREATION DEVELOPMENT PROJECT
30. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO EXECUTE AN AGREEMENT BETWEEN UTAH COUNTY AND SANTAQUIN CITY FOR A UTAH COUNTY ACTIVITIES GRANT FOR A TOURISM AND RECREATION DEVELOPMENT PROJECT
31. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO EXECUTE AN AGREEMENT BETWEEN UTAH COUNTY AND SARATOGA SPRINGS FOR A UTAH COUNTY ACTIVITIES GRANT FOR A TOURISM AND RECREATION DEVELOPMENT PROJECT
32. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO EXECUTE AN AGREEMENT BETWEEN UTAH COUNTY AND SPRINGVILLE CITY FOR A UTAH COUNTY ACTIVITIES GRANT FOR A TOURISM AND RECREATION DEVELOPMENT PROJECT
33. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO EXECUTE AN AGREEMENT BETWEEN UTAH COUNTY AND SPANISH FORK CITY FOR A UTAH COUNTY ACTIVITIES GRANT FOR A TOURISM AND RECREATION DEVELOPMENT PROJECT
34. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO EXECUTE AN AGREEMENT BETWEEN UTAH COUNTY AND WOODLAND HILLS CITY FOR A UTAH COUNTY ACTIVITIES GRANT FOR A TOURISM AND RECREATION DEVELOPMENT PROJECT

Commissioner Ellertson noted there were 23 grants and there are 24 cities in Utah County. The one not listed is Vineyard and that city has requested that they carry this grant over to the next year which is in accordance with the county policy.

Commissioner Lee gave a shout out to Lisa, Dianne and Terri on this. They have done a fantastic job in getting these. It's been a remarkably different experience this year than it was last year, AND he just wanted to give them a "well done". Commissioner Ellertson said this is echoed by all of the Commissioners..

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Consent Agenda Item Nos. 1 and 2; and Regular Agenda Item Nos. 1, 2, 3, 7, 9, 10, 11, 12, 13, 14,15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, and 34, moved to Consent were unanimously adopted, approved, and authorized.

Resolution Nos. 2016-34 and 2016-35

Agreement Nos. 2016-314A, 2016-315, 2016-316, 2016, 2016-317, 2016-318, 2016-319, 2016-320, 2016-321, 2016-322, 2016-323, 2016-324, 2016-315, 2016-316, 2016-317, 2016-318, 2016-319, 2016-320, 2016-321, 2016-322, 2016-323, 2016-324, 2016-325, 2016-326, 2016-327, 2016-328, 2016-329, 2016- 330, 2016-331, 2016-332, 2016-333, 2016-334, 2016-335, 2016-336, 2016-337, 2016-338 and 2016-339

35. APPROVE PROPERTY TAX ACTIONS CONTAINED IN RECOMMENDATION LETTER 2016-10

Commissioner Ellertson said there are three in this Recommendation Letter that are for payment agreements. He said he is okay with approving those , but he would ask to continue the other four. He and Commissioner Lee were in agreement on this, indicating it was the top four agreements that they would like to continue. Commissioner Graves said it was his understanding we want to continue those that say Tax Sale Parcels, and we're okay with the ones under that, starting with Rasband. Commissioner Ellertson said it was just the opposite of that, so we're approving the payment agreements. Commissioner Graves said we want to approve 2, 3, 4 and we want to continue 1, 5, 6 and 7. We want to continue all those that say "denied" and will approve the rest.

Commissioner Graves made the motion to approve the approvals and continue the denials for one week. The motion was seconded by Commissioner Lee and the motion carried with the following vote:

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

Agreement Nos. 2016-340, 2016-341, 2016-342 and 2016-343

REGULAR AGENDA

4. DESIGNATE PAST DUE ACCOUNTS RECEIVABLE AS UN-COLLECTIBLE, AND APPROVE AND AUTHORIZE THE AMOUNTS TO BE WRITTEN OFF

Commissioner Ellertson said as they have gone through these, they have learned that Everbridge has actually remained on their own provider and he's assuming these two are the ones that we're writing off .. The 2097 and the 915. Do we have names on these? Bryan Thompson said he doesn't remember the names, but it was two cities that were already on their own system. He said we discussed this with Paul Jones in the Attorney's Office. Commissioner Ellertson said he didn't know that Paul is aware of what he's working on in terms of collection on those. So, that's what he's questioning because we've got some payments on the way in to us right now. He's assuming these are not them. Paul Jones said he may not be aware of what Commissioner Ellertson is working on, but the cities are Cedar Hills and Elk Ridge. Commissioner Ellertson said Elk Ridge's payment is in process, so we should hold on that one, if that's what this is. Mr. Thompson said since they weren't aware of what Commissioner Ellertson was working on, he proposed they strike those two Everbridge items and double-check them before bringing them back on, Mr. Thompson agreed.

Commissioner Lee made the motion that they approve and authorize the amounts written, excluding 2 and 3 that deal with Everbridge. The motion was seconded by Commissioner Graves and the motion passed with the following vote:

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

5. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT WITH ALPINE SCHOOL DISTRICT TO PROVIDE SPECIAL EDUCATION SCHOOL NURSES
6. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT WITH ALPINE SCHOOL DISTRICT TO PROVIDE SCHOOL NURSES

Commissioner Ellertson said on the contracts for nurses, it appears the cost for the nurses in the Special Education Program are more than the ones under the regular contract. It's more a curiosity question than anything. He's fine with the agreements. Eric Edwards said he can double-check on these. Commissioner Ellertson asked if these need to be approved today or is there timing issue? Mr. Edwards expressed the belief that there is timing associated with these. Commissioner Ellertson said he would seek a motion approving these two contracts, subject to the confirming of the amounts.

Commissioner Lee made the motion to approve Regular Agenda Item Nos. 5 and 6 and authorize the Commission Chair to sign the agreements, conditioned to confirming that the amounts are correct. The motion was seconded by Commissioner Graves and the motion passed with the following vote

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

Agreement Nos. 2016-344 and 2016-345

8. ADOPT (OR DENY) AN ORDINANCE TO AMEND SECTION 3-29-B-9 OF THE UTAH COUNTY LAND USE ORDINANCE RELATED TO TEMPORARY COMMERCIAL FILMING ON PROPERTY OWNED BY A GOVERNMENTAL AGENCY

Commissioner Lee said as he understands it, we are just trying to streamline the process so their letter coming in becomes their application, and they don't actually have to go through and file the application. Bryce Armstrong agreed an approval letter from a governmental agency will substitute for the application. They are still required to meet all the applicable requirements and the letter indicates what has to be stated. We just run into situations where these temporary filming events are usually a pretty quick turn-around. They come in to them the same day and they already have their letter from the agency, and we want to be able to utilize that so there's no oversight there for the other agency to meet those application requirements. Commissioner Lee confirmed if they meet those requirements, the zoning administrator can just go ahead and give the approval.

Commissioner Graves made the motion to adopt the ordinance to amend the ordinance as stated in Regular Agenda Item No. 8. The motion was seconded by Commissioner Lee and carried with the following vote:

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

Ordinance No. 2016-15

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36. APPROVE AND SET A DATE, TIME AND LOCATION FOR A CLOSED MEETING FOR A STRATEGY SESSION TO DISCUSS THE SALE OR REAL PROPERTY WATER RIGHTS, OR WATER SHARES, PREVIOUSLY PUBLICALLY NOTICED FOR SALE (SUGGESTED FOR TODAY'S DATE, AT THIS LOCATION, FOLLOWING THE COMPLETION OF THE REGULAR AGENDA AND WORK SESSION AGENDA ITEMS)
37. 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)
38. 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)

Commissioner Lee made the motion to strike Agenda Item Nos. 36, 37 and 38 on the Regular Agenda. The motion was seconded by Commissioner Graves and carried with the following vote:

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

39. 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)

Commissioner Lee made the 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 for today, at this location, following the completion of the Regular Agenda and Work Session Agenda Items. The motion was seconded by Commissioner Graves and carried with the following vote:

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

WORK SESSION

NO WORK SESSION ITEMS WERE SUBMITTED

PUBLIC COMMENTS

There were no Public Comments and the meeting recessed at 9:20 AM to go into closed meeting.

The meeting reconvened at 9:50 AM and adjourned at 9:51 AM

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ATTEST:

LARRY A. ELLERTSON, COMMISSION CHAIR

BRYAN E. THOMPSON, CLERK/AUDITOR

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Recorded by Linda Strickland, Deputy Clerk/Auditor