

**BOARD OF COUNTY COMMISSIONERS, UTAH COUNTY, UTAH**  
**MINUTES OF PUBLIC MEETING**  
**COMMISSION CHAMBERS, ROOM 1400**  
**OF THE UTAH COUNTY ADMINISTRATION BUILDING**  
**August 2, 2016 - 9:00 A.M.**

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

**ALSO PRESENT:**

David Shawcroft, Chief Deputy Attorney  
Robert J. Moore, Utah County Deputy Attorney  
Dianne Orcutt, Utah County Deputy Attorney  
Paul Jones, Utah County Deputy Attorney  
Carl Hollan, Utah County Deputy Attorney  
Michelle Araujo, Commission Office  
Lisa K. Nielson, Commission Office  
Brian Voeks, Commission Office  
Bryan E. Thompson, County Clerk/Auditor  
Robert Baxter, Utah County Purchasing Manager  
Burt Harvey, Utah County Tax Admin. Supervisor  
Burt Garfield, Utah County Assessor's Office  
Jim Stevens, Utah County Assessor's Office  
Bryce Armstrong, Community Development  
Ralph Clegg, Health Department Exec. Director  
Kohar Oshier, Health Department WIC Director  
Steve Mickelson, Health Department Nursing Director  
Marianne Christensen, County Health Department  
Patty Cross, Utah County Health Department  
Julie Dey, Utah County Health Department  
Eric Edwards, Utah County Health Department  
Bonnie Hardy, Utah County Health Department  
Andrea Jensen, Utah County Health Department  
Tyler Plewe, Utah County Health Department  
Camille Bone, County Health: Foster Grandparents  
Cara Moody, County Health: Foster Grandparents  
Cheri Tuckett, County Health: Foster Grandparents

Elvia Caldera-Sona, County Health Promotions  
Ashlyn Sedona-Hill, County Health Promotions  
Richard Nance, Drug & Alcohol Prevention & Treatment  
Cammie Taylor, Utah County Personnel Director  
Don Nay, Utah County Public Works Assoc. Director  
Jeff Smith, Utah County Recorder  
Andrea Allen, Utah County Recorder's Office  
James O. Tracy, Utah County Sheriff  
Mike Forshee, Utah County Sheriff's Office  
Dalene Higgins, Utah County Sheriff's Office  
Gary Ratcliffe, Utah County Surveyor  
Kim T. Jackson, Utah County Treasurer  
Dana Barney, Utah County Treasurer's Office  
Jeanne Bowen, Utah County Treasurer's Office  
Anthony Fernlund, Utah County Constable  
Blake Bassett, United States Forest Service  
Kyle Beagley, United States Forest Service  
Tami Conner, United States Forest Service  
Craig Carlisle, Ray Quinney & Nebeker  
Jamie Evans, Evans Grader & Paving  
Mary Ann Wolz, Evans Grader & Paving  
April Valadez, Orem Resident  
Patrick Valadez, Orem Resident  
David Jeffs, -No further information given-  
Randy Spencer, -No further information given-  
Mike Stansfield, Fairways Media  
Renée Caron, Clerk/Auditor Administrative Assistant

Commissioner Ellertson called the meeting to order at 9:02 A.M. and welcomed those present. The following matters were discussed:

**PRAYER/READING/THOUGHT:** Greg Graves, Utah County Commissioner  
**PLEDGE OF ALLEGIANCE:** William C. Lee, Utah County Commissioner

**EMPLOYEE OF THE MONTH**  
*(Track A, 02:10)*

**RECOGNITION OF THE UTAH COUNTY EMPLOYEE OF THE MONTH FOR AUGUST 2016**  
Cheri Lynn Tuckett of the Utah County Health Department was recognized as the August 2016 Employee of the Month.

**CONSENT AGENDA**

*(Track A, 11:13)*

1. **DECLARE ATTACHED LIST OF COMPUTER EQUIPMENT SURPLUS AND ALLOW DISPOSITION BY PUBLIC AUCTION**
2. **DECLARE SPECIFIED COPY MACHINE AS SURPLUS TO BE SOLD VIA PUBLIC AUCTION**
3. **DECLARE SPECIFIED ITEMS AS SURPLUS TO BE DISPOSED OF VIA PUBLIC AUCTION**
4. **DECLARE THE EQUIPMENT AND VEHICLES AS SHOWN ON THE ACCOMPANYING ATTACHMENTS AS SURPLUS AND AUTHORIZE DISPOSITION THROUGH PUBLIC AUCTION AND ALSO AUTHORIZE BRYAN THOMPSON OR HIS DESIGNEE TO SIGN AND RELEASE THE TITLES FOR THE LISTED VEHICLES OR EQUIPMENT**
5. **DECLARE AS SURPLUS A SMITH & WESSON M&P 9, SERIAL NUMBER HPX3129, WITH AN ESTIMATED VALUE OF \$330.00 TO BE PRESENTED TO DEPUTY SHAWNA FORE FOR SERVING THE UTAH COUNTY SHERIFF'S OFFICE AND THE CITIZENS OF UTAH COUNTY**
6. **ADOPT A RESOLUTION AWARDED COUNTY PERSONAL PROPERTY AS A GIFT TO DEPUTY SHAWNA FORE IN RECOGNITION OF HER MERITORIOUS SERVICE TO UTAH COUNTY**
7. **RATIFY THE AGREEMENT WITH TECHNOLOGY INTERNATIONAL FOR THE PURCHASE OF ONE 4,000 LB FORKLIFT AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AND FINALIZE THE AGREEMENT ALLOWING FOR PURCHASE OF THE FORKLIFT**
8. **AUTHORIZE THE UTAH COUNTY CLERK/AUDITOR TO SIGN A QUIT-CLAIM DEED FOR THE AMERICAN FORK CANYON DEBRIS BASIN PROPERTY PER AGREEMENT NO. 2008-86**
9. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN A MEMORANDUM OF UNDERSTANDING WITH THE DIVISION OF FORESTRY FIRE AND STATE LANDS PERTAINING TO INVASIVE SPECIES MITIGATION WORK ON STATE SOVEREIGN LANDS**
10. **APPROVE OR DENY A REQUEST FROM COSTCO FOR AUTHORIZATION TO CONDUCT MARKETING ACTIVITIES IN THE LOBBIES OF THE ADMINISTRATION BUILDING, HEALTH AND JUSTICE BUILDING AND THE PUBLIC WORKS BUILDING ON SEPTEMBER 29, 2016 PURSUANT TO THE REQUIREMENTS OF SECTION 1.6.A OF THE UTAH COUNTY FACILITY POLICY**
11. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO EXECUTE AN AGREEMENT WITH K&H INTEGRATED PRINT SOLUTIONS FOR PRINTING SERVICES RELATED TO THE 2016 PRIMARY AND GENERAL ELECTION, REPLACING AGREEMENT NO. 2016-425 WHICH WAS APPROVED JUNE 14, 2016**
12. **RATIFY AMENDMENT OF INTER-GOVERNMENTAL SERVICE AGREEMENT BETWEEN THE U.S. DEPARTMENT OF HOMELAND SECURITY, U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT OFFICE OF DETENTION AND REMOVAL AND UTAH COUNTY RELATING TO TRANSPORTATION REIMBURSEMENT (REFERENCE AGREEMENT NO. 2010-193)**

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13. **RATIFY AMENDMENT OF INTER-GOVERNMENTAL SERVICE AGREEMENT BETWEEN THE U.S. DEPARTMENT OF HOMELAND SECURITY, U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT OFFICE OF DETENTION AND REMOVAL AND UTAH COUNTY TO CLARIFY HOUSING AND DETENTION REQUIREMENTS (REFERENCE AGREEMENT NO. 2010-193)**
14. **RATIFY AMENDMENT OF INTER-GOVERNMENTAL SERVICE AGREEMENT BETWEEN THE U.S. DEPARTMENT OF HOMELAND SECURITY, U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT OFFICE OF DETENTION AND REMOVAL AND UTAH COUNTY TO EXTEND THE PERIOD OF PERFORMANCE INDEFINITELY (REFERENCE AGREEMENT NO. 2010-193)**
15. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN THE SUPPLEMENTAL LAW ENFORCEMENT CONTRACT WITH SHEPHERDS EGG FARM TO HAVE 1 DEPUTY PROVIDE SECURITY ON PROPERTY 3502 W 6400 S IN SPANISH FORK FROM 9:00 P.M. TO 5:30 A.M. FROM JULY 13, 2016 TO AUGUST 5, 2016**
16. **APPROVE SETTLEMENT AGREEMENT WITH JEFFREY CONANT FOR DAMAGES RESULTING FROM THE DUMP FIRE**  
The Board requested Consent Agenda Item No. 16 be moved to the Regular Agenda for discussion.  
PULLED TO REGULAR
17. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO ACCEPT AN AWARD FROM THE STATE OF UTAH 2016 VOCA VICTIM ASSISTANCE PROGRAM GRANT TO THE UTAH COUNTY ATTORNEY'S OFFICE IN THE AMOUNT OF \$61,298.93**
18. **APPROVE NOTICE OF CANCELLATION OF MEETING OF THE BOARD OF COUNTY COMMISSIONERS OF UTAH COUNTY, UTAH FOR TUESDAY, AUGUST 23, 2016**
19. **ADOPT A RESOLUTION APPROVING VOLUNTEERS WHO WISH TO DONATE THEIR SERVICES TO UTAH COUNTY**
20. **APPROVE REQUESTED EXEMPTIONS ON LIST DATED JULY 27, 2016, APPLIED FOR BY TAXPAYERS, FOR PAYMENT OF TAXES WHERE THE MARKET VALUE OF EQUIPMENT WAS LESS THAN \$10,300 AS PROVIDED BY THE UTAH STATE LEGISLATURE FOR 2016**
21. **APPROVE TAX CREDITS AND REFUNDS RECOMMENDED BY THE COUNTY ASSESSOR'S OFFICE IN CANCELLATION AND CORRECTION LETTER NO. 60343, DATED JULY 28, 2016**
22. **RATIFICATION OF PAYROLL FOR PAY PERIOD 15**
23. **RATIFICATION OF WARRANT REGISTER SUMMARY FOR JULY 19, 2016**
24. **RATIFICATION OF WARRANT REGISTER SUMMARY FOR JULY 26, 2016**
25. **RATIFICATION OF WARRANT REGISTER SUMMARY FOR AUGUST 2, 2016**

Consent Agenda Item Nos. 1 through 15, and 17 through 25, were approved as written. Commissioner Ellertson recommended the following Regular Agenda items be moved to Consent:

1. **APPROVE THE MINUTES OF THE JUNE 14, 2016 COMMISSION MEETING**
4. **ADOPT AN ORDINANCE AMENDING UTAH COUNTY CODE ARTICLE 2-1-4 REGARDING FINANCIAL ADMINISTRATION**

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The commissioners requested Regular Agenda Item No. 4 be continued to the next meeting of the Board.  
CONTINUED TO AUGUST 9, 2016

6. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AMENDMENT TO AGREEMENT NO. 2015-552 WITH NFP (NURSE-FAMILY PARTNERSHIP) TO PROVIDE INFORMATION TO THE STATE FOR THE PROGRAM**
7. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AMENDMENT NO. 2 TO AGREEMENT NO. 2015-579 WITH THE UTAH DEPARTMENT OF HEALTH TO ADD AN ACTIVITY THAT WAS MISSING BUT FUNDED**
9. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT WITH HEMOCUE FOR THE PURCHASE OF MICROCUVETTES TO BE USED FOR BLOOD TESTING**
10. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN THE UTAH DEPARTMENT OF HEALTH AGREEMENT FOR TARGETED CASE MANAGEMENT (TCM) SERVICES**
11. **APPROVE AND AUTHORIZE COMMISSION CHAIR TO SIGN AN AGREEMENT WITH THE NATIONAL ALLIANCE ON MENTAL ILLNESS (NAMI) FOR MENTAL HEALTH PROMOTION AND SUICIDE PREVENTION FOR THE INJURY PREVENTION PROGRAM**
12. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN THE FOSTER GRANDPARENT SOCIAL SERVICES BLOCK GRANT CONTRACT WITH MOUNTAINLAND ASSOCIATION OF GOVERNMENTS**
13. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN THE SENIOR COMPANION SOCIAL SERVICES BLOCK GRANT CONTRACT WITH MOUNTAINLAND ASSOCIATION OF GOVERNMENTS**
14. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN THE TRANSPORTATION SERVICE CONTRACT WITH MOUNTAINLAND ASSOCIATION OF GOVERNMENTS FOR THE FOSTER GRANDPARENT PROGRAM**
15. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN THE TRANSPORTATION SERVICE CONTRACT WITH MOUNTAINLAND ASSOCIATION OF GOVERNMENTS FOR THE SENIOR COMPANION PROGRAM**
16. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT WITH THE STATE OF UTAH DEPARTMENT OF HUMAN SERVICES, DIVISION OF SUBSTANCE ABUSE AND MENTAL HEALTH TO PROVIDE RESIDENTIAL TREATMENT FOR WOMEN**
17. **REVIEW ATTACHED REFUND DOCUMENTATION AND AUTHORIZE DAN GIBSON TO SUBMIT A REQUEST TO GM FOR REIMBURSEMENT OF \$1500 TO THE COUNTY FOR UNIT 701860**
18. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT WITH GSBS PC TO UPDATE THE HISTORIC COURTHOUSE STONE MASTER PLAN**
19. **ADOPT A RESOLUTION APPROVING AND AUTHORIZING THE COMMISSION CHAIR TO SIGN AN INTERLOCAL AGREEMENT WITH PROVO CITY FOR THE LAKEVIEW PARKWAY PROJECT**

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20. **ADOPT A RESOLUTION AUTHORIZING AND RATIFYING THE EXECUTION OF AN INTERLOCAL COOPERATION AGREEMENT BETWEEN UTAH COUNTY, ALPINE CITY, AMERICAN FORK, PLEASANT GROVE, EAGLE MOUNTAIN, SPANISH FORK, SANTAQUIN, SPRINGVILLE, PAYSON, MAPLETON, SALEM, SARATOGA SPRINGS, LINDON, HIGHLAND, CEDAR FORT, CEDAR HILLS, ELK RIDGE, GENOLA, GOSHEN AND VINEYARD RELATING TO THE CONDUCT OF THE CDBG PROGRAM FOR FEDERAL FISCAL YEARS 2017-2019 AND SUCCESSIVE 3 YEAR PERIODS THEREAFTER**
22. **APPROVE AND CERTIFY THE ENVIRONMENTAL REVIEW RECORD FOR THE ALISON NORMAN COMMUNITY DEVELOPMENT BLOCK GRANT PROJECT**
23. **APPROVE AND CERTIFY THE ENVIRONMENTAL REVIEW RECORD FOR THE CEDAR FORT PARK RESTROOM FACILITY COMMUNITY DEVELOPMENT BLOCK GRANT PROJECT**
24. **APPROVE AND CERTIFY THE ENVIRONMENTAL REVIEW RECORD FOR THE HOUSE OF HOPE PLAYGROUND COVER REPLACEMENT COMMUNITY DEVELOPMENT BLOCK GRANT PROJECT**
25. **APPROVE A MOUNTAINLAND ASSOCIATION OF GOVERNMENTS UTAH COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT AWARD UP TO \$25,000.00 TO KIDS WHO COUNT FOR MENTAL HEALTH SERVICES FOR PARENTS OF CHILDREN WITH DISABILITIES**
26. **APPROVE A MOUNTAINLAND ASSOCIATION OF GOVERNMENTS UTAH COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT AWARD UP TO \$20,000.00 TO MOUNTAINLAND ASSOCIATION OF GOVERNMENTS FOR THE CAREPARTNERS PROGRAM**
27. **APPROVE A MOUNTAINLAND ASSOCIATION OF GOVERNMENTS UTAH COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT AWARD UP TO \$150,000.00 TO THE RURAL HOUSING DEVELOPMENT CORPORATION; DBA SELF HELP HOMES FOR THE PAYSON SINGLE FAMILY HOME PARCEL PURCHASE**
28. **APPROVE A MOUNTAINLAND ASSOCIATION OF GOVERNMENTS UTAH COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT AWARD UP TO \$40,000.00 TO SANTAQUIN CITY FOR THE STORM DRAIN MASTER PLAN**
32. **RATIFY A RESOLUTION APPOINTING A PERSON TO SERVE AS DIRECTOR OF THE UTAH COUNTY PERSONNEL DEPARTMENT**
33. **ADOPT A RESOLUTION OF APPOINTMENT OF CAMMIE TAYLOR TO THE UTAH COUNTY ACCIDENT REVIEW BOARD**
34. **ADOPT A RESOLUTION APPOINTING CAMMIE TAYLOR AS A MEMBER OF THE UTAH COUNTY INVESTMENTS COMMITTEE**
35. **ADOPT A RESOLUTION APPOINTING JASON HINDES AS A UTAH COUNTY BAIL COMMISSIONER**
36. **ADOPT A RESOLUTION APPROVING THE APPOINTMENT OF PATRICK VALADEZ AS A DEPUTY COUNTY CONSTABLE**

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**ACTIONS TAKEN**

**Consent Agenda Item Nos. 1 through 15, and 17 through 25, were declared, adopted, ratified, and approved and authorized; No. 16 was tabled for further discussion. Regular Agenda Item Nos. 1, 6, 7, 9 through 20, 22 through 28, and 32 through 36 were approved, authorized, reviewed, adopted, certified, and ratified; No. 4 was continued to the August 9, 2016 meeting of the Board.**

**AGREEMENT NOS.:** 2016-506 through 2016-544

**RESOLUTION NOS.:** 2016-62 through 2016-70

**REGULAR AGENDA**

**(PULLED FROM CONSENT)**

**16. APPROVE SETTLEMENT AGREEMENT WITH JEFFREY CONANT FOR DAMAGES RESULTING FROM THE DUMP FIRE**

*(Track A, 17:00)*

Commissioner Ellertson and Utah County Deputy Attorney Cort Griffin discussed the pro rata split between Utah County and other entities, with Mr. Griffin confirming the county has already been reimbursed. When Mr. Griffin noted Utah County has no interest in the proceeds, Commissioner Lee asked this agreement is needed. It was summarized that the county is a named party; since the reimbursement already occurred, the matter is completed.

**Commissioner Graves made the motion to approve the settlement agreement with Jeffrey Conant for damages resulting from the Dump Fire as outlined in Consent Agenda Item No. 16. 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. 2016-545

**REGULAR AGENDA**

**2. APPROVE THE MINUTES OF THE JUNE 21, 2016 COMMISSION MEETING**

*(Track A, 18:35)*

Commissioners Ellertson and Lee noted that they both have questions regarding the minutes, and suggested continuing the item for one week.

**Commissioner Lee made the motion to continue Regular Agenda Item No. 2 regarding the minutes of the June 21, 2016 Commission meeting for one week to the August 9, 2016 meeting of the Utah County Board of Commissioners. The motion was seconded by Commissioner Graves and carried with the following vote:**

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

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- 3. AUTHORIZE A STAFFING PLAN CHANGE TO UPGRADE ONE VACANT, FULL-TIME CAREER SERVICE CLINICAL THERAPIST II POSITION TO ONE FULL-TIME CAREER SERVICE PROGRAM MANAGER-DDAPT POSITION [UPGRADING POSITION DDAPT 078 FROM JOB 2052 TO JOB 2051]**

*(Track A, 19:46)*

Richard Nance, Director of the Utah County Department of Drug and Alcohol Prevention and Treatment, explained this is a position for the 'OUT' jail program. The current internal policy is that the Program Manager is responsible for facilities. Mr. Nance worked with Merritt Fullmer in the Utah County Personnel Office to work through issues such as qualifications for Program Manager, and associated risks at the jail.

**Commissioner Lee made the motion to authorize the staffing plan change to upgrade on vacant, full-time Career Service Clinical Therapist II position to on full-time Career Service Program Manager-DDAPT position as discussed in Regular Agenda Item No. 3. The motion was seconded by Commissioner Graves and carried with the following vote:**

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

APPROVED

- 5. RATIFY THE SIGNATURE OF THE COMMISSION CHAIR ON THE UTAH COUNTY FAIR BOOTH APPLICATION AND AGREEMENT FOR WIC OUTREACH SPACE**

*(Track A, 21:54)*

Utah County Health Department Executive Director Ralph Clegg explained there will be a trailer at the Utah County Fair to provide information on WIC, and also for nursing mothers to have a cool and comfortable place to nurse their children away from the outside heat.

**Commissioner Graves made the motion to ratify the signature of the Commission Chair on the Utah County Fair Booth application and agreement for WIC Outreach space as specified in Regular Agenda Item No. 5. 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. 2016-546

- 8. APPROVE AND AUTHORIZE COMMISSION CHAIR TO SIGN AMENDMENT NO. 3 TO AGREEMENT NO. 2015-102 WITH THE UTAH DEPARTMENT OF HEALTH FOR UPDATED ASTHMA SERVICES**

*(Track A, 23:47)*

Utah County Health Department Executive Director Ralph Clegg explained this is a renewal of the asthma contract through the State of Utah for one more year, with an accompanying additional \$60,000.00.

**Commissioner Lee made the motion to approve Amendment No. 3 to Agreement No. 2015-102 with the Utah Department of Health for updated asthma services as contained in Regular Agenda Item No. 8. The motion was seconded by Commissioner Graves and carried with the following vote:**

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

AGREEMENT NO. 2016-547

**21. APPROVE THE FINDINGS OF FACT, CONCLUSION OF LAW, AND DECISION REGARDING THE TAX SALE PROTEST FILED BY STEVEN C TURLEY, RELATED TO PARCEL SERIAL NO. 98:110:0151; REFERENCE AGREEMENT NO. 2016-470 (Continued from the July 5 and July 12, 2016 Commission meetings)**

*(Track A, 25:13)*

The Board chose to hold discussion of this item until later in the meeting, at the request of Utah County Deputy Attorney Paul Jones.

**Commissioner Graves made the motion to table discussion of Regular Agenda Item No. 21. The motion was seconded by Commissioner Lee and carried with the following vote:**

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

TABLED FOR FURTHER DISCUSSION

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

**29. APPROVE AN AGREEMENT FOR SPONSORSHIP OF ENVISION UTAH'S 'UTAH COUNTY STRATEGIC AGRICULTURE TOOLBOX'**

*(Track A, 26:25)*

Commissioner Ellertson summarized Envision Utah is entering a collaboration with the agricultural community and Utah County, with a proposed contribution of \$20,000 from the county as one of the stakeholders. Commissioner Ellertson noted a dairy council, nature conservancy, a bank, and several construction companies have also been included to match monetary contributions. Commissioner Lee expressed his concerns; specifically that the money was supposed to be collected before the process started, and also the lack of financial documents for the proposed match from farmers and the Church of Jesus Christ of Latter-Day Saints. Commissioner Lee pointed out that while the Utah Farm Bureau has had input, his understanding was that local farmers and ranchers would be the key to this program, but they have not been included. The dollar amount also seems to be arbitrarily chosen with no supporting evidence for the need. He is not sure what exactly the program will be providing at this point.

*(Track A, 30:12)*

Commissioner Ellertson replied to Commissioner Lee's comments, noting Utah County had been waiting on making payment until the negotiations for the dollar amount were finalized. Commissioner Ellertson stated most of the monies have been collected already, and he recalled stating that the Board would be interested in seeing the individual farmer contributions before making payment but not necessarily making it a requirement of the sponsorship. Commissioner Ellertson talked about the importance of making investments to preserve agriculture, and Commissioner Lee asked, "For the \$20,000, what is the county getting out of this?" Commissioner Ellertson responded, "The intent is to get some specific tools – thoughts and ideas – as to how we move forward preserving agriculture;" Commissioner Lee repeated his question. They discussed dollar amounts and Commissioner Ellertson suggested continuing discussion until more details were made available and Commissioner Lee's questions are answered. Commissioner Lee noted he is in favor of agriculture and having an open dialogue with the farmers and ranchers, but is concerned the agreement is not fitting the criteria originally set by the county.



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**Commissioner Graves made the motion to continue Regular Agenda Item No. 29 regarding the sponsorship of Envision Utah’s ‘Utah County Strategic Agriculture Toolbox’ for one week to the August 9, 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**

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**30. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT WITH THE STATE OF UTAH DEPARTMENT OF AGRICULTURE FOR PREDATOR CONTROL**

*(Track A, 35:10)*

Commissioner Ellertson explained this agreement is for \$5,500 in payments from the State of Utah to Utah County. Utah County Deputy Attorney Carl Hollan clarified that according to information from the Predator Damage Control Fund – PDCF – Utah County contributes \$11,000 total annually, but that amount is matched fifty percent. The \$5,500 is typically raised by a citizen group which pays the money to Utah County, which in turn passes the funds through; no tax funds are actually spent by the county. Utah County Clerk/Auditor Bryan E. Thompson mentioned a purchase order for the total amount, and discussed the process with Commissioner Ellertson and Mr. Hollan.

**Commissioner Lee made the motion to sign an agreement with the State of Utah Department of Agriculture for Predator Control as specified in Regular Agenda Item No. 30. 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. 2016-548

**31. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT WITH RESPONSIBILITY FOUNDATION, INC. FOR PLAQUES**

*(Track A, 38:30)*

Commissioner Ellertson asked for the phrase “Statue of Responsibility” to be included in the wording of the contract, rather than just ‘statue,’ for the sake of clarity. Commissioner Lee confirmed for Commissioner Ellertson that the invoices have been provided by Responsibility Foundation, Inc., and Brian Voeks of the Utah County Commission Office stepped forward. Mr. Voeks commented on the billing of \$3,600 and Commissioner Lee mentioned a misspelling on the plaques. Commissioner Graves said he believes the company is correcting and replacing the misspelled plaques. Utah County Commission Office Administrative Assistants Lisa Nielson and Michelle Araujo commented from the audience, and the Board suggested holding payment until the corrections have been made.

**Commissioner Graves made the motion to strike Regular Agenda Item No. 31 from the calendar. The motion was seconded by Commissioner Lee and carried with the following vote:**

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

STRICKEN

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The Board returned to discussion of previously tabled Regular Agenda Item No. 21 at this point.

*(Track A, 42:54)*

**Commissioner Graves made the motion to reconsider Regular Agenda Item No. 9 for discussion. The motion was seconded by Commissioner Lee and carried with the following vote:**

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

**21. APPROVE THE FINDINGS OF FACT, CONCLUSION OF LAW, AND DECISION REGARDING THE TAX SALE PROTEST FILED BY STEVEN C TURLEY, RELATED TO PARCEL SERIAL NO. 98:110:0151; REFERENCE AGREEMENT NO. 2016-470 (Continued from the July 5 and July 12, 2016 Commission meetings)**

*(Track A, 43:18)*

Utah County Deputy Attorney Paul Jones summarized this item is being reviewed today because there is confusion regarding the current interest for one of the beneficiaries of the parcel. Craig Carlisle introduced himself as the representative for Steven Turley. Mr. Carlisle presented documents to the commissioners that he asked to be considered as protected under the rules of GRAMA (Governmental Records Access Management Act).

Craig Carlisle acknowledged the questions posed during the previous meeting, specifically whether payments made to Four Seas Investment Company were the payoff of a loan or an assignment – the loan would extinguish the debt and interest of the company in the parcel, whereas the assignment would not. Commissioner Graves also asked about the timing of any payment, and Mr. Carlisle reviewed emails between Steven Turley and Four Seas Investment Company representatives ‘the Close brothers.’ Mr. Carlisle declared there is no question that any payment was an assignment, and not a payoff; there has been no reconveyance of the trust deed. He pointed out the assignment is not complete yet, but funds were paid on June 6, 2016.

*(Track A, 48:46)*

Craig Carlisle presented the confidential assignment and indemnification agreement which is still being negotiated, but clarifies that Steven Turley has the right to proceed – along with Hart Holding Company and David Taylor as assignees – in challenging the notice to Four Seas Investments Company issue. Mr. Carlisle mentioned a missing note, reiterating there has been no assignment and no payoff. He talked about a Utah Supreme Court case from 2011, Holladay Towne Center LLC vs. Brown Family Holdings, to illustrate when one party accepts a contract from another, that contract includes all associated rights. Mr. Carlisle maintained the rights would still stand even if the note had been paid and the assignment had been completed, citing other court cases to support his statements.

*(Track A, 55:05)*

David Jeffs came forward to represent Jamie Evans. He acknowledged the documents presented by Craig Carlisle support the claim there was no payoff by Provo Canyon Mining Company, but contended there is still the issue of whether Four Seas had any standing to file a notice of protest. Even though the paperwork has not been completed, since payment occurred on June 6, 2016 and this issue was brought before the Board during the June 28, 2016, Four Seas no longer had significant interest by that time – just the obligation to transfer the promissory note. Mr. Jeffs reviewed the timeline of events, pointing out the name ‘David Taylor’ was not even introduced to the conversation before the previous day. The only ones represented at the hearings have been Steven Turley and Four Seas Investments Company.

*(Track A, 59:58)*

Commissioner Graves summarized the question before the Board: “At the time of the Tax Sale, what was the county’s responsibility?” Four Seas Investment Company still had standing on the property on May 27, 2016. David Jeffs noted that is correct as far as the issue of notice, but his argument is there has not been appropriate representation. Mr. Jeffs reviewed the involved parties that have not appeared before the Board to claim interest in the parcel. Commissioner Graves replied Four Seas is the company being discussed because that is the company the county should have noticed, and Mr. Jeffs agreed, but reiterated the other interested parties should not be entitled to

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protesting. When Commissioner Graves pointed out the Board regularly makes decisions on protests or applications without the filing party present, Mr. Jeffs responded that individuals who do not show up to manifest their desire to have the action overturned should not be entitled to spontaneous action.

*(Track A, 1:03:05)*

Craig Carlisle returned to the stand to support Commissioner Graves' statement that nothing requires physical appearance before the Board in order for a decision to be made; in this case, the evidence has been provided to the commissioners that no assignment has been made and the Board can take action on that information. Mr. Carlisle reiterated his earlier points regarding transfer of privileges, stating "factually, everyone agrees notice was not given (to Four Seas Investment Company)."

*(Track A, 1:04:28)*

Jamie Evans countered there are not enough facts presented to determine whether or not Four Seas Investment Company knew about the Tax Sale; the only information available is what has been stated by Steven Turley. Mr. Evans contended there is no way the county can know at this point if notice was given, even if not by certified mail, since there are other ways to provide notice – such as the newspaper publication. Mr. Evans said the only way to find out the facts would be to ratify the sale. Mr. Evans reviewed what he considers the facts thus far: there was a sale, he gave \$420,000, the taxes had not been paid on the property for 1,632 days, and Steven Turley has not been transparent to the commissioners.

*(Track A, 1:06:22)*

Utah County Deputy Attorney Paul Jones observed that Four Seas Investment Company received payment from third parties; combined with the emails, Mr. Jones is satisfied there is an assignment situation. He and Commissioner Graves discussed the hypothetical completion of the assignment, and Mr. Jones declared the notification problem still exists. Mr. Jones noted Four Seas Investment Company probably has a reasonable obligation to continue the appeal until the assignment is completed, and advised the Board to reject and overturn the tax sale. He summarized "the county is strictly obligated to provide notice, and we admit that we did not provide that notice." Mr. Jones suggested the Board include notes regarding the assignment being in process within the Findings of Fact. Utah County Civil Division Chief Deputy Attorney David Shawcroft clarified for the record that a vote to approve the Findings of Fact would effectively reject the sale, and the bid that was offered would not be accepted.

**Commissioner Graves made the motion to approve the Findings of Fact, Conclusion of Law, and Decision regarding the Tax Sale Protest filed by Steven C Turley, related to Parcel Serial No. 98:110:0151, with additional notes regarding an assignment being in process, as discussed in Regular Agenda Item No. 21. 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. 2016-549

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

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

*(Track A, 1:11:20)*

- 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 items) (Announce the vote of each Commissioner)**

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STRICKEN

38. 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 items*) (*Announce the vote of each Commissioner*)

STRICKEN

Commissioner Graves made the motion to strike Regular Agenda Item Nos. 37 and 38 to set dates, times, and locations for closed meetings for strategy sessions to discuss the purchase, exchange, or lease of real property, water rights, or water shares; and to discuss the sale of real property, water rights, or water shares. The motion was seconded by Commissioner Lee 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 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 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 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

40. 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 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 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. PRESENTATION OF THE UTAH COUNTY HEALTH DEPARTMENT’S ANNUAL REPORT**

*(Track A, 1:13:04)*

Utah County Health Department Executive Director Ralph Clegg explained how code requires health departments to report annually to their local governing body; in this case, the Utah County Commissioners. He presented each Board member with the annual report booklet (*a copy of which can be found attached to these minutes*), and reviewed some highlights: Utah County is one of the healthiest counties in one of the healthiest states in America. The only thing preventing a ‘top spot’ in the air quality. In 2015, lower rates and fewer percentages of smoking, teen pregnancy, binge drinking, and drinking and driving were all observed. There were also higher rates of adult health education.

Ralph Clegg addressed the swift diagnosis of a case of measles in January 2015 as an example of everything and everyone working together to limit the outbreak; it was a good case study of public health. He also spoke about mosquitos, senior citizen programs, hazardous household waste day, student interns, the air quality flag program, the asthma program, and Parkinson’s Disease studies. Mr. Clegg noted suicides have tripled in the state of Utah since 2007, and informed the audience that the Utah County Sheriff’s Office provides locks for guns – approximately half of teen-aged deaths include firearms. He commented on mental health, the spread and containment of contagious diseases, and ‘Friends of Public Health.’ Commissioner Lee asked what Mr. Clegg would prioritize if he were given a magic wand to fix one health issue, and Mr. Clegg stated suicides would be his primary focus. He and the commissioners discussed risk groups.

**2. MANTI-LASAL NATIONAL FOREST – FOREST PLAN REVISION PRESENTATION**

*(Track A, 1:32:13)*

Kyle Beagley, Tami Conner, and Blake Bassett of the United States Forest Service came forward to present on revisions to Forest Service Districts and resource management plans. They and the commissioners discussed public meetings, and how Utah County can be involved as a cooperating agency. Many Wasatch Front residents, especially in Utah County, are in the forests recreationally. Commissioner Ellertson joked that he and his fellow Board members love taking field trips, and the group assured him they would reach out for tours in the future. The commissioners thanked them for the presentation.

**PUBLIC COMMENTS**

There were no public comments and the meeting recessed at 10:47 A.M. to go into closed meetings. The public meeting reconvened at 12:07 P.M.

*(Track B, 00:01)*

**Commissioner Graves made the motion to adjourn the August 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 nor public comment, the meeting adjourned at 12:08 P.M. The minutes of the August 2, 2016 Commission meeting were approved as transcribed on September 27, 2016.

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LARRY A. ELLERTSON, Commission Chair

ATTEST:

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BRYAN E. THOMPSON  
Utah County Clerk/Auditor

**\*Regular Agenda Item No. 21:**

The Board returned to discussion of Regular Agenda Item No. 21 before setting the closed sessions, and decided to approve the Findings of Fact, Conclusion of Law, and Decision regarding the Tax Sale Protest filed by Steven C Turley, related to Parcel Serial No. 98:110:0151, by unanimous vote.

Copies available on the Utah County website at [www.utahcounty.gov](http://www.utahcounty.gov)  
Recorded by Renée Caron, Clerk/Auditor Administrative Assistant