

BOARD OF COUNTY COMMISSIONERS, UTAH COUNTY, UTAH
MINUTES OF PUBLIC MEETING
COMMISSION CHAMBERS, ROOM 1400
OF THE UTAH COUNTY ADMINISTRATION BUILDING
August 9, 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
Dianne Orcutt, Utah County Deputy Attorney
Michelle Araujo, Commission Office
Lisa K. Nielson, Commission Office
Brian Voeks, Commission Office
Bryan E. Thompson, Utah County Clerk/Auditor
Burt Harvey, Utah County Tax Admin. Supervisor
Sandy Nielson, Clerk/Auditor's Office – Tax Admin.
Robert Baxter, Utah County Purchasing Manager
Burt Garfield, Utah County Assessor's Office
Jim Stevens, Utah County Assessor's Office
Bryce Armstrong, Community Development
Peggy Kelsey, Community Development
Brandon Larsen, Community Development
Pat Bird, Drug & Alcohol Prevention & Treatment
Michelle Allen, Drug & Alcohol Prevention & Treatment
Kim T. Jackson, Utah County Treasurer

Carrie Bennett, Utah County Health Department
Marianne Christensen, County Health Department
Patty Cross, Utah County Health Department
Eric Edwards, Utah County Health Department
Linnea Fletcher, Utah County Health Department
Bryce C. Larsen, Utah County Health Department
Cammie Taylor, Utah County Personnel Director
Richard Nielson, Utah County Public Works Director
Jeff Smith, Utah County Recorder
Andrea Allen, Utah County Recorder's Office
Dalene Higgins, Utah County Sheriff's Office
Mike Forshee, Utah County Sheriff's Office
Gary Ratcliffe, Utah County Surveyor
Matt McDonald, Sunroc Building Materials Inc.
Parker Usery, Farmland Reserve Inc.
Katie England, *The Daily Herald*
Mike Stansfield, Fairways Media
Renée Caron, Clerk/Auditor Administrative Assistant

Commissioner Ellertson called the meeting to order at 9:08 A.M. and welcomed those present. The following matters were discussed:

PRAYER/READING/THOUGHT: Larry A. Ellertson, Utah County Commissioner

PLEDGE OF ALLEGIANCE: Burt Harvey, Utah County Clerk/Auditor's Office Tax Administration Supervisor

CONSENT AGENDA

(Track A, 02:24)

- 1. RATIFY THE SIGNATURE OF JUDGE SCOTT J. CULLIMORE ON A GRANT APPLICATION TO THE ADMINISTRATIVE OFFICE OF THE COURTS FOR THE PURCHASE OF A PORTABLE BACKUP RECORDING SYSTEM FOR COURTROOM PROCEEDINGS, AND ACCEPT THE AWARD OF \$400.00**

Commissioner Ellertson mentioned that the purchase price is \$1,302, but the grant only provides \$400. Utah County Clerk/Auditor Bryan E. Thompson volunteered to call Cathy Davies in the Utah County Justice Court and attempt to find an answer about the funding source for the balance due, and Commissioner Lee suggested tabling discussion until that phone call had been made.

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

UTAH COUNTY BOARD OF COMMISSIONERS

MINUTES – August 9, 2016

Page 2

2. **RATIFY THE SIGNATURE OF THE COMMISSION CHAIR ON AN AMENDMENT TO AGREEMENT NO. 2016-316 WITH JFM HANGARS, LLC TO UPDATE PRICING AND CONDITIONS**

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

PULLED TO REGULAR

3. **RATIFY THE SIGNATURE OF THE COMMISSION CHAIR ON AN AMENDMENT OF THE HANGAR PURCHASE**

The Board requested Consent Agenda Item No. 3 be stricken from the agenda.

STRICKEN

4. **RATIFY THE SIGNATURE OF THE COMMISSION CHAIR ON A MEMORANDUM OF UNDERSTANDING BETWEEN THE UTAH COUNTY DEPARTMENT OF DRUG AND ALCOHOL PREVENTION AND TREATMENT, AND THE HOUSING AUTHORITY OF UTAH COUNTY**

5. **APPROVE NOTICE OF CANCELLATION OF MEETING OF THE BOARD OF COUNTY COMMISSIONERS OF UTAH COUNTY, UTAH FOR TUESDAY, AUGUST 16, 2016**

6. **DECLARE SPECIFIED FURNITURE ITEMS AS SURPLUS TO BE DISPOSED OF VIA PUBLIC AUCTION**

7. **DECLARE A STHIL MODEL SM200T CHAINSAW AS SURPLUS TO BE PRESENTED AS PART OF A RETIREMENT GIFT TO KENNETH BRINGHURST**

8. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN EQUESTRIAN PARK STALL RENTAL AGREEMENT WITH AMY BETH DAHL**

9. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN THE APPLICATION FOR A CLASS B RETAIL BEER LICENSE (ON-PREMISE CONSUMPTION) APPLICATION FOR THE TERRACE AT HOBBLE CREEK LOCATED AT 94 HOBBLE CREEK CANYON RD (5984 E HOBBLE CREEK CANYON RD, COUNTY ADDRESS) IN THE HOBBLE CREEK CANYON AREA OF UNINCORPORATED UTAH COUNTY**

10. **APPROVE AND ACCEPT THE MAINTENANCE AGREEMENT WITH KODAK ALARIS FOR THE KDS ARCHIVE WRITER 4800, SERIAL NO. 11799351, LOCATED IN THE RECORDS DEPARTMENT**

11. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN A MAINTENANCE AGREEMENT WITH OSBORNE'S ENGINEERING SUPPLY COMPANY FOR A KIP 7170 PRINTER, SERIAL NO. 13401203, LOCATED IN THE RECORDER'S OFFICE**

12. **AUTHORIZE COMMISSION CHAIR TO SIGN A LETTER OF CANCELLATION WITH CUSTOM DATA PROCESSING**

The Board requested Consent Agenda Item No. 12 be moved to the Regular Agenda for discussion.

PULLED TO REGULAR

13. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN THE SUPPLEMENTAL LAW ENFORCEMENT CONTRACT WITH MAPLETON ½ MOONLIGHT MARATHON, TO HAVE THREE DEPUTIES FOR TRAFFIC CONTROL AND CROSSING AT RIGHT HAND FORK, ROTARY PARK AND HOBBLE CREEK GOLF COURSE FROM 08:00 PM TO 11:00 PM ON AUGUST 12, 2016**

UTAH COUNTY BOARD OF COMMISSIONERS

MINUTES – August 9, 2016

Page 3

14. **APPROVE TAX CREDITS AND REFUNDS RECOMMENDED BY THE COUNTY TREASURER'S OFFICE IN CANCELLATION LETTER NO. 20364, DATED AUGUST 3, 2016**
15. **ABATE PERSONAL PROPERTY ACCOUNTS ATTACHED FOR THE YEARS INDICATED, HAVING BEEN IDENTIFIED AS UNCOLLECTIBLE; THERE ARE NO ASSETS AVAILABLE**
16. **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**
17. **ADOPT A RESOLUTION AUTHORIZING UTAH COUNTY TO APPEAL AND/OR CROSS APPEAL CERTAIN CENTRALLY ASSESSED PROPERTIES**
18. **APPROVE PROPERTY TAX ACTIONS CONTAINED IN RECOMMENDATION LETTER 2016-3 (ABATEMENTS)**
19. **APPROVE PROPERTY TAX ACTIONS CONTAINED IN RECOMMENDATION LETTER 2016-16**
20. **ADOPT A RESOLUTION APPROVING VOLUNTEERS WHO WISH TO DONATE THEIR SERVICES TO THE UTAH COUNTY HEALTH DEPARTMENT**
21. **ADOPT A RESOLUTION TERMINATING PRIOR APPROVAL OF A UTAH COUNTY VOLUNTEER**
22. **RATIFICATION OF PAYROLL FOR PAY PERIOD 16**
23. **RATIFICATION OF WARRANT REGISTER SUMMARY**

Consent Agenda Item Nos. 3 through 11, and 13 through 23, were approved as written. Commissioner Ellertson recommended the following Regular Agenda items be moved to Consent:

2. **RATIFY ALL OR PORTIONS OF THE 2015 ANNUAL DELINQUENT TAX SALE PER UTAH COUNTY CODE 21-5-7**
4. **ADOPT AN ORDINANCE AMENDING UTAH COUNTY CODE ARTICLE 2-1-4 REGARDING FINANCIAL ADMINISTRATION** *(Continued from the August 2, 2016 Commission meeting)*
5. **APPROVE AN AGREEMENT FOR SPONSORSHIP OF ENVISION UTAH'S 'UTAH COUNTY STRATEGIC AGRICULTURE TOOLBOX'** *(Continued from the August 2, 2016 Commission meeting)*

The commissioners requested Regular Agenda Item No. 5 be continued to the next meeting of the Board.
CONTINUED TO AUGUST 30, 2016

6. **ADOPT A RESOLUTION APPROVING AND AUTHORIZING THE EXECUTION OF AN INTERLOCAL COOPERATION AGREEMENT WITH THE UTAH VALLEY ROAD SPECIAL SERVICE DISTRICT FOR THE FUNDING OF SPECIFIC ROAD IMPROVEMENT PROJECTS**
7. **APPROVE AND AUTHORIZE UTAH COUNTY PERSONNEL DIRECTOR CAMMIE TAYLOR AND ASSISTANT DIRECTOR MARK BRADY AS AUTHORIZED CLIENT REPRESENTATIVES FOR THE UTAH COUNTY 401(A) RETIREMENT PLAN THROUGH PRUDENTIAL**

UTAH COUNTY BOARD OF COMMISSIONERS

MINUTES – August 9, 2016

Page 4

8. **APPROVE AND AUTHORIZE UTAH COUNTY PERSONNEL DIRECTOR CAMMIE TAYLOR AND ASSISTANT DIRECTOR MARK BRADY AS AUTHORIZED CLIENT REPRESENTATIVES FOR THE UTAH COUNTY 401(K) RETIREMENT PLAN THROUGH PRUDENTIAL**
9. **APPROVE AND AUTHORIZE UTAH COUNTY PERSONNEL DIRECTOR CAMMIE TAYLOR AND ASSISTANT DIRECTOR MARK BRADY AS AUTHORIZED CLIENT REPRESENTATIVES FOR THE UTAH COUNTY 457 DEFERRED COMPENSATION PLAN THROUGH PRUDENTIAL**
10. **AUTHORIZE A CHANGE TO THE STAFFING PLAN OF PUBLIC WORKS TO ADD ONE (1) FULL TIME CAREER SERVICE PARKS MAINTENANCE SUPERVISOR AND DELETE ONE (1) PARKS MAINTENANCE SPECIALIST III POSITION [OFFICIAL ACTION: ADD CLASS CODE 8879 TO PW - PARKS AND DELETE POSITION PARKS 009]**
11. **AUTHORIZE A CHANGE TO THE PUBLIC WORKS - ROADS DIVISION STAFFING PLAN TO DELETE ONE (1) FULL TIME GRANT FUNDED EQUIPMENT OPERATOR I - WEED CONTROL POSITION AND ADD ONE (1) FULL TIME GRANT FUNDED EQUIPMENT OPERATOR II - WEED CONTROL POSITION [OFFICIAL ACTION: UPGRADE POSITION ROADS 021 FROM CLASS CODE 997018 TO CLASS CODE 997019]**
12. **ADD ONE (1) FULL TIME CAREER SERVICE (GRANT) JRI SCREENING AND ASSESSMENT CLERK POSITION TO THE STAFFING PLAN OF THE SHERIFF'S OFFICE [ADD CLASS CODE 996480 TO SH COR - JL BOOKNG]**
14. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AMENDMENT TO AGREEMENT NO. 2015-54 WITH MOUNTAINLAND ASSOCIATION OF GOVERNMENTS FOR STEPPING ON - FALL PREVENTION, LIVING WELL WITH DIABETES, CHRONIC DISEASE SELF MANAGEMENT, OR OTHER APPROVED COURSES FOR SENIORS**
15. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN A FOOD HANDLER PERMIT TRAINING AGREEMENT WITH EFOODHANDLERS.COM**
16. **APPROVE AND AUTHORIZE COMMISSION CHAIR TO SIGN A COST REDUCING ADDENDUM TO AGREEMENT NOS. 2015-576 AND 2015-198 FOR SOFTWARE LICENSING AND SUPPORT FOR ELECTRONIC MEDICAL RECORDS AND MEDICAL CLAIMS BILLING WITH ECLINICAL WORKS**
17. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT WITH THE UTAH DEPARTMENT OF HEALTH FOR PUBLIC HEALTH PREPAREDNESS AND RESPONSE FOR ZIKA**
18. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT WITH CONTRACTOR GRANT BUEHNER FOR MANAGING/MAINTAINING THE BABYSTEPS APP AND WEBSITE AND SERVER; CONTRACTOR WILL ALSO PROVIDE DATABASE SPACE**
19. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT WITH LE BUS FOR CHARTER BUS SERVICES FOR THE SENIOR COMPANION PROGRAM**
21. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT BETWEEN UTAH COUNTY DEPARTMENT OF DRUG AND ALCOHOL PREVENTION AND TREATMENT AND HOUSE OF HOPE LLC TO PROVIDE RESIDENTIAL TREATMENT FOR THE WOMEN AND CHILDREN OF UTAH COUNTY**
25. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO EXECUTE AN AMENDMENT TO COUNTY FACILITIES USE AGREEMENT NO. 2016-456 WITH ACTION TARGET**

UTAH COUNTY BOARD OF COMMISSIONERS

MINUTES – August 9, 2016

Page 5

26. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN 2016 JAG INTERLOCAL AGREEMENT WITH PROVO CITY

27. APPROVE AGREEMENT BETWEEN UTAH COUNTY AND CARL C. SHOFF, DDS, PC TO PROVIDE DENTAL SERVICES FOR THE INMATES AT THE UTAH COUNTY JAIL

The commissioners requested Regular Agenda Item No. 27 be continued to the next meeting of the Board.

CONTINUED TO AUGUST 30, 2016

28. ADOPT A RESOLUTION APPROVING AND AUTHORIZING AN INTERLOCAL COOPERATION AGREEMENT BETWEEN UTAH COUNTY AND WASATCH MENTAL HEALTH SERVICES SPECIAL SERVICE DISTRICT

29. ADOPT A RESOLUTION APPOINTING MARTIN LARSON AS A DIRECTOR TO THE BOARD OF DIRECTORS OF THE MT. NEBO WATER AGENCY, REPRESENTING THE STRAWBERRY HIGH LINE CANAL COMPANY

30. ADOPT A RESOLUTION APPOINTING DARRICK J. WHIPPLE AS AN ALTERNATE DIRECTOR TO THE BOARD OF DIRECTORS OF THE MT. NEBO WATER AGENCY, REPRESENTING THE STRAWBERRY HIGH LINE CANAL COMPANY

ACTIONS TAKEN

Consent Agenda Item Nos. 1, 2, and 12 were tabled for further discussion; No. 3 was stricken from the agenda; and Nos. 4 through 11, and 13 through 23, were ratified, declared, approved, authorized, accepted, abated, and adopted. Regular Agenda Item Nos. 2, 4 through 12, 14 through 19, 21, and 25 through 30 were ratified, adopted, approved, and authorized.

AGREEMENT NOS.: 2016-550 through 2016-578

RESOLUTION NOS.: 2016-71 through 2016-77

ORDINANCE NO.: 2016-21

REGULAR AGENDA

(PULLED FROM CONSENT)

1. RATIFY THE SIGNATURE OF JUDGE SCOTT J. CULLIMORE ON A GRANT APPLICATION TO THE ADMINISTRATIVE OFFICE OF THE COURTS FOR THE PURCHASE OF A PORTABLE BACKUP RECORDING SYSTEM FOR COURTROOM PROCEEDINGS, AND ACCEPT THE AWARD OF \$400.00

(Track A, 13:40)

Commissioner Graves noted Cathy Davies of the Utah County Justice Court had been contacted, and is requesting the Board continue discussion until the next meeting so that she can provide additional detail on the funding source at that time.

Commissioner Graves made the motion to continue Consent Agenda Item No. 1 regarding the grant application for the purchase of a portable backup recording system for courtroom proceedings for three weeks to the August 30, 2016 meeting of the Utah County Board of Commissioners. The motion was seconded by Commissioner Lee and carried with the following vote:

UTAH COUNTY BOARD OF COMMISSIONERS

MINUTES – August 9, 2016

Page 6

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

CONTINUED TO AUGUST 30, 2016

In order to accommodate schedules of the Utah County Sheriff's Office representatives, the Board chose to immediately address Regular Agenda Item No. 24 before continuing with the calendar.

REGULAR AGENDA

24. AUTHORIZE COMMISSION CHAIR TO EXECUTE NOTICE OF INTENTION TO TERMINATE AGREEMENT NO. 2010-193 WITH IMMIGRATION AND CUSTOMS ENFORCEMENT
(Track A, 15:40)

Captain Mike Forshee of the Utah County Sheriff's Office came forward to respond to the commissioners' questions. Commissioner Lee thanked Mr. Forshee for some emails, and explained he is in favor of moving forward with the termination of the Immigration and Customs Enforcement agreement but has concerns about the gaps that will need to be overcome in future funding. Commissioner Lee asked Mr. Forshee whether his office would be open to working in depth with the Utah County Clerk/Auditor's Office to research and figure out the impact of this termination. Mr. Forshee indicated yes, but it is imperative the papers are signed today.

Mike Forshee went on to mention the estimated \$1,200,000 deficit, stating projected revenues should cover the shortfall for one year but the long term savings and loss of revenue must be discussed. Mr. Forshee also mentioned a conference call taking place immediately following this meeting. The commissioners briefly spoke on decreases, overtime, and needing to dig more deeply into the figures, and Utah County Clerk/Auditor Bryan E. Thompson volunteered his office and three Internal Auditors to work in conjunction with Dalene Higgins of the Utah County Sheriff's Office to provide support services and financial resources.

Commissioner Graves made the motion to authorize the Notice of Intention to Terminate Agreement No. 2010-193 with Immigration and Customs Enforcement as detailed in Regular Agenda Item No. 24. 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. 2016-579

The Board moved on with discussion of the posted agenda.

REGULAR AGENDA

(PULLED FROM CONSENT)

2. RATIFY THE SIGNATURE OF THE COMMISSION CHAIR ON AN AMENDMENT TO AGREEMENT NO. 2016-316 WITH JFM HANGARS, LLC TO UPDATE PRICING AND CONDITIONS

(Track A, 22:03)

UTAH COUNTY BOARD OF COMMISSIONERS

MINUTES – August 9, 2016

Page 7

Commissioner Graves summarized the amendment for this agreement with JFM Hangars is for floor-sealing. Commissioner Lee asked if this agreement is just for the shell and no other furnishings, and Commissioner Graves confirmed. Captain Mike Forshee of the Utah County Sheriff's Office added there is electricity and the space has the metal and wood framing for an office, but there will be no sheetrock or paint. Commissioner Lee asked whether there would be heating, plumbing, and other utilities, and Commissioner Graves mentioned there is a multi-use restroom facility on site. Mr. Forshee stated to the best of his knowledge, electricity is available but there will be no equipment. Commissioner Lee summarized it is plumbed and piped for water, sewer, electricity, and gas, but the outlets will be covered, and Mr. Forshee confirmed. Commissioner Graves added the Sheriff's Office has no intention of building out the space. Commissioner Lee asked whether the equipment is affected by heat or cold, and Mr. Forshee replied no.

Commissioner Lee made the motion to ratify the signature of the Commission Chair on an amendment to Agreement No. 2016-316 with JFM Hangars, LLC to update pricing and conditions as specified in Consent Agenda Item No. 2. 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. 2016-580

(PULLED FROM CONSENT)

12. AUTHORIZE COMMISSION CHAIR TO SIGN A LETTER OF CANCELLATION WITH CUSTOM DATA PROCESSING

(Track A, 25:01)

Utah County Deputy Attorney Carl Hollan explained the county has an agreement with Custom Data Processing to handle the Utah County Health Department's medical billing and information from patients. The Health Department took steps to move from Custom Data Processing to a new company, eClinical Works, last year, and thought they had cancelled the Custom Data Processing contract in January of this year. It turns out the previous cancellation only impacted the Environmental Health Division of the County Health Department. This new letter of cancellation will effectively also end the Nursing Division's involvement, as intended earlier. Commissioners Graves and Ellertson asked whether other department use Custom Data Processing, and Mr. Hollan said he 'doesn't think so,' as no other invoices have been received.

Commissioner Graves made the motion to authorize the Letter of Cancellation with Custom Data Processing as outlined in Consent Agenda Item No. 12. 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. 2016-581

REGULAR AGENDA

1. APPROVE THE MINUTES OF THE JUNE 21, 2016 COMMISSION MEETING *(Continued from the August 2, 2016 Commission meeting)*

(Track A, 27:45)

UTAH COUNTY BOARD OF COMMISSIONERS

MINUTES – August 9, 2016

Page 8

Commissioner Lee made the motion to approve the minutes of the June 21, 2016 Commission meeting as identified in Regular Agenda 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**

APPROVED

3. APPROVE AND AUTHORIZE A MEMBERSHIP FEE TO UTAH FOUNDATION FOR \$5,000
(Track A, 28:30)

Commissioner Lee mentioned he voted against approval of this agreement last year, and his stance has not changed since then because he does not see the value in the services provided by Utah Foundation. Commissioner Ellertson asked whether Commissioner Lee had seen the online reports, and Commissioner Lee replied there is no cost to view web sites. Commissioner Lee stated there are many organization that provide the same information, and this contract seems to be a \$5,000 fee for board membership. Commissioner Ellertson stated that is not true, but did not want to debate the issue. Commissioner Lee countered that Commissioner Ellertson had indicated last year he would not serve on the Utah Foundation Board, but is currently serving. When Commissioner Ellertson replied he is happy to have Commissioner Lee take the position instead, Commissioner Lee said he would rather not have anything to do with it. Commissioner Graves suggested continuing discussion to the next meeting so that he could further research the matter.

Commissioner Graves made the motion to continue Regular Agenda Item No. 3 regarding the membership fee to Utah Foundation for three weeks to the August 30, 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**

CONTINUED TO AUGUST 30, 2016

13. APPROVE (OR DENY) THE FOLLOWING REQUESTS OF CORPORATION OF THE PRESIDING BISHOP OF THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS (CPB): (1) TO EXTEND THE ONE-YEAR APPROVAL VIABILITY PERIOD FOR THE KIMBALL CREEK SUBDIVISION, PLAT 'A,' TO NOVEMBER 1, 2016, AN EXTENSION PERIOD OF SEVENTY-FIVE (75) DAYS, DURING WHICH SEVENTY-FIVE (75) DAY PERIOD THE PLAT MAY BE RECORDED AND DURING WHICH THE APPROVAL REMAINS VIABLE, AND (2) TO EXTEND THE TIME FOR CONSTRUCTION OF REQUIRED IMPROVEMENTS FOR KIMBALL CREEK SUBDIVISION, PLAT 'A' TO NOVEMBER 1, 2016, AN EXTENSION PERIOD OF SEVENTY-FIVE (75) DAYS, DURING WHICH SEVENTY-FIVE (75) DAY PERIOD CONSTRUCTION OF REQUIRED IMPROVEMENTS FOR KIMBALL CREEK SUBDIVISION, PLAT 'A' MAY BE MADE, INCLUDING APPURTENANT OFF-SITE IMPROVEMENTS

(Track A, 31:30)

Commissioner Graves made the motion to approve the requests of the Corporation of the Presiding Bishop of the Church of Jesus Christ of Latter-Day Saints (CPB) to extend the viability and construction of required improvements for the Kimball Creek Subdivision, Plat 'A,' as detailed in Regular Agenda Item No. 13, with a finding of good cause shown by the applicant. The motion was seconded by Commissioner Lee and carried with the following vote:

UTAH COUNTY BOARD OF COMMISSIONERS

MINUTES – August 9, 2016

Page 9

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

AGREEMENT NO. 2016-582

20. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN A ROOM RENTAL/CATERING AGREEMENT WITH ZERMATT RESORT FOR THE S.M.A.R.T. COALITION RETREAT

(Track A, 32:52)

Commissioner Ellertson had questions regarding the choice of location – the Zermatt Resort – for the S.M.A.R.T. Coalition Retreat. Michelle Allen of the Utah County Department of Drug and Alcohol Prevention and Treatment explained her office compared prices and Zermatt came in the least expensive at \$350 for the room; every place else in Utah County, including the Utah Valley Convention Center, would cost upwards of \$1,000. A community program is also going to help with the catering. Commissioners Lee and Graves commented on the value and advantages of getting away from the office and not having telephone reception at the resort so that the focus can be entirely on the program.

Commissioner Graves made the motion to approve and authorize the Room Rental/Catering Agreement with Zermatt Resort for the S.M.A.R.T. Coalition Retreat as discussed in Regular Agenda Item 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. 2016-583

The commissioners chose to address Regular Agenda Item Nos. 22 and 23 in tandem.

22. APPROVE OR DENY A REQUEST FROM ABILITY 1ST UTAH TO WAIVE THE EVENT PERMIT FEE IN THE AMOUNT OF \$250.00 FOR USE OF NORTH BOAT HARBOR DRIVE FOR THE '14TH ANNUAL ABILITY 1ST RUN, WALK & ROLL' TO BE HELD SEPTEMBER 24, 2016

AGREEMENT NO. 2016-584

23. APPROVE OR DENY A REQUEST FROM DOWNTOWN PROVO, INC FOR A WAIVER OF THE EVENT PERMIT FEE IN THE AMOUNT OF \$300.00 FOR USE OF A PORTION OF THE GROUNDS OF THE HISTORIC UTAH COUNTY COURTHOUSE FOR THE 'GO CATCHATHON' EVENT PLANNED FOR AUGUST 12, 2016

DENIED

(Track A, 36:05)

Commissioner Lee noted both Regular Agenda Item Nos. 22 and 23 on the calendar today are requesting fee waivers, though they are both charging for participation. He was curious as to how much of the proceeds would be going to the specified charitable organizations. Utah County Deputy Attorney Carl Hollan pointed out the distribution of collected funds is not specified, and the commissioners are able to determine the value in whatever manner they deem appropriate. Mr. Hollan suggested contacting the event coordinators before approving specific items, and Utah County Civil Division Chief Deputy Attorney David Shawcroft suggested the Board could request a financial breakdown be included in future applications. They also briefly discussed the insurance and cost issues associated with Regular Agenda Item No. 23.

UTAH COUNTY BOARD OF COMMISSIONERS

MINUTES – August 9, 2016

Page 10

(Track A, 39:20)

Commissioner Lee noted the application mentions approximately 1,000 to 1,500 people being involved in the ‘Go Catchathon,’ and Commissioner Graves stated that amount would come at a cost to the county. Utah County Deputy Attorney Carl Hollan explained the organization is inviting the public to play ‘Pokémon Go’ in the downtown Provo area, promoting local businesses while simultaneously allowing competitions to take place in order to win prizes. Commissioner Graves was concerned about the county’s liability in case of injury, and Commissioner Lee commented on the high number of available ‘Pokémon’ to catch in the area. Commissioner Graves suggested Provo City use their own park located five blocks away, and Commissioner Lee asked what would stop participants from entering county property. Mr. Hollan clarified the request from Downtown Provo, Inc. is to have booths set up on county property. The commissioners and Mr. Hollan continued to discuss insurance, liability, whether there is any discretion to deny event permits if requirements have been met, and the opportunity for monetary profit.

(Track A, 49:37)

Commissioner Graves made the motion to waive the \$250 Event Permit fee for use of North Boat Harbor Drive for the Ability 1st ‘14th Annual Run, Walk & Roll’ to be held September 24, 2016 as identified in Regular Agenda Item No. 22, with the finding that the benefit to the community exceeds the monetary fees in fair and adequate consideration to the county. 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. 2016-584

- 23. APPROVE OR DENY A REQUEST FROM DOWNTOWN PROVO, INC FOR A WAIVER OF THE EVENT PERMIT FEE IN THE AMOUNT OF \$300.00 FOR USE OF A PORTION OF THE GROUNDS OF THE HISTORIC UTAH COUNTY COURTHOUSE FOR THE ‘GO CATCHATHON’ EVENT PLANNED FOR AUGUST 12, 2016**

(Track A, 50:10)

Commissioner Graves made the motion to deny Regular Agenda Item No. 23. The motion was seconded by Commissioner Lee and carried with the following vote:

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

DENIED

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, 50:53)

- 32. 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

- 34. APPROVE AND SET A DATE, TIME AND LOCATION FOR A CLOSED MEETING FOR A STRATEGY SESSION TO DISCUSS PENDING OR REASONABLY IMMINENT LITIGATION**

UTAH COUNTY BOARD OF COMMISSIONERS

MINUTES – August 9, 2016

Page 11

(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 Lee made the motion to strike Regular Agenda Item Nos. 32 and 34 to set dates, times, and locations for closed meetings for a strategy session to discuss the sale of real property, water rights, or water shares; and for a strategy session to discuss pending or reasonably imminent litigation. The motion was seconded by Commissioner Graves and carried with the following vote:

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

31. **APPROVE AND SET A DATE, TIME AND LOCATION FOR A CLOSED MEETING FOR A STRATEGY SESSION TO DISCUSS THE PURCHASE, EXCHANGE, OR LEASE OF REAL PROPERTY, WATER RIGHTS, OR WATER SHARES** *(Suggested for today's date, at this location, following the completion of the Regular Agenda and Work Session agenda items) (Announce the vote of each Commissioner)*

Commissioner Lee made the motion to set a date, time, and location for a closed meeting for a strategy session to discuss the purchase, exchange, or lease of real property, water rights, or water shares previously publicly noticed for sale to follow the Regular Agenda and Work Session agenda items today in Room 1400 of the County Administration Building. The motion was seconded by Commissioner Graves and carried with the following vote:

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

SET

33. **APPROVE AND SET A DATE, TIME AND LOCATION FOR A CLOSED MEETING TO DISCUSS THE CHARACTER, PROFESSIONAL COMPETENCE, OR PHYSICAL OR MENTAL HEALTH OF AN INDIVIDUAL OR INDIVIDUALS** *(Suggested for today's date, at this location, following the completion of the Regular Agenda and Work Session agenda items) (Announce the vote of each Commissioner)*

Commissioner Lee made the motion to set a date, time, and location for a closed meeting to discuss the character, professional competence, or physical or mental health of an individual or individuals to follow the Regular Agenda items today in Room 1400 of the County Administration Building. The motion was seconded by Commissioner Graves and carried with the following vote:

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

SET

WORK SESSION

NO WORK SESSION ITEMS WERE SUBMITTED

UTAH COUNTY BOARD OF COMMISSIONERS

MINUTES – August 9, 2016

Page 12

PUBLIC COMMENTS

There were no public comments and the meeting recessed at 10:01 A.M. to go into closed meetings. The public meeting reconvened at 11:07 A.M.

(Track B, 00:01)

Commissioner Graves made the motion to adjourn 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

There being no further business nor public comment, the meeting adjourned at 11:07 A.M. The minutes of the August 9, 2016 Commission meeting were approved as transcribed on October 11, 2016.

LARRY A. ELLERTSON, Commission Chair

ATTEST:

BRYAN E. THOMPSON
Utah County Clerk/Auditor