

BOARD OF COUNTY COMMISSIONERS, UTAH COUNTY, UTAH  
**MINUTES OF PUBLIC MEETING**  
COMMISSION CHAMBERS, ROOM 1400  
OF THE UTAH COUNTY ADMINISTRATION BUILDING  
**September 6, 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, Deputy Attorney  
Terri Eisel, Utah County Attorney's Office  
Michelle Araujo, Commission Office  
Lisa K. Nielson, Commission Office  
Brian Voeks, Commission Office  
Robert Baxter, Utah County Purchasing Manager  
Bryan E. Thompson, County Clerk/Auditor  
Scott C. Hogensen, Chief Deputy Clerk/Auditor  
Burt Harvey, Utah County Tax Admin. Supervisor  
Kris Poulson, Utah County Assessor  
Burt Garfield, Utah County Assessor's Office  
Jim Stevens, Utah County Assessor's Office  
Bryce Armstrong, Community Development  
Brandon Larsen, Community Development  
Joshua Ivie, Community Development  
Eric Edwards, Utah County Health Department  
Richard Nance, Drug & Alcohol Prevention & Treatment  
Heather Lewis, Drug & Alcohol Prevention & Treatment

Cammie Taylor, Utah County Personnel Director  
Jack Snow, Utah County Fire Marshall  
Richard Nielson, Utah County Public Works Director  
Don Nay, Utah County Public Works Assoc. Director  
Roger Parry, Utah County Public Works  
Brandi Adams, Utah County Public Works  
Brittany Bell, Utah County Public Works  
Jeff Smith, Utah County Recorder  
Andrea Allen, Utah County Recorder's Office  
James O. Tracy, Utah County Sheriff  
Dalene Higgins, Utah County Sheriff's Office  
Gary Ratcliffe, Utah County Surveyor  
Kim T. Jackson, Utah County Treasurer  
Cary McConnell, Utah County Assistant Treasurer  
Dean Miner, Utah State University Extension  
Robert John Stevens, Utah County Resident  
Katie England, The Daily Herald  
Jessica Miller, The Salt Lake Tribune  
Mike Stansfield, Fairways Media  
Renée Caron, Clerk/Auditor Administrative Assistant

Commissioner Ellertson called the meeting to order at 9:06 A.M. and welcomed those present. The following matters were discussed:

**PRAYER/READING/THOUGHT:** Robert Stevens, Utah County Resident

**PLEDGE OF ALLEGIANCE:** Richard Nance, County Drug and Alcohol Prevention and Treatment Director

**EMPLOYEE OF THE MONTH**

*(Track A, 02:10)*

**RECOGNITION OF THE UTAH COUNTY EMPLOYEE OF THE MONTH FOR SEPTEMBER 2016**

Roger Parry of the Utah County Public Works Department was recognized as the September 2016 Employee of the Month.

**CONSENT AGENDA**

1. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT WITH PATRIOT CONSTRUCTION, LLC TO FURNISH AND INSTALL REPLACEMENT CONCRETE STAIRS, LANDINGS, AND ASSOCIATED ITEMS AT THE NORTH ENTRANCE OF THE ADMINISTRATION BUILDING**

2. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN A SPANISH FORK CITY UTILITY SET UP FORM FOR SPANISH FORK AIRPORT HANGAR NO. 88**

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

3. **AUTHORIZE AND DESIGNATE AN INDIVIDUAL TO COMPLETE A NEW SERVICE APPLICATION WITH QUESTAR GAS FOR NATURAL GAS SERVICE FOR HANGAR NO. 88 AT THE SPANISH FORK AIRPORT**

The Board requested Consent Agenda Item No. 3 be moved to the Regular Agenda for discussion.  
PULLED TO REGULAR

4. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN A COOPERATIVE AGREEMENT WITH THE UTAH DEPARTMENT OF NATURAL RESOURCES, DIVISION OF WILDLIFE RESOURCES WHEREUNDER THE STATE WILL PROVIDE UTAH COUNTY WITH UP TO \$107,818.94 FOR YEAR 8 OF THE UTAH LAKE SHORELINE RESTORATION PROJECT**

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 ACCOUNTS ATTACHED FOR THE YEARS INDICATED, HAVING BEEN IDENTIFIED AS UNCOLLECTIBLE; THERE ARE NO ASSETS AVAILABLE**

The Board requested Consent Agenda Item No. 6 be moved to the Regular Agenda for discussion.  
PULLED TO REGULAR

7. **ADOPT A RESOLUTION APPROVING VOLUNTEERS WHO WISH TO DONATE THEIR SERVICES TO THE CHILDREN'S JUSTICE CENTER AND THE UTAH COUNTY HEALTH DEPARTMENT**

8. **RATIFICATION OF PAYROLL FOR PAY PERIOD 18**

9. **RATIFICATION OF WARRANT REGISTER SUMMARY FOR AUGUST 30, 2016** *(Continued from the August 30, 2016 Commission meeting)*

10. **RATIFICATION OF WARRANT REGISTER SUMMARY FOR SEPTEMBER 6, 2016**

The commissioners requested Consent Agenda Item No. 10 be continued to the next meeting of the Board.  
CONTINUED TO SEPTEMBER 13, 2016

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Consent Agenda Item Nos. 1, 4, 5, 7, 8, and 9 were approved as written. Commissioner Ellertson recommended the following Regular Agenda items be moved to Consent:

5. **RATIFY THE SIGNATURE OF THE COMMISSION CHAIR ON THE MANAGEMENT REPRESENTATION LETTER FOR THE 2015 UTAH COUNTY AUDIT**
9. **APPROVE AN AGREEMENT BETWEEN UTAH COUNTY AND MELVIN R. HUDMAN, VOLUNTEER SECRETARY/BUDGET OFFICER OF UTAH COUNTY FAIR** *(Continued from the August 30, 2016 Commission meeting)*
10. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AMENDMENT NO. 2 TO AGREEMENT NO. 2014-610 WITH THE UTAH DEPARTMENT OF HEALTH TO EXTEND AND INCREASE FUNDING FOR THE INFECTIOUS DISEASE GRANT**
12. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT WITH WISE PROVIDER NETWORKS, LLC TO PROVIDE HEALTH SERVICES**

The commissioners requested Regular Agenda Item No. 12 be continued to the next meeting of the Board.  
CONTINUED TO SEPTEMBER 13, 2016

17. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN A FISCAL ASSISTANCE AGREEMENT WITH THE STATE OF UTAH, DIVISION OF PARKS AND RECREATION, FOR MAINTENANCE AND REPAIR WORK ON THE JORDAN RIVER PARKWAY IN THE AMOUNT OF \$45,000**
18. **RATIFY THE SIGNATURE OF THE COMMISSION CHAIR ON A LETTER TO UTAH RETIREMENT SYSTEMS RELATED TO THE CANCELLATION OF A PROFESSIONAL SERVICES CONTRACT**

**ACTIONS TAKEN**

Consent Agenda Item Nos. 1, 4, 5, 7, 8, and 9 were approved, authorized, adopted, and ratified; Nos. 2, 3, and 6 were tabled for further discussion; and No. 10 was continued to the September 13, 2016 meeting of the Board. Regular Agenda Item Nos. 5, 9, 10, 17, and 18 were ratified, approved, and authorized; and No. 12 was continued to the September 13, 2016 meeting of the Board.

AGREEMENT NOS.: 2016-646 through 2016-653  
RESOLUTION NO.: 2016-100

**REGULAR AGENDA**

The commissioners chose to address Consent Agenda Item Nos. 2 and 3 in tandem.

**(PULLED FROM CONSENT)**

2. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN A SPANISH FORK CITY UTILITY SET UP FORM FOR SPANISH FORK AIRPORT HANGAR NO. 88**

AGREEMENT NO. 2016-654

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**(PULLED FROM CONSENT)**

**3. AUTHORIZE AND DESIGNATE AN INDIVIDUAL TO COMPLETE A NEW SERVICE APPLICATION WITH QUESTAR GAS FOR NATURAL GAS SERVICE FOR HANGAR NO. 88 AT THE SPANISH FORK AIRPORT**

AGREEMENT NO. 2016-655

*(Track A, 10:34)*

When Commissioner Lee asked why there is a request to set up utilities for a space when the county purchased solely the ‘shell,’ Utah County Sheriff James O. Tracy replied there is a gas heater in the corner to keep the storage temperature semi-warm at approximately 40 degrees Fahrenheit; this helps facilitate the airplane being ready to go airborne during winter months without having to wait for a warm-up period. Sheriff Tracy also mentioned the heater could provide some relief for employees needing to work in the space, where there is also a toilet and sink. Commissioner Lee and Sheriff Tracy discussed this back and forth, with Commissioner Lee repeating his understanding that the previous purchase of the shell was supposed to be the full extent of this arrangement. Commissioner Ellertson noted the space will not be used as a regular office with daily business hours, with Sheriff Tracy confirming this is not an extension of the Sheriff’s Office; any use will be for the purpose of and in conjunction with deployment of the aircraft.

*(Track A 15:23)*

Commissioners Lee and Ellertson discussed with Utah County Civil Division Chief Deputy Attorney David Shawcroft how the signature lines should read “Commission Chair” rather than a specific name, and Utah County Public Works Director Richard Nielson also suggested Gina Tanner in his office be listed as the point of contact for Spanish Fork City Utility Set Up and Questar Gas.

**Commissioner Graves made the motion to approve and authorize Consent Agenda Item Nos. 2 and 3 for the Spanish Fork City Utility Set Up Form, and the New Service Application with Questar Gas, respectively, for Spanish Fork Airport Hangar No. 88. 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 NOS. 2016-654 AND 2016-655

**(PULLED FROM CONSENT)**

**6. ABATE PERSONAL PROPERTY ACCOUNTS ATTACHED FOR THE YEARS INDICATED, HAVING BEEN IDENTIFIED AS UNCOLLECTIBLE; THERE ARE NO ASSETS AVAILABLE**

*(Track A, 20:53)*

Commissioner Ellertson mentioned the “Day Group” and asked what type of business it is; Utah County Treasurer Kim T. Jackson stated he could find that information and return to the Board before the end of this meeting.

**Commissioner Lee made the motion to table discussion of Consent Agenda 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**

TABLED FOR FURTHER DISCUSSION

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

**REGULAR AGENDA**

- 1. AUTHORIZE A CHANGE TO THE HEALTH PROMOTION DIVISION STAFFING PLAN TO DELETE ONE (1) FULL-TIME GRANT-FUNDED CAREER SERVICE HEALTH EDUCATOR I POSITION, AND ADD ONE (1) FULL-TIME GRANT-FUNDED CAREER SERVICE HEALTH EDUCATOR II POSITION [UPGRADE POSITION PROMO 018 FROM CLASS CODE 993620 TO CLASS CODE 993120]**

*(Track A, 23:01)*

When Commissioner Lee pointed out the increase of approximately \$1,500 and asked whether the grant funding for this position has changed, Utah County Personnel Director responded ‘no,’ not to her knowledge. After expressing concerns over the career step ladder increase and the starting date, Commissioner Lee suggested tabling discussion until later in the meeting.

**Commissioner Lee made the motion to table discussion of 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**

TABLED FOR FURTHER DISCUSSION

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

- 2. DENY (OR APPROVE) AN ORDINANCE TO AMEND THE UTAH COUNTY LAND USE ORDINANCE, SECTION 3-11, RELATED TO REQUIREMENTS FOR FRONTAGE ON AN APPROVED PUBLIC STREET**

*(Track A, 25:25)*

Brandon Larsen of the Utah County Community Development Office confirmed for Commissioner Ellertson that the Utah County Planning Commission has recommended the Board deny this ordinance, but the decision lies with the commissioners. Mr. Larsen approached the bench with a map of the property in question (belonging to Mr. Robert Stephens), explaining it was submitted and approved a few years ago as agricultural land but the unpaved access easement road was not included as part of the record of survey map. Mr. Larsen detailed the lots and parcels, summarizing that Mr. Stephens received the required subdivision approval from the Utah Department of Transportation (UDOT), but county ordinance requires the lots to have access directly from the frontage of public city or county roads for emergency vehicle access and Mr. Stephens’ subdivision plan is not contiguous. Mr. Stephens contends that he still has access from between the lots, but staff is concerned that is not safe enough and there is too much potential for blocked access.

*(Track A, 32:26)*

Utah County Civil Division Chief Deputy Attorney David Shawcroft pointed out the applicant owns the land, and Commissioner Lee asked for a suggestion on the best way to grant the owner access to his property. Brandon Larsen noted that while the Utah County Land User Ordinance does not allow dead-end roads to be built in subdivisions, a road could still technically be built first and then the subdivision approved around it. There are risks associated with that action, however, such as the owner laying down 250 feet of road at his expense and the resulting 100-foot bulb needing to be torn out at a later date. Commissioner Graves, Mr. Larsen, and Utah County Engineer and Public Works Director Richard Nielson discussed dead-end roads, building in phases, the importance of emergency vehicle access, and road maintenance.

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*(Track A, 38:00)*

The commissioners and Brandon Larsen talked about the acceptance of a dedicated road. The Utah Department of Transportation was mentioned again, and Mr. Larsen noted the Utah County Planning Commission did not have this information about a proposed bulb when denial was recommended. They discussed the ramifications of denying this ordinance and going back at a later date to re-address this bulb solution with the applicant. Bryce Armstrong of the Utah County Community Development Office mentioned posting bonds for improvements, and David Shawcroft pointed out any approval of a subdivision without a road would require bonding posted up front.

*(Track A, 44:22)*

The applicant, Robert Stephens, came forward to speak about how there is plenty of room for emergency access vehicles to reverse in and out of the lots as demonstrated by a video he had sent to Brandon Larsen and Commissioner Lee. Mr. Stephens clarified portions of the road which are paved, noting he has done everything the county has requested of him since he first proposed the development thirteen years ago. Building a loop road would cost an estimated \$350,000, and Mr. Stephens addressed the flaws in the regulations established by the county: a billionaire could buy a lot of land and foist maintenance responsibility upon county residents through their tax dollars. Mr. Stephens talked about how government was established to protect private property rights, and government should not force so many regulations upon the residents to the point of being considered theft since the citizens cannot afford to build upon their own land.

*(Track A, 51:17)*

Robert Stephens requested that the county have faith in him to complete a conditional subdivision approval contract. Mr. Stephens explained he is unable to sell the lots when potential buyers have no guarantee that they will be able to build upon them; the land is only worth half as much without subdivision approval. He continued to expound upon the role of the government in protecting property rights.

*(Track A, 55:46)*

Commissioner Graves asked why the land could not be recorded as a subdivision contingent upon certain conditions being met. Robert Stephens stated the Board could, but regulations are getting in the way because his “driveway has to go through [his] own access to get out to the public road.” Commissioner Ellertson and Mr. Stephens discussed utilities. Bryce Armstrong answered questions from Commissioners Lee and Graves about the subdivision application process. The commissioners, Mr. Armstrong, Mr. Larsen, Mr. Stephens, and Mr. Nielson all joined in conversation regarding road requirements for subdivision approval, with the Board ultimately deciding that the best way to move forward would be to deny this ordinance amendment but continue working toward a solution with Mr. Stephens.

*(Track A, 1:18:55)*

**Commissioner Graves made the motion to deny the ordinance amending Section 3-11 of the Utah County Land Use Ordinance, with the intention to revisit conditions for a 56-foot right-of-way for the Robert Stephens subdivision application as discussed in Regular Agenda Item No. 2. 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

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*(Track A, 1:19:48)*

Robert Stephens reminded the commissioners that cash bonding is very expensive; money in excess of what is actually needed is unavailable for three years through the entire process in order for the government to have a reserve. Mr. Stephens asked the Board to consider subdivision approval so that he could obtain a bank loan.

**3. ADOPT AN ORDINANCE AMENDING CHAPTER 9-7-2(A) OF THE UTAH COUNTY CODE RELATING TO FIRE PREVENTION AND PROTECTION, AND RECOVERY OF EXPENSES**

*(Track A, 1:20:45)*

Utah County Fire Marshal Jack Snow explained his office currently bill city fire departments for hazardous materials spills; this ordinance would allow the county to recollect those funds, which have amounted to a total of approximately \$8,400 this year. When Commissioner Lee noted concern that the Board is being removed from the process if the bills are sent directly from the Fire Marshal's office, Utah County Deputy Attorney Robert J. Moore explained that the ordinance wording is simply being updated to match the current practices followed by the offices.

**Commissioner Graves made the motion to adopt the ordinance amending Chapter 9-7-2(A) of the Utah County Code as outlined in Regular Agenda Item No. 3. 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. 2016-23

**4. ADOPT (OR DENY) AN ORDINANCE TO AMEND SECTIONS 5-6-C, 5-6-D, AND 6-5-B OF THE UTAH COUNTY LAND USE ORDINANCE TO ADD A CEMETERY AS A CONDITIONAL USE AND ADMINISTRATIVE OFFICES AS A PERMITTED USE IN RECREATIONAL RESORTS LOCATED IN THE CRITICAL ENVIRONMENT (CE-2) ZONE**

*(Track A, 1:32:40)*

Commissioner Ellertson noted the Utah County Planning Commission has recommended approval of this ordinance, and asked whether this would change any regulations specific to cemeteries. Bryce Armstrong of the Utah County Community Development Office answered this amendment would be subject to the standards defined in Section 3 of the Land Use Ordinance. When Commissioner Graves asked why the request is for 40 acres, Mr. Armstrong explained that number came from the applicant and there is no acreage requirement. The applicant, Robert Gurney, added that number was placed arbitrarily as a placeholder and he does not object if the Board chooses less acreage. Commissioner Ellertson summarized there is an individual who wants to be buried on the land. Commissioner Lee expressed concern over creating private cemeteries and potential ownership problems, including public accessibility. Mr. Armstrong and the commissioners reviewed those concerns, and Commissioner Lee requested the discussion be continued to the next meeting of the Board.

**Commissioner Lee made the motion to continue Regular Agenda Item No. 4 regarding an ordinance to amend the Utah County Land Use Ordinance for one week to the September 13, 2016 meeting of the Utah County Board of Commissioners. 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

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**6. ADOPT AN ORDINANCE ENACTING CHAPTER 31 ELECTIONS, ARTICLE 31-1 ELECTION CODE, EMAIL USAGE FINE HEARING, OF THE UTAH COUNTY CODE**

*(Track A, 1:42:05)*

Commissioner Graves summarized this ordinance would fix a loophole created by new legislative law.

**Commissioner Graves made the motion to adopt the ordinance enacting Chapter 31: Elections, Article 31-1: Election Code, Email Usage Fine Hearing, of the Utah County Code as detailed in Regular Agenda Item No. 6. 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. 2016-24

**7. APPROVE AND AUTHORIZE A MEMBERSHIP FEE TO UTAH FOUNDATION FOR \$5,000**  
*(Continued from the August 9 and August 30, 2016 Commission meetings)*

*(Track A, 1:42:45)*

Commissioner Ellertson noted the Board had continued their discussion of this issue from previous meetings administratively during the week.

**Commissioner Lee made the motion to approve a membership fee of \$2,500 for the Utah Foundation as defined in Regular Agenda Item No. 7, which includes an opportunity to sit on the Utah Foundation Board. 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. 2016-656

**8. APPROVE AN AGREEMENT FOR SPONSORSHIP OF ENVISION UTAH'S 'UTAH COUNTY STRATEGIC AGRICULTURE TOOLBOX'** *(Continued from the August 2, August 9, and August 30, 2016 Commission meetings)*

*(Track A, 1:43:47)*

Commissioner Ellertson noted he is ready to move forward with approval of this agreement, but suggested discussion be continued for additional information to be presented. Commissioner Graves pointed out discussions could continue indefinitely if a decision is not made. Commissioner Ellertson stated contributions have been made by people that some may not consider local, and Commissioner Graves added that while he does not necessarily agree with the findings, he acknowledges the work was done. The three commissioners discussed funding sources, with Commissioner Graves mentioning specifically that he wants to have enough money in the fund to fix a room. Commissioner Lee countered \$48,000 is available, but proposals for the sound alone are more than that.



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**Commissioner Graves made the motion to approve an agreement for sponsorship of Envision Utah’s ‘Utah County Strategic Agriculture Toolbox’ as detailed in Regular Agenda Item No. 8.**

Because there was lack of a second, Commissioner Ellertson briefly suspended Robert’s Rules of Order for the purpose of seconding this motion.

**The motion was seconded by Commissioner Ellertson, and discussion continued.**

*(Track A, 1:47:20)*

Commissioner Lee stated he would have preferred this money be taken and put toward something positive rather than a program in which many have expressed concern is not going in the right direction. He said it is disconcerting Utah County had no contract or obligation to do this, and yet is throwing away \$20,000 for an outcome which is not going to be accepted by the community. Commissioner Ellertson responded that the outcome is not a specific plan, but a toolbox which will not dictate to anyone what they must do – only the means to make a decision. Commissioner Ellertson pointed out the local farm bureau and other producers can see the value in this investment, and there was an implied understanding from the beginning that Utah County would be a supportive participant.

**The motion to approve an agreement for sponsorship of Envision Utah’s ‘Utah County Strategic Agriculture Toolbox,’ made by Commissioner Graves and seconded by Commissioner Ellertson, carried with the following vote:**

**AYE: Larry A. Ellertson  
Greg Graves**

**NAY: William C. Lee**

AGREEMENT NO. 2016-657

*(Track A, 1:49:11)*

Commissioner Graves noted he agrees with both Commissioners Ellertson and Lee to some extent. There are some directions listed which he personally would never do, but at the same time Commissioner Graves does not know how involved Envision Utah will be throughout the entire process. Commissioner Graves does want more money in the budget for finding a helpful and meaningful solution. Commissioner Graves reiterated his motion came as acknowledgement that the work was performed, whether or not he agrees with said work. Commissioner Ellertson added this is part of an ongoing planning effort for land use in the county.

Commissioner Lee stated he was optimistic at the beginning of this process, but it has become unrecognizable. It appears to have morphed into something where the outcome was decided prior to participant involvement, and those individuals were babied along until that point was reached. Commissioner Lee repeated it is unfortunate and he is disheartened the Board is finalizing this contract. Commissioner Ellertson stated he views it differently, and suggested the two meet so that he could better understand Commissioner Lee’s expectations of the project. Commissioner Graves added he would like to be included in that discussion, as he frankly agrees with most of Commissioner Lee’s statements; they all agreed that the intent needs to be clarified.

**11. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AMENDMENT TO AGREEMENT NO. 2014-852 REGARDING PRICING WITH QUEST DIAGNOSTICS**

*(Track A, 1:52:57)*

When Commissioner Ellertson asked whether there is money in the budget to cover this expense, Eric Edwards of the Utah County Health Department explained the county charges fees for the specimen tests.

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**Commissioner Graves made the motion to approve an amendment to Agreement No. 2014-852 with Quest Diagnostics as outlined in Regular Agenda Item No. 11. 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. 2016-658

**13. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT BETWEEN UTAH COUNTY DEPARTMENT OF DRUG AND ALCOHOL PREVENTION AND TREATMENT AND PETER DEBENEDITTIS FOR PARTICIPATION IN THE LEGISLATIVE ALCOHOL POLICY SUMMIT - OCTOBER 20, 2016 (Continued from the August 30, 2016 Commission meeting)**

*(Track A, 1:54:37)*

Commissioner Lee mentioned speaking with Pat Bird of the Utah County Department of Drug and Alcohol Prevention and Treatment. While he understands Mr. Bird's reasoning, Commissioner Lee's opinion is that the county is paying a speaker to come into a conference setting and teach on how to raise taxes, so he will be voting against approval of this agreement.

Heather Lewis of the Utah County Department of Drug and Alcohol Prevention and Treatment clarified the county is only paying \$5,000 of the \$30,000 expense for this Legislative Alcohol Policy Summit, and Peter Debenedittis will also be presenting to the entire state on more than just the tax issue. Utah County Department of Drug and Alcohol Prevention and Treatment Executive Director Richard Nance explained the theme of the conference is 'balance' on perspectives of public health and public safety, so there will be arguments presented from both sides of each platform. Commissioner Lee stated that while he understands the concept of a group discussion to review options, he struggles with the idea of using taxpayer monies to discuss, in a conference setting, how to get more taxpayer money from the citizens. Mr. Nance countered that taxpayer monies are already used in the county to combat underage drinking; this is another way to determine the best ways to use those funds. The commissioners debated these points.

**Commissioner Graves made the motion to approve an agreement between the Utah County Department of Drug and Alcohol Prevention and Treatment, and Peter Debenedittis, for participation in the Legislative Alcohol Policy Summit on October 20, 2016 as specified in Regular Agenda Item No. 13.**

Because there was lack of a second, Commissioner Ellertson briefly suspended Robert's Rules of Order for the purpose of seconding this motion.

**The motion was seconded by Commissioner Ellertson, and carried with the following vote:**

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

AGREEMENT NO. 2016-659

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The commissioners chose to address Regular Agenda Item Nos. 14, 15, and 16 in tandem.

**14. ADOPT A RESOLUTION APPROVING AND AUTHORIZING THE COMMISSION CHAIR TO EXECUTE AN INTERLOCAL COOPERATION AGREEMENT WITH PAYSON TO COORDINATE AND IMPLEMENT THE COMMUNITIES THAT CARE PREVENTION MODEL**  
CONTINUED TO SEPTEMBER 13, 2016

**16. ADOPT A RESOLUTION APPROVING AND AUTHORIZING THE COMMISSION CHAIR TO EXECUTE AN INTERLOCAL COOPERATION AGREEMENT WITH SARATOGA SPRINGS CITY TO COORDINATE AND IMPLEMENT THE COMMUNITIES THAT CARE PREVENTION MODEL**  
CONTINUED TO SEPTEMBER 13, 2016

*(Track A, 2:02:22)*

Heather Lewis of the Utah County Department of Drug and Alcohol Prevention and Treatment explained why there is a price difference between the three agreements identified in Regular Agenda Item Nos. 14, 15, and 16. The pass-through monies come from the state, and the amounts are based on population. Commissioners Graves and Ellertson discussed the dollar amounts.

**Commissioner Graves made the motion to continue Regular Agenda Item Nos. 14 and 16 regarding agreements with Payson City and Provo City School District to coordinate and implement the Communities That Care prevention models for one week to the September 13, 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 SEPTEMBER 13, 2016

**15. ADOPT A RESOLUTION APPROVING AND AUTHORIZING THE COMMISSION CHAIR TO EXECUTE AN INTERLOCAL COOPERATION AGREEMENT WITH PROVO CITY SCHOOL DISTRICT TO COORDINATE AND IMPLEMENT THE COMMUNITIES THAT CARE PREVENTION MODEL**

*(Track A, 2:06:37)*

**Commissioner Graves made the motion to adopt a resolution approving the Interlocal Cooperation Agreement with Provo City School District to coordinate and implement the Communities That Care prevention model as detailed in Regular Agenda Item No. 15. The motion was seconded by Commissioner Lee and carried with the following vote:**

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

RESOLUTION NO. 2016-101  
AGREEMENT NO. 2016-660

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**19. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT WITH RESPONSIBILITY FOUNDATION, INC. FOR PLAQUES** *(Continued from the August 30, 2016 Commission meeting)*

*(Track A, 2:06:59)*

Responsibility Foundation, Inc. Executive Director Lisa Clark-Price thanked the Board for choosing her company to identify the Statue of Responsibility in front of the Utah County Administration Building, as they have been receiving many compliments. She summarized there were originally four plaques ordered by the Board, and emails back and forth indicate that three were approved. The Responsibility Foundation agrees to pay the \$1,000 to replace a plaque to include the name of the Provo City Mayor and another individual. Ms. Clark-Price read an email from Brian Voeks in the Commission Office identifying a second plaque to correct, regarding the correct capitalization of the letter ‘h’ in the word ‘Holocaust’ and the italicization of a book title. The commissioners and Ms. Clark-Price discussed dollar amounts and the time required for the corrections, and potential discounts through the casting company. The Board ultimately decided to pay \$2,700 now, and a remaining \$1,900 upon receipt of the two corrected plaques in two to three weeks; the foundation will pay the \$1,000 balance of the casting company’s total.

**Commissioner Graves made the motion to sign an agreement with Responsibility Foundation, Inc. to pay \$2,700 now, and the balance of \$1,900 upon receipt of the two corrected plaques as discussed in Regular Agenda Item 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. 2016-661

**20. AUTHORIZE THE COMMISSION CHAIR TO SIGN UTAH COUNTY’S WRITTEN NOTICE OF INTENT TO WITHDRAW AS A MEMBER OF THE JORDAN RIVER COMMISSION** *(Continued from the August 30, 2016 Commission meeting)*

*(Track A, 2:14:21)*

Commissioner Ellertson stated he is uncomfortable with signing the letter as currently written, and requested a continuance in order to make some changes.

**Commissioner Graves made the motion to continue Regular Agenda Item No. 20 regarding notice of intent to withdraw as a member of the Jordan River Commission for one week to the September 13, 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 SEPTEMBER 13, 2016

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, 2:15:15)*

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

STRICKEN

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

STRICKEN

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

STRICKEN

Commissioner Lee made the motion to strike Regular Agenda Item Nos. 21, 22, and 24 to set dates, times, and locations for closed meetings for a strategy session to discuss the purchase, exchange, or lease of real property, water rights, or water shares; 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

23. 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 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

The Board returned to discussion of previously tabled Consent Agenda Item No. 6 at this point. (*Track A, 2:17:14*)

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**Commissioner Graves made the motion to pull Consent Agenda Item No. 6 from the table, 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**

**(PULLED FROM CONSENT)**

**6. ABATE PERSONAL PROPERTY ACCOUNTS ATTACHED FOR THE YEARS INDICATED, HAVING BEEN IDENTIFIED AS UNCOLLECTIBLE; THERE ARE NO ASSETS AVAILABLE**

*(Track A, 2:17:32)*

Utah County Assessor Kris Poulson provided history on the listed items; the valuation was based on an estimate of personal property in similar businesses. At first a Meineke and Economy Lube Muffler Shop, the specified company is Care Care Central. The business currently at that location is Title Max, which is completely unrelated to the prior two businesses and can therefore be assumed that the personal property is no longer available at that location.

**Commissioner Graves made the motion to abate the Personal Property Accounts as defined in Consent Agenda Item No. 6. 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. 2016-662

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

The Board returned to discussion of previously tabled Regular Agenda Item No. 1 at this point.

*(Track A, 2:19:43)*

**Commissioner Graves made the motion to pull Regular Agenda Item No. 1 from the table, 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**

**1. AUTHORIZE A CHANGE TO THE HEALTH PROMOTION DIVISION STAFFING PLAN TO DELETE ONE (1) FULL-TIME GRANT-FUNDED CAREER SERVICE HEALTH EDUCATOR I POSITION, AND ADD ONE (1) FULL-TIME GRANT-FUNDED CAREER SERVICE HEALTH EDUCATOR II POSITION [UPGRADE POSITION PROMO 018 FROM CLASS CODE 993620 TO CLASS CODE 993120]**

*(Track A, 2:19:58)*

Utah County Personnel Director Cammie Taylor confirmed the Health Promotion Division had planned for this staff change within their grant to upgrade an employee who received additional certification and met the requirements for number of years worked.

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**Commissioner Lee made the motion to authorize the change to the Health Promotion Division Staffing Plan as detailed 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

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

Commissioner Ellertson reiterated for the record that the additional cost is budgeted within the grant.

**WORK SESSION**

NO WORK SESSION ITEMS WERE SUBMITTED

**PUBLIC COMMENTS**

There were no public comments and the meeting recessed at 11:27 A.M. to go into closed meetings. The public meeting reconvened at 11:51 A.M.

*(Track B, 00:01)*

**Commissioner Graves made the motion to adjourn the September 6, 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 11:51 A.M. The minutes of the September 6, 2016 Commission meeting were approved as transcribed on October 25, 2016.

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LARRY A. ELLERTSON, Commission Chair

ATTEST:

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BRYAN E. THOMPSON  
Utah County Clerk/Auditor

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**\*Consent Agenda Item No. 6:**

The Board returned to discussion of Consent Agenda Item No. 6 before recessing into closed sessions, and decided to abate the Personal Property Accounts by unanimous vote.

**\*Regular Agenda Item No. 1:**

The Board returned to discussion of Regular Agenda Item No. 1 before recessing into closed sessions, and decided to authorize the change to the Health Promotion Division Staffing Plan by unanimous vote.