

BOARD OF COUNTY COMMISSIONERS, UTAH COUNTY, UTAH
MINUTES OF PUBLIC MEETING
COMMISSION CHAMBERS, ROOM 1400
OF THE UTAH COUNTY ADMINISTRATION BUILDING
September 20, 2016 - 9:00 A.M.

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

ALSO PRESENT:

Jeffrey Buhman, Utah County Attorney
Robert J. Moore, Utah County Deputy Attorney
Cort Griffin, 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
Jim Stevens, Assessor's Office
Burt Garfield, Assessor's Office
Peter A. Jeppsen, Assessor's Office
Bryce Armstrong, Community Development
Brandon Larsen, Community Development
Joshua Ivie, Community Development

Ralph Clegg, Health Department Exec. Director
Marla Brannum, Utah County Health Department
Patty Cross, Utah County Health Department
Eric Edwards, Utah County Health Department
Steve Mickelson, 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
Gary Ratcliffe, Utah County Surveyor
Kim T. Jackson, Utah County Treasurer
Robert Gurney, Lehi Resident
Mike Stansfield, Fairways Media
Renée Caron, Clerk/Auditor Administrative Assistant

Commissioner Ellertson called the meeting to order at 9:03 A.M. and welcomed those present. The following matters were discussed:

PRAYER/READING/THOUGHT: Steve Mickelson, Utah County Health Department
PLEDGE OF ALLEGIANCE: Gary Ratcliffe, Utah County Surveyor

CONSENT AGENDA
(Track A, 02:15)

1. **RATIFY THE SIGNATURE OF THE COMMISSION CHAIR ON THE NOTICE OF ELECTRONIC MEETING OF THE BOARD OF COUNTY COMMISSIONERS OF UTAH COUNTY, UTAH ON SEPTEMBER 20, 2016**
2. **APPROVE STEWART CASCADELANDS PLANNED DWELLING GROUP, PLAT 'E,' BEING AN AMENDMENT OF LOTS 1, 2, AND 3, STEWART CASCADELANDS PLANNED DWELLING GROUP, PLAT 'B' 2ND AMENDMENT, SUBJECT TO THE UPDATED CONDITIONS OF APPROVAL, DATED AUGUST 16, 2016**
3. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN A SUBDIVISION IMPROVEMENT AND WARRANTY AGREEMENT WITH TRAVIS HALES FOR THE R STEVENS PLAT 'B' SUBDIVISION IN THE AMOUNT OF \$112.50**
4. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN A WIRELINE CROSSING AGREEMENT WITH THE UTAH TRANSIT AUTHORITY FOR A UTAH COUNTY FIBER OPTIC CABLE TO BE INSTALLED UNDERNEATH THE RAILROAD AT SOUTH UNIVERSITY AVE IN PROVO**

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5. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN A MAINTENANCE AGREEMENT WITH LES OLSON COMPANY FOR AN MX-M565 COPIER, SERIAL NO. 65014505, LOCATED IN THE ASSESSOR’S OFFICE; EXPIRES 12/31/2016**
6. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN THE SUPPLEMENTAL LAW ENFORCEMENT CONTRACT WITH UNIVERSITY OF CALIFORNIA, LOS ANGELES, TO HAVE FIVE DEPUTIES HELP WITH SECURITY AND ESCORTING FOOTBALL TEAM FROM SALT LAKE CITY AIRPORT TO PROVO ON SEPTEMBER 16, 2016; AND FROM PROVO TO BYU STADIUM ON SEPTEMBER 17, 2016**
7. **ABATE PERSONAL PROPERTY ACCOUNTS ATTACHED FOR THE YEARS INDICATED, HAVING BEEN IDENTIFIED AS UNCOLLECTIBLE; THERE ARE NO ASSETS AVAILABLE**
8. **APPROVE TAX CREDITS AND REFUNDS RECOMMENDED BY THE COUNTY TREASURER’S OFFICE IN CANCELLATION LETTER NO. 20367, DATED SEPTEMBER 14, 2016**
9. **ADOPT A RESOLUTION APPROVING VOLUNTEERS WHO WISH TO DONATE THEIR SERVICES TO THE SENIOR COMPANION PROGRAM AND THE UTAH COUNTY HEALTH DEPARTMENT**
10. **RATIFICATION OF PAYROLL FOR PAY PERIOD 19**
11. **RATIFICATION OF WARRANT REGISTER SUMMARY FOR SEPTEMBER 20, 2016**

Consent Agenda Item Nos. 1 through 11 were approved as written. Commissioner Ellertson recommended the following Regular Agenda items be moved to Consent:

2. **AUTHORIZE A CHANGE TO THE ATTORNEY – CRIMINAL STAFFING PLAN TO DELETE ONE (1) FULL-TIME CAREER SERVICE ATTORNEY II – CRIMINAL POSITION AND ADD ONE (1) FULLTIME CAREER SERVICE ATTORNEY III – CRIMINAL POSITION [UPGRADING POSITION CRIMINAL 002 FROM CLASS CODE 2001 TO CLASS CODE 2002]**
3. **AUTHORIZE STAFFING PLAN CHANGES TO ADD ONE FULL-TIME, GRANT-FUNDED, CAREER SERVICE MEDICAL SURGE CAPACITY COORDINATOR POSITION TO THE ENVIRONMENTAL HEALTH DIVISION AND TO DELETE ONE FULL-TIME, GRANT-FUNDED, CAREER SERVICE PUBLIC HEALTH NURSE II POSITION FROM THE ENVIRONMENTAL HEALTH DIVISION [DELETING POSITION ENVIRO HLT 005; ADDING CLASS CODE 992640]**
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 *(Continued from the September 6 and 13, 2016 Commission meetings)***
7. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT WITH THE UNIVERSITY OF UTAH POISON CONTROL CENTER TO PROMOTE POISON PREVENTION EDUCATION *(Continued from the September 13, 2016 Commission meeting)***

The commissioners requested Regular Agenda Item No. 7 be continued to a future meeting of the Board.

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8. APPROVE THE UTAH COUNTY HEALTH DEPARTMENT EQUAL ACCESS POLICY

Utah County Health Department Director Ralph Clegg noted briefly, later in the meeting, that this written policy is a requirement for federal contracting; the county has always practiced anti-discrimination policies.

(Track A, 17:45)

9. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AMENDMENT NO. 2 TO AGREEMENT NO. 2015-101 WITH THE UTAH DEPARTMENT OF HEALTH TO INCREASE FUNDING FOR MENINGOCOCCAL H FLU ENHANCED SURVEILLANCE

10. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN A MEMORANDUM OF AGREEMENT WITH THE UTAH DEPARTMENT OF HEALTH TO ESTABLISH PROCEDURES FOR MUTUAL COOPERATION AND COORDINATION WITH LOCAL HEALTH DEPARTMENTS REGARDING THE DEVELOPMENT, MANAGEMENT, OPERATION, AND SECURITY OF UTAH'S NATIONAL ELECTRONIC DISEASE SURVEILLANCE SYSTEM

Utah County Health Department Director Ralph Clegg noted briefly, later in the meeting, that this tracking system is used throughout the state to monitor diseases from county to county. Commissioner Graves mentioned a recent death due to opioid addiction in the county, and Mr. Clegg talked about coordination efforts with the Utah County Sheriff's Office and the Utah County Department of Drug and Alcohol Prevention and Treatment to minimize those problems.

(Track A, 18:13)

11. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT WITH THE UTAH HIGHWAY SAFETY OFFICE TO PROVIDE FUNDING FOR CHILD CAR SEATS AND TRAINING FOR THEIR CORRECT USE AND INSTALLATION

13. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO EXECUTE AN AGREEMENT WITH GALLAGHER-WESTFALL GROUP FOR TRAINING SERVICES FOR THE UTAH COUNTY SHERIFF'S OFFICE

ACTIONS TAKEN

Consent Agenda Item Nos. 1 through 11 were ratified, approved, authorized, abated, adopted, and ratified. Regular Agenda Item Nos. 2, 3, 4, 8 through 11, and 13 were authorized, adopted, and approved; and No. 7 was continued to the October 4, 2016 meeting of the Board.

AGREEMENT NOS.: 2016-680 through 2016-691

RESOLUTION NO.: 2016-107

ORDINANCE NO.: 2016-25

POLICY NO.: 2016-2

REGULAR AGENDA

1. APPROVE THE MINUTES OF THE JULY 12, 2016 COMMISSION MEETING *(Continued from the September 13, 2016 Commission meeting)*

(Track A, 04:20)

The commissioners noted some typographical errors to be corrected for the sake of clarity. Commissioners Ellertson and Lee also requested the following notes be added to the minutes of the July 12, 2016 Commission meeting:

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From Commissioner Lee –

'I want to clarify my "nay" vote on Regular Agenda Item No. 5. I am a big supporter of the farming community here in Utah County, so my vote was not in opposition to creating the agriculture protection area requested by the Kay family. Rather, my vote was for even greater agriculture protection through stronger property rights. That is why I would have voted as the Utah County Agricultural Protection Advisory Board did, which was to grant the Kay application in full, excluding only the existing right-of-way.'

From Commissioner Ellertson –

'I would like to add, from the other side of the issue, that the motion as passed is what was recommended by the Utah County Planning Commission. Commissioner Lee's note refers to the Agricultural Protection Board, but the Planning Commission actually voted 3-1 to recommend the 56-foot right-of-way, as discussed during the Public Hearing.'

The suggested amendments were included within the official record.

Commissioner Lee made the motion to approve the minutes of the July 12, 2016 Commission meeting, with additional notes, as determined 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**

5. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN A NEW AGREEMENT WITH THE SIDWELL COMPANY FOR A SOFTWARE MAINTENANCE AND SUPPORT AGREEMENT WITH THE COUNTY RECORDER'S OFFICE

(Track A, 12:28)

Utah County Recorder Jeff Smith explained the county does have an agreement with the Sidwell Company, but this contract has new additions.

Commissioner Graves made the motion to approve the Sidwell Company agreement for software maintenance and support with the County Recorder's Office as outlined 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. 2016-692

6. AUTHORIZE THE UTAH COUNTY PURCHASING MANAGER TO SIGN AN ELECTRONIC AGREEMENT ON BEHALF OF UTAH COUNTY WITH SMARTPROCURE FOR TWO SUBSCRIPTIONS TO THE SMARTPROCURE SERVICE

(Track A, 14:23)

Commissioner Ellertson mentioned the SmartProcure service will assist the county in finding the best prices for purchases. Commissioner Graves added that it is on a trial basis, and Utah County Clerk/Auditor Bryan E. Thompson confirmed the contract is written so that it can be cancelled and pro-rated if the county is dissatisfied. Utah County Deputy Attorney Carl Hollan also confirmed that information, and explained the contract year begins from the date it is electronically signed by the Purchasing Manager Robert Baxter.

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Commissioner Lee made the motion to authorize two subscriptions through SmartProcure as identified in Regular 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**

AGREEMENT NO. 2016-693

12. APPROVE OR DENY A REQUEST FROM THE OREM DISTRICT OF THE UTAH NATIONAL PARKS COUNCIL OF THE BOY SCOUTS OF AMERICA TO WAIVE THE \$300 EVENT PERMIT FEE FOR USE OF A PORTION OF THE PROVO RIVER PARKWAY AND THE MURDOCK CANAL TRAIL FOR THE ‘BSA 50/20’ ON SEPTEMBER 23-24, 2016

(Track A, 20:39)

Utah County Public Works Director Richard Nielson explained the ‘50/20’ portion of the request is for the fifty miles which will be travelled in 20 hours by the Boy Scout group. He reviewed the trail they will take on foot, noting anyone can join – there were 500 participants last year. When Commissioner Ellertson asked Mr. Nielson to remind the scouts they are not the only ones on the trail and to be considerate of public use, Mr. Nielson confirmed Utah County Public Works Associate Director Don Nay has addressed that concern with the event organizer.

Commissioner Lee made the motion to waive the \$300 Event Permit fee for use of a portion of the Provo River Parkway and the Murdock Canal trail for the ‘BSA 50/20’ to be held September 23-24, 2016 as specified in Regular Agenda Item No. 12, 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 Graves and carried with the following vote:

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

AGREEMENT NO. 2016-694

14. ADOPT RESOLUTION OF APPOINTMENT OF MEMBERS TO THE UTAH COUNTY TOURISM TAX ADVISORY BOARD

(Track A, 23:40)

Commissioner Ellertson suggested this item be tabled until after the closed meetings.

Commissioner Lee made the motion to table discussion of Regular Agenda Item No. 14. 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.*

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, 24:03)

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

STRICKEN

18. APPROVE AND SET A DATE, TIME AND LOCATION FOR A CLOSED MEETING FOR A STRATEGY SESSION TO DISCUSS PENDING OR REASONABLY IMMINENT LITIGATION (*Suggested for today's date, at this location, following the completion of the Regular Agenda and Work Session agenda items*) (*Announce the vote of each Commissioner*)

STRICKEN

Commissioner Lee made the motion to strike Regular Agenda Item Nos. 15 and 18 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; 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

16. 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*) (*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 sale of real property, water rights, or water shares previously publicly noticed for sale to follow the Regular Agenda 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

17. 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:

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

SET

WORK SESSION

NO WORK SESSION ITEMS WERE SUBMITTED

PUBLIC COMMENTS

There were no public comments and this concluded discussion of most scheduled agenda items. The meeting recessed at 9:29 A.M. to go into closed sessions. The public meeting reconvened at 9:51 A.M., and the commissioners returned to previously tabled Regular Agenda Item No. 14 for discussion.

14. ADOPT RESOLUTION OF APPOINTMENT OF MEMBERS TO THE UTAH COUNTY TOURISM TAX ADVISORY BOARD

(Track B, 00:01)

Commissioner Graves made the motion to adopt the resolution of appointment of Danny Wheeler to the Utah County Tourism Tax Advisory Board as specified in Regular Agenda Item No. 14. 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. 2016-108

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

This concluded the open meeting.

Commissioner Graves made the motion to adjourn the September 20, 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 9:52 A.M. The minutes of the September 20, 2016 Commission meeting were approved as transcribed on November 1, 2016.

LARRY A. ELLERTSON, Commission Chair

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ATTEST:

BRYAN E. THOMPSON
Utah County Clerk/Auditor

***Regular Agenda Item No. 14:**

The Board addressed this item following the closed sessions; it was adopted by unanimous vote for Danny Wheeler to be appointed as a member of the Utah County Tourism Tax Advisory Board.