

BOARD OF COUNTY COMMISSIONERS, UTAH COUNTY, UTAH
MINUTES OF PUBLIC MEETING
COMMISSION CHAMBERS, ROOM 1400
OF THE UTAH COUNTY ADMINISTRATION BUILDING
September 27, 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, Deputy Attorney
Paul Jones, Deputy Attorney
Carl Hollan, Deputy Attorney
Scott C. Hogensen, Chief Deputy Clerk/Auditor
Vicky Westergard, Clerk/Auditor's Office
Michelle Araujo, Commission Office
Lisa K. Nielson, Commission Office
Brian Voeks, Commission Office
Burt Garfield, Assessor's Office
Jim Stevens, Assessor's Office
Patty Cross, Utah County Health Department
Eric Edwards, Utah County Health Department
Aislynn Tolman-Hill, County Health Department

Robert Baxter, Utah County Purchasing Manager
Heather Lewis, Drug & Alcohol Prevention & Treatment
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
Jeanne Bowen, Utah County Treasurer's Office
Chad Booth, County Seat TV
Ria Booth, County Seat TV
Katie England, The Daily Herald
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: Mike Stansfield, Fairways Media

PLEDGE OF ALLEGIANCE: Lieutenant Mike Brower, Utah County Sheriff's Office

CONSENT AGENDA

(Track A, 02:50)

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 27, 2016**
2. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO EXECUTE A NOTICE OF ELECTRONIC MEETINGS OF THE BOARD OF COUNTY COMMISSIONERS OF UTAH COUNTY, UTAH**
3. **RATIFY THE SIGNATURE OF THE COMMISSION CHAIR ON AN AGREEMENT WITH THOMSON REUTERS FOR SERVICES PROVIDED TO THE UTAH COUNTY JAIL LIBRARY**
4. **RATIFY THE SIGNATURE OF THE COMMISSION CHAIR ON AN AGREEMENT WITH L.N. CURTIS AND SONS DBA CURTIS BLUE LINE TO SPONSOR AND PROVIDE SERVICES DURING A SPECIAL WEAPONS AND TACTICS (S.W.A.T.) COMPETITION TO BE HELD OCTOBER 6-7, 2016**

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5. **RATIFY THE SIGNATURE OF THE COMMISSION CHAIR ON A MODIFICATION TO AGREEMENT NO. 2016-587 WITH THE US FOREST SERVICE, UINTA-WASATCH-CACHE NATIONAL FOREST FOR ROAD WORK ON THE NEBO LOOP ROAD IN THE AMOUNT OF \$90,000.00**
6. **AUTHORIZE THE UTAH COUNTY CLERK/AUDITOR TO SIGN A QUIT CLAIM DEED TO LINDON CITY FOR PARCEL SERIAL NO. 14:062:0087**
7. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO BACK-DATE AGREEMENT NO. 2016-380 WITH EMI HEALTH TO JANUARY 1, 2016 IN ORDER TO RECOVER INCREASED COSTS**
8. **APPROVE TAX CREDITS AND REFUNDS RECOMMENDED BY THE COUNTY ASSESSOR'S OFFICE IN CANCELLATION AND CORRECTION LETTER NO. 60345, DATED SEPTEMBER 22, 2016**
9. **APPROVE TAX CREDITS AND REFUNDS RECOMMENDED BY THE COUNTY TREASURER'S OFFICE IN CANCELLATION LETTER NO. 20368, DATED SEPTEMBER 21, 2016**
10. **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**
11. **ADOPT A RESOLUTION APPROVING VOLUNTEERS WHO WISH TO DONATE THEIR SERVICES TO THE UTAH COUNTY CHILDREN'S JUSTICE CENTER**
12. **RATIFICATION OF WARRANT REGISTER SUMMARY FOR SEPTEMBER 27, 2016**

Consent Agenda Item Nos. 1 through 12 were approved as written. Commissioner Ellertson recommended the following Regular Agenda items be moved to Consent:

1. **APPROVE THE MINUTES OF THE AUGUST 2, 2016 COMMISSION MEETING**
2. **APPROVE AN UPDATED LETTER TO THE BUREAU OF LAND MANAGEMENT (BLM) REGARDING THE EASTERN LAKE MOUNTAINS TARGET SHOOTING PLAN AMENDMENT**
4. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT WITH TREASURE VALLEY COFFEE, INC. FOR BOTTLED WATER AND BOTTLED WATER DISPENSERS TO BE USED IN UTAH COUNTY OFFICES**
5. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT WITH LASER EXPRESS FOR THE PURCHASE OF TONER CARTRIDGES AND FOR PRINTER MAINTENANCE AND REPAIR**
6. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT WITH JOSHUA GUILIZIA FOR VIDEOGRAPHY**
12. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN THE ANNUAL MAINTENANCE AGREEMENT WITH NEOPOST FOR THE MAIL MACHINE AT THE SHERIFF'S OFFICE**

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13. APPROVE A MOUNTAINLAND ASSOCIATION OF GOVERNMENTS UTAH COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT AWARD UP TO \$13,500.00 TO MOUNTAINLANDS COMMUNITY HEALTH CENTER, INC. FOR THE EAST BAY DENTAL EQUIPMENT PROJECT
14. APPROVE A MOUNTAINLAND ASSOCIATION OF GOVERNMENTS UTAH COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT AWARD UP TO \$20,000.00 TO HOUSE OF HOPE FOR THE PLAYGROUND PROJECT
15. ADOPT AN ORDER CALLING FOR SPECIAL MEETINGS OF THE BOARD OF COUNTY COMMISSIONERS, UTAH COUNTY, UTAH, PURSUANT TO SECTION 17-53-205, UTAH CODE ANNOTATED, 1953 AS AMENDED

ACTIONS TAKEN

Consent Agenda Item Nos. 1 through 12 were ratified, approved, authorized, and adopted. Regular Agenda Item Nos. 1, 2, 4, 5, 6, and 12 through 15 were approved, authorized, and adopted.

AGREEMENT NOS.: 2016-695 through 2016-710
RESOLUTION NO.: 2016-109
ORDER NO.: 2016-2

REGULAR AGENDA

3. APPROVE OR DENY A LATE VETERAN ABATEMENT APPLICATION FOR KEVIN HOFFMEIER, SERIAL NO. 49:780:0107, WITH A FINDING THAT THE FAILURE OF THE CLAIMANT TO TIMELY FILE THE APPLICATION WAS BEYOND THE CLAIMANT'S REASONABLE CONTROL AND TO NOT EXTEND THE DEADLINE WOULD BE AGAINST EQUITY OR GOOD CONSCIENCE

(Track A, 04:06)

Commissioner Graves made the motion to approve the late veteran abatement application for Kevin Hoffmeier on Property Serial No. 49:780:0107 as specified in Regular Agenda Item No. 3, with the finding that the failure of the claimant to timely file the application was beyond the claimant's reasonable control and to not extend the deadline would be against equity or good conscience. The motion was seconded by Commissioner Lee and carried with the following vote:

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

NAY: None

APPROVED

The commissioners chose to address Regular Agenda Item Nos. 7 through 10 in tandem.

(Track A, 04:43)

7. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT WITH PAMELA ERICKSON TO PROVIDE DIRECT LECTURE/PRESENTATION ON ALCOHOL POLICY

AGREEMENT NO. 2016-711

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8. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT WITH CASSANDRA GREISEN TO PROVIDE DIRECT LECTURE/PRESENTATION ON ALCOHOL POLICY

AGREEMENT NO. 2016-712

9. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT WITH LARRY KASS TO PROVIDE DIRECT LECTURE/PRESENTATION ON ALCOHOL POLICY

AGREEMENT NO. 2016-713

10. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT WITH TOBEN NELSON TO PROVIDE DIRECT LECTURE/PRESENTATION ON ALCOHOL POLICY

AGREEMENT NO. 2016-714

(Track A, 05:04)

Commissioner Ellertson asked about the difference in pricing for the presenters, and Heather Lewis of the Utah County Department of Drug and Alcohol Prevention and Treatment explained that the individuals named in Regular Agenda Item Nos. 7 and 8 both require honorarium fees. The dollar amount is highest for the presenter identified in Regular Agenda Item No. 10 because that includes the purchase price of a flight. When Commissioner Lee asked whether these are the only people available for the expense of travel rather than working locally, and Ms. Lewis responded these are the best, well-educated candidates who were willing to present during the summit. Commissioner Ellertson and Ms. Lewis discussed the funding source for these contracts.

Commissioner Graves made the motion to approve the agreements with Pamela Erickson, Cassandra Greisen, Larry Kass, and Toben Nelson as discussed in Regular Agenda Item Nos. 7, 8, 9, and 10. The motion was seconded by Commissioner Lee and carried with the following vote:

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

11. APPROVE OR DENY A REQUEST FROM THE CREATE A FAMILY ADOPTION CHARITY TO WAIVE THE \$170 PARK RESERVATION FEE AND THE \$200 EVENT PERMIT FEE FOR USE OF PORTIONS OF NUNN'S PARK, PROVO CANYON ROAD, AND PROVO CANYON PARKWAY FOR THE 'CREATE A FAMILY ADOPTION CHARITY 5K' ON SEPTEMBER 10, 2016

(Track A, 07:31)

Utah County Public Works Director Richard Nielson noted costs incurred by the county are minimal when park use fees are waived; it is usually determined by number of attendees. Commissioner Lee suggested the group provide a report following the event to better demonstrate the positive community impact.

Commissioner Lee made the motion to waive the \$170 Park Reservation fee and the \$200 Event Permit fee for use of portions of Nunn's Park, Provo Canyon Road, and Provo Canyon Parkway for the 'Create A Family Adoption Charity 5K' to be held September 10, 2016 as identified in Regular Agenda Item No. 11, 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. 2016-715

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- 16. ADOPT A RESOLUTION PROVIDING NOTICE OF THE INTENT OF THE BOARD OF COUNTY COMMISSIONERS OF UTAH COUNTY, UTAH TO LEVY A TAX RATE THAT EXCEEDS UTAH COUNTY'S CERTIFIED TAX RATE; SETTING A DATE, TIME AND LOCATION FOR A PUBLIC HEARING TO DISCUSS THE UTAH COUNTY 2017 BUDGET FOR THE GENERAL FUND AND OTHER BUDGETARY FUNDS OF UTAH COUNTY; AND TO CONSIDER A CHANGE IN THE EXISTING SALARIES OF THE COUNTY OFFICERS OF UTAH COUNTY, UTAH; WHICH PUBLIC HEARING IS PROPOSED TO BE SET FOR TUESDAY, DECEMBER 6, 2016 AT 6:00 P.M. IN ROOM # 1400 OF THE COUNTY ADMINISTRATION BUILDING AT 100 EAST CENTER STREET IN PROVO, UTAH**

(Track A, 09:23)

Commissioner Lee suggested this item be moved into the Work Session portion of the agenda, recognizing that would dictate any conversation on the matter as discussion only with no ability to act or call for a vote. He suggested the intent of this resolution is more about needing to open a dialogue. As the commissioners discussed whether they are prepared to take action, Utah County Civil Division Chief Deputy Attorney David Shawcroft advised that today would be the deadline for setting a public hearing if the Board chooses to conduct one as part of the 2017 Budget process.

(Track A, 14:40)

Commissioner Graves had prepared a slideshow presentation to review with the Board and audience, but technical difficulties prevented the display from working. Commissioner Graves instead read the prepared information (*a copy of which can be found attached to these minutes*). Commissioner Graves explained the Board has asked county departments to create strategic plans for the next five to ten years; the presentation is intended to bring the public in on the discussion of how to address those upcoming needs. He noted there has not been any significant property tax rate change in Utah County since the mid-1980's. Commissioner Graves talked about fiscal responsibility, and inflation compared to population growth. He reviewed the impending needs and costs of several county departments, including Public Works, Health, Attorney, Drug and Alcohol Prevention and Treatment, Assessor, Justice Court, Treasurer, and Information Technology.

(Track A, 28:10)

When Commissioner Graves reached the numbers for the Sheriff's Office, he mentioned they have been underfunded by at least \$1,000,000 for the past couple of years. This prompted Commissioner Lee to comment that the Sheriff's Office has also turned back approximately that same amount to the county, and they discussed funding allocations for employees over equipment. This segued well into Commissioner Graves' notes on budget needs for the County Personnel Office, including a salary study process and anticipated increases beginning over the next two years. He ended his presentation acknowledging that other county departments not mentioned should also be expected to have additional needs due to population increases. Commissioner Graves pointed out that while county employees have done a great job of doing more with less money, and also building and maintaining reserve funds, the current trajectory shows either an increase in income is needed or services will begin to decline.

(Track A, 33:50)

Commissioner Ellertson thanked Commissioner Graves for compiling that information, and concurred with his statements regarding the efficiency of county personnel. Commissioner Ellertson also recognized future discussions would need to be focused on income, encouraging balance in meeting all needs. Since the figures for a truth in taxation hearing are still unknown, the county would not be able to post notice for a hearing at this time. He and Commissioner Graves explained they are beginning to discuss the topic now so that the public can be fully involved in the process. Commissioner Lee talked about the importance of working together to find a solution, noting that there may be opportunity to reduce expenses and not only focus on increasing revenue. He commented on zero-base budgeting, and all three commissioners agreed this is the beginning of more involved and drawn-out dialogue.

Commissioner Graves made the motion to strike Regular Agenda Item No. 16. The motion was seconded by Commissioner Lee and carried with the following vote:

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

STRICKEN

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, 41:50)

17. **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)*

STRICKEN

18. **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

19. **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)*

STRICKEN

Commissioner Graves made the motion to strike Regular Agenda Item Nos. 17, 18, and 19 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; to discuss the sale of real property, water rights, or water shares; and to discuss the character, professional competence, or physical or mental health of an individual or individuals. The motion was seconded by Commissioner Lee and carried with the following vote:

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

20. **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)*

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:

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

SET

WORK SESSION

1. PRESENTATION ON THE COUNTY SEAT

(Track A, 43:53)

Commissioner Ellertson introduced Chad Booth and Rita Booth of ‘The County Seat’ television program, in which Utah County has participated in years past. Mr. Booth came forward to expound on the idea of specific counties featured in each episode. He commented on topics of interest, and linking county websites to the County Seat YouTube channel – every episode is available for the county to use at their discretion, to help build upon the symbiotic relationship between the counties and their public. Commissioner Graves mentioned it would be nice to have a DVD to provide to school-aged children, and they discussed the timeline for that goal in the next year. Mr. Booth also talked about the broadcast times, channels, and audience reach, and thanked the Board for being sponsors of the program.

PUBLIC COMMENTS

(Track A, 58:25)

Lieutenant Mike Brower of the Utah County Sheriff’s Office thanked the commissioners for addressing the anticipated budget concerns and projections for the safety of the residents.

This concluded the public comment portion of the open meeting, and the meeting recessed at 10:02 A.M. to go into closed sessions. The public meeting reconvened at 10:32 A.M.

Commissioner Lee made the motion to adjourn the September 27, 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

There being no further business nor public comment, the meeting adjourned at 10:32 A.M. The minutes of the September 27, 2016 Commission meeting were approved as transcribed on November 22, 2016.

LARRY A. ELLERTSON, Commission Chair

ATTEST:

BRYAN E. THOMPSON
Utah County Clerk/Auditor

Copies available on the Utah County website at www.utahcounty.gov
Recorded by Renée Caron, Clerk/Auditor Administrative Assistant