

BOARD OF COUNTY COMMISSIONERS, UTAH COUNTY, UTAH
MINUTES OF PUBLIC MEETING
COMMISSION CHAMBERS, ROOM 1400
OF THE UTAH COUNTY ADMINISTRATION BUILDING
March 3, 2015 - 9:00 A.M.

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

ALSO PRESENT:

Paul Jones, Utah County Deputy Attorney
Bryan E. Thompson, Utah County Clerk/Auditor
Scott C. Hogensen, Chief Deputy Clerk/Auditor
Burt Harvey, Clerk/Auditor - Tax Admin. Supervisor
Vicky Westergard, Clerk/Auditor's Office - Tax Admin.
Bryce Armstrong, Community Development
Peggy Kelsey, Community Development
Brandon Larsen, Community Development
Joshua K. Ivie, Community Development
Dr. Joseph K. Miner, Health Department Exec. Director
Ralph Clegg, Utah County Health Department
Steven Mickelson, Utah County Health Department
Bryce C. Larsen, Utah County Health Department
Tyler Plewe, Utah County Health Department
Russell Beckstead, Utah County Health Department
Cheri Tuckett, Health - Foster Grandparent Program
Richard Nance, Drug & Alcohol Prevention & Treatment
PJ Maughan, Drug & Alcohol Prevention & Treatment
Afton Chipman, Drug & Alcohol Prevention & Treatment
Jayne Jacobson, Drug & Alcohol Prevention & Treatment

Julie Rollins, Utah County Purchasing Agent
Brian Voeks, Utah County Commission Office
Kris Poulson, Utah County Assessor
Jim Stevens, Utah County Assessor's Office
Lana Jensen, Utah County Personnel Director
Richard Nielson, Utah County Public Works Director
Jeff Smith, Utah County Recorder
Andrea Allen, Utah County Recorder's Office
Lieutenant Yvette Rice, Utah County Sheriff's Office
Dalene Higgins, Utah County Sheriff's Office
Mike Forshee, Utah County Sheriff's Office
Kim T. Jackson, Utah County Treasurer
Dave Anderson, Spanish Fork City
Bob Carlisle, Carlisle Farm
Kenyon Farley, Kenyon Farley Orchards
Ron Harris, Young Living Essential Oils
John R. Duncan, Utah County Resident
John Hathcock, Utah County Resident
Eldon Neves, Utah County Resident
Mike Stansfield, Fairways Media
Renée Huggins-Caron, Clerk/Auditor Admin. Assist.

Commissioner Ellertson called the meeting to order at 9:04 A.M. and welcomed those present. The following matters were discussed:

PRAYER/READING/THOUGHT: Larry A. Ellertson, Utah County Commissioner
PLEDGE OF ALLEGIANCE: Greg Graves, Utah County Commissioner

PUBLIC COMMENTS

There were no public comments, and the Board proceeded with business as usual.

CONSENT AGENDA

- 1. DECLARE OMRON PROGRAMMABLE LOGIC CONTROLLER COMPONENTS AS SURPLUS TO BE TRANSFERRED TO SAN JUAN COUNTY AS-IS WITH NO WARRANTY AND WITH ALL RIGHTS, TITLES, AND LIABILITIES BEING CONVEYED TO SAN JUAN COUNTY**

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2. **APPROVE OR DENY A REQUEST FROM THE PLEASANT GROVE EAST STAKE OF THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS TO WAIVE THE \$50 EVENT PERMIT FEE FOR USE OF A PORTION OF THE MURDOCK CANAL TRAIL FOR THE PLEASANT GROVE EAST STAKE YOUTH 5K RACE TO BE HELD MARCH 21, 2015**

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

PULLED TO REGULAR

3. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR AND THE COUNTY CLERK/AUDITOR TO SIGN THE FY 2015 HAZARDOUS MATERIALS EMERGENCY PREPAREDNESS (HMEP) GRANT APPLICATION FOR THE UTAH DEPARTMENT OF PUBLIC SAFETY - DIVISION OF HOMELAND SECURITY**

4. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT WITH RAPE AGGRESSION DEFENSE SYSTEMS (R.A.D.), INC. TO FACILITATE/HOST A R.A.D. SYSTEMS BASIC PHYSICAL DEFENSE INSTRUCTOR CERTIFICATION PROGRAM TO BE HELD AT THE UTAH COUNTY HEALTH & JUSTICE BUILDING AUGUST 26-28, 2015**

The Board requested Consent Agenda Item No. 4 be moved to the Regular Agenda for discussion.

PULLED TO REGULAR

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. **APPROVE TAX CREDITS AND REFUNDS RECOMMENDED BY THE COUNTY ASSESSOR'S OFFICE IN CANCELLATION AND CORRECTION LETTER NO. 60321, DATED FEBRUARY 26, 2015**

7. **APPROVE PROPERTY TAX ACTIONS CONTAINED IN RECOMMENDATION LETTER NO. 2015-2 (ABATEMENTS)**

8. **APPROVE PROPERTY TAX ACTIONS CONTAINED IN RECOMMENDATION LETTER NO. 2015-3**

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

10. **APPROVE THE MINUTES OF THE JANUARY 13, 2015 COMMISSION MEETING (*Continued from the February 17, 2015 Commission meeting*)**

The Board requested Consent Agenda Item No. 10 be moved to the Regular Agenda for discussion.

PULLED TO REGULAR

11. **APPROVE THE MINUTES OF THE JANUARY 20, 2015 COMMISSION MEETING**

The Board requested Consent Agenda Item No. 11 be moved to the Regular Agenda for discussion.

PULLED TO REGULAR

12. **APPROVE THE MINUTES OF THE JANUARY 27, 2015 COMMISSION MEETING**

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

PULLED TO REGULAR

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13. RATIFICATION OF PAYROLL FOR FEBRUARY 24, 2015

Period 4	7 Checks: \$ 2,973.93	1,093 Total Deposits: \$1,419,770.76	Total: \$1,422,744.69
		Federal Payroll Taxes	Total: \$ 210,197.88

14. RATIFICATION OF WARRANT REGISTER SUMMARY FOR FEBRUARY 24, 2015

Register No. 177	February 17, 2015	Check Nos. 204470-204483	Total: \$ 26,449.00
Register No. 178	February 18, 2015	Check Nos. 204484-204550	Total: \$ 2,904.00
Register No. 179	February 18, 2015	Direct Deposit:21445-21446	Total: \$ 1,934.70
Register No. 180	February 18, 2015	Check Nos. 204551-204552	Total: \$ 13,813.93
Register No. 181	February 18, 2015	Direct Deposit:21447-21453	Total: \$ 12,223.89
Register No. 182	February 18, 2015	Check Nos. 204553-204559	Total: \$ 23,695.00
Register No. 183	February 19, 2015	Check Nos. 204560-204563	Total: \$ 17,260.29
Register No. 184	February 19, 2015	Check Nos. 204564-204597	Total: \$ 20,589.31
Register No. 185	February 19, 2015	Direct Deposit:21454-21458	Total: \$ 109,684.54
Register No. 186	February 19, 2015	Wires: 372-372	Total: \$ 210,197.88
Register No. 187	February 19, 2015	Direct Deposit:21459-21469	Total: \$ 788,381.13
Register No. 188	February 19, 2015	Check Nos. 204598-204614	Total: \$ 81,107.48
Register No. 189	February 20, 2015	Purchasing Cards 3881-3881	Total: \$ 54.18
Register No. 190	February 20, 2015	Check Nos. 204615-204618	Total: \$ 26,630.56
Register No. 191	February 20, 2015	Wires: 373-375	Total: \$ 344.70
Register No. 192	February 20, 2015	Direct Deposit:21470-21491	Total: \$ 21,749.15
Register No. 193	February 20, 2015	Check Nos. 204619-204674	Total: \$ 427,195.55
Register No. 194	February 20, 2015	Wires: 376-376	Total: \$ 907.51
Register No. 195	February 20, 2015	Direct Deposit:21492-21493	Total: \$ 9,998.20
Register No. 196	February 20, 2015	Check Nos. 204675-204689	Total: \$ 26,999.33
Register No. 197	February 23, 2015	Check Nos. 204690-204715	Total: \$ 25,414.39
Register No. 198	February 24, 2015	Wires: 377-377	Total: \$ 55.48
Register No. 199	February 24, 2015	Purchasing Cards 3882-3882	Total: \$ 1,864.16
Register No. 200	February 24, 2015	Direct Deposit:21494-21497	Total: \$ 7,427.55
Register No. 201	February 24, 2015	Check Nos. 204716-204741	Total: \$ 16,944.33
			<u>Total: \$1,873,826.24</u>

15. RATIFICATION OF WARRANT REGISTER SUMMARY FOR MARCH 3, 2015

Register No. 202	February 24, 2015	Direct Deposit:21498-21498	Total: \$ 813,494.95
Register No. 203	February 24, 2015	Check Nos. 204742-204742	Total: \$ 57,490.50
Register No. 204	February 24, 2015	Check Nos. 204743-204762	Total: \$ 7,126.21
Register No. 205	February 25, 2015	Wires: 378-378	Total: \$ 11.94
Register No. 206	February 25, 2015	Direct Deposit:21499-21512	Total: \$ 17,968.92
Register No. 207	February 25, 2015	Check Nos. 204763-204795	Total: \$ 144,680.52
Register No. 208	February 25, 2015	Check Nos. 204796-204796	Total: \$ 530.00
Register No. 209	February 25, 2015	Purchasing Cards 3883-3884	Total: \$ 1,587.76
Register No. 210	February 25, 2015	Purchasing Cards 3885-3899	Total: \$ 2,899.79
Register No. 211	February 25, 2015	Purchasing Cards 3900-3949	Total: \$ 27,644.68
Register No. 212	February 25, 2015	Check Nos. 204797-204799	Total: \$ 52,841.00
Register No. 213	February 26, 2015	Check Nos. 204800-204802	Total: \$ 30,323.00
Register No. 214	February 26, 2015	Purchasing Cards 3950-4001	Total: \$ 28,640.27
Register No. 215	February 26, 2015	Check Nos. 204803-204803	Total: \$ 7,500.00
Register No. 216	February 26, 2015	Direct Deposit:21513-21518	Total: \$ 4,893.50
Register No. 217	February 26, 2015	Check Nos. 204804-204804	Total: \$ 980.00
Register No. 218	February 26, 2015	Check Nos. 204805-204826	Total: \$ 65,847.72

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Register No. 219	February 26, 2015	Purchasing Cards 4002-4021	Total: \$	7,565.95
Register No. 220	February 26, 2015	Purchasing Cards 4022-4035	Total: \$	2,583.07
Register No. 221	February 26, 2015	Purchasing Cards 4036-4036	Total: \$	85.33
Register No. 222	February 26, 2015	Purchasing Cards 4037-4037	Total: \$	180.50
Register No. 223	February 27, 2015	Direct Deposit:21519-21520	Total: \$	15,120.24
Register No. 224	February 27, 2015	Check Nos. 204827-204829	Total: \$	30,249.10
Register No. 225	February 27, 2015	Check Nos. 204830-204842	Total: \$	23,165.68
Register No. 226	February 27, 2015	Purchasing Cards 4038-4087	Total: \$	24,159.77
Register No. 227	February 27, 2015	Check Nos. 204843-204848	Total: \$	882.80
Register No. 228	February 27, 2015	Purchasing Cards 4088-4125	Total: \$	7,176.60
Register No. 229	February 27, 2015	Check Nos. 204849-204879	Total: \$	33,946.57
Register No. 230	February 27, 2015	Direct Deposit:21521-21528	Total: \$	6,381.64
Register No. 231	February 27, 2015	Direct Deposit:21529-21530	Total: \$	5,303.52
Register No. 232	February 27, 2015	Check Nos. 204880-204891	Total: \$	54,456.79
Register No. 233	February 27, 2015	Check Nos. 204892-204892	Total: \$	7,166.67
Register No. 234	February 27, 2015	Check Nos. 204893-204894	Total: \$	4,511.87
			Total:	<u>\$1,487,396.86</u>

Consent Agenda Item Nos. 1, 3, 5 through 9, and 13 through 15 were approved as written. Commissioner Ellertson recommended the following Regular Agenda items be moved to Consent:

5. **AUTHORIZE THE FOLLOWING CHANGES TO THE STAFFING PLAN OF THE PUBLIC WORKS DEPARTMENT: DELETE THE PARKS MAINTENANCE SUPERVISOR POSITION (POSITION 100-45100-8879-2-1) AND ADD ONE FULL-TIME CAREER SERVICE DIVISION MANAGER - PARKS AND TRAILS POSITION (POSITION 100-45100-2096); AND ADD ONE FULL-TIME CAREER SERVICE PARKS MAINTENANCE SPECIALIST I POSITION (CLASS CODE 8902, ACCOUNT 100-45100)**

The commissioners requested Regular Agenda Item No. 5 be continued to the next meeting of the Board.

CONTINUED TO MARCH 10, 2015

6. **AUTHORIZE THE ADDITION OF ONE FULL-TIME CAREER SERVICE (GRANT) PROGRAM COORDINATOR - DRUG AND ALCOHOL PREVENTION AND TREATMENT POSITION (CLASS CODE 992120, ACCOUNT NUMBER 210-43350) TO THE STAFFING PLAN OF THE DEPARTMENT OF DRUG AND ALCOHOL PREVENTION AND TREATMENT**
7. **AUTHORIZE THE ADDITION OF ONE FULL-TIME CAREER SERVICE GRANT PUBLIC HEALTH NURSE COORDINATOR POSITION (CLASS CODE 992025); SIX FULL-TIME CAREER SERVICE GRANT PUBLIC HEALTH NURSE II POSITIONS (CLASS CODE 992022); AND ONE HALF-TIME CAREER SERVICE GRANT CLINICAL ASSISTANT II POSITION (CLASS CODE 996604) TO THE NURSING DIVISION STAFFING PLAN - ACCOUNT NUMBER 230-43110**
8. **AUTHORIZE THE ADDITION OF ONE (1) FULL TIME CAREER SERVICE-GRANT HEALTH EDUCATOR I POSITION TO THE STAFFING PLAN OF THE HEALTH PROMOTION DIVISION OF THE HEALTH DEPARTMENT (CLASS CODE 993620, ACCOUNT NUMBER 230-43130)**
9. **AUTHORIZE THE UPGRADE OF TWO (2) THREE-QUARTER TIME CAREER SERVICE OFFICE SPECIALIST II - OPERATION POSITIONS TO OFFICE SPECIALIST III - OPERATION POSITIONS IN THE STAFFING PLAN OF THE SHERIFF - JUDICIAL DIVISION (ACCOUNT NUMBER 100-42130, UPGRADING POSITION 6485-45-1 TO 6482-45-1, AND POSITION 6485-37-1 TO 6482-37-1)**

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10. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN A MAINTENANCE AGREEMENT WITH CANON SOLUTIONS AMERICA FOR AN IR5050 COPIER, SERIAL NO. DZA07691, LOCATED IN THE CLERK/AUDITOR-ELECTIONS OFFICE; EXPIRES 3/29/2016
11. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN A MAINTENANCE AGREEMENT WITH CANON SOLUTIONS AMERICA FOR AN IR1023 COPIER, SERIAL NO. TJR42539, LOCATED IN THE SHERIFF'S OFFICE; EXPIRES 3/15/2016
12. APPROVE AND ADOPT A RESOLUTION TRANSFERRING FUNDS BETWEEN DEPARTMENTS OF UTAH COUNTY
16. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN MODIFICATION NO. 2 TO PEST MONITORING AND CONTROL SERVICES AGREEMENT NO. 2013-139 WITH THE UTAH RECLAMATION MITIGATION AND CONSERVATION COMMISSION
17. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO ACCEPT COMPLETION OF THE IMPROVEMENTS AND COMMENCE THE ONE YEAR WARRANTY PERIOD ON THE LOAFER RANCHES SUBDIVISION, AS WELL AS AUTHORIZE RELEASE OF BOND LESS 10% WARRANTY BOND IN THE AMOUNT OF \$47,408.40
18. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN A SUBDIVISION IMPROVEMENT AND WARRANTY AGREEMENT ALONG WITH THE ACCEPTANCE OF A CASH BOND IN THE AMOUNT OF \$40,261.25 FOR THE NORTH SPRINGLAKE-SCOTT PLAT A SUBDIVISION
19. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO ALLOW A PARTIAL RELEASE FOR IMPROVEMENTS COMPLETED FOR THE NORTH SPRINGLAKE-SCOTT PLAT A SUBDIVISION IN THE AMOUNT OF \$19,975.00
21. APPROVE OR DENY A REQUEST FROM COSTCO TO WAIVE THE REQUIREMENTS OF SECTION 1.6.A OF THE UTAH COUNTY FACILITY POLICY AND ALLOW COSTCO TO CONDUCT MARKETING ACTIVITIES IN THE LOBBY OF THE ADMINISTRATION BUILDING, HEALTH AND JUSTICE BUILDING AND THE PUBLIC WORKS BUILDING ON MARCH 23, 2015
22. ADOPT A RESOLUTION APPROVING AND AUTHORIZING THE COMMISSION CHAIR TO SIGN AN INTERLOCAL AGREEMENT WITH SPRINGVILLE CITY FOR THE 400 SOUTH 800 EAST INTERSECTION PROJECT
23. ADOPT A RESOLUTION APPROVING AND AUTHORIZING THE COMMISSION CHAIR TO SIGN AN INTERLOCAL AGREEMENT WITH SPRINGVILLE CITY FOR THE COMMUNITY PARK BRIDGE PROJECT
24. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN THE INMATE COMMISSARY CONTRACT WITH TRINITY SERVICES GROUP
27. ADOPT A RESOLUTION OF APPOINTMENT OF DAVID SHAWCROFT TO THE UTAH COUNTY ACCIDENT REVIEW BOARD
28. ADOPT A RESOLUTION OF APPOINTMENT OF DAVID SHAWCROFT AS THE UTAH COUNTY INSURANCE COORDINATOR

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29. **ADOPT A RESOLUTION OF APPOINTMENT OF DAVID SHAWCROFT AS THE UTAH COUNTY RISK MANAGER**
30. **ADOPT A RESOLUTION OF APPOINTMENT OF DAVID SHAWCROFT TO THE UTAH COUNTY WORKERS' COMPENSATION ACCIDENT REVIEW BOARD**
31. **APPROVE THE NOTICE OF CANCELLATION OF MEETING OF THE BOARD OF COUNTY COMMISSIONERS OF UTAH COUNTY, UTAH FOR TUESDAY, MAY 19, 2015**

ACTIONS TAKEN

Consent Agenda Item No. 1 was declared as surplus; Nos. 2, 4, 10, 11 and 12 were tabled for further discussion; No. 3 was approved and authorized; Nos. 5, 6, 7 and 8 were approved; No. 9 was adopted; and Nos. 13, 14, and 15 were ratified. Regular Agenda Item No. 5 was continued to the March 10, 2015 meeting of the Board; Nos. 6, 7, 8 and 9 were authorized; Nos. 10, 11, 16, 17, 18, 19 and 24 were approved and authorized; Nos. 12, 22, 23, 27, 28, 29 and 30 were adopted; and Nos. 21 and 31 were approved.

AGREEMENT NOS.: 2015-113, 2015-114, 2015-115, 2015-116, 2015-117, 2015-118, 2015-119, 2015-120, 2015-121, 2015-122, 2015-123, 2015-124, 2015-125, 2015-126, 2015-127, 2015-128, 2015-129 and 2015-130

RESOLUTION NOS.: 2015-36, 2015-37, 2015-38, 2015-39, 2015-40, 2015-41, 2015-42 and 2015-43

REGULAR AGENDA

(PULLED FROM CONSENT)

2. **APPROVE OR DENY A REQUEST FROM THE PLEASANT GROVE EAST STAKE OF THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS TO WAIVE THE \$50 EVENT PERMIT FEE FOR USE OF A PORTION OF THE MURDOCK CANAL TRAIL FOR THE PLEASANT GROVE EAST STAKE YOUTH 5K RACE TO BE HELD MARCH 21, 2015**

Commissioner Lee made the motion to waive the \$50 event permit fee for the Pleasant Grove East Stake of the Church of Jesus Christ of Latter-Day Saints to use a portion of the Murdock Canal Trail for the Pleasant Grove East Stake Youth 5K Race to be held March 21, 2015 Willowcreek Middle School to use a portion of the Jordan River Parkway and the roads in as described in Consent Agenda Item No. 2, 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. 2015-131

(PULLED FROM CONSENT)

4. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT WITH RAPE AGGRESSION DEFENSE SYSTEMS (R.A.D.), INC. TO FACILITATE/HOST A R.A.D. SYSTEMS BASIC PHYSICAL DEFENSE INSTRUCTOR CERTIFICATION PROGRAM TO BE HELD AT THE UTAH COUNTY HEALTH & JUSTICE BUILDING AUGUST 26-28, 2015**

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Lieutenant Yvette Rice of the Utah County Sheriff's Office clarified this agreement is to host part of the certification process for instructors of the Rape Aggression Defense (R.A.D.) Systems, Inc. This does not comprise the entire training course, as there are additional classes and programs instructors must complete.

Commissioner Graves made the motion to approve and authorize an agreement with Rape Aggression Defense (R.A.D.) Systems, Inc. to facilitate/host a R.A.D. Systems Basic Physical Defense Instructor Certification Program as detailed in Consent Agenda Item No. 4. 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. 2015-132

(PULLED FROM CONSENT)

10. APPROVE THE MINUTES OF THE JANUARY 13, 2015 COMMISSION MEETING *(Continued from the February 17, 2015 Commission meeting)*

Commissioner Ellertson received confirmation that the attachment included with the January 13, 2015 Commission meeting minutes was related to the Work Session agenda item discussed that day.

Commissioner Graves made the motion to approve the minutes of the January 13, 2015 Commission meeting as outlined in Consent Agenda Item No. 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**

APPROVED

(PULLED FROM CONSENT)

11. APPROVE THE MINUTES OF THE JANUARY 20, 2015 COMMISSION MEETING

Commissioner Ellertson corrected a name within the minutes, and suggested approval with that change.

Commissioner Lee made the motion to approve the minutes of the January 20, 2015 Commission meeting as outlined in Consent Agenda Item No. 11, with the changes noted. 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 WITH CHANGES

(PULLED FROM CONSENT)

12. APPROVE THE MINUTES OF THE JANUARY 27, 2015 COMMISSION MEETING

Commissioner Ellertson requested a review of the wording for Regular Agenda Item No. 2 on page 7 of the January 27, 2015 Commission meeting minutes, and suggested approval with the appropriate changes made.

Commissioner Graves made the motion to approve the minutes of the January 27, 2015 Commission meeting as outlined in Consent Agenda Item No. 12, with the changes noted. 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 WITH CHANGES

REGULAR AGENDA

1. RECOGNITION OF THE UTAH COUNTY EMPLOYEE OF THE MONTH FOR MARCH 2015

Bruce Miller of the Utah County Department of Drug and Alcohol Prevention and Treatment was recognized as the Employee of the Month for March 2015.

2. ADOPT (OR DENY) AN ORDINANCE TO AMEND SECTION 3-2 OF THE UTAH COUNTY LAND USE ORDINANCE

Commissioner Ellertson summarized the Utah County Planning Commission and county staff had recommended the denial of this proposed ordinance. Bryce Armstrong of the Utah County Community Development Office confirmed, noting the applicant has structures already in existence which will need to be removed as they do not meet the setback requirements and potentially cause a sight line problem for drivers through the intersection. Carlisle Farms owner Robert Carlisle came forward to explain the road is only an entrance to his fruit stand; the landscaping includes Hosta plants which require shade. Mr. Carlisle has lost approximately \$32,000 in plant value because the shade-providing structure has been removed, and would like current codes modified to allow the shade cloths and structures.

Robert Carlisle commented on the confusion between 30-foot and 50-foot setback requirements, and Commissioners Ellertson and Graves asked Mr. Carlisle about relocating the plants. Bryce Armstrong added staff was not concerned with the plants themselves, only the safety hazard the structures created by blocking vision for the road. The Board members discussed possible alternative solutions with Mr. Armstrong and Mr. Carlisle while reviewing photos of the property. Mr. Carlisle asked the commissioners not to condemn him, stating people should be allowed to landscape their own property. He mentioned the financial distress of his farm, and Commissioner Ellertson clarified the Board is in favor of agriculture but a compromise would be needed in this situation. Mr. Carlisle was encouraged to continue working with the Community Development staff in order to find an appropriate solution.

Commissioner Graves made the motion to deny an ordinance amending Section 3-2 of the Utah County Land Use Ordinance. 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

3. ADOPT (OR DENY) AN ORDINANCE TO AMEND THE UTAH COUNTY LAND USE ORDINANCE, SUBSECTION 1-6-B, RELATED TO THE CONTINUATION OF NONCOMPLYING STRUCTURES ON QUALIFYING PARCELS OF LAND

Commissioner Ellertson summarized the proposed ordinance is to update non-conforming structures so they are compliant with current codes. Brandon Larsen of the Utah County Community Development Office confirmed, mentioning working with the Utah County Engineer to resolve issues with a property in Birdseye.

Commissioner Graves made the motion to adopt an ordinance amending the Utah County Land Use Ordinance, Subsection 1-6-B, related to the Continuation on Noncomplying Structures on Qualifying Parcels of Land as detailed 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. 2015-3

4. ADOPT AN ORDINANCE AMENDING THE UTAH COUNTY CODE CHAPTER 26, SUBSECTIONS 26-1-1 "DEFINITIONS" AND 26-3-1(C) "PROPOSAL FOR CREATION OF AGRICULTURE PROTECTION AREA"

Commissioner Ellertson summarized the need for clarity regarding the creation of Agriculture Protection Areas. Peggy Kelsey of the Utah County Community Development Office confirmed the definition for "contiguous" would be updated and uniformly applied to the code, as well as the fee schedule.

Commissioner Lee made the motion to adopt an ordinance amending the Utah County Code Chapter 26, Subsections 26-1-1 "Definitions" and 26-3-1(C) "Proposal for Creation of Agriculture Protection Area" as detailed in Regular Agenda Item No. 4. The motion was seconded by Commissioner Graves and carried with the following vote:

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

ORDINANCE NO. 2015-4

13. APPROVE OR DENY A LATE VETERAN ABATEMENT APPLICATION FOR JOHN R. DUNCAN, SERIAL NO. 46:094:0009

Commissioner Lee made the motion to approve the late veteran abatement application for John R. Duncan on Property Serial No. 46:094:0009 as specified in Regular Agenda Item No. 13, with the finding that it would be against equity and good conscience to deny the application. 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

14. APPROVE OR DENY A LATE VETERAN ABATEMENT APPLICATION FOR JOHN L. HATHCOCK, SERIAL NO. 35:088:0039

Commissioner Lee made the motion to approve the late veteran abatement application for John L. Hathcock on Property Serial No. 35:088:0039 as specified in Regular Agenda Item No. 14, with the finding that it would be against equity and good conscience to deny the application. 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

15. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT WITH PARAGON BERMUDA (CANADA) LTD FOR A WEB-BASED SOFTWARE PROGRAM WITH RELATED USER DOCUMENTATION FOR ENVIRONMENTAL HEALTH

Utah County Health Department Executive Director Dr. Joseph K. Miner explained Paragon Bermuda (Canada) LTD had won the bidding process, and Utah County Clerk/Auditor Bryan E. Thompson confirmed there are available funds within the budget. Ralph Clegg of the Health Department added from the audience that long-term pricing would be a savings to the county, and Utah County Deputy Attorney Paul Jones commented on the warranty of the product.

Commissioner Graves made the motion to approve and authorize an agreement with Paragon Bermuda (Canada) LTD for a web-based software program as specified 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

AGREEMENT NO. 2015-133

20. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO ACCEPT COMPLETION OF THE IMPROVEMENTS AND COMMENCE THE ONE YEAR WARRANTY PERIOD ON THE AMENDED PINE GROVE PLAT A AMENDMENT TO LOT 2 SUBDIVISION, AS WELL AS AUTHORIZE RELEASE OF BOND LESS 10% WARRANTY BOND IN THE AMOUNT OF \$88,832.70

Utah County Public Works Director Richard Nielson described the location of the property for the commissioners.

Commissioner Lee made the motion to approve and authorize completion of the improvements and commence the one-year warranty period on the Amended Pine Grove Plat A Amendment to Lot 2 Subdivision, as well as authorize release of bond less ten percent warranty bond in the amount of \$88,832.70 as identified in Regular Agenda Item No. 20. 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. 2015-134

25. ADOPT A RESOLUTION APPOINTING GREG GRAVES AS A MEMBER AND WILLIAM C. LEE AS AN ALTERNATE MEMBER TO THE UTAH VALLEY DISPATCH SPECIAL SERVICE DISTRICT ADMINISTRATIVE CONTROL BOARD (Continued from the February 17, 2015 Commission meeting)

There was some discussion regarding the incorrect wording of the resolution, and Utah County Civil Division Chief Deputy Attorney David Shawcroft suggested striking this item in order for it to be returned to the agenda at a later date with the correct language.

Commissioner Graves made the motion to strike Regular Agenda Item No. 25 from the agenda. The motion was seconded by Commissioner Lee and carried with the following vote:

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

STRICKEN

26. ADOPT A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF UTAH COUNTY, UTAH, APPROVING AN INTERLOCAL COOPERATION AGREEMENT BETWEEN THE SPANISH FORK REDEVELOPMENT AGENCY AND UTAH COUNTY

Commissioner Ellertson reminded the audience of the Sierra Bonita project discussed during Work Session of the January 6, 2015 meeting of the Board. Spanish Fork City's Dave Anderson approached with Ron Harris of Young Living Essential Oils as Commissioner Ellertson reviewed the finances of this agreement with the Spanish Fork Redevelopment Agency: 68% throughout a ten-year period, with a maximum Utah County participation of \$178,831.00. Mr. Harris expressed appreciation for support from the county and Spanish Fork City, commenting on expansion of the company while Mr. Anderson confirmed the Nebo School District has approved a similar agreement.

Commissioner Lee asked whether Spanish Fork City had initially recognized this area for business, or had Young Living Essential Oils made the request. Dave Anderson clarified that while Young Living reached out first, the city encourages this venture. Ron Harris and Mr. Anderson talked about the good relationships within the community. Commissioner Lee expressed uncertainty regarding the varying intentions of Redevelopment Agencies, noting government should not pick the winners and losers in business and asking how they can be more pro-active instead of reactive. Mr. Anderson spoke of working with existing companies, and Mr. Harris commented on expenses and the overall process. Commissioner Ellertson addressed Redevelopment Agencies (RDA) compared to Economic Development Agencies (EDA) and Community Development Agencies (CDA). He mentioned tools needed to be competitive in the global marketplace. Commissioner Lee noted the recent elimination of RDAs and similar entities from the State of California and subsequent savings of \$4,000,000, asking whether Young Living Essential Oils would follow their current plans if the government contribution were less. Mr. Harris mentioned incentives, a competitor, and a desire to remain in Utah; Mr. Anderson and Commissioner Ellertson remarked on the financial prudence of Spanish Fork City.

Commissioner Graves made the motion to adopt a resolution approving an interlocal cooperation agreement with the Spanish Fork Redevelopment Agency as discussed in Regular Agenda Item No. 26. 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. 2015-44
AGREEMENT NO. 2015-135

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

35. SET A DATE, TIME AND LOCATION FOR A CLOSED MEETING FOR A STRATEGY SESSION TO DISCUSS THE SALE OF REAL PROPERTY

STRICKEN

UTAH COUNTY BOARD OF COMMISSIONERS

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- 36. SET A DATE, TIME AND LOCATION FOR A CLOSED MEETING TO DISCUSS COMMERCIAL INFORMATION AS DEFINED IN SECTION 59-1-404, U.C.A., AS AMENDED**
STRICKEN

Commissioner Lee made the motion to strike Regular Agenda Item Nos. 35 and 36 to set dates, times, and locations for a closed meeting for a strategy session to discuss the sale of real property; and to discuss commercial information as defined in Section 59-1-404, U.C.A., as amended. The motion was seconded by Commissioner Graves and carried with the following vote:

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

- 32. 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**

Commissioner Lee made the motion to set a date, time and location for a closed meeting for a strategy session to discuss the character, professional competence, or physical or mental health of an individual or individuals to immediately follow the Work Session portion of the regular public meeting 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. SET A DATE, TIME AND LOCATION FOR A CLOSED MEETING FOR A STRATEGY SESSION TO DISCUSS PENDING OR REASONABLY IMMINENT LITIGATION**

Commissioner Lee 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 immediately follow the previously scheduled closed meeting 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

- 34. SET A DATE, TIME AND LOCATION FOR A CLOSED MEETING FOR A STRATEGY SESSION TO DISCUSS THE PURCHASE, EXCHANGE, OR LEASE OF REAL PROPERTY**

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 to immediately follow the previously scheduled closed meeting 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

This concluded discussion of all scheduled agenda items, and the meeting recessed at 10:16 A.M. to go into closed sessions. The public meeting reconvened at 11:16 A.M.

Commissioner Graves made the motion to adjourn the March 3, 2015 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 11:17 A.M. The minutes of the March 3, 2015 Commission meeting were approved as transcribed on March 17, 2015.

LARRY A. ELLERTSON, Commission Chair

ATTEST:

BRYAN E. THOMPSON
Utah County Clerk/Auditor