

BOARD OF COUNTY COMMISSIONERS, UTAH COUNTY, UTAH  
**MINUTES OF PUBLIC MEETING**  
COMMISSION CHAMBERS, ROOM 1400  
OF THE UTAH COUNTY ADMINISTRATION BUILDING  
**September 15, 2015 - 9:00 A.M.**

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

**ALSO PRESENT:**

Dianne Orcutt, Utah County Deputy Attorney	Lana Jensen, Utah County Personnel Director
Scott C. Hogensen, Chief Deputy Clerk/Auditor	Richard Nielson, Utah County Public Works Director
Julie Rollins, Utah County Purchasing Agent	Jeff Smith, Utah County Recorder
Michelle Araujo, Utah County Commission Office	Andrea Allen, Utah County Recorder's Office
Lisa K. Nielson, Utah County Commission Office	James O. Tracy, Utah County Sheriff
Brian Voeks, Utah County Commission Office	Dalene Higgins, Utah County Sheriff's Office
Peter A. Jeppsen, Utah County Assessor's Office	Gary Ratcliffe, Utah County Surveyor
Clarissa Reeve, Utah County Assessor's Office	Kim T. Jackson, Utah County Treasurer
Jim Stevens, Utah County Assessor's Office	Charlene Christensen, U.V. Convention & Visitors Bureau
Ralph Clegg, Utah County Health Department	Cameron Martin, Utah Valley University
Steve Mickelson, Utah County Health Department	Danielle Downs, <i>The Daily Herald</i>
Richard Nance, Drug & Alcohol Prevention & Treatment	Mike Stansfield, Fairways Media
Michelle Allen, Drug & Alcohol Prevention & Treatment	Renée Huggins-Caron, Clerk/Auditor Admin. 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:** Gary Ratcliffe, Utah County Surveyor

**PLEDGE OF ALLEGIANCE:** James O. Tracy, Utah County Sheriff

**CONSENT AGENDA**

- 1. DECLARE SPECIFIED OFFICE FURNITURE ITEMS AS SURPLUS TO BE SOLD VIA PUBLIC AUCTION OR DISPOSED OF AS JUNK**
- 2. APPROVE REQUESTED EXEMPTIONS ON LIST DATED SEPTEMBER 9, 2015, APPLIED FOR BY TAXPAYERS, FOR PAYMENT OF TAXES WHERE THE MARKET VALUE OF EQUIPMENT WAS LESS THAN \$10,200 AS PROVIDED BY THE UTAH STATE LEGISLATURE FOR 2015**
- 3. APPROVE TAX CREDITS AND REFUNDS RECOMMENDED BY THE COUNTY ASSESSOR'S OFFICE IN CANCELLATION AND CORRECTION LETTER NO. 284, DATED SEPTEMBER 9, 2015**
- 4. ADOPT A RESOLUTION APPROVING VOLUNTEERS WHO WISH TO DONATE THEIR SERVICES TO THE UTAH COUNTY CHILDREN'S JUSTICE CENTER**
- 5. APPROVE PROPERTY TAX ACTIONS CONTAINED IN RECOMMENDATION LETTER NO. 2015-14**
- 6. RATIFICATION OF WARRANT REGISTER SUMMARY**

The commissioners requested Consent Agenda Item No. 6 be continued to the next meeting of the Board.  
CONTINUED TO SEPTEMBER 22, 2015

UTAH COUNTY BOARD OF COMMISSIONERS  
MINUTES - September 15, 2015  
Page 2

Consent Agenda Item Nos. 1 through 5 were approved as written. Commissioner Ellertson recommended the following Regular Agenda items be moved to Consent:

**2. APPROVE THE MINUTES OF THE AUGUST 18, 2015 COMMISSION MEETING**

The Board suggested this item be stricken from the agenda.

STRICKEN

**3. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN A SPONSORSHIP AGREEMENT WITH SIX COUNTY ASSOCIATION OF GOVERNMENTS**

**4. RATIFY SIGNATURE OF THE COMMISSION CHAIR ON A FACILITY USE AGREEMENT WITH SPRINGVILLE MUSEUM OF ART**

**11. 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 LOBBIES OF THE ADMINISTRATION BUILDING, HEALTH AND JUSTICE BUILDING AND THE PUBLIC WORKS BUILDING ON NOVEMBER 19, 2015**

**12. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN THE FY2015 BEER TAX FUNDS REPORT**

**13. ADOPT AN ORDINANCE AMENDING THE UTAH COUNTY GOVERNMENT FEE SCHEDULE ADOPTED IN BOOK FORM BY SECTION 2-1-6 OF THE UTAH COUNTY CODE, BY AMENDING UTAH COUNTY SURVEYOR FEES**

**14. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN THE LEXIS ADVANCE UPGRADE AMENDMENT TO AGREEMENT NO. 2010-655 WITH LEXISNEXIS FOR STATE/LOCAL GOVERNMENT**

**15. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT WITH MEL HUDMAN FOR SERVICES AS THE SECRETARY AND BUDGET OFFICER OF THE UTAH COUNTY FAIR**

**16. APPROVE OR DENY A REAL ESTATE PURCHASE CONTRACT INCLUDING AN ADDENDUM FOR THE SALE OF PARCEL NO. 14:018:0019 LOCATED AT APPROXIMATELY 8740 NORTH 4650 WEST, NEAR AMERICAN FORK, UTAH, AND FURTHER APPROVING THE ASSOCIATED COMMISSION AGREEMENT, ISSUANCE OF A NOTICE OF RIGHT OF FIRST REFUSAL, AND AUTHORIZING THE PUBLIC WORKS DIRECTOR TO EXECUTE ALL RELATED CLOSING DOCUMENTS**

**ACTIONS TAKEN**

**Consent Agenda Item No. 1 was declared as surplus; Nos. 2, 3 and 5 were approved; No. 4 was adopted; and No. 6 was continued to the September 22, 2015 meeting of the Board. Regular Agenda Item No. 2 was stricken from the agenda; Nos. 3, 12, 14 and 15 were approved and authorized; No. 4 was ratified; Nos. 11 and 16 were approved; and No. 13 was adopted.**

UTAH COUNTY BOARD OF COMMISSIONERS

MINUTES - September 15, 2015

Page 3

**AGREEMENT NOS.:** 2015-619, 2015-620, 2015-621, 2015-622, 2015-623, 2015-624, 2015-625, 2015-626, 2015-627, 2015-628, 2015-629 and 2015-630

**RESOLUTION NO.:** 2015-122

**ORDINANCE NO.:** 2015-22

**REGULAR AGENDA**

**1. APPROVE THE MINUTES OF THE JUNE 30, 2015 COMMISSION MEETING** *(Continued from the August 4, 18, and 25, and September 1 and 8, 2015 Commission meetings)*

Commissioner Lee mentioned having questions about the minutes, and Utah County Chief Deputy Clerk/Auditor Scott Hogensen noted that Utah County Clerk/Auditor Bryan E. Thompson had sent a message requesting the minutes be continued an additional week.

**Commissioner Lee made the motion to continue Regular Agenda Item No. 1 regarding the minutes of the June 30, 2015 Commission meeting for one week to the September 22, 2015 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

CONTINUED TO SEPTEMBER 22, 2015

**5. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN A SECOND AMENDMENT TO AGREEMENT NO. 2014-661 WITH DOMINION VOTING FOR THE 2015 ELECTION CYCLE**

Utah County Chief Deputy Clerk/Auditor Scott Hogensen noted the county budget will likely need to be re-opened in order to facilitate the 2015 Election cycle, as it will be on a much larger scale than originally anticipated. He confirmed for Commissioner Ellertson that the agreement with Dominion Voting includes the August Primary Election and the November General Election. When Commissioner Ellertson mentioned the dollar amount within the contract listed as \$47,000 with the phrase "up to \$60,000," Mr. Hogensen explained additional items may be needed and the \$60,000 limit provides a 'ceiling' amount. Utah County Deputy Attorney clarified Exhibit C allows for \$47,000 in addition to the \$13,000 identified in Exhibit A, which provides the new total. Internal budget transfers will also be needed.

**Commissioner Lee made the motion to approve the second amendment to Agreement No. 2014-661 with Dominion Voting for the 2015 Election Cycle as discussed in Regular Agenda Item No. 5. 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. 2015-631

**6. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN THE UPDATED PRICING TERMS FOR AGREEMENT NO. 2012-676 WITH QUEST DIAGNOSTICS**

Utah County Health Department Interim Director Ralph Clegg explained that most of the updated pricing for Quest Diagnostics remains the same, but there are a few areas where costs have decreased. The new list will identify service codes with the Utah County Clerk/Auditor's Office to minimize confusion over invoicing.

**Commissioner Graves made the motion to approve the updated pricing terms for Agreement No. 2012-676 with Quest Diagnostics as outlined 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**

AGREEMENT NO. 2015-632

**7. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT WITH THE STATE OF UTAH, DIVISION OF SUBSTANCE ABUSE AND MENTAL HEALTH FOR SUBSTANCE ABUSE PREVENTION SERVICES**

Commissioner Ellertson noted the dates within the five-year agreement are listed as 2015 through 2020, yet the dollar amount would only cover the year 2016. Utah County Department of Drug and Alcohol Prevention and Treatment Director Richard Nance explained the federal contract will likely be renewed annually with a funding letter, perhaps based on population and needs. The Board reviewed the contract dates with Mr. Nance, and Utah County Civil Division Chief Deputy Attorney David Shawcroft pointed out that either party can terminate the agreement with ten days written notice.

**Commissioner Lee made the motion to approve an agreement with the State of Utah, Division of Substance Abuse and Mental Health for Substance Abuse Prevention Services as specified in Regular Agenda Item No. 7, with the understanding that further clarification will be forthcoming from the Utah County Department of Drug and Alcohol Prevention and Treatment regarding service dates and funding. 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. 2015-633

The commissioners chose to address Regular Agenda Item Nos. 8 through 10 in tandem, as they are directly related.

**8. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT WITH STEVE WRIGHT TO PRODUCE AND DEVELOP PREVENTION COMMUNICATION**

AGREEMENT NO. 2015-634

**9. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT WITH YESCO OUTDOOR MEDIA TO PROVIDE DIGITAL DISPLAY ALONG INTERSTATE-15**

AGREEMENT NO. 2015-635

**10. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN ADDENDUM TO THE AGREEMENT WITH YESCO OUTDOOR MEDIA TO INCLUDE A CONTRACT EXPIRATION**

AGREEMENT NO. 2015-636

Michelle Allen of the Utah County Department of Drug and Alcohol Prevention and Treatment commented on the extra funds from the Personnel Division of department budget to cover costs for the agreements with Steve Wright and YesCo Outdoor Media, and coordinating budget transfers.

**Commissioner Graves made the motion to approve agreements with Steve Wright and YesCo Outdoor Media as discussed in Regular Agenda Item Nos. 8 through 10, with the stipulation that appropriate budget transfers are completed to cover the costs of the contracts. The motion was seconded by Commissioner Lee and carried with the following vote:**

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

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

- 19. 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

- 20. APPROVE AND SET A DATE, TIME AND LOCATION FOR A CLOSED MEETING FOR A STRATEGY SESSION TO DISCUSS THE SALE OF REAL PROPERTY, WATER RIGHTS, OR WATER SHARES, PREVIOUSLY PUBLICLY NOTICED FOR SALE (Suggested for today's date, at this location, following the completion of the Regular Agenda and Work Session Agenda items) (Announce the vote of each commissioner)**

STRICKEN

**Commissioner Lee made the motion to strike Regular Agenda Item Nos. 19 and 20 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 the sale of real property, water rights, or water shares previously noticed for sale. The motion was seconded by Commissioner Graves and carried with the following vote:**

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

- 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 and Work Session Agenda items today in Room 1400 of the County Administration Building. The motion was seconded by Commissioner Graves and carried with the following vote:**

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

SET

- 18. APPROVE AND SET A DATE, TIME AND LOCATION FOR A CLOSED MEETING FOR A STRATEGY SESSION TO DISCUSS PENDING OR REASONABLY IMMEDIATE 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)**

**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 follow the Regular Agenda and Work Session Agenda items today in Room 1400 of the County Administration Building. The motion was seconded by Commissioner Graves and carried with the following vote:**

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

SET

### **WORK SESSION**

- 1. PRESENTATION FROM MARK NELSON OF THE HEBER VALLEY HISTORIC RAILROAD  
(Continued from the September 8, 2015 Commission meeting)**

Mark Nelson of the Heber Valley Historic Railroad presented a slide show detailing the history, statistics, and upcoming projects of the railroad (*a copy of which can be found attached to these minutes*). Though the owning entity was created by the state legislature in 1992 after acquiring private property, the state does not fund the Historic Railroad; the 15 miles of track beginning at 'The Depot' in Park City and ending at Vivian Park in Utah County remains in business year-round primarily through ticket sales.

Mark Nelson addressed anticipated ridership - 80,000 to 85,000 this year - and how more than fifty percent of the customers come from the Wasatch Front. He reviewed the types of Heber Valley trains, and talked long-term goals of Vivian Park becoming a destination point for passengers. This would include a train station turntable, and hopefully involvement with Utah County Government. He and the Board discussed increasing tourism, potential traffic and parking concerns, and benefits to the community.

### **PUBLIC COMMENTS**

Commissioner Ellertson wished Utah County Treasurer Kim T. Jackson a very happy birthday, and led the audience in a chorus of song in celebration.

This concluded the public comment portion of the open meeting, and the meeting recessed at 9:53 A.M. to go into closed sessions. The public meeting reconvened at 10:51 A.M.

UTAH COUNTY BOARD OF COMMISSIONERS  
MINUTES - September 15, 2015  
Page 7

**Commissioner Graves made the motion to adjourn the September 15, 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 10:52A.M. The minutes of the September 15, 2015 Commission meeting were approved as transcribed on October 20, 2015.

---

LARRY A. ELLERTSON, Commission Chair

ATTEST:

---

BRYAN E. THOMPSON  
Utah County Clerk/Auditor