

BOARD OF COUNTY COMMISSIONERS, UTAH COUNTY UTAH
MINUTES OF PUBLIC MEETING
COMMISSION CHAMBERS, ROOM 1400
OF THE UTAH COUNTY ADMINISTRATION BUILDING
October 20, 2015 – 9:00 A.M.

PRESENT: COMMISSIONER LARRY A. ELLERTSON, CHAIRMAN
COMMISSIONER WILLIAM C. LEE, VICE-CHAIRMAN

ALSO PRESENT:

Kris Poulsen, Utah County Assessor	Michelle Araujo, Commissioner's Office
Kim Jackson, Utah County Treasurer	Lisa Nielson, Commissioner's Office
Bryan Thompson, Utah County Clerk/Auditor	Brian Voeks, Commissioner's Office
Jeff Buhman, Utah County Attorney	Brandon Larsen, Community Development Office
Gary Ratcliffe, Utah County Surveyor	Clarissa Reeve, Assessor's Office
James Tracy, Utah County Sheriff	Danielle Downs, Daily Herald
Lana Jensen, Personnel Dept.	Mike Forshee, Sheriff's Office
David Shawcroft, Attorney's Office	Josh Ivie, Community Development Office
Ralph Clegg, Health Dept.	Mark Allen, PPAFC
Dalene Higgins, Sheriff's Office	Julie Rollins, Purchasing
Andrea Allen, Recorder's Office	Scott Hogenson, Clerk/Auditor's Office
Don Nay, Public Works	Paul Jones, Attorney's Office
Sandy Nielson, Clerk/Auditor's Office	Robert Moore, Attorney's Office
Carl Hollan, Attorney's Office	Vicky Westergard, Clerk/Auditor's Office
Mike Stanfield, Fairways Media	Bryce Armstrong, Community Development Office

Commissioner Ellertson called the meeting to order at 9:05 A.M. and welcomed those present. He explained Commissioner Graves was out of town.

PRAYER/READING/THOUGHT: Commissioner Ellertson

PLEDGE OF ALLEGIANCE: Mike Stanfield

The Board momentarily recessed to assemble as The Board of Equalization of Utah County from 9:06 A.M. to 9:08 A.M. The Utah County Board of Commissioners reconvened at 9:09 A.M., and the commissioners moved forward with the following matters:

CONSENT AGENDA

- 1. 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**
- 2. APPROVE TAX CREDITS AND REFUNDS RECOMMENDED BY THE COUNTY TREASURER'S OFFICE IN CANCELLATION LETTER NO. 20344, DATED OCTOBER 14, 2015**

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- 3. APPROVE PROPERTY TAX ACTIONS CONTAINED IN RECOMMENDATION LETTER NO. 2015-17**
- 3. APPROVE PROPERTY TAX ACTIONS CONTAINED IN RECOMMENDATION LETTER NO. 2015-5 (ABATEMENTS)**
- 4. ADOPT A RESOLUTION APPROVING VOLUNTEERS WHO WISH TO DONATE THEIR SERVICES TO THE UTAH COUNTY HEALTH DEPARTMENT**
- 5. APPROVE THE MINUTES OF THE AUGUST 18, 2015 COMMISSION MEETING (*Continued from the October 6 and October 13, 2015 Commission Meetings*)**

Item No. 6 was continued to November 3, 2015.

- 6. APPROVE THE MINUTES OF THE AUGUST 25, 2015 COMMISSION MEETING (*Continued from the October 13, 2015 Commission Meeting*)**

Item No. 7 was continued to November 3, 2015.

- 7. APPROVE THE MINUTES OF THE SEPTEMBER 8, 2015 COMMISSION MEETING (*Continued from the October 13, 2015 Meeting*)**

Item No. 8 was continued to November 3, 2015.

- 8. RATIFICATION OF PAYROLL**
- 9. RATIFICATION OF WARRANT REGISTER SUMMARY**

Consent Agenda Item Nos. 1 through 5, 9 and 10 were approved as written. Commissioner Ellertson recommended the following Regular Agenda Items be moved to Consent:

- 1. APPROVE THE MINUTES OF THE SEPTEMBER 1, 2015 COMMISSION MEETING (CONTINUED FROM THE OCTOBER 13, 2015 COMMISSION MEETING)**
- 2. APPROVE THE MINUTES OF THE SEPTEMBER 15, 2015 COMMISSION MEETING (CONTINUED FROM THE OCTOBER 13, 2015 COMMISSION MEETING)**
- 3. APPROVE THE MINUTES OF THE SEPTEMBER 29, 2015 COMMISSION MEETING**

4. APPROVE THE MINUTES OF THE SEPTEMBER 22, 2015 COMMISSION MEETING
6. APPROVE THE MINUTES OF THE OCTOBER 13, 2015 COMMISSION MEETING
7. APPROVE AND ADOPT A RESOLUTION TRANSFERRING FUNDS BETWEEN DEPARTMENTS OF UTAH COUNTY
9. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT WITH THE UTAH DEPARTMENT OF HEALTH FOR THE 'PHHS BOOST' TO PROVIDE FUNDING FOR SUICIDE PREVENTION AND CONCUSSION AWARENESS PROGRAMS
12. RATIFY THE SIGNATURE OF THE COMMISSION CHAIR ON ADDENDUM TO 2015 VOCA GRANT
13. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT WITH THE UTAH VALLEY CONVENTION CENTER FOR THE UTAH COUNTY LEGISLATOR'S LUNCH MEETING TO BE HELD ON OCTOBER 29, 2015
14. ADOPT AN ORDER CALLING FOR A SPECIAL MEETING OF THE BOARD OF COUNTY COMMISSIONERS OF UTAH COUNTY, UTAH FOR FRIDAY, NOVEMBER 6, 2015 AT 6:30 PM

ACTIONS TAKEN

Consent Agenda Items Nos. 1, 2, 3, and 4 were approved; No. 5 was adopted; Nos. 6, 7, and 8 were continued to November 3, 2015; and Nos. 9 and 10 were ratified. Regular Agenda Item No. 1, 2, 3, 4, and 6 were approved; No. 7 was approved and adopted; Nos. 9 and 13 were approved and authorized; No. 12 was ratified; No. 14 was adopted; and Nos. 16, 17, and 18 were stricken.

AGREEMENT NOS: 2015-698 through 2015-705

RESOLUTION NOS: 2015-125 and 2015-126

ORDER NO: 2015-3

REGULAR AGENDA

Because only two commissioners were present, the Roberts Rules of Order were suspended.

5. APPROVE THE MINUTES OF THE OCTOBER 6, 2015 COMMISSION MEETING

Commissioner Lee read where the minutes said "Jamie Evans of Evans Grader & Paving noted that the Triangular piece of land goes to the end of the county; they own the area up to the building, but it is partially located within Springville City boundaries." He said that he knew the property didn't go to the end of the county. He asked that the recordings be checked to see what Mr. Evans said. Commissioner

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Ellertson said he remembered Mr. Evans saying the land went to the end of the unincorporated county area. Commissioner Lee added he was okay if this is what Mr. Evans stated. Commissioner Ellertson said if this is what Mr. Evan stated, an agenda item can be put back on the agenda to correct what is being done today.

Commissioner Lee made the motion to approve No. 5, the minutes of October 6, 2015 with the corrections as stated. Commissioner Ellertson seconded the motion and carried with the following vote:

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

- 8. APPROVE (OR DENY) THE REQUEST OF PATTERSON CONSTRUCTION INC., TO EXTEND THE ONE-YEAR VIABILITY PERIOD FOR THE BOX ELDER SOUTH SUBDIVISION, PLAT "A" TO JANUARY 21, 2016, AN EXTENDED APPROVAL PERIOD OF NINELY (90) DAYS, DURING WHICH NINETY (90) DAY PERIOD THE PLAT MAY BE RECORDED AND DURING WHICH THE APPROVAL REMAINS VIABLE**

Dave Shawcroft stated a "good cause shown" finding is needed. Commissioner Ellertson said the good cause is there is an opportunity to get that annexed into the city. Commissioner Lee added and to get the ownership straightened out.

Commissioner Lee made the motion to approve Item No. 8 to extend and that there is good cause to do so. Commissioner Ellertson seconded the motion and carried with the following vote:

**AYE: Larry A. Ellertson
William C. Lee
Nay: None**

AGREEMENT NO. 2015-706

- 10. APPROVE OR DENY A REQUEST FROM THE CHILDREN'S JUSTICE CENTER TO WAIVE THE REQUIREMENTS OF SECTION 1.6.A OF THE UTAH COUNTY FACILITY USE POLICY, AND AUTHORIZE THEM TO CONDUCT A FUNDRAISER BOUTIQUE SALE IN ROOMS 1600 AND 1601 OF THE HEALTH AND JUSTICE BUILDING ON MONDAY, OCTOBER 19, 2015**

Commissioner Lee asked that October 20th be added as they need two days.

Commissioner Lee made the motion to approve the request from the Children's Justice Center to waive the requirements of Section 1.6.A and add October 20th to the days. Commissioner Ellertson seconded the motion and carried with the following vote:

**AYE: Larry A. Ellertson
William C. Lee
Nay: None**

AGREEMENT NO. 2015-707

- 11. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT WITH EIDIKOS, LLC FOR THE JAIL SHOWER RENOVATIONS PROJECT**

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Doug Day spoke about how this project is to do repairs to the inmate showers in the old portion of the jail that is 22 years old. The waterproof lining of the showers and tiles were a 15 year product and have been used for 22 years. They need to be replaced. He described what processes would be done to the showers. Commissioner Lee asked if it was typical to do an addendum to the project before the project started. Doug stated the addendum to the specs is very minimal and is within the scope of what is anticipated. He said it wasn't documented that way in the specs. This is a clarification we added to the specs. Commissioner Lee asked if there were sufficient funds. Bryan Thompson clarified the portion they do not have will be in next year's budget. The project will carry over into the next calendar year. Doug said there is a clause in the contract that if those funds are not appropriated next year, we have an out in the contract. Commissioner Ellertson discussed the one shower would be done and approved before the rest of the showers were commenced. Doug said that is in their warranty exclusions. They, he assumed, had some experiences somewhere where the building settled that crocked the product. The owner wanted them to counter under warranty. He described they had not had any settling problems. Commissioner Ellertson asked if these were being inserted into the exclusions. Doug answered yes. He continued saying they were adding these exclusions so if we had an earthquake and it cracks a bunch of the shower linings, it would not be covered by their warranty.

Commissioner Lee made the motion approve and authorize the commission chair to sign an agreement stated in No. 11 on the Regular Agenda. Commissioner Ellertson seconded the motion and carried with the following vote:

**AYE: Larry A. Ellertson
William C. Lee
Nay: None**

AGREEMENT NO. 2015-703

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

16. APPROVE AND SET A DATE, TIME AND LOCATION FOR A CLOSED MEETING FOR A STRATEGY SESSION TO DISCUSS PENDING OR EASONABLY IMMIMENT LITIGATION SUGGESTGD 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

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 (SUGGESTGD 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 THE SALE OF REAL PROPERTY, WATER RIGHTS, OR WATER SHARES, PREVIOUSLY PUBLICLY NOTICED FOR SALE (SUGGESTGD 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. 16, 17 and 18 to set dates, times and locations for closed meetings for a strategy session to discuss pending or reasonably imminent litigation; 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, previously publicly noticed for sale as defined in Section 59-1-404, U.C.A., as amended. The motion was seconded by Commissioner Ellertson and carried with the following vote:

Aye: Larry A. Ellertson
William C. Lee
Nay: None

SET

16. **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 FO THE REGULAR AGENDA AND WORK SESSION AGENDA ITEMS) (ANNOUNCE THE VOTE OF EACH COMMISSIONER)**

Commissioner Lee made 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. Commissioner Ellertson seconded the motion and carried with the following vote:

Aye: Larry A. Ellertson
William C. Lee
Nay: None

WORK SESSION

NO WORK SESSION ITEMS WERE SUBMITTED

PUBLIC COMMENTS

Mark Allen of Protect and Preserve American Fork thanked the commissioners for the November 6th meeting. He described the growth of his organization. Mr. Allen spoke about requesting a map of landholdings 4 months previously and only received an 83 year old hand-drawn map. He requested Commissioner Ellertson to get his surveyor to get an adequate map showing ownership in American Fork Canyon that is accurate. Commissioner Ellertson asked Jeff Smith how the County reflects ownership of mining claims. Jeff Smith, County Recorder, answered we have never shown who owns mining claims. He told Mr. Allen a map had been given to him previously of that area. Mr. Allen responded by describing how a person could buy a claim in Utah County, and then register/record it in Salt Lake County which is what he said Snowbird has

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been doing. Jeff Smith said mines are centrally assessed by the state. Therefore, a person would have to contact the State or BLM for that information. Mr. Allen and Commissioner Ellertson discussed their opinions on whether or not Snowbird is trying to take over American Fork Canyon. Mr. Allen commented that if no one was willing to take on getting the map, he would like Commissioner Lee to do so. Commissioner Ellertson stated it would be a joint effort to get it. Mr. Allen described how he went to the State Office and wanted to give each of the commissioners an "A grade". He described how Commissioner Graves was on the Board of Adjustments in 2013 but there are no decisions concerning those decisions he cast. A discussion then occurred between him and Commissioner Ellertson concerning emails he has received or will receive. Commissioner Ellertson commented he was a little concerned with the article in the paper implying he was less than forthcoming. To this Mr. Allen gave an analogy of playing soccer, red cards and yellow cards and having to sit out for infringements. He stated he did not like calling yellow or red cards on his commissioners. He explained how he did a GRAMMA request wherein he received documents a week ago after they went to the State Ombudsman. He stated "Specifically it is about the jet flight you had that was paid for by Snowbird to Europe." He said he didn't like being in the position to call a red card on a commissioner. He continued saying he felt like the right thing to do would be for Commissioner Ellertson to recuse himself between now and November 6. Continuing speaking, Mr. Allen stated "Snowbird not only has worked you, but (also) other elected officials with gifts that are more than \$50." Commissioner Ellertson told Mr. Allen they could have this discussion, but this is not the place because it is your comment period. Mr. Allen said he would welcome a response to his email wherein the press is involved and (the meeting) is open and transparent. He continued saying it would not be during a one-on-one meeting. He said he wanted "open door, transparent". He told Commissioner Ellertson since he was involved in this process since 2010 with Snowbird, it didn't look good in the public perception. Mr. Allen remarked that "Maybe your hands are totally clean but it doesn't look good to the public perception, Commissioner." Commissioner Ellertson replied that he was sorry that people were so skeptical of things. He said he works in a different realm. Mark Allen said understood that but since he represents 10,000 PPFC members, he has to call out the red card. Commissioner Ellertson reiterated that they needed to have a discussion. Mr. Allen said they should follow the process Mountain Accord did which had around 20 individuals on a committee. He described individuals anxious to be a part of this conversation in the future. He continued describing how he would like to have one meeting a month in a large city in Utah County to get to the base elements. Commissioner Ellertson stressed they, collectively, would set an agenda for this. Mr. Allen ended by saying he hoped they could have a healthy discussion on this in the future.

The meeting then recessed at 9:50 A.M. to go into a closed session meeting. The public meeting reconvened at 10:55 A.M.

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Commissioner Lee made the motion to adjourn the October 20, 2015 meeting of the Utah County Board of Commissioners. The motion was seconded by Commissioner Ellertson and carried with the following vote:

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

There being no further business or public comment, the meeting adjourned at 10:56 A.M. The minutes of the October 20, 2015 Commission meeting were approved as transcribed on November 10, 2015.

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 Vicky Westergard, Tax Administration Clerk