

THE BOARD OF COMMISSIONERS OF UTAH COUNTY, UTAH

COMMISSION CHAMBERS - ROOM 1400
OF THE UTAH COUNTY ADMINISTRATION BUILDING
100 East Center Street, Provo, Utah
March 22, 2016 - 09:00 AM

PRAYER/READING/THOUGHT: Eric Edwards
PLEDGE OF ALLEGIANCE: Michelle Araujo

PRESENT: Commission Larry A. Ellertson, Chair
Commissioner William C. Lee, Vice-Chair
Commissioner Greg Graves

ALSO PRESENT:

Bryan Thompson, Utah County
Clerk/Auditor
Kris Poulson, Utah County Assessor
Kim Jackson, Utah County Treasurer
Gary Ratcliff, Utah County Surveyor
Richard Nielson, Public Works Director
Don Nay, Public Works
Aaron Eager, Public Works
Lana Jensen, Utah County Personnel Dir.
Mark Brady, Personnel
Michelle Araujo, Commission
Lisa Nielson, Commission
Brian Voeks, Commission
Vicky Westergard, Deputy Clerk/Auditor
Andrea Allen, Utah County Recorder Office
Dalene Higgins, Utah County Sheriff's Off.
Mike Forsha, Utah County Sheriff's Office
Mike Brower, Utah County Sheriff's Office
Keith Bright, Citizen
Larry Bronson, Citizen
Tim Torkildson, Provo Poet
Robert Johnson, ADDAPT

Mel Stewart, Citizen
Brandon Larson, Community Development
Bryce Armstrong, Community Development
Mike Forsha, Utah County Sheriff's Office
Mike Brower, Utah County Sheriff's Office
Keith Bright
Tim Torkildson, Provo Poet
Robert Johnson, ADDAPT
Eric Edwards, Utah County Health Dept.
Paul Jones, Utah County Attorney
Bryce C. Larson, Utah County Health Dept.
Patty Cross, Utah County Health Dept.
Ralph Clegg, Utah County Health Dept.
Richard Nance, Utah County ADDAPT
Pat Bird, Utah County ADDAPT
Casey Voeks, Lehi Citizen
Mike Kipp, Citizen
Scott Ward, Spanish Fork Citizen
Cindy Simen, ADDAPT
Jeff Smith, Utah County Recorder

CONSENT AGENDA

1. RATIFICATION OF PAYROLL
2. RATIFY THE WARRANT REGISTER SUMMARY FOR MARCH 22, 2016
3. ADOPT A RESOLUTION APPROVING VOLUNTEERS WHO WISH TO DONATE THEIR SERVICES TO UTAH COUNTY

UTAH COUNTY BOARD OF COMMISSIONERS

March 22, 2016

Page 2

4. ABATE PERSONAL PROPERTY ACCOUNTS ATTACHED FOR THE YEARS INDICATED HAVING BEEN IDENTIFIED AS UNCOLLECTIBLE. THERE ARE NO ASSETS AVAILABLE FOR SEIZURE AND SELL
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 NO. 287 DATED MARCH 15, 2016
Approved on Consent as corrected
7. APPROVE TAX CREDITS AND REFUNDS RECOMMENDED BY THE COUNTY TREASURER'S OFFICE IN CANCELLATION LETTER NO. 20355
8. APPROVE RELEASE OF LIEN RECORDED AGAINST PARCEL SERIAL NO. 66-276:0035
9. APPROVE RELEASE OF LIEN RECORDED AGAINST PARCEL SERIAL NO. 01:048:0001
10. APPROVE RELEASE OF LIEN RECORDED AGAINST PARCEL SERIAL NO. 22:029:0029
11. APPROVE RELEASE OF LIEN RECORDED AGAINST PARCEL SERIAL NO. 26:012:0011
12. APPROVE RELEASE OF LIEN RECORDED AGAINST PARCEL SERIAL NO. 07:034:0015

Commissioner Ellertson recommended approval of Consent Agenda Item Nos. 1-12. In addition, he recommended following Regular Agenda items be moved to Consent:

1. APPROVE THE MINUTES OF THE JANUARY 19, 2016 COMMISSION MEETING
- To approve
3. APPROVE THE MINUTES FOR THE FEBRUARY 16, 2016 COMMISSION MEETING
5. APPROVE OR DENY A LATE VETERAN ABATEMENT APPLICATION FOR JEFFREY ALCORN, SN: 38:334:0033 WITH A FINDING THAT THE FAILURE OF THE CLAIMANT'S REASONABLE CONTROL AND TO NOT EXTEND THE DEADLINE WOULD BE AGAINST EQUITY OR GOOD CONSCIENCE

UTAH COUNTY BOARD OF COMMISSIONERS

March 22, 2016

Page 3

- 6 APPROVE OR DENY A LATE VETERAN ABATEMENT APPLICATION FOR BRANDON J. NEIL SN 52:723:0054 WITH A FINDING THAT THE FAILURE OF THE CLAIMANT'S REASONABLE CONTROL AND TO NOT EXTEND THE DEADLINE WOULD BE AGAINST EQUITY OR GOOD CONSCIENCE
- 7 APPROVE OR DENY A LATE VETERAN ABATEMENT APPLICATION FOR THOMAS MANZANARES, SN 32:018:0159 WITH A FINDING THAT THE FAILURE OF THE CLAIMANT'S REASONABLE CONTROL AND TO NOT EXTEND THE DEADLINE WOULD BE AGAINST EQUITY OR GOOD CONSCIENCE
- 8 APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN EVENT AGREEMENT WITH PROVO TOWN CENTRE FOR HOUSEHOLD HAZARDOUS WASTE DAY COLLECTION ON APRIL 9, 2016
10. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN THE REIMBURSEMENT AGREEMENT WITH HIGHLAND CITY FOR PAVING ALONG 6000 WEST IN THE AMOUNT OF 48:663:12
11. APPROVE AND AUTHORIZE THE UTAH COUNTY COMMISSION CHAIR TO SIGN THE SUBDIVISION IMPROVEMENT AND WARRANTY AGREEMENT AS WELL AS THE LETTER ACCEPTING THE IMPROVEMENTS AND WARRANTY AGREEMENT AND COMMENCING THE ONE YEAR WARRANTY PERIOD ON THE ROACH SUBDIVISION PLAT A IN THE AMOUNT OF \$25
14. ADOPT (OR DENY) AN ORDINANCE TO AMEND THE UTAH COUNTY LAND USE ORDINANCE SECTION 6-3 OF THE UTAH COUNTY LAND USE ORDINANCE RELATED TO REQUIREMENTS FOR PLANNED SUBDIVISIONS
15. ADOPT (OR DENY) AN ORDINANCE TO AMEND THE UTAH COUNTY USE ORDINANCE SECTION 6-2, RELATED TO PROCEDURES FOR APPROVING LARGE SCALE DEVELOPMENTS
17. ADOPT A RESOLUTION ESTABLISHING WRITTEN PROCEDURES GOVERNING ELECTRONIC MEETINGS OF THE BOARD OF COUNTY COMMISSIONERS OF UTAH COUNTY, UTAH
18. ADOPT A RESOLUTION APPOINTING SIOSIFA MILITONI AS A UTAH COUNTY BAIL COMMISSIONER

Consent Agenda item Nos. 1-12 were ratified, adopted, abated, reduced and approved. Regular Agenda Item Nos. 1, 2, 3, 4, 5, 6, 7, 8, 10, 11, 14, 15, 17, and 18, moved to Consent, were approved, continued to the March 29, 2016 meeting, and adopted.

Agreement Nos. 2016-221, 2016-222, 2016-223, 2016-224, 2016-225, 2016-226, 2016-227, 2016-229, 2016-230, and 2016-231

Resolution Nos. 2016-25, 2016-27 and 2016-28
Ordinance Nos. 2016-14 and 2016-15

REGULAR AGENDA

11. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN A LEASE AGREEMENT WITH UNITED WAY

Commissioner Lee asked if the county is using the same procedures and fees for leasing this area. Ralph Clegg explained the area leases \$75.00/hour fee per the fee determined by the Public Works Department. Robert Johnson noted he had asked Don Nay and Richard Nielson if this is the normal fee and Mr. Nielson replied it was. Commissioner Graves asked if there had been a fee waiver request made and Mr. Clegg said he was not aware of any such request. Commissioner Ellertson noted Section 1.2 of the Agreement states United Way would like the room for Wednesday or Thursday; however, Section 2.2 only asks for the room on Thursday. Mr. Clegg said both sections should state Wednesday and Thursday and he will make the change.

Commissioner Lee made the motion to approve Regular Agenda Item No. 11 with the change, and noted this agreement would be of benefit to Utah 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. 2016-232

12. RECOGNIZE AARON EAGAR FOR HIS OUTSTANDING WORK TO IMPROVE THE STATE-WIDE EFFECTIVENESS OF NOXIOUS WEED CONTROL EFFORTS, AND PRESENT A LETTER OF APPRECIATION FROM GOVERNOR GARY R. HERBERT

Richard Nielson said since Mr. Eagar had been working for the county, they have had a 92% increase of treated noxious weeds, and a 59% increase in overall weed control. He noted Mr. Eagar had planted a "weed" garden in Lehi where people can see which are noxious weeds. Mr. Nielson then read a letter of appreciation from Governor Garry R. Herbert into the record. Commissioner Ellertson expressed appreciation for Mr. Eagar's efforts for Utah County and for the citizens of Utah County.

Agreement No. 2016-233

14. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN A DOCUMENT OPTING OUT OF USE CASE ONE AND USE CASE TWO WITH UTAH HEALTH INFORMATION NETWORK AGREEMENT NO. 2013-A400

Robert Johnson indicated the health information exchange with Utah Health Information Network (UHIN) is a collaborative effort. He indicated UHIN had initially mailed the wrong letter and noted someone is trying to use this information for research. Commissioner

UTAH COUNTY BOARD OF COMMISSIONERS

March 22, 2016

Page 5

Ellertson asked if Utah County didn't want this information used for research and Richard Nance explained HIPPA prohibits any county in Utah from doing this.

Commissioner Lee made the motion to approve the document opting out of the Use Case referring to use of information for research. 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. 2016-234

17. APPROVE AND AUTHORIZE A COUNTY JAIL SCREENING PROCESS INTERLOCAL COOPERATION AGREEMENT FOR COUNTY JAIL INMATE SCREENINGS

Commissioner Ellertson asked if Duchesne County is not participating and Cort Griffin replied they maybe participating with Emery County.

Commissioner Graves made the motion to approve a County Jail Screening Process Interlocal Cooperation Agreement for County Jail Inmate Screenings. 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. 2016-235

19. DETERMINE WHETHER THE DIRECTOR OF PERSONNEL MANAGEMENT POSITION SHALL BE RECRUITED AS A MERIT OR AS AN APPOINTED POSITION, AND APPROVING AND ADOPTING A RESOLUTION REFERRING THE MATTER TO THE CAREER SERVICE COUNCIL, CONSISTENT WITH THAT DETERMINATION

It was noted that Personnel Director, Lana Jensen, would be retiring in a few months and the question is whether the county wants this to be a merit or appointed position during the recruiting process. Robert Moore reiterated there are two options for resolution: If the Board of Commissioners determines this will be a Career Service Merit position, the Career Service Council will interview the applicants and submit three individuals for consideration by the Board of Commissioners. However, if the Boards adopts a resolution making this an appointed position, the applicants will still go before the Career Service Council and a public hearing will be held. Mr. Moore observed the Personnel

Director has a lot of statutory requirements and will advise the Board of Commissioners on regulations, personnel resources and the county pay plan, etc. He continued, the Personnel Director also serves as a go-between for the Commissioner, Department Directors and the employees. Commissioner Graves observed if the determination

UTAH COUNTY BOARD OF COMMISSIONERS

March 22, 2016

Page 6

remains the same, the question is would the recruitment be based on the job description we have, or would the description need to be changed. Robert Moore indicated they would need time to re-write the description or would the current description need to be revised. Commissioner Graves suggested continuing this matter to the March 29, 2016 Commission meeting. Commissioner Lee agreed said he is fine with the conditions, but felt they should have a basic discussion on the options. Commissioner Ellertson expressed the belief that the Personnel Director has done a great job; however, the Board may decide to go in a different direction, based on the available options. Commissioner Lee indicated he had met with Brad Dee, the Personnel Director of Uinta County, who is also a Legislator from that county. Mr. Dee told him this position was in line with a individual who was a vice-president of an organization. Commissioner Ellertson commented that Mr. Dee had the opportunity to make new laws regarding this matter. Commissioner Lee said the Board should review what they are doing now and what should be done in the future. He asked if it would be possible to make this an appointed position and then change it to a merit position at some future date, and also, if there would be an option to review the position yearly to determine which way they wanted to go. Robert Moore expressed the belief the Board should go one way or the other, but there may be a way to accomplish making changes on a yearly basis. He would need to review the matter.

Commissioner Graves made the motion to continue Regular Agenda No. to determine whether the Personnel Management position shall be recruited as a merit or as an appointed position, and approving and adopting a resolution referring the matter to the Career Service Council, consistent with that determination to the March 29, 2016 Commission Meeting. The motion was seconded by Commissioner Lee and the motion 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 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)

Commissioner Graves made the motion to set a date, time and location for a closed meeting to discuss the character, professional competence, or physical of mental health of an individual or individuals for today, at this location. The motion was seconded by Commissioner Lee and the motion carried with the following vote:

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

UTAH COUNTY BOARD OF COMMISSIONERS

March 22, 2016

Page 7

NAY: None

21. 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)

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 for today at this location. The motion was seconded by Commissioner Lee and the motion carried with the following vote:

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

NAY: None

22. 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 PUBLICALLY NOTICED FOR SALE (SUGGESTED FOR TODAY'S DATE, AT THIS LOCATION, FOLLOWING THE COMPLETION OF THE REGULAR AGENDA AND WORK SESSION AGENDA ITEMS)

Commissioner Graves 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 publically noticed for sale for today at this location. The motion was seconded by Commissioner Lee and the motion carried with the following vote:

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

NAY: None

23. 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)

Commissioner Graves made the motion to strike Agenda Item No. 23 to approve setting a closed meeting for a strategy session to discuss the purchase, exchange or lease of real property, water rights, or water shares. The motion was seconded by Commissioner Lee and the motion carried with the following vote:

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

WORK SESSION

PUBLIC COMMENTS

There being no further business nor public comment, the meeting adjourned at 10:55 AM

ATTEST:

LARRY A. ELLERTSON, Commission Chair

BRYAN E. THOMPSON
Utah County Clerk/Auditor

Copies available on the Utah County website at www.utahcountygov
Transcribed by Linda Strickland, Clerk/Auditor Administrative Assistant