

BOARD OF COUNTY COMMISSIONERS, UTAH COUNTY, UTAH
MINUTES OF PUBLIC MEETING
COMMISSION CHAMBERS, ROOM 1400
OF THE UTAH COUNTY ADMINISTRATION BUILDING
April 11, 2017 - 9:00 A.M.

PRESENT: COMMISSIONER WILLIAM C. LEE, CHAIR
COMMISSIONER GREG GRAVES, VICE-CHAIR
COMMISSIONER NATHAN IVIE

ALSO PRESENT:

Jeffrey R. Buhman, Utah County Attorney
David Shawcroft, Civil Div. Chief Deputy Attorney
Robert J. Moore, Deputy Attorney
Greg Knapp, Attorney's Office – Investigations
Lisa K. Nielson, Commission Office
Spring Kenton, Commission Office
Brian Voeks, Commission Office
Robert Baxter, Utah County Purchasing Manager
Bryan E. Thompson, Utah County Clerk/Auditor
Emily Gillingwater, Clerk/Auditor's Office
Robyn Jacob, County Assessor's Office
Jim Stevens, County Assessor's Office
Carrie Bennett, County Health Promotions
Marla Brannum, County Health Promotions
Patty Cross, County Health Promotions
Andrea Jensen, County Health Department
Bryce Larsen, County Health Department
Crislynn Tilne, County Health Department
Cindy Simon, Drug & Alcohol Prevention&Treatment
Cammie Taylor, County Human Resources Director
Don Nay, Public Works Associate Director
Gary Ratcliffe, Utah County Surveyor
James O. Tracy, Utah County Sheriff
Dalene Higgins, Utah County Sheriff's Office
Kim Jackson, Utah County Treasurer
James Lewis, Megadiamond
Kristi Strong, Friends of Public Health
Kena Mathews, Habitat for Humanity
Rick McBride, Habitat for Humanity
Jeff McDonald, Habitat for Humanity
Patrick J. Perrett, UVU Hockey Head Coach
Bridget Baum, Peaks Ice Arena user
Becky Caldwell, Peaks Ice Arena user
Kristine Coleman, Peaks Ice Arena user
Colleen Coronado, Peaks Ice Arena user
Hyrum Cox, Peaks Ice Arena user
Nicole Farnsworth, Peaks Ice Arena user
Kirt Forks, Peaks Ice Arena user
Lori Gilson, Peaks Ice Arena user
Catherine Grames, Peaks Ice Arena user
Shelly Gramajo, Peaks Ice Arena user
Emilio Hawkins, Peaks Ice Arena user
Tim Horn, Peaks Ice Arena user
Kate Jones, Peaks Ice Arena user

Marilyn Jones, Peaks Ice Arena user
Lisa Kane, Peaks Ice Arena user
Andy Kitchen, Peaks Ice Arena user
Sarah Lyle, Peaks Ice Arena user
Annabelle Michi, Peaks Ice Arena user
Maria Michi, Peaks Ice Arena user
Jack Michi, Peaks Ice Arena user
Sophie Michi, Peaks Ice Arena user
Stephen Michi, Peaks Ice Arena user
David Neuger, Peaks Ice Arena user
Robert Nielsen, Peaks Ice Arena user
Jacquelyn Packard, Peaks Ice Arena coach
Steve Picaw, Peaks Ice Arena coach
Rachel Pomaves, Peaks Ice Arena user
Keli Rosseau, Peaks Ice Arena user
Jordan Short, Peaks Ice Arena user
Elise Simonsen, Peaks Ice Arena user
Kim Spilker, Peaks Ice Arena user
Lauren Spilker, Peaks Ice Arena user
Foster Watabe, Peaks Ice Arena user
Hannah Watabe, Peaks Ice Arena user
Sam Watabe, Peaks Ice Arena user
Owen Watabe, Peaks Ice Arena user
Vicki Wiesenberg, Peaks Ice Arena user
Lisa Woodland, Peaks Ice Arena user
Kaci Woodland, Peaks Ice Arena user
Sterling Brown, Utah Farm Bureau Federation
Clint Gordon-Carroll, Vivint Smart Home
Scott Alvord, Springville Resident
Brent Anderson, Payson Resident
Brent Beckstead, Lehi Resident
Jan Beckstead, Lehi Resident
Zach Beckstead, Payson Resident
Brian Blum, Pleasant Grove Resident
Laura Blum, Pleasant Grove Resident
Kim Boggs, Payson Resident
Jennifer Caron, Payson Resident
Mike Caron, Payson Resident
Ann Christiansen, Payson Resident
Julie Earnest, Provo Resident
Nina Johnston, Lehi Resident
Krew Judd, Springville Resident
Sarah Judd, Springville Resident
Dr. Jason Loft, Morgan Resident

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Mortimer Oldham, West Mountain Resident
Boni Palfreyman, Payson Resident
Melanie Peck, Payson Resident
Serenity Post-Jones, Pleasant Grove Resident
Cindy Redden, Salem Resident
Colt Redden, Salem Resident
Jeffrey Redden, Salem Resident
Phil Redden, Salem Resident
Ryan Redden, Salem Resident
Erin Short, Payson Resident
Traci Snapp, Springville Resident
Karen Stephens, Payson Resident
Janet Tippetts, Payson Resident
Belki Tolman, Provo Resident
Jennah Tolman, Provo Resident
Anne Bateman, -No further information given-
Cheri Bean, -No further information given-
Tony Bishop, -No further information given-
Hunter Blum, -No further information given-
Trevor Brisk, -No further information given-
Jeff Cooper, -No further information given-
Margaret Cooper, -No further information given-

Kim Craig, -No further information given-
David Davis, -No further information given-
David Ray Davis, -No further information given-
Jessie Ewell, -No further information given-
Monte Ewell, -No further information given-
Linnea Fletcher, -No further information given-
Chris Funto, -No further information given-
Inga Jones, -No further information given-
Ben McKinnon, -No further information given-
Logan Moffett, -No further information given-
Rick Murano, -No further information given-
Bailey Palfreyman, -No further information given-
Scott Rawlings, -No further information given-
Mark Sorenson, -No further information given-
Jill Spencer, -No further information given-
Robert J. Stevens, -No further information given-
Heather Stinson, -No further information given-
Dennis Stone, -No further information given-
Michelle Tiffany, -No further information given-
Paul Westwood, -No further information given-
Katie England, *The Daily Herald*
Mike Stansfield, Fairways Media
Renée Caron, Clerk/Auditor Administrative Assistant

Commissioner Lee called the meeting to order at 9:06 A.M. and welcomed those present. The following matters were discussed:

PRAYER/READING/THOUGHT: Belki Tolman, Provo Resident

PLEDGE OF ALLEGIANCE: Mack Earnest, Peaks Ice Arena Patron

AWARD PRESENTATIONS

(Track A, 02:45)

PRESENTATION OF NATIONAL PUBLIC HEALTH WEEK ‘FRIENDS OF PUBLIC HEALTH’

AWARDS TO MARY V. BROWN PH.D CHES, AND HABITAT FOR HUMANITY OF UTAH COUNTY

Utah County Health Department Director Ralph Clegg explained how the department annually recognizes an individual and an organization that have contributed to the public health in the county. He noted Utah County has the healthiest population of over 125,000 residents in the entire state, and presented awards to Habitat for Humanity and Dr. Mary V. Brown after reading descriptions of their service (*copies of which can be found attached to these minutes*).

RECOGNITION OF THE UTAH COUNTY EMPLOYEE OF THE MONTH FOR APRIL 2017

Spencer Butters of the Utah County Sheriff’s Office was recognized as the April 2017 Employee of the Month.

CONSENT AGENDA

(Track A, 20:00)

- 1. RATIFY A LETTER TO FREEDOM PLAZA LAND, LLC, REGARDING REAL PROPERTY GENERALLY LOCATED AT 200 NORTH 100 WEST, PROVO, UTAH**

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2. **RATIFY A LETTER TO REDEVELOPMENT AGENCY OF PROVO CITY CORPORATION REGARDING REAL PROPERTY GENERALLY LOCATED AT 200 NORTH 100 WEST, PROVO, UTAH**
3. **RATIFY A NOTICE OF CLAIM UNDER GOVERNMENTAL IMMUNITY ACT: UTAH COUNTY VS. PROVO CITY CORPORATION AND REDEVELOPMENT AGENCY OF PROVO CITY CORPORATION**
4. **DECLARE ATTACHED LIST OF COMPUTER EQUIPMENT AS SURPLUS, AND ALLOW DISPOSITION BY PUBLIC AUCTION**
5. **RATIFY THE SIGNATURE OF THE COMMISSION CHAIR ON THE 2017-2019 VICTIM OF CRIME ACT (VOCA) GRANT APPLICATION FOR THE COUNTY SHERIFF'S OFFICE VICTIM ADVOCATE PROGRAM**

The Board requested Consent Agenda Item No. 5 be moved to the Regular Agenda for discussion.
PULLED TO REGULAR

6. **RATIFY THE SIGNATURE OF THE COMMISSION CHAIR ON THE STATE OF UTAH FY2017-2019 VOCA VICTIM ASSISTANCE PROGRAM GRANT APPLICATION FOR THE UTAH COUNTY ATTORNEY'S OFFICE**
7. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN THE FY 2017 HAZARDOUS MATERIALS EMERGENCY PREPAREDNESS (HMEP) GRANT AWARD FROM THE UTAH DEPARTMENT OF PUBLIC SAFETY - DIVISION OF EMERGENCY MANAGEMENT**
8. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN THE COMPLETION CERTIFICATE FOR THE UTAH COUNTY TAXABLE SALES TAX REVENUE BONDS, SERIES 22 OCTOBER 2010 (QECBS)**
9. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AMENDMENT TO AGREEMENT NO. 2016-276 WITH GENEVA ROCK PRODUCTS**
10. **APPROVE OR DENY A REQUEST FROM WINDER FARMS FOR AUTHORIZATION TO CONDUCT MARKETING ACTIVITIES IN THE LOBBIES OF THE ADMINISTRATION BUILDING, HEALTH AND JUSTICE BUILDING, AND THE PUBLIC WORKS BUILDING ON APRIL 17, 2017, PURSUANT TO THE REQUIREMENTS OF SECTION 1.6.A OF THE UTAH COUNTY FACILITY POLICY**

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

11. **APPROVE OR DENY A REQUEST FROM WASATCH MENTAL HEALTH TO PLACE FOOD DONATION BARRELS IN THE HALLWAY OF COUNTY BUILDINGS DURING MENTAL HEALTH WEEK, APRIL 10 THROUGH APRIL 24, 2017**

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

12. **ADOPT A RESOLUTION TO APPROVE PARTICIPATION OF UTAH COUNTY IN THE FOOD DRIVE SPONSORED BY WASATCH MENTAL HEALTH**
13. **APPROVE RELEASE OF LIEN RECORDED AGAINST PARCEL SERIAL NO. 49:243:0006 (AGREEMENT NO. 2016-340A)**
14. **APPROVE RELEASE OF LIEN RECORDED AGAINST PARCEL SERIAL NO. 66:302:001 (AGREEMENT NO. 2016-376A)**

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15. APPROVE TAX CREDITS AND REFUNDS RECOMMENDED BY THE COUNTY ASSESSOR'S OFFICE IN CANCELLATION AND CORRECTION LETTER NO. 293, DATED APRIL 4, 2017

The Board requested Consent Agenda Item No. 15 be moved to the Regular Agenda for discussion.
PULLED TO REGULAR

16. APPROVE TAX CREDITS AND REFUNDS RECOMMENDED BY THE COUNTY ASSESSOR'S OFFICE IN CANCELLATION AND CORRECTION LETTER NO. 60357, DATED APRIL 4, 2017

17. ADOPT A RESOLUTION APPROVING VOLUNTEERS WHO WISH TO DONATE THEIR SERVICES TO UTAH COUNTY

18. RATIFICATION OF PAYROLL FOR PAY PERIOD 7

19. RATIFICATION OF WARRANT REGISTER SUMMARY FOR APRIL 4, 2017, INCLUDING NOTES AND COMMENTS FROM THE COMMISSIONERS AS RECORDED ON THE INTERNAL SYSTEM

20. RATIFICATION OF WARRANT REGISTER SUMMARY FOR APRIL 11, 2017, INCLUDING NOTES AND COMMENTS FROM THE COMMISSIONERS AS RECORDED ON THE INTERNAL SYSTEM

Consent Agenda Item Nos. 1 through 4, 6 through 9, 12 through 14, and 16 through 20 were approved as written. Commissioner Lee recommended the following Regular Agenda and Work Session items be moved to Consent:

2. APPROVE THE MINUTES OF THE MARCH 28, 2017 COMMISSION MEETING

3. APPROVE PROPERTY TAX ACTIONS CONTAINED IN RECOMMENDATION LETTER NO. 2017-4

6. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT WITH GILBERT & STEWART, CPA PC, FOR AUDIT SERVICES FOR THE FISCAL YEAR ENDING DECEMBER 31, 2016

7. APPROVE AND AUTHORIZE AN AGREEMENT WITH THE NATIONAL ASSOCIATION OF COUNTY AND CITY HEALTH OFFICIALS ('NACCHO') FOR TECHNICAL ASSISTANCE TO SUPPORT, LEVERAGE, AND EXTEND THE CENTER FOR DISEASE CONTROL'S 'TIPS FROM FORMER SMOKERS' CAMPAIGN

8. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT WITH UTAH DEPARTMENT OF HEALTH TO PROVIDE IMMUNIZATION SERVICES

(WORK SESSION)

1. DISCUSSION ON CHANGES TO THE 2017-2019 VICTIM OF CRIME ACT (VOCA) GRANT APPLICATION FOR THE COUNTY SHERIFF'S OFFICE VICTIM ADVOCATE PROGRAM

The commissioners requested Work Session Item No. 1 be continued to the next meeting of the Board.
CONTINUED TO APRIL 18, 2017

ACTIONS TAKEN

Consent Agenda Item Nos. 1 through 4, 6 through 9, 12 through 14, and 16 through 20 were ratified, declared, approved, authorized, and adopted; and Nos. 5, 10, 11 and 15 were tabled for further discussion. Regular Agenda Item Nos. 2, 3, 6, 7 and 8 were approved and authorized. Work Session Item No. 1 was continued to the April 18, 2017 meeting of the Board.

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AGREEMENT NOS.: 2017-162 through 2017-176, and 2017-178

RESOLUTION NOS.: 2017-61 and 2017-62

(Track A, 20:00)

Commissioner Lee explained the comment process for Public Hearings, and noted for the general public that anyone wishing to comment on an agenda item is welcome to approach the microphone at any time to speak to the issue.

PUBLIC HEARING

PUBLIC HEARING TO CONSIDER APPROVAL OF THE PROPOSED BECKSTEAD AGRICULTURE PROTECTION AREA APPLICATION, WITH THE UTAH COUNTY PUBLIC WORKS MODIFICATION REQUEST TO EXCLUDE THE ROAD RIGHTS-OF-WAY WIDTHS FROM THE PROPOSAL, REDUCING ACREAGE AND REQUIRING A VARIANCE; APPROXIMATELY 40.028 ACRES LOCATED IN SECTION 7, T9S, R2E, IN THE WEST PAYSON AREA OF UNINCORPORATED UTAH COUNTY

(Track A, 26:15)

Peggy Kelsey of the Utah County Community Development Office presented slides (*copies of which can be found attached to these minutes*) summarizing the Beckstead Agriculture Protection Area application for the 'raising and ranching of mink, and hay or grain crops.' She reviewed the location of the proposed area which is currently in production. Ms. Kelsey noted the Utah County Public Works Department has requested a modification to the Beckstead application, and the Utah County Planning Commission has recommended the Board of Commissioners deny the Agriculture Protection Area.

(Track A, 36:10)

Sergeant Gregory Knapp of the Utah County Attorney's Office pointed out he had visited the site at the request of the commissioners. He described the mink ranching, including the cages, cleaning process, and his observations on two separate visits. Sgt. Knapp noted there are wild mink in the area. Commissioner Ivie asked whether there are safety concerns in the way the Beckstead ranch is managed, and Sgt. Knapp replied "no;" he does not think there are any safety concerns in their operation.

(Track A, 48:40)

Brent Beckstead, the applicant, came forward to explain he has been in full compliance with county requirements to be granted agricultural protection for his mink farm. Commissioner Lee asked Mr. Beckstead for a response to the Utah County Public Works modification request for road rights-of-way widths, and Mr. Beckstead stated he is willing to work with the County Engineer. Mr. Beckstead said he will not sell the property because he would not meet the 40-acre-minimum requirement if that happens, but he is willing to grant easements as asked. Mr. Beckstead also mentioned spending thousands of dollars to reduce the flies on the property, and reviewed some of the veterinary certification and good management requirements at Commissioner Ivie's prompting. Veterinarian Jason Loft out of Morgan, Utah also commented on ranch certification and called the Beckstead farm a model operation.

(Track A, 55:55)

Jeff Cooper owns property near the Becksteads, and considers them good and decent people. He reviewed a series of property purchases wherein he had hoped to develop that land, but was unable to complete the transaction due to several factors. He asked the Board to deny agricultural protection, citing proximity to Payson City limits as one of the reasons.

(Track A, 1:01:55)

Sterling Brown, Vice President of Public Policy for the Utah Farm Bureau Federation, talked about hardships facing farmers. He cited state code and asked the Board to grant agricultural protection for the Beckstead operation.

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(Track A, 1:09:00)

Dennis Stone noted that while the Beckstead family consists of generational farmers, this specific operation is new and is encroaching upon their neighbors. He talked about potential future nuisance and asked the Board to protect the existing rights of the neighbors by denying agricultural protection.

(Track A, 1:10:55)

Utah County Deputy Attorney Robert J. Moore spoke on nuisance laws, mentioning that agriculture protection laws are meant to help protect farmers from eminent domain, zoning changes, and annexation. A rancher is only offered enhanced protection from nuisance claims so long as they are operating within good farming practices; they may still be subject to nuisance complaints if outside of those good practices.

(Track A, 1:12:25)

Melanie Peck lives with her husband near the Beckstead farm. She read a letter from her husband Austin Peck in opposition to the agriculture protection area. Ms. Peck has been cornered by mink on her property, and is also opposed to the agricultural protection. She spoke about accountability and farmers needing to take responsibility for their animals.

(Track A, 1:15:50)

Payson resident Karen Stephens is the next-door neighbor of previous commenter Melanie Peck. Ms. Stephens loves agriculture and farming, but is unable to use her own barn to house her horses because of the excessive number of flies. Ms. Stephens shared stories of having to keep one-hundred flies in her own home every day, and expressed concern over potential health issues caused by the nearby mink farm.

(Track A, 1:20:30)

David Davis comes from three generations of mink ranchers; he expressed it is a family lifestyle that he hopes to see his grandchildren continue, and is in favor of agricultural protection.

(Track A, 1:21:45)

Margaret Cooper recalled a previous meeting three years ago regarding agricultural protection for Brent Beckstead's mink operation. Ms. Cooper noted Mr. Beckstead had claimed at that time his neighbors would be ashamed for opposing the area – he was going to prove to be a wonderful addition to the community. Ms. Cooper pointed out the application was denied then by a 2-1 vote and Mr. Beckstead was encouraged to re-apply for the protection once that positive relationship was established. Ms. Cooper presented 59 signatures of community residents that are adversely not happy with Mr. Beckstead's mink farm, and asked the Board to deny the agriculture protection area. She stated, "It's their livelihood; it's our life."

(Track A, 1:24:00)

Tony Bishop grew up on a farm in the area, and only remembers seeing two mink his entire childhood. He is now surrounded by the odor and all his chickens have been killed, presumably by mink from the Beckstead ranch. Mr. Bishop understands agriculture and needing to make a living, but the residents should also have protection.

(Track A, 1:26:15)

Bonnie Palfreyman lives in Payson and is concerned about Brent Beckstead taking accountability for his livestock. She spoke about escaped mink, and how they become wards of the state as soon as they leave the property. Ms. Palfreyman shared how one mink almost entered her home. She also commented on the unbearable flies, and the manure containing mink carcasses – this is against code. Ms. Palfreyman linked the rise of rabies in bats to potential rise of rabies in mink, noting there are two schools within two miles of the Beckstead operation. She shared a news article from September 2003 in which eight children at Reese Elementary School in Spanish Fork needed to receive rabies vaccinations after encountering mink.

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(Track A, 1:36:45)

Trevor Brisk lives in Payson and is no stranger to farming; his family is responsible for 1,800 acres in the Roosevelt area. Mr. Brisk is concerned about not being able to allow his pet chickens to forage because they may encounter escaped mink. He is also worried about the smell, and health issues created by the flies attracted to the mink farm. Mr. Brisk cheekily invited the commissioners to a picnic at his home for firsthand experience of the problems.

(Track A, 1:39:05)

Paul Westwood has a mink farm within Salem City limits, and comes from a line of mink ranchers. Mr. Westwood noted some of the stories being told are exaggerated, as he has never seen mink behave in some of the ways claimed today. He acknowledged that flies are a problem but may not necessarily be coming from the mink farm. Mr. Westwood supports the Beckstead agricultural protection area.

(Track A, 1:41:40)

Cheri Bean lives just north of the Beckstead farm, and would like to be considered a viable part of the agriculture community. Ms. Bean commented on subdivisions and acreage requirements, and the impracticability of placing a commercial operation so near residential populations. She spoke of the hardships in trying to convince her children and grandchildren to visit during Summer months; they refuse because of the terrible odor from the mink farm. Ms. Bean asked the Board to deny the agricultural protection area so as not to negatively impact the rest of the community for twenty years.

(Track A, 1:50:40)

Marlin Oldham lives south of the Beckstead farm. He commented on the unbearable smell of the mink, and the fact that they are still able to escape the ranch despite the farmer's best efforts. Mr. Oldham pointed out the community residents were established prior to the mink farm, noting Brent Beckstead himself lives a full two miles from his own Lehi operation. He asked the Board to deny the agricultural protection area application.

(Track A, 1:55:20)

Payson City Attorney Mark Sorensen addressed the factual basis for the Utah County Planning Commission's recommendation to deny the Beckstead application. He talked about the county nuisance ordinance and decreased property values, asking the Board to deny the agricultural protection area because the farm can still operate without that extra safeguard.

(Track A, 2:05:25)

Jason Rasblocker is in favor of agricultural protection. He noted Brent Beckstead continues to spend thousands of dollars to minimize flies. Mr. Rasblocker also pointed out there are beautiful quarter-million-dollar properties in Lehi, where additional mink farms are located. He also is not concerned about children being faced by four-pound mink when there are more serious dangers on other ranches: getting kicked by a horse, or mowed down by a cow. Mr. Rasblocker summarized, "This is the United States of America; they lawfully and legally bought 41 acres to raise mink, and they can raise mink." He asked the Board not to be distracted by issues unrelated to their legal right to agricultural protection.

(Track A, 2:07:55)

Brent Beckstead returned for final comment. Mr. Beckstead noted he has not broken any laws regarding the farm operation, and is within his rights according to statute to be granted agricultural protection. He responded to the earlier comment about living two miles from his own ranch – that is true, but Mr. Beckstead pointed out he is within half a mile of another mink ranch as well as other livestock farms and his family has a barbecue almost every Sunday.

(Track A, 2:09:15)

Commissioner Graves asked Brent Beckstead to clarify earlier statements regarding easements. Commissioner Graves asked if it is accurate to state Mr. Beckstead would like the Board to grant the agricultural protection without the modification request from Utah County Public Works; this would mean the road rights-of-way widths are included within the protection area. Mr. Beckstead confirmed, stating he can work with the County Engineer once the protection is granted. Mr. Beckstead also mentioned he would be willing to grant or sell right-of-ways and

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easements to the county if the Board would grant a variance on the acreage requirement for his protection area. Commissioner Graves thanked him for the explanation, and Commissioner Lee closed the Public Hearing, returning the discussion to the bench.

The commissioners chose to address Regular Agenda Item No. 1 before continuing with the posted calendar.

REGULAR AGENDA

- 1. APPROVE, MODIFY AND APPROVE, OR REJECT THE PROPOSED BECKSTEAD AGRICULTURE PROTECTION AREA APPLICATION, AND THE UTAH COUNTY PUBLIC WORKS MODIFICATION REQUEST TO EXCLUDE THE ROAD RIGHTS-OF-WAY WIDTHS FROM THE PROPOSAL, REDUCING THE ACREAGE AND REQUIRING A VARIANCE; APPROXIMATELY 40.028 ACRES LOCATED IN SECTION 7, T9S, R2E, IN THE WEST PAYSON AREA OF UNINCORPORATED UTAH COUNTY**

(Track A, 2:11:25)

Commissioner Ivie reviewed the considerations for agricultural protection areas as defined by county ordinances. This includes whether the property is being used for agriculture, contained in the correct zoning, has viable production, and proposed or existing improvements. Commissioner Ivie talked about the importance of supporting farmers, as forty acres of agricultural land are consistently lost hourly in this country – reasonable measures must be taken to protect family farms.

(Track A, 2:15:10)

Commissioner Graves questioned whether RA-5 Zones were modified to allow mink farming, or if it had always been included as a permitted use. Utah County Civil Division Chief Deputy Attorney David Shawcroft noted he does not remember a time when it was not allowed. Utah County Deputy Attorney Robert J. Moore reminded the Board their decision on the proposed agriculture protection area is a legislative action; this means the criteria must be acknowledged, but it does not have to be the only consideration. The commissioners discussed rights-of-way and road exceptions with input from Peggy Kelsey of the Utah County Community Development Office.

Commissioner Ivie made the motion to approve the proposed Beckstead Agriculture Protection Area application (without the Utah County Public Works modification request) for approximately 40.028 acres located in Section 7, T9S, R2E, in the West Payson area of unincorporated Utah County as outlined in Regular Agenda Item No. 1, subject to the corresponding Notice of Creation and Findings of Fact to be approved at the next meeting of the Board. The motion was seconded by Commissioner Graves and carried with the following vote:

**AYE: William C. Lee
Greg Graves
Nathan Ivie**

NAY: None

AGREEMENT NO. 2017-182

Following a brief recess at 11:31 A.M., the Board moved on with discussion of the agenda as posted at 11:34 A.M.
(Track B, 00:01)

REGULAR AGENDA

(PULLED FROM CONSENT)

5. RATIFY THE SIGNATURE OF THE COMMISSION CHAIR ON THE 2017-2019 VICTIM OF CRIME ACT (VOCA) GRANT APPLICATION FOR THE COUNTY SHERIFF'S OFFICE VICTIM ADVOCATE PROGRAM

(Track B, 00:25)

Sergeant Jason Randall of the Utah County Sheriff's Office came forward on behalf of Special Victims Task Force Program Co-ordinator BreAnn Wilkes; Ms. Wilkes was unable to attend today's meeting. Mr. Randall explained how a large portion of the Victims Advocate Program is funded by the VOCA grant. He mentioned the amazing hard work performed by staff to help approximately 1,100 victims with 6,000 services. There is an increase in the dollar amount because the grant request is for two years instead of the usual one year period.

Commissioner Graves made the motion to ratify the 2017-2019 Victim of Crime Act (VOCA) grant application for the County Sheriff's Office Victim Advocate Program as detailed in Consent Agenda Item No. 5. The motion was seconded by Commissioner Ivie and carried with the following vote:

**AYE: William C. Lee
Greg Graves
Nathan Ivie
NAY: None**

AGREEMENT NO. 2017-177

(PULLED FROM CONSENT)

10. APPROVE OR DENY A REQUEST FROM WINDER FARMS FOR AUTHORIZATION TO CONDUCT MARKETING ACTIVITIES IN THE LOBBIES OF THE ADMINISTRATION BUILDING, HEALTH AND JUSTICE BUILDING, AND THE PUBLIC WORKS BUILDING ON APRIL 17, 2017, PURSUANT TO THE REQUIREMENTS OF SECTION 1.6.A OF THE UTAH COUNTY FACILITY POLICY

(Track B, 03:05)

Addressing Consent Agenda Item Nos. 10 and 11, Commissioner Ivie questioned whether the county has any concerns with conducting activities in the buildings. Utah County Public Works Associate Director Don Nay stated no; each application is reviewed to ensure regular business will not be disrupted.

Commissioner Ivie made the motion to approve the request from Winder Farms to conduct marketing activities on April 17, 2017 as outlined in Consent Agenda Item No. 10. The motion was seconded by Commissioner Graves and carried with the following vote:

**AYE: William C. Lee
Greg Graves
Nathan Ivie
NAY: None**

AGREEMENT NO. 2017-179

(PULLED FROM CONSENT)

11. APPROVE OR DENY A REQUEST FROM WASATCH MENTAL HEALTH TO PLACE FOOD DONATION BARRELS IN THE HALLWAY OF COUNTY BUILDINGS DURING MENTAL HEALTH WEEK, APRIL 10 THROUGH APRIL 24, 2017

(Track B, 04:10)

Commissioner Ivie made the motion to approve the request from Wasatch Mental Health to place food donation barrels in county buildings during Mental Health Week as outlined in Consent Agenda Item No. 11. The motion was seconded by Commissioner Graves and carried with the following vote:

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AYE: William C. Lee
Greg Graves
Nathan Ivie
NAY: None

AGREEMENT NO. 2017-180

15. APPROVE TAX CREDITS AND REFUNDS RECOMMENDED BY THE COUNTY ASSESSOR'S OFFICE IN CANCELLATION AND CORRECTION LETTER NO. 293, DATED APRIL 4, 2017

(Track B, 04:30)

Jim Stevens of the Utah County Assessor's Office explained the refunds are completed by audits through the State Tax Commission, combined with updated county calculations.

Commissioner Graves made the motion to approve the tax credits and refunds recommended by the County Assessor's Office in Cancellation and Correction Letter No. 293, dated April 4, 2017, as specified in Consent Agenda Item No. 15. The motion was seconded by Commissioner Ivie and carried with the following vote:

AYE: William C. Lee
Greg Graves
Nathan Ivie
NAY: None

AGREEMENT NO. 2017-181

4. AUTHORIZE AN ADDITION TO THE DEPARTMENT OF DRUG AND ALCOHOL PREVENTION AND TREATMENT STAFFING PLAN OF ONE FULL-TIME, CAREER SERVICE GRANT, LICENSED PRACTICAL NURSE POSITION (ADD JOB CODE 993012 TO DDAPT)

(Track B, 06:20)

Utah County Human Resources Director Cammie Taylor came forward with Cindy Simon of the Utah County Department of Drug and Alcohol Prevention and Treatment to talk about the need and funding for this Licensed Practical Nurse position. Ms. Simon noted the position will be grant-funded for a minimum of three years.

Commissioner Ivie made the motion to authorize the addition of a Licensed Practical Nurse position to the Department of Drug and Alcohol Prevention and Treatment as identified in Regular Agenda Item No. 4. The motion was seconded by Commissioner Graves and carried with the following vote:

AYE: William C. Lee
Greg Graves
Nathan Ivie
NAY: None

APPROVED

5. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN FOUR (4) MEDICAL AGREEMENTS WITH SELECTHEALTH FOR MEDICAL INSURANCE RATES AND COVERAGES IN 2017 FOR UTAH COUNTY GOVERNMENT EMPLOYEES

(Track B, 09:00)

Commissioner Graves made the motion to approve the four (4) medical agreements with SelectHealth for medical insurance rates and coverages in 2017 for Utah County Government employees as defined in Regular Agenda Item No. 5. The motion was seconded by Commissioner Ivie and carried with the following vote:

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AYE: William C. Lee
Greg Graves
Nathan Ivie
NAY: None

AGREEMENT NOS. 2017-183, 2017-184, 2017-185, and 2017-186

9. APPROVE OR DENY A REQUEST FROM BLUE HAVEN FOUNDATION TO WAIVE THE \$200 EVENT PERMIT FEE FOR USE OF SEVERAL COUNTY ROADS, AND THE \$30 PARK RESERVATION FEE FOR USE OF BENJAMIN PARK, FOR THE ‘FIESTA DAYS 50/BLUE HAVEN HALF-CENTURY’ CHARITY BIKE RIDE ON JULY 29, 2017

(Track B, 09:20)

Commissioner Graves noted the Board would like a follow-up report following the charity event.

Commissioner Graves made the motion to waive the \$200 Event Permit fee and the \$30 Park Reservation fee for use of several county roads, and Benjamin Park, for the ‘Fiesta Days 50/Blue Haven Half-Century’ Charity Bike Ride on July 29, 2017 as specified in Regular Agenda Item No. 9, 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 Ivie and carried with the following vote:

AYE: William C. Lee
Greg Graves
Nathan Ivie
NAY: None

AGREEMENT NO. 2017-187

10. RATIFY A NOTICE OF TERMINATION BETWEEN UTAH COUNTY AND PROVO CITY RELATING TO THE ICE SHEET ARENA FACILITY IN PROVO CITY, UTAH COUNTY, UTAH

(Track B, 10:25)

Utah County Deputy Attorney Robert J. Moore explained he drafted a termination letter to Provo City after speaking to each commissioner individually. Commissioner Lee has signed the letter; it has already been sent to and received by the city. Commissioner Graves noted Commissioner Lee signed it on behalf of the County Commission. Mr. Moore added the notice of termination begins a 180-day countdown. Within the first 60 days of that period, Provo City must declare in writing whether they will take control of the Ice Sheet Arena Facility. Commissioner Lee mentioned the county has not yet received a written response from the city. Mr. Moore noted if the sixty days passes without written response, there are options to sell to a third party or by auction per the terms of the agreement, but that has not been discussed by the Board at this point.

(Track B, 14:10)

Acknowledging the crowded audience, Commissioner Lee invited comment on this issue. Pleasant Grove resident Brian Post-Jones was the first to come forward and ask, “Why are you trying to get rid of the ice rink?” He asked the commissioners not to take it away from the people. Grace Post-Jones, and Serenity Post-Jones, both echoed that comment. Tracy Stout, who described herself as a single parent from Springville, also wants the ice rink to stay open; she mentioned her nine-year-old cried upon hearing it may close. Provo resident Robert Stevens would like the ice rink to stay open but also understands the government responsibility in spending tax dollars. Mr. Stevens also began to request the suspension of a county employee, but was interrupted by the Board as this is not the appropriate venue to voice that concern – he was asked to follow up directly with the Commission Office.

(Track B, 21:25)

Payson resident Erin Short started a Facebook page to support keeping the ice rink open. She explained how she regularly utilizes the arena, and expressed it would be detrimental to Utah County and the community youth to pull out of the agreement with Provo City. Ms. Short noted the fees and facility would no longer be viable without county support. Pleasant Grove resident Brian Blum serves on his local high school hockey board, and has seen how the ice rink has provided a safe place for kids. Mr. Blum noted hockey kept him out of trouble as a high school

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student, and asked the Board to consider their approval today of a new position in the Department of Drug and Alcohol Prevention; the rink also helps teenagers and families. Mr. Blum asked the commissioners to rescind the termination notice, pointing out 75% of the ice rink users are outside of Provo City and serves many in our fast-growing county.

Eagle Mountain resident Laurie Gilson's family has been skating at the Peaks Ice Arena for eight years, and it is the best in the state with well-maintained ice, fantastic staff, and reasonable prices. She suggested asking for taxpayer input, as Ms. Gilson is confident the community would not want the rink to be privatized. Shelley Mercato expressed comparing the ice rink to a city recreational center sets up a false dichotomy, as the services provided are not similar and the entire county is served by the arena rather than one main city. Juab County residents Lisa Woodland came forward with her daughter Casey Woodland from Mona asked what the community can do to help find a solution. Church groups, family gatherings, and many others use the rink for many purposes. Ms. Woodland understands making tough decisions as a businesswoman, but believes the benefit of the arena to the entire county and even those outside of the county is worth finding a solution if the county could provide a reason for wanting to terminate the contract.

(Track B, 36:15)

Salem resident Jeffrey Redden is worried that if Provo City is solely responsible for the ice rink, he and his family will be charged non-resident rates for continued use. He has several children with special issues that play hockey, which is expensive, and Mr. Redden is at his financial limit. Being engaged at the arena has helped his family academically and behaviorally, even helping with depression. Mr. Redden commented on the high number of suicides and drug use in the county, pointing out the ice rink is a much better outlet and in turn leads to better citizens.

Lindon resident Karen Danielson has four children who have gone through skating programs at the ice rink, and her oldest is worried about losing the connections and friends she has made through her dedication to her sport. Ms. Danielson said she appreciates the Commission support and hopes they will continue to support the arena. Spanish Fork resident Kate Jones explained she spends 5 days a week at the ice rink; it is her second home. Ms. Jones became emotional when explaining her problems melt away when she is on the ice, and there is no way her parents would be able to take her to the next closest facility, in South Jordan, if this ice rink closes. Nineteen-year-old Sarah Lyle is a competitive figure skater who has been using this rink for 14 years, and has seen it grow and improve from being a private facility to management by Provo City and Utah County. Provo resident Belki Tolman's daughter plays hockey, and all of her friends are from different cities but have this ice rink in common. Ms. Tolman hopes the commissioners will find a solution that does not require terminating financial support; the community will not be able to afford privatized prices, and Provo City alone will not be able to keep the rink open.

(Track B, 45:10)

Spanish Fork resident Marilyn Jones commented on the youth in the audience wearing their uniforms and medals to express passion and support for keeping the ice rink open. Brothers Cole Redden and Ryan Redden out of Salem have loved learning how to play hockey, and hope to continue at this arena. Pleasant Grove High School Junior, and Assistant Captain of UCI (Utah County Independent) North Warriors, Hunter Blum explained the hockey players on their team pay their own fees; privatizing the Peaks Arena would dramatically increase prices and prevent some of his teammates from playing. Mapleton resident Kim Spilker reiterated the users of the ice rink are a collective Utah County family. Keli Rosseau pointed out the arena is also used for soccer, and thousands of kids use the space because there is none other like it in Utah County – Timpanogos only allows leagues.

(Track B, 51:10)

Orem resident and 'proud hockey mom' Vicki Wiesenberg explained this is a great place for everyone to play and feel included. Hockey is a sport that does not rely on the usual 'starting five' in many other sport – every kid gets a chance to skate and make goals. Ms. Wiesenberg pointed out Peaks Ice Arena is renowned even outside of this state, drawing in competitions and in turn economic base for Utah County. She asked the Board not to pull out resources from this Olympic level rink. Spanish Fork resident Belle Campbell has devoted her entire life to figure skating. She became emotional while explaining she has made many friends that she will not be able to see if the ice rink closes. Ms. Campbell stated the first time she visited the rink, she realized her dream of going to the Olympics.

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(Track B, 54:15)

Provo resident Kevin McCullough talked about becoming captain of a hockey team, and his travels following the sport through the United States. He asked the commissioners to continue supporting the ice rink, volunteering to teach them how to play hockey. Mr. McCullough also commented on the passion of the ice rink employees, praising especially Foster Watabe and the work Mr. Watabe has done for the arena. Youth Hockey Coordinator Mr. Watabe came forward to talk about the Utah Recreational Hockey League and the importance of team sports in the community. He joked: “support the rink or you stink,” also asking the commissioners to continue supporting the arena. Lehi resident Charles Johnston and Orem resident Jack McShade followed with similar comments, expressing pride in the ice rink.

(Track B, 1:02:05)

Clint Gordon-Carroll, Highland resident and Vice President of Cloud Storage at Vivint, commented on accountability – the Ice Sheet Authority is duly responsible for this rink with the Utah County Commissioners. Mr. Gordon-Carroll talked about being an entrepreneur and the importance of being able to put political plays aside to do what is best for the community. He suggested advertising at the rink to subsidize costs, and asked the Board to prioritize keeping the ice rink open. Provo resident James Lewis has a season pass and has used the arena regularly for four years; he noted the rink makes a big difference for him and his family, and asked the commissioners to continue supporting it.

(Track B, 1:09:30)

Seeing no other members of the public step forward, Commissioner Lee returned the discussion to the bench. He thanked the audience for attending and commenting, noting the Board encourages input because “All three of us don’t think that we know it all.” Commissioner Graves talked about regular updates from the Polar Bears Hockey Team and the tremendous progress they have made. Commissioner Ivie stated he hates political fear-mongering, emphasizing he does not have any intention of shutting down the ice rink.

Commissioner Ivie went on to address being trusted as a steward of citizen tax dollars. He reviewed the annual amounts from the county to the Ice Sheet, noting the county has invested \$2,000,000 into this facility in the last seven years while acknowledging the contributions have steadily declined since 2010. Commissioner Ivie questioned how to justify continued subsidization for ice rink users while other youth with Olympic dreams in other fields must fund their own hobbies. He commended the public today for level-headed and logical discussion, and their proposed solutions. Commissioner Ivie reiterated the goal is not to close the ice rink, and pointed out the discussion today was facilitated because of the Board sending the letter.

Commissioner Graves echoed Commissioner Ivie’s comments and encouraged the public to stay engaged and civil. Commissioner Graves reminded those present that he was a teacher before a politician, and applauded the parents of the youth here today. He reminded the audience Provo City is still within the 60-day response window for the termination notice. Commissioner Lee added the conversation will continue once Provo City replies, and suggested the audience ask Provo City to respond quickly.

Commissioner Graves made the motion to ratify the Notice of Termination between Utah County and Provo City relating to the Ice Sheet Arena Facility in Provo City as discussed in Regular Agenda Item No. 10. The motion was seconded by Commissioner Ivie and carried with the following vote:

**AYE: William C. Lee
Greg Graves
Nathan Ivie
NAY: None**

AGREEMENT NO. 2017-188

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

(Track B, 1:21:35)

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11. 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 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 the purchase, exchange, or lease of real property, water rights, or water shares to follow the Regular Agenda items today in Room 1400 of the County Administration Building. The motion was seconded by Commissioner Ivie and carried with the following vote:

AYE: William C. Lee
Greg Graves
Nathan Ivie
NAY: None

SET

12. 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 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 the sale of real property, water rights, or water shares to follow the Regular Agenda items today in Room 1400 of the County Administration Building. The motion was seconded by Commissioner Ivie and carried with the following vote:

AYE: William C. Lee
Greg Graves
Nathan Ivie
NAY: None

SET

13. 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 items*) (*Announce the vote of each commissioner*)

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

AYE: William C. Lee
Greg Graves
Nathan Ivie
NAY: None

SET

14. 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*)

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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 items today in Room 1400 of the County Administration Building. The motion was seconded by Commissioner Ivie and carried with the following vote:

**AYE: William C. Lee
Greg Graves
Nathan Ivie
NAY: None**

SET

PUBLIC COMMENTS

There were no additional public comments and the meeting recessed at 12:57 P.M. to go into closed meetings. The public meeting reconvened at 2:55 P.M.
(Track C, 00:01)

Commissioner Graves made the motion to adjourn the April 11, 2017 meeting of the Utah County Board of Commissioners. The motion was seconded by Commissioner Ivie and carried with the following vote:

**AYE: William C. Lee
Greg Graves
Nathan Ivie
NAY: None**

There being no further business nor public comment, the meeting adjourned at 2:56 P.M. The minutes of the April 11, 2017 Commission meeting were approved as transcribed on May 2, 2017.

WILLIAM C. LEE, Commission Chair

ATTEST:

BRYAN E. THOMPSON
Utah County Clerk/Auditor