

BOARD OF COMMISSIONERS OF UTAH COUNTY, UTAH
Public Meeting Minutes
April 28, 2021
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PUBLIC NOTICE IS HEREBY GIVEN THAT THE
BOARD OF COMMISSIONERS OF UTAH COUNTY, UTAH
WILL HOLD A PUBLIC MEETING
IN THE COMMISSIONER CHAMBERS - ROOM 1400
OF THE UTAH COUNTY ADMINISTRATION BUILDING
100 E CENTER ST, PROVO, UT 84606
April 28th, 2021 - 3:00 pm

Board members may participate electronically at will, with the anchor location as stated above.

If 50 or more individuals are physically present at this meeting, all individuals in attendance must comply with State Public Health Order 2021-10 and Utah Code 26-6-33 requiring the wearing of face masks, with certain exceptions.

The public may participate electronically by joining via zoom at the following link <https://zoom.us/j/8249859146> or calling (346) 248-7799 or (669)900-6833, Meeting ID: 8249859146. Comments will be limited to three (3) minutes per individual unless otherwise approved by the Board. Please state your name at the beginning of the comment. Please no foul or abusive language.

~COMMISSION MEETING MINUTES~
(Rules Suspended for voting – only 2 Commissioners)

Commissioner Lee (Chair) and Commissioner Sakievich in Attendance.
Others in Attendance: See Attached Attendance Sheet and Zoom list.

(Meeting Called to Order: 3:05 P.M.)

PRAYER/READING/THOUGHT: **Commissioner Lee**
PLEDGE OF ALLEGIANCE: **Commissioner Sakievich**

CONSENT AGENDA

REGULAR AGENDA

1. RATIFICATION OF WARRANT REGISTER FOR 04.21.2021 INCLUDING NOTES AND COMMENTS FROM THE COMMISSIONERS AS RECORDED ON THE INTERNAL SYSTEM.

-Alice Black, Clerk/Auditor

APPROVED ON CONSENT

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2. APPROVAL OF THE PAYROLL WARRANT SUMMARY FOR PAY PERIOD 8-2021

-Alice Black, Clerk/Auditor

APPROVED ON CONSENT

3. APPROVAL OF THE MINUTES OF THE MARCH 31, 2021 BOARD OF COMMISSIONERS BOARD MEETING

-Alice Black, Clerk/Auditor

APPROVED ON CONSENT

4. APPROVAL OF THE MINUTES FOR THE APRIL 7, 2021 BOARD OF COMMISSIONERS PUBLIC BOARD MEETING

-Alice Black, Clerk/Auditor

APPROVED ON CONSENT

5. APPROVE AND AUTHORIZE A RESOLUTION APPOINTING INTERIM REPLACEMENT FOR UTAH COUNTY COMMISSION SEAT A.

-DAVE SHAWCROFT, Attorney

COMMISSIONER LEE – THIS HAS BEEN VOTED UPON AND IT IS AMELIA POWERS GARDNER.

COMMISSIONER SAKIEVICH: MOTION TO APPROVE

COMMISSIONER LEE: SECOND

AYE: ALL IN FAVOR

PASSED: 2/0

6. ACCEPT THE LETTER OF RESIGNATION FROM AMELIA POWERS GARDNER RECEIVED APRIL 28, 2021 VACATING THE POSITION OF UTAH COUNTY CLERK/AUDITOR, AND TO APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN A LETTER GIVING NOTICE TO THE UTAH COUNTY REPUBLICAN PARTY LIASON OF THE VACANCY OF THE POSITION OF THE UTAH COUNTY CLERK/AUDITOR AND INVITING THE PARTY LIASON TO SUBMIT THE NAME OF AN INDIVIDUAL TO FILL THE VACANCY, PURSUANT TO UTAH CODE SECTION 20A-1-508.

-DAVE SHAWCROFT, Attorney

AMELIA POWERS GARDNER – WITH THE ACCEPTANCE OF ME AS BEING APPOINTED TO FILL THE VACANCY ON THE COUNTY COMMISSION, I DO RESIGN MY SEAT AS THE COUNTY CLERK AUDITOR. (HANDED LETTER TO COMMISSIONER LEE)

UTAH COUNTY IS THE HEART OF UTAH, BUT THE HEART OF UTAH COUNTY GOVERNMENT IS THE EMPLOYEES OF THIS COUNTY. THE HIGHLIGHT OF MY CAREER HAS BY FAR BEEN THE 2+ YEARS THAT I SERVED AS THE UTAH COUNTY CLERK/AUDITOR AND THE THING THAT MADE THAT THE HIGHLIGHT OF MY

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CAREER IS THE EMPLOYEES HERE IN UTAH COUNTY. NOT JUST THE EMPLOYEES OF THE CLERK/AUDITOR'S OFFICE, BUT THE EMPLOYEES OF THE ENTIRE UTAH COUNTY GOVERNMENT. I AM SO PROUD OF THE EXCEPTIONAL WORK THAT THE EMPLOYEES HAVE DONE SINCE I'VE BEEN THE CLERK/AUDITOR. WE HAVE WON NATIONAL AND INTERNATIONAL AWARDS. WE HAVE IMPLEMENTED INNOVATIONS THAT THE WORLD HAD NEVER SEEN BEFORE AND WE HAVE HAD AMAZING SUCCESS. THE HIGHLIGHT OF THAT WAS THE 2020 PRESIDENTIAL ELECTION WHERE UTAH COUNTY THREW AWAY THE TITLE OF 'THE EPICENTER OF DYSFUNCTION' AND WE ARE RECOGNIZED AS A NATIONAL MODEL IN ELECTIONS. BUT THE CLERK/AUDITOR'S OFFICE DID NOT DO THAT ALONE. IF EVERY PIECE OF OUR SUCCESS WAS THE REST OF THE COUNTY, OUR I.T. DEPARTMENT IS PHENOMENAL. THEY'VE BEEN RECOGNIZED BY THEIR OWN PROFESSIONALS WITH EZRI AS WELL AS BY THE FEDERAL ELECTIONS ASSISTANCE COMMISSION. OUR I.T. DEPARTMENT IS SECOND TO NONE. OUR DEPARTMENT HELPED US EVERY STEP OF THE WAY. THEY HAD HERCULEAN FEATS THAT THEY EXECUTED IN A SMALL AMOUNT OF TIME, NOT TO MENTION THE SUPPORT THAT WE HAVE RECEIVED FROM PUBLIC WORKS. WE COULD NOT HAVE DONE IT WITHOUT THE HELP OF THE COMMISSION CREATING A BALLOT CENTER FOR US TO PROCESS BALLOTS IN AND BRINGING US UP TO A WORLD-CLASS STANDARD FOR ELECTIONS COULD NOT HAVE BEEN DONE WITHOUT THE SUPPORT OF THE COMMISSION. THE HEALTH DEPARTMENT, THE EOC AND THE SHERIFF'S DEPARTMENT AND EVERYONE ELSE IN UTAH COUNTY HAS BEEN SO IMPRESSIVE. THE THING THAT I AM MOST EXCITED ABOUT TO SERVE ON THE COMMISSION IS THAT I NOW GET TO SERVE ALL OF THE EMPLOYEES OF UTAH COUNTY AS WELL AS ALL OF THE CITIZENS OF THE COUNTY, NOT JUST AS THE CLERK/AUDITOR, BUT TO HELP LEAD THE ENTIRE COUNTY.

IT IS WITH GREAT SADNESS THAT I STEP DOWN AS THE CLERK/AUDITOR. THIS HAS ABSOLUTELY BEEN THE BEST PART OF MY CAREER. I LOVED IT SO MUCH THAT I DIDN'T EVEN REALLY TAKE A MATERNITY LEAVE. 10 DAYS AND I WAS BACK AT WORK WITH MY BABY, BUT I AM SO EXCITED TO GET TO LEAD WITH YOU THE ENTIRE COUNTY. THANK YOU.

COMMISSIONER LEE - THANK YOU. JUST FOR REFERENCE, THE OATH OF OFFICE WILL BE ADMINISTERED TOMORROW AT 4:00 P.M. OVER IN THE HISTORIC COURTHOUSE.

**COMMISSIONER SAKIEVICH: MOTION TO APPROVE
COMMISSIONER LEE: SECOND
AYE: ALL IN FAVOR
PASSED: 2/0**

7. ADOPT A RESOLUTION AMENDING THE UTAH COUNTY POLICY FOR FOOD AND GIFTS FOR COUNTY BUSINESS

-Dave Shawcroft, Attorney

COMMISSIONER LEE - IN LOOKING AT THE DIFFERENT THOUGHTS AND EMAILS THAT WE RECEIVED, DAVE IS THERE ANY REASON WHY WE SHOULDN'T GO FORWARD WITH WHAT WE HAVE TODAY?

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DAVE SHAWCROFT, UTAH COUNTY DEPUTY ATTORNEY - I THINK WE'RE FINE TO MOVE FORWARD.

**COMMISSIONER SAKIEVICH: MOTION TO APPROVE
COMMISSIONER LEE: SECOND
AYE: ALL IN FAVOR
PASSED: 2/0**

8. APPROVE AND AUTHORIZE THE SIGNING OF A RESOLUTION ADOPTING THE UTAH COUNTY CONTRACT INSURANCE STANDARDS POLICY.

-DAVE SHAWCROFT, Attorney

APPROVED ON CONSENT

9. APPROVE AND ADOPT A RESOLUTION REGARDING LEHI CITY'S NOTICE OF INTENT TO SUBMIT AN OPINION QUESTION TO ITS VOTERS REGARDING THE IMPOSITION OF A "RAP" TAX, CONFIRMING THAT UTAH COUNTY IS NOT SEEKING TO IMPOSE A TAX UNDER SECTION 59-12-1402

-Dave Shawcroft, Attorney

APPROVED ON CONSENT

10. TAKE ACTION TO REFER TO THE UTAH COUNTY PLANNING COMMISSION A PROPOSED UTAH COUNTY LAND USE ORDINANCE TEXT AMENDMENT TO CHAPTER 6.04 RELATED TO THE HEALTH DEPARTMENT APPROVAL, WATER, AND SEWER.

-ROBERT J. MOORE, Attorney

BRYCE ARMSTRONG, COMMUNITY DEVELOPMENT – MR. ROBERT MOORE PUTS THIS ON THE AGENDA AND HE'S JOINED US BY PHONE, BUT I CAN SPEAK TO KIND OF WHAT WE'RE DOING HERE. IF YOU RECALL A COUPLE OF MONTHS AGO, WE HAD A WORK SESSION ITEM IN WHICH A REPRESENTATIVE FROM THE STATE ENGINEER'S OFFICE CAME DOWN AND GAVE US SOME INFORMATION THAT POTENTIALLY COULD BE QUITE CONCERNING ABOUT A GENERAL ADJUDICATION OF WATER RIGHTS THAT SPECIFICALLY IMPACTS UTAH COUNTY AND IN THE INSTANCE OF THAT WORK SESSION, HOBBLE CREEK CANYON.

IN RESPONSE TO SOME OF THOSE POTENTIAL CONCERNS, STAFF WAS ASKED TO LOOK AT A TEXT AMENDMENT TO OUR LAND USE ORDINANCE TO POTENTIALLY ADDRESS A SITUATION WHERE A PERSON MAY HAVE A WATER RIGHT REDUCED OR EVEN ELIMINATED AFTER THEY'VE BEEN UTILIZING THAT, WHICH CAN BE QUITE PROBLEMATIC AND SO WE'VE BEEN WORKING WITH THE HEALTH DEPARTMENT AND THE ATTORNEY'S OFFICE TO COME UP WITH POTENTIAL SOLUTIONS OR OPTIONS TO ADDRESS THIS.

WHAT WE'RE DOING TODAY IS JUST REFERRING THAT PROPOSED TEXT AMENDMENT BACK TO THE PLANNING COMMISSION TO START THE PROCESS. AT THAT POINT, THERE WILL BE A PUBLIC HEARING. I IMAGINE THE PROPOSAL WILL CHANGE IN RESPONSE TO WHAT STAFF FEELS NEEDS TO BE DONE IN PART

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OF THE PUBLIC HEARING AND THEN IT'LL BE BROUGHT BACK WITH A PLANNING COMMISSION RECOMMENDATION BACK TO THE COUNTY COMMISSION FOR ACTION. IT'S ALONG EXPLANATION BUT ALL WE'RE DOING TODAY IS JUST REFERRING IT BACK TO THE PLANNING COMMISSION FOR THAT PROCESS TO BEGIN.

COMMISSION LEE - I KNOW THAT THE PLANNING COMMISSION WILL GO THROUGH AND DO THEIR DUE DILIGENCE WITH IT. IT IS A SERIOUS ONE FOR US AND SO I HOPE THAT THE PLANNING COMMISSION WILL GO THROUGH THEIR PROCESSES AND DIG INTO IT TO FIND OUT WHAT'S BEST AND THEN PROPOSE SOMETHING TO US THAT THEY HAVE THOROUGHLY VETTED.

**COMMISSIONER SAKIEVICH: MOTION TO APPROVE
COMMISSION LEE: SECOND
AYE: ALL IN FAVOR
PASSED: 2/0**

11. ADOPT A RESOLUTION APPROVING A VOLUNTEER WHO WISHES TO DONATE THEIR SERVICES TO UTAH COUNTY
-Dave Shawcroft, Attorney

APPROVED ON CONSENT

12. ADOPT A RESOLUTION APPROVING VOLUNTEERS WHO WISH TO DONATE THEIR SERVICES TO UTAH COUNTY
-Sarah Ruiz, Human Resources

APPROVED ON CONSENT

13. ADOPT A RESOLUTION APPROVING AND ADOPTING HUMAN RESOURCE MANAGEMENT POLICIES: 2-100 ADMINISTRATION, 2-200 DEPARTMENT COMPLIANCE, 2-300 NON-DISCRIMINATION, 2-400 EMPLOYEE RECORDS, 2-2400 EMPLOYMENT OF RELATIVES, 2-2500 ELECTRONIC EQUIPMENT USE, 2-300 CAREER SERVICE COUNCIL
-Mark Brady, Human Resources

APPROVED ON CONSENT

14. APPROVE AND AUTHORIZE THE SIGNING OF AN AMENDMENT WITH KILGORE COMPANIES, LLC FOR AGREEMENT #2018-160 FOR HOT MIX ASPHALT VALID THROUGH DECEMBER 31, 2021.
-RICHARD NIELSON, Public Works

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15. APPROVE AND AUTHORIZE THE SIGNING OF AN AMENDMENT WITH STAKER PARSON COMPANIES FOR AGREEMENT #2018-161 FOR HOT MIX ASPHALT VALID THROUGH DECEMBER 31, 2021.

-RICHARD NIELSON, Public Works

APPROVED ON CONSENT

16. APPROVE AND AUTHORIZE THE SIGNING OF AN AGREEMENT WITH GENEVA ROCK PRODUCTS TO SUPPLY 1/2" HOT MIX ASPHALT AT THE UDOT CONTRACT #169811 PRICING THROUGH THE END OF DECEMBER 2021 AS WELL AS PROVIDE TACK OIL @ \$3.00 A GALLON

-RICHARD NIELSON, Public Works

APPROVED ON CONSENT

17. APPROVE AND AUTHORIZE THE SIGNING OF AN AMENDMENT WITH STAKER PARSON COMPANIES FOR AGREEMENT #2017-709 FOR UNTREATED BASE COURSE @ \$5.95 A TON VALID THROUGH DECEMBER 31, 2021.

-RICHARD NIELSON, Public Works

APPROVED ON CONSENT

18. APPROVE AND AUTHORIZE THE SIGNING OF A MEMORANDUM TO DECLARE 350 BROCE BROOM ICN #701573 AS SURPLUS AND AGREE TO SELL IT TO JUAB COUNTY AT THE FAIR MARKET VALUE OF \$20,000.

-RICHARD NIELSON, Public Works

APPROVED ON CONSENT

19. APPROVE AND AUTHORIZE THE SIGNING OF AN AGREEMENT WITH BOISE MOBILE EQUIPMENT (BME) TO PURCHASE ONE 2021 TYPE 3 FIRE APPRATUS TO BE BUILD ON AN INTERNATIONAL CHASSIS ACCORDING TO THE HGAC FS19DB12 SPECIFICATIONS FOR A COMMERCIAL CHASSIS MODEL 34 WILDLAND VEHICLE FOR \$329,900 AND AUTHORIZE AN UPFRONT PAYMENT OF \$134,161.

-RICHARD NIELSON, Public Works

APPROVED ON CONSENT

20. APPROVE AND AUTHORIZE THE SIGNING OF A MEMO TO SURPLUS ICN #701754 A 2015 TRAIL KING SIDE DUMP TRAILER

-RICHARD NIELSON, Public Works

APPROVED ON CONSENT

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21. APPROVE AND AUTHORIZE THE SIGNING OF AN AGREEMENT WITH REPUBLIC SERVICES TO PROVIDE RENTAL OF A 34 YARD SELF-CONTAINED TRASH COMPACTOR FOR THE SECURITY CENTER AT THE COST OF \$455 PER MONTH PLUS SOME ONE TIME FEES AS PER ATTACHMENT B.

-RICHARD NIELSON, Public Works

APPROVED ON CONSENT

22. ADOPT AN ORDINANCE TO AMEND CHAPTER 8, "USES WITH SPECIAL REVIEW PROVISIONS - SUPPLEMENTARY REQUIREMENTS AND PROCEDURES APPLICABLE WITHIN ZONE" OF THE UTAH COUNTY LAND USE ORDINANCE TO PROVIDE CLARITY AND CONSISTENCY TO VARIOUS LAND USE REGULATIONS

-Bryce Armstrong, Community Development

COMMISSIONER LEE – I READ THROUGH HIS ONE AND I’VE GOT ONE AREA OF CONCERN WITH NUMBER 6. IT DEALS WITH TENTS, CANOPIES AND TEMPORARY MEMBRANE STRUCTURES. WE’VE HAD A TON OF DISCUSSION ON THIS IN THE PAST AND THERE ARE THING IN THIS THAT SEEM TO CONFLICT WITH MY MEMORY ON WHAT WE DID AND WHAT WE WERE TRYING TO ACCOMPLISH, SO I’M NOT SURE WHAT’ GOING ON HERE.

BRYCE ARMSTRONG, COMMUNITY DEVELOPMENT - JUST TO KIND OF BACK TRACK, THIS WAS A HOUSEKEEPING AMENDMENT TO A SECTION OF OUR ORDINANCE THAT HAD A BROAD VARIETY OF DIFFERENT TYPES OF REQUIREMENTS – ONE OF WHICH IS TEMPORARY USES AND UNDER ‘TEMPORARY USES’, COMMISSIONER LEE IS REFERRING TO A TEMPORARY USE THAT WE ALLOW THAT CONTEMPLATES TENTS, CANOPIES AND TEMPORARY MEMBRANE STRUCTURES. ALL WE’RE DOING HERE IS ADDING A SECTION THAT SORT OF LAYS OUT WHEN A PERSON CAN UTILIZE A TENT OR A MEMBRANE STRUCTURE TEMPORARILY. THE KEY IS, IF WE RECALL FROM OUR PREVIOUS DISCUSSIONS, THAT IF YOU’RE LESS THAT 180 DAYS THEN IT’S CONSIDERED TEMPORARY AND A LOT OF THE DIFFERENT REQUIREMENTS SPECIFICALLY FIRE CODE AND BUILDING CODE, DON’T KICK IN AND SO WE’VE ALWAYS HAD THAT IN THE ORDINANCE. THERE WAS SOME LEGISLATION AT THE STATE LEVEL THAT ALLOWS A CERTAIN TYPE OF TEMPORARY TENT, SPECIFICALLY REMOTE YURT IS WHAT THAT STATE CALLED IT, WHERE THOSE CAN REMAIN PERMANENTLY IF THEY MEET CERTAIN CRITERIA. ALL WE’RE DOING HERE UNDER SUBSECTION I IS STATING THAT ANY OTHER USE OF A MEMBRANE-COVERED FRAME STRUCTURE SHALL COMPLY WITH ALL APPLICABLE REQUIREMENTS OF THIS LAND USE ORDINANCE.

THEN WE ADDRESSED THAT SCENARIO, A REMOTE YURT, ELSEWHERE IN THE ORDINANCE SO IF THEY WANT TO QUALIFY FOR THAT THEN THEY’RE SUBJECT TO THOSE PROVISIONS AND I’LL ADOPT BUILDING HEALTH, FIRE AND SAFETY REQUIREMENTS. ON OCCASION WE’LL GET SOMEONE WHO WANTS TO UTILIZE A PERMANENT STRUCTURE OR A MEMBRANE STRUCTURE AS A PERMANENT STRUCTURE AND ALL WE’RE SAYING IS THAT’S POSSIBLE AS LONG AS YOU MEET ALL ADOPTED CODES. WE’VE GOT SOMEONE WHO WANTS TO POTENTIALLY USE ONE HAS A DWELLING AND IF THEY CAN MEET CERTAIN BUILDING AND FIRE

CODES, THAT'S AN OPTION. ALL WE'RE DOING HERE IS JUST SAYING FOR THE TEMPORARY USE OF IT, YOU'VE GOT TO MEET THESE PROVISION WHICH ARE UP ABOVE AND THEN IF ANY OTHER USE OF IT HAS TO MEET THE REQUIREMENTS THAT ARE FOUND ELSEWHERE IN THE ORDINANCE TO CAPTURE THOSE THAT WE HAVE PUT IN INCLUDING REMOTE YURTS.

COMMISSIONER LEE - WE HAVE TO PROBABLY GO THROUGH A LONGER DISCUSSION ON THIS BUT AGAIN, AND YOU EVEN REITERATED IT TOO, YOU SAID ANYTHING LESS THAN 180 DAYS. THEY DIDN'T HAVE TO FILE FOR PERMIT. THAT WAS MY UNDERSTAND FROM OUR DISCUSSIONS IN THE PAST. THEY DON'T HAVE TO GET A PERMIT. IT DOESN'T HAVE TO BE INSPECTED AND THEY COULD JUST PUT IT UP AS LONG AS IT WAS ON THEIR PROPERTY.

AS I READ THIS ONE THOUGH IT SAYS, AND THIS IS NOT EVEN ONE THAT WE'RE CONSIDERING AND THAT'S WHY I'M REALLY CONFUSED, IT SAYS, "THE TENT, CANOPY OR TEMPORARY MEMBRANE STRUCTURE IS NOT TO EXCEED FOR A PERIOD OF EXCESS USE PERIOD OF 180 DAYS WITHIN THE 12-MONTH PERIOD ON A SINGLE PREMISE". SO AS I READ THE VERY TOP CAPTION IT SAYS THAT EVERYTHING UNDERNEATH HAS TO BE MET - ALL THE FOLLOWING CONDITIONS MUST BE MET AND SO IT CONFLICTS WITH WHAT I THOUGHT WE HAD DONE IN THE PAST IN THE SENSE THAT YOU DON'T HAVE TO HAVE A PERMIT. YOU DON'T HAVE TO BE INSPECTED, BUT I'M SEEING ON HERE THAT WE HAVE TO HAVE INSPECTIONS. IT HAS TO BE ADOPTED TO THE FIRE CODE. IT HAS TO HAVE ADEQUATE PARKING FOR A TENT. I'M WONDERING WHERE WE'RE GOING IF SOMEBODY WANTS TO PUT A TENT UP. IT HAS TO BE IN GOOD REPAIR SO THAT MEANS THAT SOMEBODY'S GOING TO HAVE TO GO OUT AND THERE AND INSPECT TENTS OR MEMBRANE SYSTEMS. I THOUGHT WE ALLEVIATED WITHIN THAT 180 DAYS THAT WE WERE NOT GOING TO BE GOING THROUGH THAT PROCESS SO I'M CONCERNED. I JUST DON'T KNOW WHAT WE'RE DOING.

BRYCE ARMSTRONG - THIS IS JUST A DIFFERENT TYPE OF THE ORDINANCE THAT ALLOWS THEM TEMPORARILY, NOT CAMPING. I MEAN, IT CAN INCLUDE CAMPING BUT THIS HAS BEEN IN PLACE FOR YEARS TO ACCOMMODATE SOMEONE THAT HAS AN EVENT ON THEIR PROPERTY AND THEY WANT TO HAVE SOME COVERING AND SO WE HAVE THIS PROCESS THAT THEY HAVE TO GO THROUGH TO HAVE A TEMPORARY TENT. WE SPECIFICALLY PUT THIS 'H' IN TO POINT THEM TO OTHER SECTIONS IN THE ORDINANCE THAT ALLOW THOSE AREAS THAT WE ADDRESS THROUGH THOSE RECENT AMENDMENTS AND SO I THINK THE INTENT HERE WAS TO CONTINUE ALLOWING WHAT WAS ALREADY ALLOWED FOR THESE TEMPORARY USES BEYOND CAMPING. SUNDANCE SOMETIMES WANTS TO HAVE AN EVENT FOR THE SUMMER. THEY'RE NOT CAMPING OR LIVING BUT THEY'RE JUST HAVING AN EVENT, SO WE HAVE A TEMPORARY USE PERMIT TO MAKE SURE THAT THEY HAVE PARKING FOR WHATEVER PURPOSE THAT TENT IS SERVING AND SO THAT'S SOMETHING THAT WE'VE ALWAYS HAD AND IS UTILIZED IN OTHER CAPACITIES OTHER THAN WHAT WE'VE ADDRESSED MORE RECENTLY TO ALLOW CAMPING AND THAT REMOTE TYPE OF USE OF A YURT OR A TENT.

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WE HAVE ALSO INCLUDED IN OUR DEFINITION OF CAMPING TO SPECIFICALLY IDENTIFY THAT THEY CAN USE THESE OTHER TYPES OF USES AS IT RELATES TO THOSE DEFINITIONS THAT WERE PUT IN BY STATE CODE.

COMMISSIONER SAKIEVICH - TO THAT POINT THEN LIKE THE YURT AT SUNDANCE – THEY USE IT FOR INSTRUCTORS A LOBBY INFORMATION, MAYBE EVEN MINI CLASSES BUT THEY HAVE A YURT UP THERE FOR THOSE PURPOSES. IS THIS WHAT YOU HAVE IN MIND WITH THIS?

BRYCE ARMSTRONG - OVER THE PAST THEY’VE HAD TWO DIFFERENT TYPES. AT TIMES THEY’LL HAVE ONE THAT’S USED PERMANENTLY AND SO THEY JUST MEET THE BUILDING CODE AND THEY GET A PERMIT FOR THAT AND THEY MEET THE BUILDING CODE BECAUSE THEY WANT MORE THAN 180 DAYS AND SO ONCE AROUND 180 DAYS YOU’VE GOT TO MEET THOSE BUILDING CODES. WHAT WE TRY TO DO WITH SUBSECTION ‘I’, IS TO STATE THAT YOU HAVE THIS OTHER OPTION THAT IS CONTEMPLATED ELSEWHERE IN THE ORDINANCE THAT ALLOWS A REMOTE, SPECIFICALLY A REMOTE YURT, TO BE EXEMPT FROM ALL THESE BUILDING CODE REQUIREMENTS AND SO THAT’S KIND OF WHAT WE’RE CAPTURING. I’M JUST READING THIS AND I’LL JUST READ IT AGAIN UNDER SECTION 6, ‘UPON RECEIPT OF A COMPLETED APPLICATION IN ANY ZONE, THE ZONING ADMINISTRATOR SHALL ISSUE A TEMPORARY USE PERMIT FOR A MEMBRANE STRUCTURE IF THE ZONING ADMINISTRATOR FINDS THAT ALL OF THE FOLLOWING CONDITIONS AND REQUIREMENTS ARE MET.’ IT SAYS UNDER ‘B”, ‘THE TENT CANOPY OR TEMPORARY MEMBRANE STRUCTURE IS NOT IN USE FOR A PERIOD TO EXCEED THE USE PERIOD OF 180 DAYS WITHIN A 12-MONTH PERIOD AND ON SINGLE PREMISE.’ THAT’S CONFUSING TO ME BECAUSE IT LOOKS LIKE THERE’S GOING TO BE AN APPLICATION FILLED OUT IF SOMEBODY WANTS TO USE A YURT OR A TENT FOR 179 DAYS.

BRYCE ARMSTRONG – YES, SOMETIMES DEPENDING ON WHAT THEIR USE IS. IF THEY QUALIFY FOR CAMPING WHICH WE DEFINED ELSEWHERE OR A REMOTE YURT, THEN THEY’RE EXEMPTED ELSEWHERE BUT THIS HAS BEEN IN PLACE BECAUSE PEOPLE WANT TO COME IN AND USE A TENT AS A TEMPORARY STRUCTURE FOR WHATEVER USE IT IS AND SO WE’VE HAD THIS APPLICATION/PROCESS IN PLACE FOR YEARS TO UTILIZE THOSE KIND OF TEMPORARY EVENTS THAT ARE GENERALLY OVER A WEEKEND OR A MONTH OR WHATEVER DURING THE SUMMER. I GUESS IT COULD BE UP TO 179 DAYS AND SO WE HAVE A PROCESS TO MAKE SURE THAT SOMETIMES WE DON’T’ KNOW WHAT THAT USE IS GOING TO BE. IT COULD BE FOR A LARGER GROUP OF PEOPLE, SO WE WANT TO MAKE SURE THERE’S SOME PARKING THERE JUST FOR THAT TEMPORARY PERIOD.

COMMISSIONER LEE - I JUST DON’T KNOW WHY WE’RE REGULATING THAT.

BRYCE ARMSTRONG - THAT’S ALWAYS BEEN THERE.

COMMISSIONER LEE - I KNOW IT HAS AND SINCE IT’S HERE THAT’S WHY IT KIND OF CONFLICTS WITH WHAT WE’VE DONE IN THE PAST AND I’M JUST CONCERNED ABOUT WHERE WE DRAW THE LINE ON THAT OR WHERE WE SAY WE DON’T’

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HAVE TO DO IT. IF YOU CALL IT CAMPING, THEN YOU DON'T HAVE TO GET A PERMIT.

BRYCE ARMSTRONG - CORRECT.

COMMISSIONER LEE - SO I GUESS IF THEY CALL IT CAMPING THEN THEY WOULDN'T HAVE TO FOLLOW THIS AT ALL.

BRYCE ARMSTRONG – YES, THEY COULD HAVE IT UP TO 180 DAYS AND WE'VE DEFINED THAT IN OUR DEFINITION OF CAMPING AND REFERENCED TO THIS TYPE OF USE. I THINK THAT'S WHAT WE'RE TRYING TO CAPTURE IS TO MAKE SURE THAT WE'RE ACCOMMODATING THOSE RECENT AMENDMENTS HAVE COME IN RECENTLY TO NOT RUN AFOUL OF THIS SECTION AND BE CONSISTENT. THAT WAS OUR INTENT.

COMMISSIONER LEE – I DON'T KNOW WHAT YOUR THOUGHTS ARE (TURNING TO COMMISSIONER SAKIEVICH), BUT I'M NOT PREPARED TO VOTE FOR THIS.

COMMISSIONER SAKIEVICH: SHOULD WE CONTINUE THIS TO CLARIFY – MAYBE IN ANOTHER WORK SESSION?

DAVE SHAWCROFT, DEPUTY COUNTY ATTORNEY - ONE OPTION IS WE COULD GO THROUGH THIS AND ADD SOME SPECIFIC LANGUAGE WHERE IT'S CLEAR AND REFERENCES PROVISIONS OF THE CODE AND INDICATE THAT THESE REQUIREMENTS ARE NOT APPLICABLE TO THE CAMPING USE OF MEMBRANE STRUCTURES OR WHATEVER THE DESIGNATION IS OF THAT OTHER SECTION OF THE CODE. WE COULD GO THROUGH AND ADD SOME SPECIFIC LANGUAGE WHERE IT'S CLEAR.

COMMISSIONER SAKIEVICH: MOTION TO CONTINUE TO MAY 12, 2021

COMMISSIONER LEE: SECOND

AYE: ALL IN FAVOR

PASSED: 2/0

23. DECLARE A DUTY WEAPON AS SURPLUS TO PRESENT TO A SHERIFF'S OFFICE DEPUTY UPON RETIREMENT.

-Shawn Radmall, Sheriff

APPROVED ON CONSENT

24. ADOPT A RESOLUTION DECLARING UTAH COUNTY PERSONAL PROPERTY AS SURPLUS AND AWARDED SAID SURPLUS PERSONAL PROPERTY AS A GIFT TO SERGEANT MIKE PIENKA IN RECOGNITION OF HIS MERITORIOUS SERVICE TO UTAH COUNTY

-Shawn Radmall, Sheriff

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25. MEMORANDUM DECLARING ITEMS AS SURPLUS TO BE DONATED

-Danene Jackson, Clerk/Auditor

APPROVED ON CONSENT

26. DESIGNATE PAST DUE ACCOUNTS RECEIVABLE AS UNCOLLECTIBLE, AND APPROVE AND AUTHORIZE THE AMOUNTS TO BE WRITTEN OFF

-Danene Jackson, Clerk/Auditor

APPROVED ON CONSENT

27. APPROVE A RESOLUTION AUTHORIZING THE TRANSFER OF APPROPRIATIONS BETWEEN DEPARTMENTS AS SHOWN ON THE ATTACHED ATTACHMENT A

-Rudy Livingston, Clerk/Auditor

COMMISSIONER SAKIEVICH: ON THE DRAFT BUDGET SHEET, IT HAS TWO ITEMS THAT WERE TRANSFERRED. I JUST WANT TO CONFIRM WHICH ONES WE'RE SPECIFICALLY REFERRING TO BUT THE COMMISSION IS DEDUCTING \$2,000 TO BE MOVED TO THE AUDITOR'S OFFICE FOR INTERNAL SERVICE FUNDS. WE'RE NOT ADDRESSING THE CIVIL ATTORNEY FROM NON-DEPARTMENTAL FUNDING WHICH IS \$50,000. I JUST SEE TWO ACTIONS HERE. I JUST WANT TO MAKE SURE IT'S JUST ONE OR THE OTHER.

RUDY LIVINGSTON, UTAH COUNTY BUDGET MANAGER - THE \$50,000 FOR THE ATTORNEY'S - THAT WAS TAKEN CARE OF IN THE ITEM WE DID A COUPLE OF WEEKS AGO SO THAT WAS IN THERE. WHAT WE HAVE HERE IS WE HAVE THE NEW NUQUO CONTRACT THAT WE HAVE TO REDUCE OUR OVERALL COST OF SERVICES FOR PRINTERS AND COPIERS, AND PART OF THAT IS THAT WE PAY A PORTION OF OUR SAVING TO NUQUO BUT UNFORTUNATELY THIS HAPPENED MID-YEAR AND WE DIDN'T PUT ANY ADDITIONAL BUDGET FUNDING IN FOR THIS AND SO NOW WE HAVE BEEN BILLED FROM NUQUO FOR THAT AND WE IDENTIFIED TALKING WITH THE COMMISSIONER'S OFFICE WHERE WE COULD PULL THE FUNDS FROM TO DO THAT BECAUSE IT WAS TAKEN CARE OF IN THE PURCHASING DEPARTMENT OR THE PURCHASING FUNCTION IN THE CLERK/AUDITOR'S DEPARTMENT SO THIS IS JUST A TRANSFER OUT BETWEEN THOSE TWO DEPARTMENTS IN FUND 680 SO THAT WE CAN PAY THAT.

COMMISSIONER SAKIEVICH: MOTION TO APPROVE

COMMISSIONER LEE: SECOND

AYE: ALL IN FAVOR

PASSED: 2/0

28. APPROVE AND AUTHORIZE THE SIGNING OF MODIFICATION NO 3 TO AGREEMENT 2016-116 FOR PEST MONITORING AND CONTROL SERVICES WITH UTAH RECLAMATION MITIGATION AND CONSERVATION COMMISSION.

-Julie Dey, Health

APPROVED ON CONSENT

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29. SET A DATE, TIME, AND LOCATION FOR A PUBLIC HEARING TO DISCUSS AMENDING THE 2021 BUDGETS IN UTAH COUNTY'S GENERAL FUND AND OTHER BUDGETARY FUNDS; AND TO CONSIDER REVISIONS TO THE COUNTY'S ESTIMATES OF REVENUES; FOR WEDNESDAY, MAY 12, 2021 AT 3:00 P.M. IN ROOM #1400 OF THE UTAH COUNTY ADMINISTRATION BUILDING AT 100 EAST CENTER STREET IN PROVO, UTAH

-Dave Shawcroft, Attorney

COMMISSIONER SAKIEVICH: THIS IS WHAT I HAD TOUCHED ON EARLIER. THIS WOULD CONTINUE THAT DISCUSSION.

COMMISSIONER SAKIEVICH: MOTION TO SET A DATE, TIME AND LOCATION AS SPECIFIED.

COMMISSIONER LEE: SECOND

AYE: ALL IN FAVOR

PASSED: 2/0

30. 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) (ANNOUNCE THE VOTE OF EACH COMMISSIONER)

-Alice Black, Clerk/Auditor

APPROVED ON CONSENT

31. 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) (ANNOUNCE THE VOTE OF EACH COMMISSIONER)

-Alice Black, Clerk/Auditor

STRICKEN ON CONSENT

32. 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) (ANNOUNCE THE VOTE OF EACH COMMISSIONER)

-Alice Black, Clerk/Auditor

APPROVED ON CONSENT

BOARD OF COMMISSIONERS OF UTAH COUNTY, UTAH
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33. 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) (ANNOUNCE THE VOTE OF EACH COMMISSIONER)

-Alice Black, Clerk/Auditor

APPROVED ON CONSENT

PUBLIC COMMENTS

NO PUBLIC COMMENTS

(Moved to Closed Meetings: 3:44 P.M.)

(Reopened Public Meeting: 5:17 P.M.)

COMMISSIONER SAKIEVICH: MOTION TO ADJOURN

COMMISSIONER LEE: SECOND

AYE: ALL IN FAVOR

PASSED: 2/0

MEETING ADJOURNED

(Meeting Adjourned: 5:18 P.M.)

NOTICE OF SPECIAL ACCOMMODATION DURING PUBLIC MEETINGS In compliance with the Americans with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during this meeting should notify Alice Black at 801-851-8111. Handicap parking is available, as well as a level entrance to the building. Interpretation services are available with prior notice for the hearing disabled

Those in Attendance Via Zoom:

Suzanne Ron
Travis Anderson
Suzanne
Robert Moore
Ben Stanley
Lisa A

Ezra Nair
Diana Flores
Elicia Edwards
Anthony Canto
Cortney A
Cary M

Ben
Burt Garfield
Kim TJ
Ben Van Noy
Greg Robinson
Benjamin Young

AFFIDAVIT OF WILLIAM C. LEE

STATE OF UTAH)
 :ss
COUNTY OF UTAH)

William C. Lee, being duly sworn upon oath, deposes and says:

1. That the Affiant has personal knowledge of the matters hereinafter referred to in this Affidavit.
2. That the Affiant, on or about the 28th day of April 2021, presided over a meeting of the Board of County Commissioners, Utah County, Utah, an open and public meeting within the provisions of Title 52, Chapter 4, Utah Code Annotated, 1953, as amended.
3. That a quorum of the Board of County Commissioners, Utah County, Utah was present and at least two-thirds of the members present, voted to close the meeting pursuant to the provisions of Section 52-4-204, Utah Code Annotated, 1953, as amended, for the purpose of discussing the character, professional competence, or physical or mental health of an individual.
4. That the affiant was present throughout the meeting and, pursuant to the provisions of Section 52-4-206(6), the affiant does hereby affirm that the sole purpose for closing the meeting was to discuss the character, professional competence, or physical or mental health of an individual or individuals.

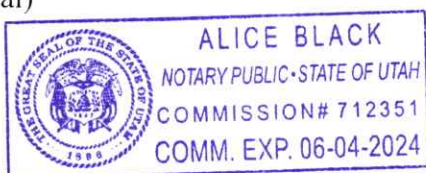
FURTHER, Affiant saith not.

DATED this 28th day of April 2021.


 WILLIAM C. LEE
 Board of County Commissioners, Utah County, Utah

On the 28th day of April 2021, personally appeared before me, William C. Lee, who, after being by me duly sworn, deposed and said that the information contained in the above and foregoing Affidavit is true and correct.

(seal)




 Notary