

**THE BOARD OF COMMISSIONERS OF UTAH COUNTY, UTAH
COMMISSION CHAMBERS, ROOM 1400
OF THE UTAH COUNTY ADMINISTRATION BUILDING
Tuesday, February 16, 2016 at 9:00 A.M.**

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

ALSO PRESENT:

Kris Poulsen, Utah County Assessor	Wayne Burr, Orem resident
James Tracy, Utah County Sheriff	Paul Jones, Utah County Attorney's Office
Gary Ratcliffe, Utah County Surveyor	Andrea Allen, Utah County Recorder's Office
Lana Jensen, Utah County Personnel Director	David Shawcroft, Utah County Attorney's Office
Richard Nielson, Utah County Public Works	Eric Edwards, Utah County Health Department
Ralph Clegg, Health Department Executive Director	Jackie Larson, Utah County Health Department
Dalene Higgins, Utah County Sheriff's Office	Dan Thomas, Utah County Sheriff's Office
Susan Bursett, Clerk/Auditor's Office	Mike Stansfield, Fairways Media
Michelle Araujo, Utah County Commission Office	Lisa Nielson, Utah County Commission Office
Brian Voeks, Utah County Commission Office	Vicky Westergard, Clerk/Auditor's Office
Robert Baxter, Utah County Clerk/Auditor's Office	

Commissioner Ellertson called the meeting to order at 9:02 A.M. and welcomed those present. The following matters were discussed:

PRAYER/READING/THOUGHT: Paul Jones

PLEDGE OF ALLEGIANCE: Michelle Araujo

CONSENT AGENDA

- 1. ABATE PERSONAL PROPERTY ACCOUNTS FOR THE YEARS INDICATED, HAVING BEEN IDENTIFIED AS UNCOLLECTIBLE, THERE ARE NO ASSETS AVAILABLE**
- 2. APPROVE REDUCING THE PENALTY IN THE AMOUNTS LISTED FOR THE ATTACHED PERSONAL PROPERTY ACCOUNT, HAVING BEEN IDENTIFIED AS MEETING THE QUALIFICATIONS UNDER ORDINANCE NO. 2010-4 AND RESOLUTION NO 2011-64 OF THE UTAH COUNTY CODE**
- 3. APPROVE TAX CREDITS AND REFUNDS RECOMMENDED BY THE COUNTY TREASURER'S OFFICE IN CANCELLATION LETTER NO. 20353**

The Board requested that Consent Agenda Item No. 3 be moved to the Regular Agenda for discussion.
PULLED TO REGULAR

- 4. APPROVE PROPERTY TAX ACTIONS CONTAINED IN RECOMMENDATION LETTER NO. 2016-5**

The Board requested that Consent Agenda Item No. 4 be moved to the Regular Agenda for discussion.
PULLED TO REGULAR

- 5. ADOPT A RESOLUTION APPROVING VOLUNTEERS WHO WISH TO DONATE THEIR SERVICES TO UTAH COUNTY**

- 6. APPROVE THE MINUTES OF THE JANUARY 12, 2016 COMMISSION MEETING (CONTINUED FROM THE FEBRUARY 8, 2016 COMMISSION MEETING)**

The commissioners requested Consent Agenda Item No. 6 be continued to the next meeting of the Board.
CONTINUED TO MARCH 1, 2016

7. RATIFICATION OF WARRANT REGISTER SUMMARY

The commissioners requested Consent Agenda Item No. 6 be continued to the next meeting of the Board.
CONTINUED TO MARCH 1, 2016

Consent Agenda Item Nos. 1 through 2, and 5 were approved as written. Commissioner Ellertson recommended the following Regular Agenda Items be moved to Consent:

3. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN THE COOPERATIVE AGREEMENT WITH UTAH STATE UNIVERSITY EXTENSION EDUCATIONAL WORK FOR THE YEAR 2016.**
4. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT WITH RICOH FOR AN MC-4000 CIOUERM SERIAL NO. 1295700945, LOCATED IN THE HEALTH DEPARTMENT**
5. **RATIFY THE SIGNATURE OF THE COMMISSION CHAIR ON AN AMENDMENT TO AGREEMENT NO. 2014-402 FOR DIAPER VOUCHERS FROM MACEY'S ASSOCIATED FOOD STORES**
6. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AMENDMENT NO. 1 TO AGREEMENT NO. 2015-485 WITH UTAH DEPARTMENT OF HEALTH FOR THE BREAST AND CERVICAL CANCER PROGRAM**
7. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AMENDMENT NO. 2 TO AGREEMENT NO. 2015-609 WITH UTAH DEPARTMENT OF HEALTH FOR THE NURSE FAMILY PARTNERSHIP (MIECHV) PROGRAM**
8. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT WITH THE UTAH DEPARTMENT OF HEALTH FOR HIV PREVENTION COUNSELING, TESTING AND PARTNER SERVICES**
9. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AMENDMENT NO. 1 TO AGREEMENT NO. 2015-50 WITH UTAH DEPARTMENT OF HEALTH FOR THE STD PROGRAM**
10. **APPROVE AND AUTHORIZE COMMISSION CHAIR TO SIGN AGREEMENT WITH ALPINE SCHOOL DISTRICT FOR ABSTINENCE EDUCATION PROGRAM**
11. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN THE SUBDIVISION IMPROVEMENT AND WARRANTY AGREEMENT FOR THE COLLETTE CHRISTENSEN SUBDIVISION, PLAT "A" IN THE AMOUNT OF \$318.80**
12. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN A FACILITIES USE AGREEMENT WITH THE UTAH COUNTY DEPUTIES ASSOCIATION**
13. **APPROVE AND AUTHORIZE COMMISSION CHAIR TO SIGN AN AGREEMENT WITH THE UTAH COUNTY DEPUTIES ASSOCIATION FOR SUPPORT SERVICES AT THE 2016 BASIC SWAT SCHOOL, K9 SCHOOL AND SNIPER SCHOOL**
14. **APPROVE AND CERTIFY THE ENVIRONMENTAL REVIEW RECORD FOR THE SUSAN FISHER HOUSING REHAB COMMUNITY DEVELOPMENT BLOCK GRANT PROJECT**
19. **APPROVE OR DENY REQUEST OF CLEARWATER HOLDINGS, LLC (KYLE BATEMAN) TO MODIFY THE PRIOR CONDITIONAL APPROVAL OF A REQUEST TO AMEND THE OFFICIAL UTAH COUNTY ROAD MAP TO EXTEND COUNTY ROAD 3200 WEST FROM THE NORTH PROPERTY LINE OF LOT 2 OF THE GILES SUBDIVISION, PLAT "A",**

NORTH TO THE NORTH SECTION LINE OF SECTION 5, T8S, R2E, THEN ALONG THE SECTION LINE WEST TO THE WEST PROPERTY LINE OF PARCEL NO. 21:081:0001 (THE “ROAD EXTENSION”) (CONTINUED FROM THE AUGUST 18, SEPTEMBER 22, AND NOVEMBER 3, 2015; AND FEBRUARY 9, 2016 COMMISSION MEETINGS)

- 20. APPROVE FINDINGS OF FACT, CONCLUSIONS OF LAW, AND DECISION ON REQUEST OF CLEARWATER HOLDINGS, LLC (KYLE BATEMAN) TO MODIFY THE PRIOR CONDITIONAL APPROVAL OF A REQUEST TO AMEND THE OFFICIAL UTAH COUNTY ROAD MAP TO EXTEND COUNTY ROAD 3200 WEST FROM THE NORTH PROPERTY LINE OF LOT 2 OF THE GILES SUBDIVISION, PLAT”A” NORTH TO THE NORTH SECTION LINE OF SECTION 4, T8S R2E, THEN ALONG THE SECTION LINE WEST TO THE WEST PROPERTY LINE OF PARCEL NO. 21:081:0001 (THE “ROAD EXTENSION”)**

ACTIONS TAKEN

Consent Agenda Items Nos. 1 and 2 were approved; Nos. 3 and 4 were tabled for further discussion; No. 5 was adopted; and Nos. 6 and 7 were continued. Regular Agenda Item Nos. 3, 4, 6 through 14 were approved and authorized; No. 5 was ratified; and Nos. 19 and 20 were continued.

AGREEMENT NOS.: 2016-134, 2016-135, 2016-136, 2016-137, 2016-138, 2016-139, 2016-140, 2016-141, 2016-142, 2016-143, 2016-144, 2016-145, 2016-146, 2016-147

RESOLUTION NOS.: 2016-16, 2016-17

REGULAR AGENDA

(PULLED FROM CONSENT)

- 3. APPROVE TAX CREDITS AND REFUNDS RECOMMENDED BY THE COUNTY TREASURER’S OFFICE IN CANCELLATION LETTER NO. 20353**

Cary McConnell explained some these refunds are for the county’s portion of the motor vehicle tax. Discussion occurred on the listed refunds. Commissioner Ellertson asked for more details in the future on the listed refunds.

Commissioner Graves made the motion to approve the tax credits and refunds in Item No. 3. 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. 2016-148

- 4. APPROVE PROPERTY TAX ACTIONS CONTAINED IN RECOMMENDATION LETTER NO. 2016**

Discussion followed about problems with post marks on payments and whether penalties should be applied. Commissioner Graves explained he felt bad for people but the Board had already voted previously to charge penalties. Commissioner Ellertson recused himself because he knows someone on the list. Commissioner Lee explained it was hard to “move the line” on whether or not to charge penalties. Discussion will be continued on the ones with post mark or health issues.

Commissioner Graves made the motion to approve the property tax actions contained in the letter unless their reasoning is for post mark or medical issues. 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. 2016-149

REGULAR AGENDA

1. APPROVE OR DENY A LATE VETERAN ABATEMENT APPLICATION FOR ALEXANDER BROWN, SERIAL NO. 38:411:0004, WITH A FINDING THAT THE FAILURE OF THE CLAIMANT TO TIMELY FILE THE APPLICATION WAS BEYOND THE CLAIMANT’S REASONABLE CONTROL AND TO NOT EXTEND THE DEADLINE WOULD BE AGAINST EQUITY OR GOOD CONSCIENCE

Commissioner Graves made the motion to approve a late veteran abatement application for Alexander Brown, Serial No. 38:411:0004 with a finding that the failure of the claimant to timely file the application was beyond the claimant’s reasonable control and to not extend the deadline would be against equity or good conscience. The motion was seconded by Commissioner Lee and carried with the following vote:

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

2. APPROVE OR DENY A LATE VETERAN ABATEMENT APPLICATION FOR SHELDON HOLGREEN, SERIAL NO. 54:240:0021, WITH A FINDING THAT THE FAILURE OF THE CLAIMANT TO TIMELY FILE THE APPLICATION WAS BEYOND THE CLAIMANT’S REASONABLE CONTROL AND TO NOT EXTEND THE DEADLINE WOULD BE AGAINST EQUITY OR GOOD CONSCIENCE

Commissioner Lee made the motion to approve a late veteran abatement for Sheldon Holgreen, Serial No. 54:240:0021 with a finding that the failure of the claimant to timely file the application was beyond the claimant’s reasonable control and to not extend the deadline would be against equity or good conscience. The motion was seconded by Commissioner Graves and carried with the following vote:

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

15. ADOPT AN ORDINANCE AMENDING SUBSECTION 20-1-2 OF THE UTAH COUNTY CODE RELATING TO THE ENFORCEMENT AND SUPERVISION OF SCAVENGER WORKS IN UTAH COUNTY

Commissioner Lee started a discussion by asking if this item ceded the authority of the fees to the Health Dept. Carl Hollan explained it is a granting of authority to Board of Health to establish fees as necessary to regulate the garbage collection processes in Utah County. Carl explained at this time there are no fees regulating garbage collection. He said the authorizing language of this ordinance is such that the fees go to the household hazardous waste program. Commissioner Lee explained he was concerned since the Board of Health is an unelected body, if the public had concerns, they would have no place to go. Carl explained the make-up of the Board of Health, its duties, the options to

change the fees in the future and the purpose of the hazardous waste collection process. He also explained “Scavenger Works” means garbage collection and is not an entity. Ralph Clegg estimated the cost per household would be about \$1 a year. He said his way everyone is reached and pays for the services.

Commissioner Graves made a motion to continue Item No. 15 for two weeks. The motion was seconded by Commissioner Lee and carried with the following vote:

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

CONTINUED TO MARCH 1, 2016

16. APPROVE AND ADOPT A RESOLUTION APPOINTING ROBERT BAXTER AS A PURCHASING AGENT FOR UTAH COUNTY AND REMOVING GREG GRAVES AND JULIE ROLLINS AS PURCHASING AGENTS FOR UTAH COUNTY

Carl Hollan explained the purpose of the resolution is to remove prior purchasing agents from their position and appoint Robert Baxter as the new Purchasing Manager. Commissioner Ellertson introduced Robert Baxter as the Utah County Purchasing Manager and Susan Bursett as Purchasing Agent.

Commissioner Lee made the motion to approve and adopt a resolution as stated in Item No. 16. The motion was seconded by Commissioner Graves and carried with the following vote:

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

17. APPROVE AND AUTHORIZE COMMISSION CHAIR TO SIGN AN AGREEMENT BETWEEN THE UTAH COUNTY COMMISSION AND THE UTAH COUNTY CLERK/AUDITOR REGARDING THE SUPERVISION AND DIRECTION OF THE UTAH COUNTY PURCHASING MANAGER AND THE PHYSICAL LOCATION OF THE COUNTY PURCHASING OFFICE

Commissioner Graves made a motion to continue Item No. 17 for two weeks. The motion was seconded by Commissioner Lee and carried with the following vote:

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

18. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN A MEMORANDUM OF UNDERSTANDING BETWEEN UTAH COUNTY AND WASATCH MENTAL HEALTH SPECIAL SERVICE DISTRICT REGARDING A FACILITY TO HOUSE A SATELLITE OF VARIOUS UTAH COUNTY DEPARTMENTS IN PAYSON, UTAH

Ralph Clegg spoke about his concern on what would happen to the \$90,000 deposit if the county doesn't come. He also spoke on different options for WIC without making the situation unpalatable for Juergen Korbanka. Rob discussed the changes to the sections III.C.3 of the MOU (Memorandum of Understanding) which still needed to be approved and alternatives to those changes. He said one change was that the \$90,000 deposit could be reimbursed to them if the tenant were to come in and do their own improvements. Currently he said, it states they could have the \$90,000 applied to the construction costs if Wasatch Mental Health was going to finance those costs. He described the two scenarios as: 1) if the Health Dept. comes in and pays their own costs, they are eligible to get that \$90,000 reimbursed or refunded back to them from Wasatch Mental Health; 2) If they do come in and Wasatch Mental Health covers the costs,

and recoups them over time, they can apply that \$90,000 to those costs. Commissioner Graves questioned which would be the best way to proceed - continue it and still work on it or to approve with changes. Rob answered everyone was in agreement with the one change in III.C.3. In the last paragraph, he said, it would say they would be eligible for reimbursement of the \$90,000, or whatever amount has been paid, if they come and finance their own costs. Commissioner Ellertson requested an "S" be added to Section II.A where it says "2016-2017 Calendar Year". He also commented on the base rent which he described as costs plus the O&M plus the reserve of about 3%. He added if Wasatch Mental Health pays those over a 10 year period, those would be amortized in the rent as well. Commissioner Ellertson added there would be four components to the rent. Rob spoke on how the rent ultimately was to be left as they had it by calculating the square footage basis in that area for a shell building, minus 15%. He said they calculated that would be close to actual costs plus O&M plus 3%. Rob said this was not final as there would be a lease agreement. He explained this is just a MOU. He added they didn't know the final costs right now because the building hasn't been built. He said they did put the language into the agreement that clarifies the intent of the parties. Commissioner Ellertson mentioned how the agreement states it will cover a 10 year period of time. Rob explained the 10 year period applies to Richard Nance and ADDAPT. He said a different period of time applies to the Health Dept. In Section C.2, Commissioner Ellertson said it talks about how the Sheriff's Dept. will restore the occupied space. He suggested there should be an option if Wasatch Mental Health should choose to leave it improved, there is an option so we do not have to restore it. Dave Shawcroft said Wasatch Mental Health could always waive that requirement. Commissioner Ellertson asked that this be an option in the agreement so it is understood. Dave said that could be done. In closing, Rob summarized the two changes that needed to be made to Sections III.C.3 (ability to have the \$90,000 reimbursed) and II.C.2 (Wasatch Mental Health may waive the requirement to restore the occupied space).

Commissioner Graves made the motion to approve and authorize the commission chair to sign the Item stated in No. 18 with the stipulated changes. 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.: 2016-150

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

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) (ANNOUNCE THE VOTE OF EACH COMMISSIONER)

STRICKEN

24. APPROVE AND SET A DATE, TIME AND LOCATION FOR A CLOSED MEETING FOR A STRATEGY SESSION TO DISCUSS THE SALE OF REAL PROPERTY, WATER RIGHTS, OR WATER SHARES, PREVIOUSLY PUBLICLY NOTICED FOR SALE (SUGGESTED FOR TODAY'S DATE, AT THIS LOCATION, FOLLOWING THE COMPLETION OF THE REGULAR AGENDA AND WORK SESSION AGENDA ITEMS) (ANNOUNCE THE VOTE OF EACH COMMISSIONER)

STRICKEN

Commissioner Graves made the motion to strike Regular Agenda Items Nos. 23 and 24 to set dates, times and locations for closed meetings for a strategy session to discuss the purchase, exchange, or lease or real

property, water rights, or water shares; for a strategy session to discuss the sale of real property, water rights, or water shares. The motion was seconded by Commissioner Lee and carried with the following vote:

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

21. APPROVE AND SET A DATE, TIME AND LOCATION FOR A CLOSED MEETING TO DISCUSS THE CHARACTER, PROFESSIONAL COMPETENCE, OR PHYSICAL OR MENTAL HEALTH OF AN INDIVIDUAL OR INDIVIDUALS (SUGGESTED FOR TODAY’S DATE, AT THIS LOCATION, FOLLOWING THE COMPLETION OF THE REGULAR AGENDA AND WORK SESSION AGENDA ITEMS) (ANNOUNCE THE VOTE OF EACH COMMISSIONER)

Commissioner Graves made the motion to 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 to immediately follow the public comment portion of the regular public meeting today in Room 1400 of the County Administration Building. The motion was seconded by Commissioner Lee and carried with the following vote:

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

SET

22. 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 THE LOCATION, FOLLOWING THE COMPLETION OF THE REGULAR AGENDA AND WORK SESSION AGENDA ITEMS) (ANNOUNCE THE VOTE OF EACH COMMISSIONER)

Commissioner Graves made a motion to approve and set a date, time and location for a closed meeting for a strategy session to discuss pending or reasonably imminent litigation to immediately follow the public comment portion of the regular public meeting today in Room 1400 of the county Administration Building. The motion was seconded by Commissioner Lee and carried with the following vote:

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

SET

WORK SESSION

NO WORK SESSION ITEMS WERE SUBMITTED

PUBLIC COMMENTS

NONE

UTAH COUNTY BOARD OF COMMISSIONERS

MINUTES – February 16, 2016

Page 8

Commissioner Graves took a moment of privilege to mention today was Commissioner Ellertson's birthday. He mentioned SoulKix in Orem where shoes are personalized for individuals. He presented a pair of "Kix" made especially for Commissioner Ellertson as a birthday present.

The meeting then recessed at 10:03 A.M. to go into closed meetings. The public meeting reconvened at 10:18 A.M.

Commissioner Graves made the motion to adjourn the February 16, 2016 meeting of the Utah county Board of Commissioners. The motion was seconded by Commissioner Lee and carried with the following vote:

AYE: Larry A. Ellertson

William C. Lee

Greg Graves

NAY: None

There being no further business, nor public comment, the meeting adjourned at 10:19 A.M. The minutes of the February 16, 2016 Commission Meeting were approved as transcribed on March 15, 2016.

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