

BOARD OF COUNTY COMMISSIONERS, UTAH COUNTY, UTAH
MINUTES OF PUBLIC MEETING
COMMISSION CHAMBERS, ROOM 1400
OF THE UTAH COUNTY ADMINISTRATION BUILDING
January 15, 2019 – 9:00 A.M.

PRESENT: COMMISSIONER BILL LEE, CHAIR
COMMISSIONER TANNER AINGE, VICE-CHAIR
COMMISSIONER NATHAN IVIE

ALSO PRESENT:

Robert J. Moore, Utah County Deputy Attorney	Bryce C. Larsen, Utah County Health Department
David Shawcroft, Utah County Deputy Attorney	Paul Jones, Utah County Attorney's Office
Josh Daniels, Chief Deputy Clerk/Auditor	Joshua Ivie, Community Development
Amelia Powers, Clerk/Auditor	Peggy Kelsey, Community Development
Andrea Allen, Recorder's Office	Brian Voeks, Utah County Commission Office
Robert Johnson, Drug & Alcohol Prevention and Treatment	Richard Nielson, Utah County Public Works Director
Eric Edwards, County Health Department	Jim S., County Assessor's Office
Jeff Smith, County Recorder's Office	Brian Chapman, Spanish Fork Resident
Gary Ratcliffe, County Surveyor's Office	Cody Law, Fairways Media
Garrett Thomas, Student Intern	Justin Anderson, Clerk/Auditor Admin. Assistant
Dalene Higgins, Utah County Sheriffs Office	Robert Baxter, Clerk/Auditor's Office
Mark Allen, American Fork Canyon 911	Burt Garfield, County Assessor's Office

Commissioner Bill Lee called the meeting to order at 9:00 A.M. and welcomed those present. The following matters were discussed:

PRAYER/READING/THOUGHT: Burt Garfield, County Assessor's Office

PLEDGE OF ALLEGIANCE: Cody, County Resident

CONSENT AGENDA

1. APPROVE AND AUTHORIZE THE UTAH COUNTY CLERK/AUDITOR TO SIGN A PERPETUAL EASEMENT AND RIGHT OF WAY FOR PUBLIC UTILITIES WITH LEHI CITY FOR PROPERTY OWNED BY UTAH COUNTY IN EXCHANGE FOR FUTURE SEWER CONNECTION
2. APPROVE AND AUTHORIZE THE UTAH COUNTY COMMISSION CHAIR TO SIGN A SECOND AMENDMENT TO THE LEASE AGREEMENT 2018-246 WITH THE PUBLIC DEFENDERS TO ADD OFFICE SPACE KNOWN AS SUITE 320 IN THE HISTORIC COUNTY COURTHOUSE FOR A NEW TOTAL YEARLY RENTAL FEE OF \$182,774.
3. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN A LETTER TO REDEVELOPMENT AGENCY OF PROVO CITY CORPORATION REGARDING PROPERTY LOCATED AT 200 NORTH 100 WEST, PROVO, UTAH.
4. ACCEPT AMENDMENT NO. 23 TO AGREEMENT NO. 2015-421 (STATE CONTRACT 160080) WITH THE STATE OF UTAH DIVISION OF SUBSTANCE ABUSE AND MENTAL HEALTH (DSAMH) TO INCREASE FUNDING IN PREVENTION SERVICES.
5. AUTHORIZE COMMISSION CHAIR TO EXECUTE DISCLOSURE DOCUMENT WITH J. P. MORGAN RELATED TO UTAH COUNTY SALES TAX REVENUE BONDS, SERIES 2019, ON BEHALF OF UTAH COUNTY

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6. ADOPT A RESOLUTION APPROVING VOLUNTEERS WHO WISH TO DONATE THEIR SERVICES TO UTAH COUNTY
7. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN A LETTER TO FREEDOM PLAZA LAND, LLC, REGARDING PROPERTY LOCATED AT 200 NORTH 100 WEST, PROVO, UTAH.
8. RATIFICATION OF WARRANT REGISTER SUMMARY FOR JANUARY 15, 2019, INCLUDING NOTES AND COMMENTS FROM THE COMMISSIONERS AS RECORDED ON THE INTERNAL SYSTEM
9. APPROVE AND AUTHORIZE COMMISSION CHAIR TO SIGN A LEASE AGREEMENT WITH WASATCH MENTAL HEALTH FOR THE FACILITY LOCATED IN PAYSON
10. ADOPT A RESOLUTION APPOINTING WILLIAM C. LEE TO THE UTAH COUNTY BOARD OF HEALTH
11. ADOPT A RESOLUTION CONSENTING TO THE APPOINTMENT OF JOSHUA ALDEN DANIELS AS CHIEF DEPUTY CLERK/AUDITOR AND JUSTIN MICHAEL ANDERSON AS DEPUTY COUNTY CLERK/AUDITOR
12. TO APPROVE TAX CREDITS AND REFUNDS RECOMMENDED BY THE COUNTY TREASURER'S OFFICE IN CANCELLATION LETTER #20419

REGULAR AGENDA

1. AUTHORIZE AN ADDITION TO THE STAFFING PLAN OF ONE (1) FULL-TIME, CAREER SERVICE DEPUTY SHERIFF II - CORRECTIONS POSITION, TO BE ADDED TO THE SHERIFF - FOOD SERVICES ACCOUNT. [ADD JOB CODE 4011 TO ACCOUNT NUMBER 620-42620; SUPORG: TBD.]
- Merritt Fullmer, Human Resource Management –

MOVED TO CONSENT AGENDA

2. AUTHORIZE AN INCREASE TO THE PATROL-CONTRACT CITIES STAFFING PLAN OF ONE (1) FULL-TIME, CAREER SERVICE DEPUTY SHERIFF II - ENFORCEMENT POSITION. [ADD JOB CODE 4016 TO ACCOUNT NUMBER 274-42111, SUPORG: DON ROCKWELL.]
- Merritt Fullmer, Human Resource Management –

COMMISSIONER LEE ASKED WHETHER OR NOT COLA WAS TAKEN INTO CONSIDERATION. COLA IS TAKEN INTO CONSIDERATION ONLY AFTER THE FOLLOWING YEAR.

COMMISSIONER IVIE MAKES A MOTION ACCEPT REGULAR AGENDA ITEM NO. 2. COMMISSIONER AINGE SECONDS THE MOTION.

VOTE: 3-0

3. ADOPT (OR DENY) AN ORDINANCE TO AMEND SECTION 6-3-D-14 OF THE UTAH COUNTY LAND USE ORDINANCE RELATED TO A PROPOSED EXCEPTION TO COMMON AREA REQUIREMENTS FOR PLANNED SUBDIVISIONS
- Bryce Armstrong, Community Development –

BRYCE ARMSTRONG, COMMUNITY DEVELOPMENT, STATES THAT THIS IS A REVISIT OF AN APPLICATION MADE APPX 5 YEARS AGO.

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COMMISSIONER AINGE MAKES COMMENT SUGGESTING THAT “SHALL” SHOULD BE REPLACED BY “MAY” IN THE LANGUAGE. BRYCE ARMSTRONG RESPONDS WITH CONCERNS OVER THE MULTIPLE USES OF THE LAND AND STATES THE LANGUAGE KEEPS THE USES NARROW.

COMMISSIONER AINGE ASKS HOW MANY PROJECTS WOULD FALL UNDER THE LANGUAGE. BRYCE ARMSTRONG RESPONDS WITH STATING THAT ONLY ONE HAS QUALIFIED.

BRYCE ARMSTRONG IS GOING TO REVIEW RELATIONSHIPS WITH OTHER FEDERAL AND STATE LANDS, THE IMPACT WITH OTHER MUNICIPALITIES AND WILL PROVIDE THAT INFORMATION TO THE COUNTY COMMISSION.

COMMISSION AINGE MAKES MOTION TO CONTINUE REGULAR AGENDA NO. 3 TO JANUARY 29, 2019. COMMISSION IVIE SECONDS MOTION.

VOTE: 3-0

4. APPROVE PROPERTY TAX ACTIONS CONTAINED IN RECOMMENDATION LETTER 2019-1
- Paul Jones, Deputy Attorney –

COMMISSIONER LEE SUPPORTS THE RECOMMENDATION LETTER FOR JERRY ROSE AFTER FURTHER INFORMATION WAS PROVIDED REGARDING THE HISTORY OF MAILING NOTICES AND PAYMENTS WERE MADE.

PAUL JONES, UTAH COUNTY ATTORNEY’S OFFICE, RECOMMENDS THAT THE GREENBELT PROPERTY BE ABATED.

COMMISSIONER LEE STATES THAT IN 2014, A COMMENT WAS MADE FROM THE COUNTY RECORDERS OFFICE FOR TAXES TO BE PAID ON THE GREENBELT PROPERTY. PAUL JONES STATES THAT THE TAXES ARE NOT OWED BECAUSE THE COUNTY DOES NOT PAY PROPERTY TAXES.

COMMISSIONER AINGE MAKES MOTION TO ACCEPT THE RECOMMENDATION LATER. COMMISSIONER IVIE SECONDS MOTION.

VOTE: 3-0

5. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO EXECUTE THE NOTICE OF TERMINATION OF VOTING SYSTEM AND MANAGED SERVICES AGREEMENT BY AND BETWEEN DOMINION VOTING SYSTEMS, INC. AND UTAH COUNTY.
- Paul Jones, Deputy Attorney –

MOVED TO CONSENT

6. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT WITH CREATIVE STREAM, INC. TO BE THE COUNTY ATTORNEY OFFICE'S PUBLIC INFORMATION OFFICER
- David O. Leavitt, Utah County Attorney –

COMMISSIONER IVIE MAKES MOTION TO BRING ITEM NO. 6 FROM THE TABLE FOR DISCUSSION. COMMISSIONER AINGE SECONDS MOTION.

VOTE: 3-0

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ATTORNEY'S OFFICE STATES THAT THE BILLING AMOUNT COULD BE AMENDED SO THAT IT WAS REGULARY BILLED ON A MONTHLY BASIS.

COMMISSIONER AINGE MAKES MOTION TO APPROVE REGULAR AGENDA NO. 6 WITH MODIFICATIONS STATED. COMMISSIONER IVIE SECONDS MOTION.

VOTE: 3-0

7. 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)

- Justin Anderson, Utah County Clerk/Auditor's Office –

COMMISSIONER IVIE MAKES MOTION TO STRIKE AGENDA ITEM NO. 7 FROM AGENDA. COMMISSIONER AINGE SECONDS MOTION.

VOTE: 3-0

8. 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)

- Justin Anderson, Utah County Clerk/Auditor's Office –

COMMISSIONER IVIE MAKES MOTION APPROVE AND SET A DATE, TIME AND LOCATION. COMMISSIONER AINGE SECONDS MOTION.

VOTE: 3-0

9. 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)

- Justin Anderson, Utah County Clerk/Auditor's Office –

COMMISSIONER IVIE MAKES MOTION APPROVE AND SET A DATE, TIME AND LOCATION. COMMISSIONER AINGE SECONDS MOTION.

VOTE: 3-0

10. 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)

- Justin Anderson, Utah County Clerk/Auditor's Office –

COMMISSIONER IVIE MAKES MOTION APPROVE AND SET A DATE, TIME AND LOCATION. COMMISSIONER AINGE SECONDS MOTION.

VOTE: 3-0

WORK SESSION

1. WORK SESSION DISCUSSION OF A PROPOSED ORDINANCE AMENDMENT TO THE UTAH COUNTY CODE CHAPTER 11 'LICENSING AND BUSINESS REGULATIONS' RELATED TO SECTION 11-1-3 EXEMPTIONS FROM BUSINESS LICENSE REQUIREMENTS AND SECTION 11-1-6 ISSUANCE OF A BUSINESS LICENSE

- Peggy Kelsey, Community Development –

PEGGY KELSEY, COMMUNITY DEVELOPMENT, HAS MADE CHANGES DUE TO NEW LEGISLATION FROM THE UTAH LEGISLATURE.

SHE ADDED SEVERAL ADDITIONAL AGRICULTURE USES TO THE PROPOSED ORDINANCE. (GREENHOUSES, ETC...) GOVERNMENT AGENCIES WERE ALSO INCLUDED.

QUESTIONS WERE POSED REGARDING THE LICENSURE OF AGRICULTURE BUSINESSES AND COMPLIANCE REGARDING OTHER AGENCIES/DEPARTMENTS.

COMMISSIONER AINGE ASKS FOR CLARIFICATION ON LICENSING. PEGGY STATES THAT THERE ARE EFFORTS TO FIND “A HAPPY BALANCE” AND ENSURE THAT THE REGULATORY NATURE IS RESPECTED AND NOT ENTIRELY EXEMPT FROM FIRE AND SAFETY INSPECTION.

2. DISCUSSION ON CHANGING UTAH COUNTY'S FORM OF GOVERNMENT.

- Bill Lee, Utah County Commissioner –

UTAH STATE SENATOR JAKE ANDEREGG: INFORMS THE COMMISSION THAT A PETITION TO CHANGE THE FORM OF GOVERNMENT HAS BEEN SUBMITTED. SPECIFICALLY, ONE TO CREATING A FORM OF GOVERNMENT WITH A MAYOR/COUNCIL SYSTEM. THERE ARE PRO'S AND CON'S TO EACH FORM OF GOVERNMENT. REQUESTS THE COMMISSION TO CRATE AN AD HOC COMMITTEE TO STUDY THE PRO'S AND CON'S OF NEW FORMS OF GOVERNMENT.

OPPOSES A STRONG MAYORAL SYSTEM OF GOVERNMENT. HIGHLIGHTS THIS CONCERN AS A REASON FOR FORMING A COMMITTEE TO STUDY POSSIBLE NEW FORMS OF GOVERNMENT AND TO HAVE THAT COMMITTEE SUBMIT THEIR RECOMMENDATION(S) TO THE COMMISSION.

SENATOR ANDEREGG RECOMMENDS A 7-MEMBER COMMITTEE. A REPRESENTATIVE FROM THE SENATE, HOUSE, MAYORS, CHAMBER, PUBLIC EDUCATION, AND SOMEONE TO REPRESENT THE COUNTY ADMINISTRATION.

COMMISSIONER LEE INFORMS SENATOR ANDEREGG THAT NO OFFICIAL ACTIONS ARE TAKEN DURING WORK SESSIONS AND THAT ANY ACTION WOULD NEED TO BE DONE THROUGH THE PROPER FORM BY BEING PLACED ON THE AGENDA DUE TO THE LEGISLATIVE MANNER.

COMISSIONER LEE EXPRESSES HIS INTENT TO HAVE THIS BE AN OPEN AND PUBLIC PROCESS.

COMMISSIONER IVIE EXPRESSES HIS SUPPORT FOR A NEW FORM OF GOVERNMENT. STATES THAT THERE IS TOO MUCH POWER CONSOLIDATED INTO THE COMMISSION AND THE EXECUTIVE/LEGISLATIVE POWER NEEDS TO BE SEPARATED.

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COMMISSIONER AINGE EXPRESSES HIS SUPPORT FOR A NEW FORM OF GOVERNMENT. EXTENDS APPRECIATION TO SENATOR ANDEREGG FOR SPEAKING ON THIS ISSUE. RESTATES THAT THE PUBLIC NEED TO HAVE INPUT AND SUPPORT FOR ANY RECOMMENDATION FOR A NEW FORM OF GOVERNMENT. WANTS TO HAVE ANY COMMITTEE THAT INVESTIGATES A NEW FORM OF GOVERNMENT TO HAVE STRONG DEBATE AMONGST COMPETING FORMS OF GOVERNMENT. EXPRESSES CONCERN OVER THE INCREASED EXPENSES THAT WOULD COME WITH A NEW FORM OF GOVERNMENT. STATES THAT A NEW FORM OF GOVERNMENT SHOULD NOT BE REACTIONARY BUT SHOULD BE THOROUGHLY STUDIED.

SENATOR ANDEREGG ASKS FOR AN ACTION ITEM TO BE PLACED ON A COMMISSION AGENDA IN THE NEAR FUTURE.

COMMISSIONER LEE INFORMS HIM THAT ANY COMMISSIONER CAN ADD AN AGENDA ITEM.

PUBLIC COMMENTS

IN COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT, INDIVIDUALS NEEDING SPECIAL ACCOMMODATIONS (INCLUDING AUXILIARY COMMUNICATIVE AIDS AND SERVICES) DURING THIS MEETING SHOULD NOTIFY JUSTIN ANDERSON AT (801) 851-8111 AT LEAST THREE DAYS PRIOR TO THE MEETING.

MARK ALLEN, EXECUTIVE DIRECTOR OF AMERICAN FORK ALLIANCE: REQUESTS THAT WE ASSIST HIM IN SUING THE STATE OF UTAH TAX COMMISSION. APPX 20,000 ACRES IN QUESTION. CONCERNS OVER WATERSHED AND HAS MET WITH HAZMAT, ETC... EXPRESSES CONCERN AND WOULD LIKE TO PAY HIS TAXES. MARK HAS MEETINGS SCHEDULED WITH STATE LEGISLATORS TO ADDRESS HIS CONCERNS FROM THE STATE LEGISLATIVE PERSPECTIVE.

PUBLIC COMMENTS CLOSED

COMMISSIONER IVIE MAKES A MOTION TO ADJOURN. COMMISSIONER AINGE SECONDS MOTION.

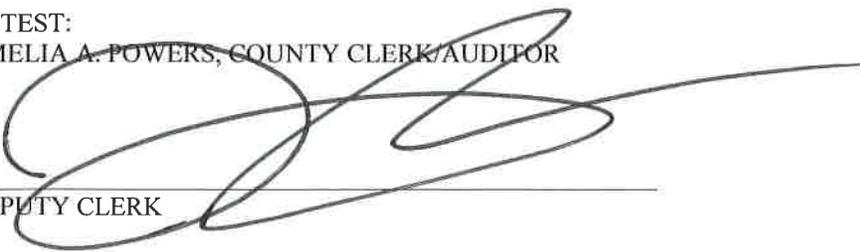
VOTE: 3-0

ADJOURNED 11:44 AM



BILL LEE, COMMISSION CHAIR

ATTEST:
AMELIA A. POWERS, COUNTY CLERK/AUDITOR



DEPUTY CLERK