

BOARD OF COUNTY COMMISSIONERS, UTAH COUNTY, UTAH  
**MINUTES OF PUBLIC MEETING**  
COMMISSION CHAMBERS, ROOM 1400  
OF THE UTAH COUNTY ADMINISTRATION BUILDING  
May 21, 2019 – 9:00 A.M.

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

**ALSO PRESENT:**  
SEE ATTACHED

Commissioner Bill Lee called the meeting to order at 9:03 A.M. and welcomed those present. The following matters were discussed:

**PRAYER/READING/THOUGHT:** JANICE REEB  
**PLEDGE OF ALLEGIANCE:** CAROL FERGUSON

**PUBLIC HEARING**

**PATTY, CYSTIC FIBROSIS PROGRAM, CYSTRIC FIBROSIS IS A RARE DISEASE WHERE THE BODY CANNOT PROCESS SALT. THERE IS NEW RESEARCH BEING DONE ON THE CELLULAR LEVEL. REPORTING ON EVENT TO RAISE MONEY AT WILLOW PARK. THEY WERE ABLE TO RAISE \$16,000 AND WILL USE THAT FOR RESEARCH. THANK TO STAFF HELP AND FOR GRANTING THE WAIVER.**

**CONSENT AGENDA**

1. APPROVAL OF PAYROLL WARRANT SUMMARY 10

**APPROVED ON CONSENT**

2. APPROVE WARRANT REGISTER FOR MAY 14, 2019

**APPROVED ON CONSENT**

3. APPROVE AND AUTHORIZE THE UTAH COUNTY COMMISSION CHAIR TO SIGN AN AGREEMENT WITH QUICK QUACK CAR WASH FOR MONTHLY CAR WASH PASSES FOR \$10 A MONTH PER VEHICLE FOR UNLIMITED MONTHLY WASHES.

**RICHARD NIELSON, PUBLIC WORKS, PER PREVIOUS REQUEST LOOKED AT LAST YEARS 2018 COST OF USING OUT IN HOUSE CAR WASHING EQUIPMENT, IT WAS ABOUT \$6,500 FOR 119 CARS. HE FOUND THAT 50 OF THOSE CARS USED THE INTENAL SYSTEM 0,1 OR 2 TIMES. THEY USED THEIR OWN MONEY TO USE AUTOMATIC CAR WASH FACILITIES ELSE WHERE. THE DEPUTIES PREFERED AUTOMATIC WASH TO THE OUTSIDE SPRAY WASH SO THAT THEIR UNIFORMS DID NOT GET DIRTY WHILE WASHING THEIR VEHICLE.**

**COMMISSIONER IVIE MAKES MOTION TO APPROVE CONSENT AGENDA 3 AGREEMNT. COMMISSIONER AINGE SECONDS MOTION.**

**VOTE: 3-0**

**AYE:**

**COMMISSIONER LEE**

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**COMMISSIONER AINGE  
COMMISSIONER IVIE**

4. APPROVE AND AUTHORIZE THE UTAH COUNTY COMMISSION CHAIR TO SIGN AN AGREEMENT WITH CENTRAL UTAH WATER CONSERVANCY DISTRICT FOR THE COLLECTION OF LOST REVENUE INCURRED FROM DIVERTING WATER RIGHTS AWAY FROM THE OLMSTED HYDROELECTRIC POWER PLANT.

**APPROVED ON CONSENT**

5. APPROVE AND AUTHORIZE THE UTAH COUNTY COMMISSION TO SIGN A REAL ESTATE PURCHASE AGREEMENT WITH SMARTS FARM LLC AND MCKEE INVESTMENTS LLC FOR PROPERTY IN CONNECTION WITH WOODLAND HILLS DRIVE

**TABLED – COMMISSION CAME BACK TO THIS AGENDA ITEM AFTER THE CLOSED SESSION.**

**COMMISSIONER IVIE MAKES MOTION TO CONTINUE CONSENT AGENDA ITEM 5 FOR TWO WEEKS, JUNE 4, 2019. COMMISSIONER AINGE SECONDS MOTION.**

**VOTE: 3-0**

**AYE:**

**COMMISSIONER LEE  
COMMISSIONER AINGE  
COMMISSIONER IVIE**

6. APPROVE A RESOLUTION APPROVING AND AUTHORIZING THE SIGNING OF AN INTERLOCAL AGREEMENT BETWEEN UTAH COUNTY AND LEHI CITY RELATED TO STORM WATER MITIGATION.

**APPROVED ON CONSENT**

7. APPROVE OR DENY A REQUEST FROM TROUT UNLIMITED TO WAIVE THE RENTAL FEE OF \$65 FOR USE OF A PAVILION AT VIVIAN PARK ON MAY 17, 2019 FOR THE 'TROUT IN THE CLASSROOM' EVENT

**COMMISSIONER LEE, THIS ITEM HAS ALREADY PASSED AND THE FEES HAVE BEEN PAID. THEY ARE ASKING FOR A REFUND.**

**RICHARD NIELSON, PUBLIC WORKS, THE EVENT HAS ALREADY PASSED WE TOLD THEM THEY WOULD HAVE TO PAY THE FEE AND IF THE COMMISSION CHOOSES TO WAIVE IT, WE WILL REFUND THE FEE.**

**COMMISSIONER AINGE MAKES MOTION TO APPROVE ITEM 7. COMMISSIONER IVIE SECONDS MOTION.**

**VOTE: 3-0**

**AYE:**

**COMMISSIONER LEE  
COMMISSIONER AINGE  
COMMISSIONER IVIE**

8. APPROVE AND AUTHORIZE THE UTAH COUNTY COMMISSION TO DECLARE VEHICLES AS SURPLUS TO BE DISPOSED OF AS JUNK OR SOLD ON PUBLIC SURPLUS

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**APPROVED ON CONSENT**

9. APPROVE AND AUTHORIZE THE UTAH COUNTY COMMISSION CHAIR TO SIGN A LETTER TO END THE ONE YEAR WARRANTY PERIOD FOR THE AMENDED PINE GROVE PLAT 'A' SUBDIVISION AND RELEASE THE WARRANTY BOND IN THE AMOUNT OF \$9,870.30

**APPROVED ON CONSENT**

10. APPROVE AND AUTHORIZE THE UTAH COUNTY COMMISSION TO DECLARE AS SURPLUS ITEMS FOR DISPOSAL AS JUNK OR TO BE SOLD ON PUBLIC SURPLUS.

**APPROVED ON CONSENT**

11. APPROVE AND AUTHORIZE THE UTAH COUNTY COMMISSION CHAIR TO SIGN AN AGREEMENT WITH PEAK ASPHALT FOR PURCHASE OF CHIPPING OIL AS PER UDOT AGREEMENT #199854 CONTRACT PRICING

**APPROVED ON CONSENT**

12. APPROVE AND AUTHORIZE THE CLERK/ AUDITOR TO SIGN A QUIT CLAIM DEED TO HIGHLAND CITY FOR A PARCEL WITHIN CANAL BLVD.

**STRIKE CONSENT ITEM 12 – LEGISLATURE CHANGED LAW QUITCLAIM DEED NEEDS SIGNATURE FROM BOTH THE CLER/AUDITOR AND COMMISSIONER.**

13. APPROVE AND AUTHORIZE THE UTAH COUNTY COMMISSION CHAIR TO SIGN AN AGREEMENT WITH MOUNTAIN WEST TRAILERS TO PURCHASE A 2019 LOOK TRAILERS DECKOVER 27' 10K SNOWMOBILE TRAILER FOR \$12,000

**RICHARD NIELSON, PUBLIC WORKS, THIS IS A CLOSED TRAILER TO STORE AND TRANSPORT SNOWMOBILES FOR SEARCH AND RESCUE.**

**COMMISSIONER LEE, ASKED QUESTION, NOTES STATED THAT THERE WASN'T SUFFICIENT FUNDS IN THE SHERIFF OR THE BUILDING BUDGET FOR THAT. WHERE ARE THE FUNDS IN THE BUDGET TO COVER THE COSTS? IT WILL COST \$12,000 BUT THERE IS ONLY \$9,000 IN THE SHERIFF BUDGET, AND \$4,800 IN THE BUILDING BUDGET.**

**RICHARD NIELSON, ANSWERED, I DO NOT HAVE AN ANSWER FOR THAT, I WILL HAVE TO RESEARCH THAT FOR YOU. I ASSUME IT WILL HAVE TO BE TRANSFERRED. I KNOW THERE IS A TRADE WITH ANOTHER TRAILER. I HONESTLY DO NOT KNOW WHO WILL PICK UP THE DIFFERENCE.**

**COMMISSIONER AINGE, ASKED QUESTION, WHICH DEPARTMENT SHOULD IT COME FROM?**

**RICHARD NIELSON, ANSWERED, THE SHERIFFS OFFICE.**

**COMMISSIONER IVIE MAKES MOTION TO TABLE CONSENT AGENDA ITEM 13 UNTIL WE GET THE BUDGE INFORMATION. COMMISSIONER AINGE SECONDS MOTION.**

**VOTE: 3-0**

**AYE:**

**COMMISSIONER LEE**

**COMMISSIONER AINGE**

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**COMMISSIONER IVIE**

**THE COMMISSION CAME BACK TO THIS AGENDA ITEM AFTER THE CLOSED SESSION.**

**COMMISSIONER IVIE MAKES MOTION TO CONTINUE CONSENT AGENDA ITEM 13 FOR TWO WEEKS, JUNE 4, 2019. COMMISSIONER AINGE SECONDS MOTION.**

**VOTE: 3-0**

**AYE:**

**COMMISSIONER LEE**

**COMMISSIONER AINGE**

**COMMISSIONER IVIE**

14. APPROVE TAX CREDITS AND REFUNDS RECOMMENDED BY THE COUNTY ASSESSOR'S OFFICE IN PERSONAL PROPERTY CANCELLATION AND CORRECTION LETTER 303 DATED 05/06/2019

**APPROVED ON CONSENT**

15. ADOPT THE WRITTEN PROCEDURES GOVERNING ELECTRONIC MEETINGS OF THE UTAH COUNTY INVESTMENT/BENEFITS COMMITTEE.

**APPROVED ON CONSENT**

16. RECEIVE THE RECOMMENDATION OF THE UTAH COUNTY INVESTMENT/BENEFITS COMMITTEE AND ADOPT THE RESOLUTION AUTHORIZING FUND CHANGE OFFERINGS IN THE UTAH COUNTY EMPLOYEES RETIREMENT PLAN

**APPROVED ON CONSENT**

17. RATIFY SIGNING OF CONFLICT CONSENT AGREEMENT WITH JONES, WALDO, HOLBROOK & MCDONOUGH, P.C.

**APPROVED ON CONSENT**

18. APPROVE AND AUTHORIZE THE COMMISSION CHAIR AND THE UTAH COUNTY CLERK/AUDITOR TO SIGN A QUIT-CLAIM DEED TO COLLEDGE FARMS OWNERS ASSOCIATION, INC. FOR THE SALE OF REAL PROPERTY (TAX PARCEL NO. 58-026-0024). (AGREEMENT 2019-81)

**APPROVED ON CONSENT**

19. RATIFY SIGNING OF LEGAL SERVICES AGREEMENT WITH JONES, WALDO, HOLBROOK & MCDONOUGH, P.C.

**APPROVED ON CONSENT**

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

**APPROVED ON CONSENT**

21. ABATE PERSONAL PROPERTY ACCOUNTS ATTACHED FOR THE YEARS INDICATED, HAVING BEEN IDENTIFIED AS UNCOLLECTABLE

COMMISSIONER LEE, ASKED QUESTION, ON HANSEN WELDING AND FABRICATION. THIS ONE IF FOR \$66, 370.99 AND HAVE THE MOVED TO JUAB COUNTY. DO WE KNOW WHERE IN JUAB COUNTY. IF THEY MOVE ACROSS COUNTY LINES IS IT STILL COLLECTABLE?

TROY? TREASURER OFFICE, ANSWERED, I BELIEVE THEY ARE IN NEPHI.

COMMISSIONER LEE, I WAS TALKING TO THE COUNTY ATTORNEY AND WE BELIEVE THERE IS A PROVISION IF THEY CROSS COUNTY LINES AND THIS IS STILL A COLLECTABLE ITEM FOR US.

TROY? IT IS MY UNDERSTANDING THAT IF THEY ARE IN A DIFFERENT COUNTY YOU CANNOT GO AFTER THEM LIKE SEIZING THEIR EQUIPMENT OR ANYTHING LIKE THAT.

COMMISSIONER LEE, I WAS REVIEWING THAT WITH DAVID SHWCROFT AND HE THOUGHT THERE MIGHT BE AN OPTION. IT MIGHT BE TO OUR ADVANTAGE TO CONTINUE THIS. I WOULD HATE TO HAVE THEM NOT PAY TAXES JUST BECAUSE THEY MOVE OUT OF THE COUNTY.

DAVID SHAWCROFT, DEPUTY ATTORNEY, WE CAN LOOK INTO THAT.

COMMISSIONER AINGE, ASKED QUESTION, ARE WE ASKING THAT THEY BE ABATED BECAUSE BUSINESS HAS CLOSED? WE DO HAVE SOME BUSINESSES THAT ARE CLEARLY STILL IN BUSINESS. MAYBE AT A PARTICULAR LOCATION IS CLOSED. I DON'T KNOW IF PART OF THE ABATEMENT DECISION IS, WE FEEL WE WERE INACURATE IN THE ASSESSMENT. IF SO LET ME KNOW BECAUSE I FEEL WE WERE ACURATE IN THE ASSESSMENT AND THESE ARE JUST UNCOLLECTABLE. THERE ARE SEVERAL NAMES ON HERE. I ALSO DISAGREES WITH UNCOLLECTABLE.

TROY, WE CAN LOOK INTO THOSE. MOST OF THE TIME WE CANNOT GET A HOLD OF THEM OR NO CONTACT WITH THEM. OR THE LOCATION IS CLOSED AND THERE IS NO EQUIPMENT AT THE LOCATION.

COMMISSIONER AINGE THAT IS WHAT I AM SAYING THAT IF IT HAS BEEN CLOSED AND THE EQUIPMENT SHOULD NOT HAVE BEEN ASSESSED FOR THE PERIOD AND THAT IS WHAT WE ARE ABATING. BUT IF WE ARE SAYING THAT THIS WAS CLEARLY ASSESSED WHEN THE PROPERTY WAS THERE IT IS A LIABILITY OF THE BUSINESS. JUST THE FACT THAT THEY ARE CLOSED SHOULDN'T ELIMINATE THAT LIABILITY.

TROY, WE CAN CLARIFY AND BE MORE SPECIFIC ON SOME OF THOSE WHEN THEY CLOSED.

COMMISSIONER IVIE MAKES MOTION TO CONTINUE CONSENT AGENDA ITEM 21 FOR TWO WEEKS, JUNE 4, 2019. COMMISSIONER AINGE SECONDS MOTION.

VOTE: 3-0

AYE:

COMMISSIONER LEE

COMMISSIONER AINGE

COMMISSIONER IVIE

22. TO APPROVE TAX CREDITS AND REFUNDS RECOMMENDED BY THE COUNTY TREASURER'S OFFICE IN CANCELLATION LETTER #20425

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**APPROVED ON CONSENT**

23. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN FY 2020 ARTICLES OF AGREEMENT DOCUMENT FOR NON-DISASTER/PREPAREDNESS GRANT PROGRAMS FROM UTAH DEPARTMENT OF PUBLIC SAFETY (DPS) DIVISION OF EMERGENCY MANAGEMENT (DEM)

**COMMISSIONER LEE, NOT SURE WHAT THIS IS. NEED TO HAVE PETER COME IN TO TALK TO US.**

**COMMISSIONER IVIE MAKES MOTION TO CONTINUE CONSENT AGENDA ITEM 23 FOR TWO WEEKS, JUNE 4, 2019. COMMISSIONER AINGE SECONDS MOTION.**

**VOTE: 3-0**

**AYE:**

**COMMISSIONER LEE**

**COMMISSIONER AINGE**

**COMMISSIONER IVIE**

24. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN THE STUDENT PLACEMENT AGREEMENT ON BEHALF OF THE CHILDREN'S JUSTICE CENTER FOR ARIZONA STATE UNIVERSITY.

**APPROVED ON CONSENT**

25. ADOPT THE RESOLUTION AUTHORIZING THE COMMISSION TO EXECUTE THE INTERLOCAL COOPERATION AGREEMENT BETWEEN UTAH COUNTY AND ALPINE CITY REGARDING THE ADMINISTRATION OF THE 2019 ELECTIONS

**COMMISSIONER AINGE, ASKED QUESTION ABOUT ALL THE INTERLOCAL AGREEMENTS (CONSENT AGENDA ITEMS 25 THROUGH 48) ARE THE ECONOMIC TERMS WHAT WE NEED? ARE THE CITIES OK WITH THIS AGREEMENT?**

**PAUL JONES, DEPUTY ATTORNEY, THE COSTS ARE CALCULATED AS A COST PER VOTER. THERE IS A SET CAP AT A MAXIMUM AMOUNT TO PROCESS PER VOTER. THE INTENT IS A COST PER VOTER WITH A CAP. ALL CITIES HAVE SIGNED THEIR AGREEMENT.**

**COMMISSIONER LEE, AGREEMENTS SET AND IN PLACE EVEN THOUGH THE CITY IS NOT SURE IF THEY ARE HAVING A PRIMARY ELECTION.**

**APPROVED ON CONSENT**

26. ADOPT THE RESOLUTION AUTHORIZING THE COMMISSION TO EXECUTE THE INTERLOCAL COOPERATION AGREEMENT BETWEEN UTAH COUNTY AND PLEASANT GROVE CITY REGARDING THE ADMINISTRATION OF THE 2019 ELECTIONS

**APPROVED ON CONSENT**

27. ADOPT THE RESOLUTION AUTHORIZING THE COMMISSION TO EXECUTE THE INTERLOCAL COOPERATION AGREEMENT BETWEEN UTAH COUNTY AND GOSHEN CITY REGARDING THE ADMINISTRATION OF THE 2019 ELECTIONS

**APPROVED ON CONSENT**

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28. ADOPT THE RESOLUTION AUTHORIZING THE COMMISSION TO EXECUTE THE INTERLOCAL COOPERATION AGREEMENT BETWEEN UTAH COUNTY AND CEDAR HILLS CITY REGARDING THE ADMINISTRATION OF THE 2019 ELECTIONS

**APPROVED ON CONSENT**

29. ADOPT THE RESOLUTION AUTHORIZING THE COMMISSION TO EXECUTE THE INTERLOCAL COOPERATION AGREEMENT BETWEEN UTAH COUNTY AND LINDON CITY REGARDING THE ADMINISTRATION OF THE 2019 ELECTIONS

**APPROVED ON CONSENT**

30. ADOPT THE RESOLUTION AUTHORIZING THE COMMISSION TO EXECUTE THE INTERLOCAL COOPERATION AGREEMENT BETWEEN UTAH COUNTY AND MAPLETON CITY REGARDING THE ADMINISTRATION OF THE 2019 ELECTIONS

**APPROVED ON CONSENT**

31. ADOPT THE RESOLUTION AUTHORIZING THE COMMISSION TO EXECUTE THE INTERLOCAL COOPERATION AGREEMENT BETWEEN UTAH COUNTY AND SALEM CITY REGARDING THE ADMINISTRATION OF THE 2019 ELECTIONS

**APPROVED ON CONSENT**

32. ADOPT THE RESOLUTION AUTHORIZING THE COMMISSION TO EXECUTE THE INTERLOCAL COOPERATION AGREEMENT BETWEEN UTAH COUNTY AND HIGHLAND CITY REGARDING THE ADMINISTRATION OF THE 2019 ELECTIONS

**APPROVED ON CONSENT**

33. ADOPT THE RESOLUTION AUTHORIZING THE COMMISSION TO EXECUTE THE INTERLOCAL COOPERATION AGREEMENT BETWEEN UTAH COUNTY AND PAYSON CITY REGARDING THE ADMINISTRATION OF THE 2019 ELECTIONS

**APPROVED ON CONSENT**

34. ADOPT THE RESOLUTION AUTHORIZING THE COMMISSION TO EXECUTE THE INTERLOCAL COOPERATION AGREEMENT BETWEEN UTAH COUNTY AND WOODLAND HILLS CITY REGARDING THE ADMINISTRATION OF THE 2019 ELECTIONS

**APPROVED ON CONSENT**

35. ADOPT THE RESOLUTION AUTHORIZING THE COMMISSION TO EXECUTE THE INTERLOCAL COOPERATION AGREEMENT BETWEEN UTAH COUNTY AND SARATOGA SPRINGS CITY REGARDING THE ADMINISTRATION OF THE 2019 ELECTIONS

**APPROVED ON CONSENT**

36. ADOPT THE RESOLUTION AUTHORIZING THE COMMISSION TO EXECUTE THE INTERLOCAL COOPERATION AGREEMENT BETWEEN UTAH COUNTY AND ELK RIDGE CITY REGARDING THE ADMINISTRATION OF THE 2019 ELECTIONS

**APPROVED ON CONSENT**

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37. ADOPT THE RESOLUTION AUTHORIZING THE COMMISSION TO EXECUTE THE INTERLOCAL COOPERATION AGREEMENT BETWEEN UTAH COUNTY AND OREM CITY REGARDING THE ADMINISTRATION OF THE 2019 ELECTIONS

**APPROVED ON CONSENT**

38. ADOPT THE RESOLUTION AUTHORIZING THE COMMISSION TO EXECUTE THE INTERLOCAL COOPERATION AGREEMENT BETWEEN UTAH COUNTY AND PROVO CITY REGARDING THE ADMINISTRATION OF THE 2019 ELECTIONS

**APPROVED ON CONSENT**

39. ADOPT THE RESOLUTION AUTHORIZING THE COMMISSION TO EXECUTE THE INTERLOCAL COOPERATION AGREEMENT BETWEEN UTAH COUNTY AND SANTAQUIN CITY REGARDING THE ADMINISTRATION OF THE 2019 ELECTIONS

**APPROVED ON CONSENT**

40. ADOPT THE RESOLUTION AUTHORIZING THE COMMISSION TO EXECUTE THE INTERLOCAL COOPERATION AGREEMENT BETWEEN UTAH COUNTY AND VINEYARD CITY REGARDING THE ADMINISTRATION OF THE 2019 ELECTIONS

**APPROVED ON CONSENT**

41. ADOPT THE RESOLUTION AUTHORIZING THE COMMISSION TO EXECUTE THE INTERLOCAL COOPERATION AGREEMENT BETWEEN UTAH COUNTY AND SPRINGVILLE CITY REGARDING THE ADMINISTRATION OF THE 2019 ELECTIONS

**APPROVED ON CONSENT**

42. ADOPT THE RESOLUTION AUTHORIZING THE COMMISSION TO EXECUTE THE INTERLOCAL COOPERATION AGREEMENT BETWEEN UTAH COUNTY AND SPANISH FORK CITY REGARDING THE ADMINISTRATION OF THE 2019 ELECTIONS

**APPROVED ON CONSENT**

43. ADOPT THE RESOLUTION AUTHORIZING THE COMMISSION TO EXECUTE THE INTERLOCAL COOPERATION AGREEMENT BETWEEN UTAH COUNTY AND AMERICAN FORK CITY REGARDING THE ADMINISTRATION OF THE 2019 ELECTIONS

**APPROVED ON CONSENT**

44. ADOPT THE RESOLUTION AUTHORIZING THE COMMISSION TO EXECUTE THE INTERLOCAL COOPERATION AGREEMENT BETWEEN UTAH COUNTY AND CEDAR FORT REGARDING THE ADMINISTRATION OF THE 2019 ELECTIONS

**APPROVED ON CONSENT**

45. ADOPT THE RESOLUTION AUTHORIZING THE COMMISSION TO EXECUTE THE INTERLOCAL COOPERATION AGREEMENT BETWEEN UTAH COUNTY AND LEHI CITY REGARDING THE ADMINISTRATION OF THE 2019 ELECTIONS

**APPROVED ON CONSENT**



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46. ADOPT THE RESOLUTION AUTHORIZING THE COMMISSION TO EXECUTE THE INTERLOCAL COOPERATION AGREEMENT BETWEEN UTAH COUNTY AND EAGLE MOUNTAIN CITY REGARDING THE ADMINISTRATION OF THE 2019 ELECTIONS

**APPROVED ON CONSENT**

47. ADOPT THE RESOLUTION AUTHORIZING THE COMMISSION TO EXECUTE THE INTERLOCAL COOPERATION AGREEMENT BETWEEN UTAH COUNTY AND GENOLA CITY REGARDING THE ADMINISTRATION OF THE 2019 ELECTIONS

**APPROVED ON CONSENT**

48. ADOPT THE RESOLUTION AUTHORIZING THE COMMISSION TO EXECUTE THE INTERLOCAL COOPERATION AGREEMENT BETWEEN UTAH COUNTY AND FAIRFIELD TOWN REGARDING THE ADMINISTRATION OF THE 2019 ELECTIONS

**APPROVED ON CONSENT**

49. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN BALLOT PRINTING AND MAIL SERVICES AGREEMENT WITH RUNBECK ELECTION SERVICES, INC.

**APPROVED ON CONSENT**

50. APPROVE AND AUTHORIZE THE UTAH COUNTY ELECTION SUPERVISOR TO PURCHASE SECURITY CARTS AND SIGN ELECTRONIC SIGNATURE WITH PRINTELECT ON BEHALF OF UTAH COUNTY.

**APPROVED ON CONSENT**

51. APPROVE AND AUTHORIZE THE UTAH COUNTY ELECTIONS SUPERVISOR TO PURCHASE AND SIGN THE ELECTRONIC SIGNATURE WITH INCLUSION=SOLUTIONS ON BEHALF OF UTAH COUNTY.

**APPROVED ON CONSENT**

52. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO EXECUTE AN AGREEMENT WITH OPEX CORPORATION FOR PURCHASING EQUIPMENT FOR ELECTION SYSTEMS

**CONSENT AGENDA ITEM 52 IS CONTINUED FOR TWO WEEKS, JUNE 4, 2019**

53. APPROVE AND AUTHORIZE APPROPRIATION OF UNCLAIMED PROPERTY RECEIVED BY PEACE OFFICER TO PUBLIC INTEREST USE, AND DESIGNATE THE PUBLIC INTEREST USE OF THE PROPERTY AS PARTIAL FUNDING OF THE SALARIES AND BENEFITS OF THE EVIDENCE CUSTODIANS EMPLOYED BY THE COUNTY SHERIFF

**COMMISSIONER LEE, ASKED QUESTION, ARE WE TALKING ABOUT ASSET FORFEITURE?**

**DANENE JACKSON, CLERK/AUDITOR, ANSWERED, NOT NECESSARILY ASSET FORFEITURE, IT MAY BE MONEY FOUND THAT GOES INTO EVIDENCE IN THE SHERIFFS OFFICE. THEY HOLD THE MONEY FOR A PERIOD OF TIME AND THEN THEY SEND APPROPRIATE NOTICE THAT THEY KNOW WHO THE OWNER IS OR THEY PUBLISH A LIST OF THE FOUND PROPERTY THAT THEY DO NOT KNOW WHO THE OWNER IS. AFTER A CERTAIN AMOUNT OF TIME IF NO ONE CLAIMS IT THEY BRING IT OVER HERE TO THE AUDITORS OFFICE AND WE HOLD IT IN AN ACCOUNT UNTIL THE DESIGNATION IS MADE.**

COMMISSIONER LEE, ASKED IF ASSET FORFEITURE APPLIES TO THIS.

DANENE JACKSON, ANSWERED, THE ONLY THING I CAN SEE THAT WOULD BE AN ASSET FORFEITURE IS IF THEY HAD HELD MONEY FOR A CASE, SO THEY KNOW WHO THE PERSON WAS AND THEY ATTEMPT TO GIVE THAT MONEY TO THE PERSON BUT THEY DO NOT RESPOND TO THE CLAIM OR THEY DO NOT KNOW THERE ADDRESS. THEY TRIED TO GET THE MONEY BACK TO THE OWNER.

PAUL JONES, DEPUTY ATTORNEY, THIS IS NOT ASSET FORFEITURE. IN ASSET FORFEITURE, WE SEIZE PROPERTY AND HAVE NEXUS WHERE WE KNOW WHOS IT IS BUT WE ARE GOING TO FILE AND IT IS GOING TO REMAIN IN PUBLIC USE. IN THIS CASE WE HAVE THIS IS MONEY AND WE WANT TO GIVE IT BACK BUT WE CANNOT FIND PERSON. WE HAVE GIVEN NOTICE, TRIED TO GIVE IT TO THEM AND PUT IT IN THE NEWSPAPER. THIS RESOLUTION IS TO CONERT THOSE FUNDS INTO PUBLIC USE.

COMMISSIONER LEE, NEED TO STATE THAT IN THE MOTION THAT IT HAS NOTHING TO DO WITH ASSET FORFEITURE.

COMMISSIONER AINGE MAKES MOTION TO APPROVE CONSENT AGENDA ITEM 53 FOR THE APPROPRIATION OF UNCLAIMED PROPERTY NOTING THAT IT HAS BEEN ATTEMPTED TO BE RETURNED AND HAS NOTNGH TO DO WITH ASSET FORFEITURE. COMMISSIONER IVIE SECONDS MOTION.

VOTE: 3-0

AYE:

COMMISSIONER LEE  
COMMISSIONER AINGE  
COMMISSIONER IVIE

54. APPROVE AND AUTHORIZE COMMISSION SIGNATURE ON THE KNOWINK QUOTE AND TERMS DATED 5/9/2019

APPROVED ON CONSENT

55. APPROVE AND AUTHORIZE COMMISSION SIGNATURE ON THE KNOWINK INVOICE #4130 DATED 04/17/2019.

APPROVED ON CONSENT

56. APPROVE AND AUTHORIZE COMMISSION SIGNATURE ON THE KNOWINK QUOTE AND TERMS DATED 5/9/2019

APPROVED ON CONSENT

57. APPROVE AND AUTHORIZE THE UTAH COUNTY ELECTION SUPERVISOR TO PURCHASE BALLOT DROP BOXES AND SIGN THE ELECTRONIC SIGNATURE ON THE BALLOT DROP PROPOSAL.

APPROVED ON CONSENT

REGULAR AGENDA

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1. APPROVE (OR DENY) 2018 LATE DISABLED VETERAN EXEMPTION FOR MATTHEW RHINEHART, SERIAL NO. 52:927:0364, 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.  
- Vicky Westergard, Clerk/Auditor's Office - Tax Administration -

**COMMISSIONER AINGE MAKES MOTION TO APPROVE ON REGULAR AGENDA ITEMS 1 THROUGH 4, FINDING IN THE BEST INTEREST OF THE COUNTY. COMMISSIONER IVIE SECONDS MOTION.**

**VOTE: 3-0**

**AYE:**

**COMMISSIONER LEE**

**COMMISSIONER AINGE**

**COMMISSIONER IVIE**

2. APPROVE (OR DENY) A LATE 2018 DISABLED VETERAN EXEMPTION FOR JOEL COBIELLA, SERIAL NO. 45:514:0028, 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.  
- Vicky Westergard, Clerk/Auditor's Office - Tax Administration -

**COMMISSIONER AINGE MAKES MOTION TO APPROVE ON REGULAR AGENDA ITEMS 1 THROUGH 4, FINDING IN THE BEST INTEREST OF THE COUNTY. COMMISSIONER IVIE SECONDS MOTION.**

**VOTE: 3-0**

**AYE:**

**COMMISSIONER LEE**

**COMMISSIONER AINGE**

**COMMISSIONER IVIE**

3. APPROVE (OR DENY) A LATE 2018 DISABLED VETERAN EXEMPTION FOR PAUL MASSICOTTE, SERIAL NO. 41:387:0023, 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.  
- Vicky Westergard, Clerk/Auditor's Office - Tax Administration -

**COMMISSIONER AINGE MAKES MOTION TO APPROVE ON REGULAR AGENDA ITEMS 1 THROUGH 4, FINDING IN THE BEST INTEREST OF THE COUNTY. COMMISSIONER IVIE SECONDS MOTION.**

**VOTE: 3-0**

**AYE:**

**COMMISSIONER LEE**

**COMMISSIONER AINGE**

**COMMISSIONER IVIE**

4. APPROVE (OR DENY) A LATE 2018 DISABLED VETERAN ABATEMENT FOR VERNON MOULTON, SERIAL NO. 34:376:0033, 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.  
- Vicky Westergard, Clerk/Auditor's Office - Tax Administration -

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**COMMISSIONER AINGE MAKES MOTION TO APPROVE ON REGULAR AGENDA ITEMS 1 THROUGH 4, FINDING IN THE BEST INTEREST OF THE COUNTY. COMMISSIONER IVIE SECONDS MOTION.**

**VOTE: 3-0**

**AYE:**

**COMMISSIONER LEE  
COMMISSIONER AINGE  
COMMISSIONER IVIE**

5. APPROVE (OR DENY) LATE 2018 DISABLED VETERAN EXEMPTION FOR JEROME MARSHALL, SERIAL NO. 51:437:0036, 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.  
-Vicky M Westergard

**COMMISSIONER LEE, ASKED QUESTION ON PORTION OF PROPERTY THAT IS BEING RENTED.**

**VICKY WESTERARD, CLERK/AUDITOR, WHEN THEY RENT OUT A PORTION OF THE HOME, I CONTACT THEM AND FIND OUT THE PERCENTAGE AND DO A MANUAL ABATEMENT FOR THAT PART OF THE HOME BEING RENTED OUT. THE RENTAL IS JUST A PORTION OF THE PROPERTY.**

**PAUL JONES, DEPUTY ATTORNEY, THIS IS A VOTE TO JUST ACCEPT THE LATE PAYMENT.**

**COMMISSIONER AINGE MAKES MOTION TO APPROVE EXEMPTION. COMMISSIONER IVIE SECONDS MOTION.**

**VOTE: 3-0**

**AYE:**

**COMMISSIONER LEE  
COMMISSIONER AINGE  
COMMISSIONER IVIE**

6. APPROVE AND ADOPT A RESOLUTION TRANSFERRING FUNDS BETWEEN DEPARTMENTS OF UTAH COUNTY  
- Danene Jackson, Clerk/Auditor - Finance -

**APPROVED AND ADOPT REGULAR AGENDA ITEM 6 ON CONSENT**

7. APPROVE BACKCOUNTRY ESTATES MOUNTAIN HOME DEVELOPMENT, PLAT 'A,' SUBJECT TO THE CONDITIONS IN THE STAFF REPORT  
- Brandon Larsen, Community Development -

**BRYCE ARMSTRONG, COMMUNITY DEVELOPMENT, THIS IS A MOUNTAIN HOME DEVELOPMENT, BACK COUNTRY ESTATES THAT IS IN THE HOBBLE CREEK CANYON AREA. THE PROPOSAL IS FOR SIX TOTAL LOTS IN THE CE-2 ZONE WITH A SMALL PORTION, LESS THAN 1 % IN THE CE-1 ZONE. THIS IS A CONDITIONAL USE IDENTIFIED IN THE CE-2 ZONE AS ENTITLED TO APPROVAL, PROVIDED THEY CAN MEET ALL THE REQUIREMENTS. THE PROPOSED WATER SOURCE IS AN EXISTING SYSTEM THAT SUPPLIES ADJACENT MOUNTAIN HOME DEVELOPMENT, THE COTTAGES. STAFF HAS IDENTIFIED THAT THE APPLICATION MEETS ALL REQUIREMENTS WITH A COUPLE OF**

NOTED CONCERNS. THE FIRST CONCERN IS RELATED TO THE PROVISION OF WATER. THE WATER RIGHTS ARE SUBJECT TO ADJUDICATION IN THE THIRD DISTRICT COURT. THERE IS A LOT OF DOCUMENTATION EXPOUNDING TO THAT AND HAS BEEN PROVIDED TO YOU. IN ADDITION TO THE WATER CHALLENGE IS A QUESTION RELATING TO THE ACCESS TO THE DEVELOPMENT. LAND USE ORDINANCE REQUIRES TWO SEPARATE ACCESS ON A PAVED COUNTY ROAD. IT DOES ALLOW ACCESS THROUGH A PREVIOUS DEVELOPMENT. THIS APPLICATION WOULD BE UTILIZING THAT PROVISION. THE CHALLENGE IS THAT AUTHORIZING DOCUMENTATION IS NEEDED. ANOTHER CONCERN IS ZONING AND THAT WOULD BE RESOLVED BY THE LAND USE ORDINANCE JUST RECENTLY PASSED. STAFF IDENTIFIED SEVERAL CONDITIONS RELATED TO THIS PROPOSAL AS LISTED IN THE REPORT.

COMMISSIONER LEE, ON THE PLAT MAP WHEN I LOOK AT THE ROADS THERE SEEMS TO BE A CONFLICT ON CCNR OR THE PLAT MAP ITSELF OF WHERE EASEMENTS ARE, HOW THEY ARE OBTAINED AND GRANTED.

BRYCE ARMSTRONG, GENERALLY A PLAT TAKES PRESIDENCE. I'LL PROBABLY REFER TO MR MOORE. IF IT IS AN EASEMENT IT HAS TO BE GRANTED TO THE PERSON TO UTILIZE THAT FOR A CERTAIN PURPOSE. IN THIS CASE IT WOULD BE ACCESS TO AND THROUGH A PAVED COUNTY ROAD.

COMMISSIONER LEE, ON THE WATER ISSUE, THE CONFUSING PART I WAS GIVEN DOCUMENTATION ON THIS LATE LAST NIGHT AND FIRST THING THIS MORNING. TO TRY AND DIGEST ALL THIS IS HARD ENOUGH. THE ASSISTANT STATE ENGINEER HAS INFORMATION THAT THROWS EVERYTHING INTO DIFFERENT CHALLENGES. HOW ARE WE GOING TO SIFT THROUGH THIS WHEN THE INFORMATION JUST KEEPS COMING AND COMING AND I HAVEN'T SEEN EVERYTHING YET? I DO NOT KNOW WHERE TO EVEN START WITH THIS.

BRYCE ARMSTRONG, YOU ALWAYS HAVE THE OPTION TO CONTINUE AND DIGEST SOME OF THIS INFORMATION. I THINK ITS CLEAR THAT THERE IS ENOUGH QUESTION THERE TO BRING CONCERNS TO STAFF. PLANNING COMMISSION VOTE WAS 3-2.

COMMISSIONER IVE, FOR ME THERE ARE WAY TOO MANY UNDERLYING ISSUES THAT NEED TO BE RESLOVED BEFORE WE MOVE FORWARD WITH THIS. THERE IS A MAJOR ISSUE WITH WATER IN THE CANYON. THERE IS LITIGATION GOING ON. THERE ARE UNDERLYING ISSUES WITH THE ROADS STILL GOING ON. I AM A NO ON IT RIGHT NOW. THE WATER ISSUES ARE MY NUMBER ONE CONCERN AND THE ROAD BEFORE IT COMES BACK BEFORE US.

COMMISSIONER AINGE, I AM CURIOUS IN LEARNING MORE ABOUT THIS DEVELOPMENT EVEN THOUGH I SPOKE AGAINST THE PREVIOUS ITEM. IN THIS CASE, EVEN THOUGH I KNOW THERE ARE A LOT RESIDENTS CONCERNED ABOUT THE DEVELOPMENT, I THINK WE HAVE TO BE MINDFUL OF THE RIGHTS THE PROPERTY OWNER HAS HERE. THERE ARE AGRUMENTS THAT THE WATER REQUIREMENTS ARE NOT BEING MET. IRONICALLY THAT IS BASED ON LITIGATION THAT HAS BEEN GOING ON FOR THIRTY YEARS. I UNDERSTAND THERE IS TECHNICAL ISSUE ON THE ACCESS. ON THE PLAT AND CCNR THERE IS SOME ACCESS THERE. WE DO NEED ADDITIONAL DIALOG ON THESE POINTS. THIS IS THE PUBLIC FORUM TO SPEAK ON THIS CASE. THESE ARE NOW THE ISSUES SINCE ZONING HAS BEEN RESOLVED.

ROBERT MOORE, DEPUTY ATTORNEY, YOU ALREADY HAVE OUR LETTER OF APRIL 9,2019. I DON'T THINK THOSE HERE IN THE AUDIENCE HAD OPPORTUNITY OF SEEING

MR. BLAKE BINGHAMS, STATE ENGINEERS, EMAIL THAT YOU RECEIVED AT 8:32AM. WHICH IN MY MIND, CALLS INTO QUESTION THE WATER IN PARTICULAR HIDDEN CREEK WATER OVERALL. IT TALKS ABOUT THAT WATER MAY HAVE TO BE SHUT OFF IN HIGH WATER TIMES. WE INVITED MR. BINGHAM TO COME DOWN TODAY, IT MAY BE ADVISABLE TO HAVE HIM COME AND GIVE SOME SORT OF OPINION IF POSSIBLE. THIS IS A DIFFICULT SITUATION. MR. ARMSTRONG IS CORRECT, IF THEY MEET THE REQUIREMENTS, THEY GET IT. THE QUESTION IS DO THEY MEET THE REQUIREMENTS. I RECEIVED THREE LETTERS IN MY EMAIL LAST FRIDAY AND YESTERDAY AND I DID PUSH ALL THOSE TO YOU.

COMMISSIONER LEE, IT LOOKS LIKE THIS WILL BE MOST LIKELY CONTINUED AND WOULD LIKE TO GIVE A COPY OF THIS TO ANYONE HERE THAT WANTS TO LOOK AT IT. OPENED TO COMMENT.

RICHARD WHITE, DEVELOPER BACK COUNTY ESTATES, I WAS GOING TO TALK ABOUT THREE ITEMS BUT WILL WAIT ON THE WATER UNTIL I READ THE DOCUMENTS. I WOULD LIKE TO TALK ABOUT THE OTHER TWO ISSUES STARTING WITH WATER IRRIGATION EXEMPTION WE DID APPLY FOR AND THEN THE EASEMENT. PRESENTED FOLDER TO EACH OF THE COMMISSIONERS, AGREED TO MAKE IT PUBLIC. THE WATER EXEMPTION WE APPLIED FOR WE ARE ARGUING THAT THE NATURAL VEGETATION AS NOTED IN THE CODE, DIES IN MID JUNE. IT COMES BACK EVERY YEAR. MOST OF THE VEGETATION IS SAGE, TREES AND SCRUB OAK, CACTUS AND OTHER GRASSES. THE QUESTION IS, DO WE MAINTAIN THE NATIVE VEGETATION THE WAY IT IS RIGHT NOW (NEVER BEEN IRRIGATED BEFORE)? IT WOULD TAKE A VALUABLE RESOURCE AND CHANGE THE ECO SYSTEM OF THE AREA. THE COUNTY CODE SAYS YOU DO NOT HAVE TO HAVE WATER SHARES IN THESE ZONES.

COMMISSIONER IVIE, ASKED QUESTION, HAVE YOU SPOKEN TO SPRINGVILLE CITY ABOUT CONNECTING TO THEIR WATER SOURCE?

RICHARD WHITE, ANSWERED, THE ISSUE IS SPRINGVILLE WATER COMES DOWN BARTHOLOMEW CANYON ROAD AND THAT IS ABOUT ONE AND A HALF MILES DOWN THE CANYON FROM US AND IS NOT A POSSIBILITY.

COMMISSIONER AINGE, AS A CLARIFICATION TO ROBERT MOORE, IS THERE NOT A REQUIREMENT IN BUILDING IN CE-1 OR CE-2? IS IT BECAUSE IT IS A SUB DIVISION?

BRYCE ARMSTRONG, ANSWERED, I DO KNOW THE CE-1 ZONE IF YOU ARE DOING A SUB DIVISION OF 50 ACRE LOTS THERE IS THE PROVISION OF NOT HAVING IRRIGATION WATER AS LONG AS YOU HAVE A LANDSCAPED 10,000 FEET LAWN AREA AND A FUEL BREAK.

COMMISSIONER AINGE, WHAT IS THE DISTINCTION THAT MR. WHITE IS MAKING? HE IS REFERRING TO A LESS STRINGENT REQUIREMENT ELSEWHERE.

BRYCE ARMSTRONG, THIS IS A MOUNTAIN HOME DEVELOPMENT, SMALLER LOTS. THE CONSIDERATION OF HOUSES CLOSER TOGETHER MAKES A DIFFERENCE.

RICHARD WHITE, I WAS SPEAKING ABOUT A SINGLE HOME LOT. BRYCE IS RIGHT ON THE SMALLER LOT. IN CONSIDERATION OF THE FUEL BREAK, WE ARE ALSO REQUIRED A FUEL BREAK AROUND THE WHOLE PERIMETER OF THE SUB DIVISION. WITH THE REQUIRED WATER SYSTEM, WE HAVE TO PUT IN DOESN'T HAVE THE EXEMPTION WE WOULD HAVE TO CLOSE TO 83 ACRE FEET OF WATER INSTEAD OF 9 ACRE FEET OF

WATER. WE WOULD PUT IN 7 FIRE HYDRANTS AND SPRINKLED HOMES. THE INDIVIDUAL HOMES WOULD ALSO HAVE FIRE BREAKS.

COMMISSIONER AINGE, YOU MENTIONED THAT THE LAND HAS NEVER BEEN IRRIGATED. I ANTICIPATE THAT WOULD CHANGE AS PEOPLE MOVE IN AND DEVELOP THEIR PROPERTIES. WHAT ARE THE WATER NEEDS IN THAT STATE?

RICHARD WHITE, THEY CAN CHOOSE TO LANDSCAPE THE FIRST 10,000 SQUARE FEET THE THEY WAY THE WANT. THE REST HAS BEEN ASKED TO KEEP AS NATIVE AS THEY CAN WITH FIRE PROTECTIONS IN PLACE.

COMMISSIONER IVIE, ASKED QUESTION, WHAT IF THE WATER IS NOT DELIVERABLE? IN THE MEMO IT SAYS THAT HOBBLE CREEK RUNS NORMAL OF AT ABOUT 143 GFS AND BY SPRING IT IS ABOUT 100 GFS. WHEN IT GETS TO 100, IT SHOULD NOT BE USED. I HAVE SEEN WATER CUT DRASTICALLY JUST LAST YEAR BECAUSE OF THE WATER SOURCE. I HAD PAPER THAT SAID I HAD WATER BUT I DIDN'T HAVE DELIVERABLE WATER. HOW WOULD YOU ADDRESS THAT ISSUE?

RICHARD WHITE, WE HAVE NEVER SEEN THAN THAT. I WOULD PROBABLY HAVE TO LOOK AT THAT. I KNOW THE WATER COMES FROM A WELL, NOT SURFACE WATER. I HAVEN'T SEEN THAT DOCUMENT.

BRYCE ARMSTRONG, THE ORDINANCE REQUIRES THE 10,000 SQ FT LANDSCAPED AREA TO HAVE WATER AVAILABLE APRIL 30 THROUGH OCTOBER 1 WHICH IS THE SAME FOR THE IRRIGATION REQUIREMENT IF THERE IS ONE.

RICHARD WHITE, WE DO BELIEVE WE MET THIS AND THAT THE REQUESTED EXCEPTION IS WARRANTED. THE NEXT ITEM I WANTED TO TALK ABOUT IS THE EASEMENTS. OUR CONCERN IS ON THE COTTAGES PLAT MAP. IT IS A RECORDED PUBLIC DOCUMENT. REFERED TO DOCUMENTS HE PRESENTED TO THE COMMISSIONERS TO REVIEW. REFERED TO WIDOMORE EASEMENT AS NOT HAVING AN OWNER ASSIGNED TO IT. SOME ROADS LABLED PRIVATE IN ONE DOCUMENT AND PRIVATE IN OTHER DOCUMENTS. ON THE CCNR'S REFERED TO LEGAL DESCRIPTION IN DOCUMENTS.

COMMISSIONER LEE, ASKED QUESTION, WHY ARE THE ROADS DIFFERENT IN WIDTH?

RICHARD WHITE, THE EASEMENT SCALES ARE DIFFERENT. THE WIDER EASEMENT IS FOR LARGER ROADS. READ DESCRIPTION CONTAINED IN SUBMITTED DOCUMENTS. THE CCNR'S ARE MADE PART OF THE PLAT. WE ARGUE THAT WE HAVE AN EASEMENT.

COMMISSIONER AINGE, I THINK YOU MADE YOUR CASE ON LEGAL ACCESS. IS IT JUST A MATTER OF LEGAL ACCESS OR IS THERE ANY REQUIREMENT THAT THE ACCESS IS ADEQUATE FOR THE DEVELOPMENT?

ROBERT MOORE, THE ACCESS ISSUE IS THAT YOU HAVE TO HAVE ACCESS TO A COUNTY ROAD AND MEET THE STANDARDS OF OUR ORDINANCE AND IT DOES. THE ISSUE I SEE WITH THE ACCESS IS THAT ON THE PLAT MAP YOU SEE TWO SEPARATE DEDICATIONS. THE DEDICATION OF THE COMMON AREAS WITH SPECIFIC REFERENCE TO THE CCNR'S. THE OTHER SIDE OF DOCUMENT WHERE IT REFERS TO ROADS THERE IS NOT A SPECIFIC RESERVATION OR IDENTIFICATION OF THOSE CCNR'S. QUESTIONS RIGHTS TO RETAIN EASEMENT. THERE ARE QUESTIONS AND I AM TRYING TO RESOLVE THESE.

COMMISSIONER AINGE, ARE THE CCNR'S CLEAR? IT SAYS THE DECLARATION ARE PART OF THE PLAT. IS THERE AN ANALYSIS THAT THE COUNTY SHOULD BE DOING HERE?

ROBERT MOORE, YOU CAN MAKE THAT ARGUMENT YES. MY CONCERN IS THAT IS SHOULD HAVE BEEN DONE IN THE ROADS SECTION. THIS IS A PRIVATE ROAD, IF IT WERE A PUBLIC ROAD, WE MIGHT BE DIFFERENT. LETTER FROM PUBLIC WORKS SAYS THIS ROAD IS FINE. THERE IS AN UNPAVED SECTION AND BROUGHT THAT TO THEIR ATTENTION AND THEY AGREED TO PAVE IT.

BRYCE ARMSTRONG, ANSWERED QUESTION, WE ARE TALKING ABOUT THE PAVED ROAD ACCESS REQUIREMENT FOR MOUNTAIN HOMES DEVELOPMENT. YOU HAVE TO HAVE PAVED ROAD AT TWO POINTS. READ ORDINANCE.

RICHARD WHITE, THIS PLAT WAS RECORDED. WHEATHER IT IS SPECIFIED OR NOT IT IS PART OF THE PLAT. IN REGAURD TO THE WATER ISSUE. WE FEEL IT IS ARBITRARY AND CONTRECIOUS TREATMENT FROM THE COUNTY. EXACT SAME WATER WAS APPROVED TO MOUNTAIN AIR ESTATES AND THE COTTAGES IN THE LATE NINETIES. IT IS A SLIPPERY SLOPE TO STOP ALL DEVELOPMENT IN CASE THERE MIGHT BE WATER LITIGATION.

JANICE REEB, HOBBLE CREEK RESIDENT, MY JOB IS TO EXTEND THE VIEW. REFERED TO MAP. BACK COUNTRY IS NOT A STAND-ALONE PROPERTY. THEY WILL BE ALLOWED TO USE ACCESS TO MEADOW ROAD AND COTTAGE ROADS. REFERED TO BINDER GIVEN TO THE COMMISSIONERS. TRACY TANNER OWNS BOTH ACCESSES. NINETY HOMES CAN DRIVE THROUGH ACCESSES. ABOUT THE WATER, THE LAND WILL BE A SUB DIVISION NOW AND WILL HAVE MORE SAFTEY ISSUES NOW AND REQUIRE MORE WATER TO PROTECT IT. IN THE WATER STUDY SUBMITTED, IT LISTS ALL THE WATER RIGHTS. IT IS NOT JUST THE SIX LOTS; IT IS 89 LOTS.

TRANCY TANNER, HOBBLE CREEK WATER COMPANY, WATER RIGHTS ARE INCREDIBLY COMPLICATED AND HAVE BEEN DEALING WITH THEM FOR OVER TWENTY DECADES. I AM PUZZLED THAT THE COMMISSIONERS AND RESIDENTS WOULD TAKE THE SIDE OF A LITIGANT THAT IS ONLY MAKING CLAIMS. NO CLAIMS HAVE BEEN PROVEN AND HAVE BEEN IN EFFECT FOR OVER TWO DECADES. HOBBLE CREEK HAS LITIGATED OVER SPRINGVILLE IRRIGATION SEVERAL TIMES AND HAS PREVAILED. THE WATER COMPANY DISAGREES THAT THERE ARE ONLY 13 WATER SHARES AND IS NOT SUPPORTED BY HISTORY OR FACTS. I HAVENT SEE THE LETTER SPOKEN ABOUT EARLIER FROM THE STATE ENGINEER. I GET CONCERN OF REDUCING IRRIGATION RIGHTS. WE KNOW THE COST OF WATER IS HIGH. THERE IS ACTUAL HISTORICAL DOCUMENTATION OF USE OF WATER IN THE CANYON. THE COUNTY REQUIRES 2.16 ACRE FEET OF IRREGATION PER LOT TO BE ALOCATED BY THE WATER COMPANY AND AVAILABLE TO USE. WHAT WE FIND IS A VERY SMALL PORTION OF THAT WATER IS BEEN USED. THESE NUMBERS ARE REPORTED YEARLY TO THE STATE OF UTAH. I FOUND THAT LESS THAN AN ACER FOOT TOTAL WAS BEING USED ON AVERAGE ON THE COTTAGES LOTS. THE WELL CAN PUMP 600 GALLONS PER MINUTE. THE COMPANY HAS MORE CAPACITY THAN IT COULD EVER USE. THERE IS MORE THAN ENOUGH WATER RIGHTS THERE. THE IRRIGATION COMPANY HAS CAUSED CONCERNS ON SHARES AND SHOT THE COSTS OF SHARES UP.

COMMISSIONER AINGE, AT SOME POINT THIS IS GOING TO BE CONTINUED. I DON'T THINK WE HAVE SEEN THE SETTLEMENT AGREEMENT. THAT IS ANOTHER THING TO PUT IN OUR FILE.

BOB FERGUSON, HOBBLE CREEK RESIDENT, WE HAVE SEVERAL PEOPLE TO GIVE PRESENTATIONS. WE WANT THE OPORTUNITY TO BE HEARD TOO.



RAY CROSBY, HOBBLE CREEK RESIDENT FOR 15 YEARS, IN 1995 THE LOT WAS GRANTED .45 ACRE FEET OF WATER PER YEAR FOR INDOOR USE AND 1 ACRE FEET OF WATER FOR APRIL THROUGH OCTOBER FOR FIRE BREAK GREEN VEGETATION. LOT ONE WAS GRANTED BY WARRANTY ADDITIONAL WATER TO IRRIGATE TWO ACRES. A CREEKSIDE PUMPING STATION WAS INSTALLED. IN 2010 HIDDEN CREEK WATER TRANSFERRED SHARES TO HIDDEN CREEK WELL. NOW HAVE PROBLEM WITH WATER ACCESS DUE TO ONE-INCH WATER LINE. THERE WAS A 900% WATER COST INCREASE. WITH A POINT OF DIVERSION AT WELL, IT IS DIFFICULT TO MOVE IRRIGATION HOSE. THE PUMPING SYSTEM IS NOT LEGAL WITH A DIVERSION POINT UP THE CREEK. I HAVE HAD TO LEASE WATER FROM SPRINGVILLE IRRIGATION AND RESIDENTS TO MAINTAIN GREEN STATUS. IN FAVOR OF DEVELOPMENT AND THE WHITES SIX LOTS WILL NOT DETRACT FROM HOBBLE CREEK CANYON IF IT DOESN'T GIVE RISE TO MASSIVE DEVELOPMENT.

CAROL FERGUSON, HOBBLE CREEK RESIDENT, WE PLANNED ON 3 MINUTES PER PERSON AND THREE PEOPLE GAVE ME THEIR MINUTES. WITH ALL THE INFORMATION I HAVE TO GIVE, 12 MINUTES IS THE LEAST I CAN DO.

COMMISSIONER LEE, YOU CAN SCHEDULE TO COME SEE US.

DAVIDE SEABORN, HOBBLE CREEK RESIDENT, I WANT TO TALK ABOUT THE ORDINANCE ON THE IRRIGATION WATER. READ PREVIOUS MINUTES ABOUT ENGINEERING STUDY EXCEPTION. STUDY IS IRONIOUS BECAUSE IT GAVE NO PROOF THAT ZERO WATER IS NEEDED TO MAINTAIN THE NATIVE VEGETATION. IT IS INCOMPLETE BECAUSE IT WASN'T STAMPED WITH LICENSE OR SEAL AS REQUIRED. THE STUDY STATEMENT IS MISLEADING. NO DATA TO SUPPORT THE AMOUNT OF WATER PLANTS NEED. WE AGREE THIS AREA HAS RISK OF FIRE. HIGHER SLOPE HIGHER DANGER. GAVE RAIN FALL LEVELS OVER LAST YEARS. THE AREA HAS HIGH FUEL FOR FIRE DANGER. IN THE PAST THE COMMISSION HAS DENIED THE IRRIGATION WATER EXEMPTION REQUESTS.

BOB FERGUSON, HOBBLE CREEK RESIDENT, WANT TO PRESERVE RIGHTS OF THE COTTAGES RESIDENTS. REFERED TO QUITCLAIM DEED IN DOCUMENTS PROVIDED TO THE COMMISSIONERS. THE QUITCLAIM DEEDS OPEN SPACES TO THE COTTAGES WITHOUT RESERVING ANY EASEMENTS. READ THROUGH SEVERAL PAGES OF THE DOCUMENT.

DEON BURRON, HOBBLE CREEK RESIDENT, SPOKE OF TROJAN HORSE AS BACK COUNTRY. REFERED TO WHITE BINDER GIVEN TO THE COMMISSIONERS. THE AREA WAS APPROVED AS SEASONAL, 180 DAYS RESIDENCY. THE ROADS LISTED ARE NOT REAL ROADS. PEOPLE LIVE THERE YEAR-ROUND. THE FIRE HYDRANTS TO DO NOT WORK. THE COUNTY DOESN'T ENFORCE SEASONAL AREA. ONLY 1 THIRD OF THE HOMES ARE BUILT. THE USE OF WATER IS DECEPTIVE, SOME RESIDENTS ARE NOT LIVING THERE AT THIS TIME. ONE RESIDENT WAS IN AN ACCIDENT AND THE RESCUE VEHICLE WAS STUCK IN THE SNOW AND HAD TO BE RESCUED TOO. THIS IS A SEASONAL AREA.

STEVE THOMPSON, HOBBLE CREEK RESIDENT, I AM IN THE SECOND HOME BUILDER IN THE COTTAGES. REFERED TO SOFT BOUND DOCUMENTS PROVIDED TO THE COMMISSIONERS. REFERED TO THE OWNER DEDICATION ON THE PLAT MAP. NO ROAD OTHER THAN WIDOW MORE IS LISTED AS AN EASEMANT. ALL ROADS ARE PRIVATE. COMMON AREAS ARE FOR RESIDENTS NOT THE GENERAL PUBLIC. REFERED TO EMAIL FROM BRANDON LARSEN SAYING ROADS ARE PRIVATE. REFERED TO SCHEMATIC PLAN SHOWING ROADS AS PRIVATE. WE ONLY HAVE ONE EGRESS FOR FIRE HAZARD IN HOBBLE CREEK CANYON.

LEAH WHITE, DEVELOPER BACK COUNTRY ESTATES, WE HAVE ALL BENEFITED FROM DEVELOPMENT. WE ARE HERE TO DISCUSS THE APPLICATION THAT EVERYONE IS REQUIRED TO FILE. BACK COUNTRY ESTATES HAS THE PROPER ZONING AND PROPER ACCESS TO WATER. BACK COUNTRY HAS TWO ACCESSES ON COUNTY ROADS. WE HAVE MET THE STATUTORY REQUIREMENTS.

COMMISSIONER LEE, WE WOULD LIKE TO HAVE ALL THE INFORMATION AS POSSIBLE, PLEASE SCHEDULE WITH US TO GET THE INFORMATION TO US.

DAVID SHAWCROFT, DISTRICT ATTORNEY, JUST TO CLARIFY THAT ANY WRITTEN MATERIAL WOULD BE PUBLIC AND CONVERSATIONS WOULD NEED TO BE IN A SCHEDULED PUBLIC MEETING.

COMMISSIONER IVIE MAKES MOTION TO CONTINUE AGENDA ITEM 7 FOR TWO WEEKS, JUNE 4, 2019. COMMISSIONER AINGE SECONDS MOTION.

VOTE: 3-0

AYE:

COMMISSIONER LEE

COMMISSIONER AINGE

COMMISSIONER IVIE

8. ADOPT (OR DENY) AN ORDINANCE TO AMEND THE UTAH COUNTY LAND USE ORDINANCE, CHAPTERS 1 AND 4, RELATIVE TO REQUIREMENTS FOR LOTS LYING IN MULTIPLE ZONES  
- Brandon Larsen, Community Development -

BRYCE ARMSTRONG, COMMUNITY DEVELOPMENT, MR LARSEN IS UNABLE TO ATTEND MEETING. THIS IS TO ADDRESS PARCELS WITH CONFLICTIN ZONES. WE FOUND CERTAIN CIRCUMSTANCES WERE A PARCEL HAS A SMALL PERCENTAGE IN A DIFFERENT ZONE THAT PROHIBITS GROWTH ON THE REST OF THE PARCEL. THIS IS A PROPOSAL TO ADDRESS THOSE SITUATIONS.

STAFF HAS CRAFTED A PROPOSAL THAT WAS PRESENTED SEVERAL WEEKS AGO THAT IDENTIFIED THE PERCENTAGE THAT NEEDS TO BE IN THE MINORITY ZONE. NO USES THAT WEREN'T ALLOWED ON THE MINORITY PORTION WILL BE ALLOWED AND ALLOW WHAT IS ALLOWED IN THE MAJORITY PORTION. THE QUESTION BROUGHT UP SEVERAL WEEKS AGO ABOUT THE PERCENTAGE BEING APPLIED TO LARGE PARCELS WITHOUT HAVING TO GO THROUGH A RE-ZONE. THERE HAVE BEEN TWO CHANGES SINCE WE ME LAST. WE ADDED ADDITIONAL DATA TO THE SAMPLING AND LOOKED AT HOW THIS EFFECTS PARCELS THROUGHOUT THE COUNTY. WITH THE NEW DATA STAFF RECOMMENDS THAT THE MAJORTY PERCENTAGE WOULD BE 85% RATHER THAN 80%. AND WE ESTABLISHED A CAP, MAXIMUM AMOUNT OF ACREAGE THAT COULD BE INCLUDED IN THE MINORITY ZONE AND WE IDENTIFIED THAT AS 10 ACRES. ANYTHING ABOVE 10 ACRES EVEN IF IT MEETS THE 85% THRESHHOLD WOULD NO QUALIFY. THEY WOULD HAVE TO GO THROUGH THE RE-ZONE.

COMMISSIONER IVIE, THANK YOU FOR LOOKING AT THE ADDITIONAL PARCELS. I APPRECIATED THE ADDITIONAL LOOK AT A MINIMUM ACERAGE ON THE MINORITY PORTION. IT PUTS A PROTECTION IN PLACE FOR LARGE PORTIONS OF LAND IN OUR COUNTY TO BE ZONED APPROPRIATELY. OBVIOUSLY, THIS ORDINANCE AFFECTS A LARGE RANGE OF OUR COUNTY. I APPRECITE YOUR EFFORTS.

JANICE REEB, HOBBLE CREEK RESIDENT, I LIVE IN CE-1, CE-2 ZONING IN THE CANYON. IN THE FRONT OF YOUR GUIDE WE THERE IS A MAP. IF YOU LOOK AT THE GREEN, THAT

IS CE-1. BACK IN 1977 THE CANYONS HAD BEEN CE-2 WHERE YOU COULD HAVE SUBDIVISIONS BUT IT WAS OVER LAID WITH CE-1 WHERE YOU HAD TO HAVE 50 ACRES TO BUILD A HOME. THE GREEN HAS THE LARGE PARCELS AND THEY FRONT HOBBLE CREEK ROAD. THE CONCERN WE HAD IS THAT EVEN WITH THE PERCENTAGE REDUCTION OF MINORITY PROPERTY IT IS POSSIBLE TO ADD TO ADJOINING PARCELS AND YOU CAN MANIPULATE THOSE PERCENTAGES AND DO A DEFACTO ZONING. THE PROPERTY IN THE RED MAY BE AN EXAMPLE. THAT PROPERTY HAS BEEN AVAILABLE FOR YEARS. WE WANT TO BE CERTAIN THERE ARE ADDITIONAL CONSTRAINTS. THE LIGHT GREEN IS ABOUT 32% OF THE PARCEL IN RED. HOWEVER, THERE IS ADJOINING PROPERTY THAT IS ALSO CE-2 THAT COULD BRING THE PERCENTAGE OF THAT GREEN PART TO ALLOW A SUBDIVISION OF 50 HOMES.

COMMISSIONER AINGE, I HAVE REAL CONCERN, I THINK MORE TRANSPARENCY IS NEEDED IN OUR PROCESS. THERE ARE SOME RESIDENTS HERE TO SPEAK TO THIS. IF THEY WERE FOLLOWING THIS IN THE LAST SEVERAL WEEKS, THEY WOULD SEE THIS AGENDA ITEM IS REALLY JUST APPROVING ZONING CHANGES. WITH THIS ITEM BEING TIED TO AGENDA ITEM 7 SHOWS JUST HOW TIED THIS IS TO A PARTICULAR LOCATION. I AM SAYING THAT IF WE ARE GOING TO APPROVE A DEVELOPMENT, LETS APPROVE A DEVELOPMENT IN PUBLIC IN A TRANSPARENT WAY AND NOT IN AN ORDINANCE CHANGE. I AM OPPOSED TO THIS AND CONCERNED ABOUT THIS PRACTICE. IN THIS CASE I DO APPRECIATE THE COMMENTS ABOUT OTHER GENERAL APLICABILITIES. BUT I DO BELIEVE THE DRIVING FORCE WAS CONSIDERATION ON ONE DEVELOPMENT AND THAT IS SOMETHING THAT HAS HAPPENED IN THE PAST AND IS NOT A PRACTICE I FEEL COMFORTABLE WITH.

BRYCE ARMSTRONG, THE CONCERN BY MISS REEB WOULD BE ADDRESSED BY THE MAXIMUM ACERAGE THAT COULD BE USED IN A MINORITY PORTION. THE PROVISIONS IN PLACE WOULD PREVENT THAT TYPE OF SCENARIO. AGAIN, THERE IS NO USE THAT IS GOING TO BE ALLOWED IN THE MINORITY ZONE THAT DOESN'T ALREADY EXIST. THIS IS AN APPLICATION STAFF HAS IDENTIFIED PREVIOUS TO THE DEVELOPMENT APPLICATION THAT IS BEFORE YOU NEXT. STAFF IS GOING TO DO SOME CLEAN UPS THIS SUMMER AND THE APPLICANT WANTED TO EXPEDITE THAT BECAUSE OF THE NEED OF HIS APPLICATION. THIS IS SOMETHING THAT IS NEEDED. IF YOU ZOOM IN CLOSE ENOUGH TO EVERY PARCEL IN THE COUNTY YOU WOULD PROBABLY IDENTIFY A DISCREPANCY. THERE HAS TO BE A TOOL THAT ADDRESSES THESE SITUATIONS. THIS IS COMMON PLACE THROUGHOUT THE COUNTRY. THIS IS VERY RESTRICTIVE AND WE HAVE PUT IN A LOT OF REQUIREMENTS TO MAKE SURE YOU ARE NOT DOING ANYTHING THAT IS NOT ALREAD ALLOWED IN THAT ZONE AND ACTUALLY PROHIBIT SOME WITH OUT HAVING TO HAVE TO GO THROUGH THE ZONE CHANGE.

COMMISSIONER IVIE, SO FOR PERFECT CLARIFICATION, IN THIS PARTICULAR SENARIO THAT WAS OUTLINED, IF THERE WAS ADDITIONAL ACREAGE ADDED TO THIS PARCEL BECAUSE OF THE 10 ACRE RULE IT STILL WOULD NOT FALL. SO, IN THIS PARTICULAR CASE IT WOULD NOT MAKE A SPECIAL EXEMPTION FOR THE PARCEL THAT WAS JUST HIGHLIGHTED?

BRYCE ARMSTRONG, CORRECT, WE INCLUDED THIS ONE IN THE DATA. IN ADDITION, THIS IS A PLATTED LOT AND YOU CANNOT ADD LAND TO A PLOTTED LOT WITHOUT GOING THROUGH A STATE MANDATED PROCESS.

COMMISSIONER IVIE, FOR ME ONE OF THE GREATEST CHALLENGES OF LAND USE ORDINANCES IS THAT WE HAVE TO BE VERY CAREFUL THAT ON EITHER SPECTRUM WE DON'T TRY TO LEGISLATE SPECIFIC INCEDENCES, WE TRY TO LOOK AT THE WHOLE GOOD. THAT IS WHERE IT GETS TRICKY, WE CAN ALWAYS BRING INDIVIDUAL

CIRCUMSTANCES THAT CREATE CONFLICT. I TRY TO LOOK AT IT WHOLISTICALLY. NEED TO MAKE CHANGES TO MINIMIZE THAT RISK AND KEEP IT WITHIN OUR GENERAL LAND USE PRACTICES.

BRYCE ARMSTRONG, WE TRY TO LOOK AT THE IMPACT COUNTY WIDE. IF THERE IS A COMFORT LEVEL NOT THERE, WE CAN LOOK AT TIGHTENING UP THOSE LIMITATIONS. THIS IS A USEFUL TOOL COUNTY WIDE FOR PROPERTY USE FOR ZONING ALREADY IN PLACE.

COMMISSIONER IVIE, I AM LOOKING AT PARCELS IN WEST MOUNTAIN THAT THIS WOULD BENEFIT. BECAUSE A SMALL PORTION OF THEIR PROPERTY IS IN A RESTRICTIVE ZONE, THEY ARE EXTREMELY RESTRICTED ON WHAT THEY CAN DO WITH THEIR PROPERTY. WE RUN INTO THOSE PROBLEMS AS WE RUN ALONG CANAL LINES.

BRYCE ARMSTRONG, HISTORICALLY OUR STAFF AND LEGAL LOOKED AT THE CONFLICTING LANGUAGE AND REALIZED IT COULD BE A PROBLEM AND TOOK A STEP WHERE WE NEEDED TO ENFORCE THE MOST RESTRICTIVE ZONING IN PLACE.

COMMISSIONER LEE, PREVIOUSLY I HAD SOME PROBLEMS WITH THE PERCENTAGES THAT ARE NOW MODIFIED. WHY DID YOU CHOOSE 85 PERCENT?

BRYCE ARMSTRONG, IN OUR RANDOM SAMPLE DATA OF 70 PROPERTIES, WE TOOK THE AVERAGE OF MINORITY OF THEM. THAT ISN'T THE ONLY THE THRESHOLD THERE IS THE AVERAGE. OF THE 70 PROPERTIES, 40 OF THEM MET THE 15% THRESHOLD. OF THE 40 EIGHT MORE WERE ELIMINATED BECAUSE THEY HAD MORE THAN 10 ACRES. SO, OF THOSE ORIGINAL 70, 32 WERE NOT ABLE TO USE THE MAJORITY OF THE PROPERTY DUE TO MINORITY ZONE.

COMMISSIONER LEE, I APPRECIATE THE SAMPLE WIDE LOOK ACROSS THE COUNTY. THIS DOES HAPPEN WHERE AN ISSUE COMES UP AND WE HAVE ANALYZE AND TO LOOK AT IT AND SEE HOW IT WORKS ACROSS THE ENTIRE COUNTY. OTHERWISE WE WOULD BE DOING LEGISLATIVE SWINGING BACK AND FORTH ALL THE TIME BASED ON AN ISSUE OR APPLICATION THAT COMES BEFORE US.

COMMISSIONER IVIE, CLARIFICATION POINT, YOU MENTIONED ONLY ON THAT PORTION. SO, ON THESE SPLIT PARCELS YOU ARE NOT GOING TO BE ABLE TO CHANGE THAT MINORITY PART OR DO MORE THAN WOULD BE ALLOWED ON THE MINORITY PORTION.

BRYCE ARMSTRONG, CORRECT. FOR EXAMPLE, ON WEST MOUNTAIN YOU HAVE 8 ACRES IN A LOWER PORTION IN THE RA-5 ZONE AND 2 ACRES IN THE MINING AND GRAZING ZONE ABOVE THE CANAL. RIGHT NOW, THEY CANNOT PUT A HOUSE ON THE 8 ACRE PORTION BECAUSE OF THE REQUIREMENT ON THE MINORITY PORTION. WITH THIS PROPOSAL THEY COULD PUT A HOUSE ON THE RA-5 ZONE BUT COULDN'T PUT IT ABOVE THE CANAL.

COMMISSIONER IVIE, THAT IS ANOTHER PROTECTION WE ARE BUILDING INTO THIS TO PREVENT AGAINST ABUSE FROM DEVELOPMENT AND THAT IS ONLY ON THAT PORTION.

BRYCE ARMSTRONG, IN ADDITION WE BUILT IN SOME REGULATIONS TO PROTECT ENVIRONMENTAL CONCERNS ON WASTE WATER DISPOSAL. CONTINGUATING ANY APPROVAL ON THIS, ONE THING NEEDS TO BE CHANGED IN THE RED-LINE VERSION IN SUB SECTION I BRANDON FORGOT TO CHANGE THE 20 TO THE 15 PERCENT WITH A 10

ACRE CAP. HE DID SEND AN EMAIL WITH THE CLARIFICATION BUT THE VERY LAST SUB SECTION I STILL HAD THE 20 PERCENT.

JANICE REEB, THE QUESTION I WANT TO ASK IS, IT IS 10 PERCENT OF THE LARGER PARCEL AND IF THE LARGER PARCEL IS MADE LARGER THEN WOULD THAT NOT AFFECT THE PERCENTAGE OF THE LARGER PARCEL? THERE WAS NO INTENT HERE TO HAVE SITE SPECIFIC ZONING. IT JUST HAPPENED TO COME UP AT THE SAME TIME. I WOULD LIKE TO HAVE A FURTHER CONVERSATION WITH BRYCE BECAUSE I CANNOT FIGURE IT OUT.

BRYCE ARMSTRONG, THE 10 PERCENT IS THE OVERALL PARCEL SIZE. BOTH THE MINORITY AND THE MAJORITY JOINED TOGETHER. THE CATCHALL IS THE AMOUNT THAT CAN BE IN THE MINORITY ZONE. THE PARCEL WE LOOKED AT WITH MISS REEB WOULD NOT BE AFFECTED. THEY COULD ADD MORE LAND BUT BECAUSE OF THE 10 ACRE CAP,

BRENT BOWLS, HOBBLE CREEK RESIDENT, CONFUSED FROM MEETING A FEW WEEKS AGO. CHANGED WORDING AND THERE ARE TOO MANY QUESTIONS HERE. THERE IS NO TRANSPARANCEY OF WHAT THE PURPOSE OF THIS IS. I REQUESTED SOME CHANGE TO MY PROPERTY AND WAS TOLD TO FOLLOW REGULATIONS OR NOT TO BUILD. I WASN'T GIVEN THIS OPPORTUNITY A FEW YEARS AGO WHEN I WAS BUILDING.

COMMISSIONER LEE, WE PUBLISH THE RECOMMENDING MEMOS THE ZONING AND PARCEL SPREAD SHEETS, COMMISSION MEETINGS, STAFF REPORTS, AND A LOT OF INFORMATION ON THERE. HOPEFULLY YOU LOOK AT THAT. I DO NOT KNOW HOW WE CAN BE MORE TRANSPARENT WITH ALL THAT INFORMATION OUT THERE.

CAROL FERGUSON, HOBBLE CREEK RESIDENT, THE DOCUMENTATION WASN'T AVAILABLE TO US UNTIL MONDAY. THE LAST TIME I REQUESTED AN AGENDA FOR THE COUNTY COMMISSIONERS I WAS TOLD IT WOULD BE READY 24 HOURS BEFORE THE MEETING.

COMMISSIONER LEE, OUR OPTIONS ARE WE CAN LOOK AT IT, WE CAN MODIFY IT AND CHANGE ANY PERCENTAGES WE WANT IN THERE, WE CAN AMMEND WHATS IN THERE OR WE CAN ADOPT OR DENY.

COMMISSIONER IVIE, QUESTION TO COMMISSIONER AINGE, IS THERE ANY PART OF THIS PARTICULAR ORDINANCE THAT YOU HAVE AN ISSUE WITH THE VERBAGE OR JUST THE OVERALL CONTEXT?

COMMISSIONER AINGE, TO ME IT IS JUST MORE THE PROCEDURAL PART OF IT. THERE ARE NO RECOMMENDED CHANGES FROM ME TODAY.

COMMISSIONER IVIE, FOR ME MAKING THE MODIFIED CHANGES ADDRESSES CONCERNS THAT WERE EXPRESSED. ONLY APPLYING THE SPECIFIC PORTION; THE MAXIMUM ACERAGE THAT CAN BE SET AT THE 10 ACRES; CAPTURING THE PERCENTAGE. THESE BROAD CHANGES TO THE ORDINACE AND LAND USE POLICIES GRANTS GREATER OPPORTUNITY TO USE THEIR PROPERTY AS A WHOLE. AS REPRESENTATIVES WE NEED TO FIND BALANCE. TO PROTECT PROPERTY RIGHTS AND PROTECT LAND USE AND ENVIRIOMENT. I WILL BE IN FAVOR OF THIS ORDINANCE.

COMMISSIONER IVIE, MAKES MOTION TO ADOPT ORDINANCE WITH NOTED CHANGES IN SUB-SECTION I. COMMISSIONER AINGE SECONDS MOTION.

UTAH COUNTY BOARD OF COMMISSIONERS

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**VOTE: 2-1**

**AYE:**

**COMMISSIONER LEE**

**COMMISSIONER IVE**

**NAY:**

**COMMISSIONER AINGE**

9. APPROVE AN AUTHORIZE COMMISSION CHAIR TO SIGN AMENDMENT 8 TO AGREEMENT 2015-102 WITH UTAH DEPARTMENT OF HEALTH FOR THE ASTHMA PROGRAM.  
- Ralph Clegg, Health Department Executive Director -

**APPROVED AND AUTHORIZED REGULAR AGENDA ITEM 9 ON CONSENT**

10. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT WITH NEBO SCHOOL DISTRICT TO PROVIDE SCHOOL NURSES.  
- Ralph Clegg, Health Department Executive Director -

**APPROVED AND AUTHORIZED REGULAR AGENDA ITME 10 ON CONSENT**

11. APPROVE AND AUTHORIZE THE SIGNING OF ADDENDUM NUMBER 2 TO REAL ESTATE PURCHASE AGREEMENT (AXLEY-WAY).  
- Richard Nielson, Public Works Director -

**APPROVED AND AUTHORIZED AGENDA ITEM 11 ON CONSENT**

12. APPROVE AND AUTHORIZE SIGNATURE ON AGREEMENT WITH PMD X-RAY LLC, DBA PACIFIC MOBILE DIAGNOSTICS, FOR MOBILE X-RAY SERVICES  
- Dale Bench, Utah County Sheriff's Office -

**APPROVED AND AUTHORIZED REGULAR AGENDA ITEM 12 ON CONSENT**

13. ADOPT A RESOLUTION APPROVING AND AUTHORIZING THE SIGNING OF AN INTERLOCAL COOPERATION AGREEMENT BETWEEN EAGLE MOUNTAIN REDEVELOPMENT AGENCY AND UTAH COUNTY  
- David H. Shawcroft, Deputy Attorney -

**DAVID SHAWCROFT, DEPUTY ATTORNEY, THE STRUCTURE OF THIS AGREEMENT WOULD RESULT IN 60 % OF THE TAX INCREMENT BEING PROVIDED TO THE INTITY WITH CAP STATED IN DOCUMENT.**

**AARON SANDBORN, EXECUTIVE DIRECTOR, THIS IS A CRA FOR THE POLE KING AREA OF EAGLE MOUNTAIN FOR THE TYSON FOODS TO BE ABLE TO BRING IN THE INFRATRUCTURE NEEDED TO MAKE THIS PROJECT A REALITY. IN TOTAL A 300 MILLION DOLLAR INVESTMENT BY THE COMPANY ON 80 ACRES. THIS PROJECT IS LIMITED TO JUST THOSE 80 ACRES. THERE IS A 1.2 MILLION DOLLAR CAP FOR UTAH COUNTY IF WE MEET THAT BEFORE THE 20 YEARS IT WOULD EXPIRE AND WOULD NOT EXCEED THAT.**

**COMMISSIONER LEE, ASKED QUESTION, YOU HAVE A BASE YEAR AT 2018 AND THE TRIGER YEAR IS 2013?**

**AARON SANDBORN, ANSWERED, THERE IS A DIFFERENCE BETWEEN THE TAX YEAR AND WHEN IT ACTUALLY COMES OUT. TAX YEAR IS 2021, START CONTRUCTION THIS YEAR TO BE FINISHED IN 2023.**

COMMISSIONER LEE, I SAW THIS AGREEMENT AND ROAD AS CONNECTED TOGETHER. THAT AGREEMENT IS NOT HERE AND STILL NEEDS TO BE IN PLACE TO MOVE FORWARD. MAYBE WE SHOULD PUT THIS BACK IN THE 50% UNTIL WE HAVE THAT AGREEMENT IN PLACE. THERE ARE SOME LOOSE ENDS ON THAT. THE COUNTY DOESN'T WANT TO OWN THE ROAD. SECOND, ON THE SCHOOL DISTRICT THEY ARE AT 60% BUT THEY CONSIDERABLY HAVE A 10 ACRE PROPERTY THAT IS GOING TO BE GIVEN TO THEM. I DO NOT KNOW THE VALUE OF THE PROPERTY. THERE PERCENTAGE OVERALL IS GOING TO BE SIGNIFICANTLY LESS THAN 60%. I JUST WANTED TO POINT OUT THESE PERCENTAGE DIFFERENCES.

AARON SANDBORN, WE ARE IN THE PROCESS OF GETTING THE LANGUAGE DRAFTED FOR THE AGREEMENT ON THE ROAD. WE ARE PEICING TOGETHER ALL THE INFORMATION TO MAKE IT CLEAR FIND THE PATH OF WHERE IT IS GOING. AS FAR AS THE ADDITIONS FOR THE SCHOOL DISTRICT ASKED FOR THAT WAS A GOOD FAITH DONATION BY THE DEVELOPER. OTHER WISE THE SCHOOL DISTRICT WOULD HAVE BEEN COMING IN AT AROUND 15%. THAT WAS TO OFFSET SOME COSTS IN THE POLE KING AREA.

COMMISSIONER AINGE, ASKED QUESTION, THE SCHOOL DISTRICT IS A BIG FISH IN THIS, THEY WANTED TO PARTICIPATE AT A 15% LEVEL? AND THE PARTICIPATED AT 60% PLUS DONATION LAND?

AARON SANDBORN, ANSWERED, YES, THEY HAVE A POLICY ON THEIR BOOKS THAT STIPULATED THAT IS WHERE THEY WANT TO BE UNLESS THERE IS COMPELLING REASON TO OFFSET THE SCHOOL DISTRICTS COSTS. THE LAND DONATION WOULD OFFSET THE COSTS.

COMMISSIONER LEE, ASKED IF THERE WAS A CASH DONATION TO THEM AS WELL.

AARON SANDBORN, ANSWERED, THERE IS AN AGREEMENT WITH THE COMPANY TO DISCUSS OPPORTUNITIES TO ENGAGE IN THE COMMUNITY. NO DOLLAR AMOUNT ASSIGNED TO IT. BUT IT IS IN THE INTERLOCAL AGREEMENT TO MEET WITH SCHOOL DISTRICT ON AN ON-GOING BASIS TO DISCUSS PROJECTS. THEY WANT TO BE ENGAGED.

COMMISSIONER LEE, ASKED IF HAVE DONE THE INITIAL ANALYSIS WITH LAND AND POSSIBLE DONATIONS WHAT THAT PERCENTAGE IS?

AARON SANDBORN, WE HAVE NOT DONE THAT.

COMMISSIONER AINGE, I HAVE SOME SERIOUS THOUGHT ON THIS ISSUE. FOR ME IT IS A DIFFICULT ONE FROM A COUNTY PERSPECTIVE. I WOULD LIKE TO LAYOUT A COUPLE OF SIDES OF THE ARGUMENT. I WILL START WITH A POSITIVE. I DROVE OUT AND LOOKED AT THE SITE AND MET WITH A FEW MEMBERS OF THE CITY COUNCIL. ONE OF YOUR STRATEGIES IS TO INVITE COMMERCIAL AND EMPLOYMENT CENTERS. AND DIVERSIFY THE ECONOMIC BASE. SECONDLY, TRANSPORTATION IS A HUGE ISSUE TO RESIDENTS. THERE IS A LOT OF CONGESTION RIGHT NOW AND GROWTH IS SKY ROCKETING. ANOTHER BENEFIT OF THIS PROJECT IS THE STATE HAS WORKED TO ACCELERATE SOME TRANSPORTATION PLANS TO ACCOMMODATE THE PROJECT AND RESIDENTS. PLUS, POSITIVES OF A FORTUNE 500 AND FUTURE JOBS COMING INTO COMMUNITY. THE INFRASTRUCTURE WILL HELP THE COMMUNITY ONCE IT COMES IN. AND LASTLY, THE DOLLARS ARE RELATIVELY SMALL. THE CITY IS GENERATING \$11,000 A YEAR ON THESE EIGHTY ACRES. THE COUNTY IS GENERATING \$870 A YEAR. THOSE ARE MASSIVE TRADE OFFS. AFTER INCENTIVES BURN OFF IT IS UP TO \$120,000 PER YEAR GENERATED. THE SCHOOL DISTRICT AND CITY HAVE ALREAD APPROVED IT. THAT

MEANS 90 % OF THE TAX INCENTIVE IS ALREADY IN PLACE. I DO WANT TO SEE FUTURE DEVELOPMENT GO DIFFERENTLY THAN THIS. COMMISSIONER LEE MENTIONED THE SCHOOL DISTRICT IS A BIG FISH IN THIS. THERE IS ONLY \$13,000 BEING GENERATED. AND \$8,400 OF THAT IS THE SCHOOL DISTRICT. PROPERTY TAXES ARE NOT INCREDIBLY LOW AS COMPARED TO OTHERS IN THE STATE. THAT IS BECAUSE THE SCHOOL DISTRICT HAS GONE THROUGH THE TRUTH AND TAXATION PROCESS FOR CITY TAX AND MOST RESIDENTS PROPERTY TAX IS A COMBINATION OF THEIR CITY AND SCHOOL DISTRICT IN THE COUNTY. BUT IF YOU TALK ABOUT THE COUNTY PORTION OF THE TAX WE ARE BY FAR BELOW THE LOWEST IN THE STATE. I DID AN ALAYSIS, IF THIS PROPERTY WAS IN SALT LAKE COUNTY, IT WOULD BE GENERATING \$1700 COMPARED TO \$1300. NOT DRAMATIC DIFFERENCE BECAUSE THE SCHOOL DISTRICT AND CITY WOULD BE LESS THAN OURS BUT THE COUNTY WOULD BE CHARGING ALMOST FOUR TIMES MORE THE AMOUNT THAT UTAH COUNTY DOES. THE PROBLEM I HAVE IS FROM A COMPETITIVE END. WE ALREADY HAVE THE LOWEST TAX RATE SO WHY ARE YOU ASKING US FOR SUCH A BIG INSENTIVE? ALPINE SCHOOL DISTRICT MAY NEED TO GIVE INCENTIVES COMPARED TO OTHERS TO SAY THEY ARE THE MOST COMPETITIVE. WE DO NOT NEED TO. WE MAY WANT TO GIVE SOME FOR INFRASTRUCTURE BUT WE NEED TO LEAD WITH THE FACT THAT WE ALREADY HAVE INCREDIBLY LOW PROPERTY TAXES. THE LOWEST IN THE STATE AND WAY LOWER THAN OUR NEIGHBORS TO THE NORTH. I WANT US TO NEGOTIATE IN A DIFFERENT WAY GOING FORWARD.

COMMISSIONER IVIE, I SEE THIS AS A WIN. WE HAVE A TECH FACTOR BUT TO BRING IN FOOD MANUFACTURING IS WONDERFUL FOUR OUR COUNTY ECONOMY. I FULLY SUPPORT COMMISSIONER AINGES COMMENTS.

COMMISSIONER LEE, IT IS A GREAT ANALYSIS. THANK YOU FOR THAT. BRINGS UP A VALID POINT AND BRINGS UP THAT THEY ARE GETTING A BETTER DEAL. IT NEEDS TO BE WELL KNOWN THAT WHEN WE DO THE NEGOTIATION ON THE ROAD, WE ARE GOING TO NEGOTIATE PRETTY HARD AND GO AFTER THE BEST WE CAN GET FOR THE COUNTY. IT IS A GREAT WIN FOR EAGLE MOUNTAIN AND THE AREA OUT THERE.

AARON SANDBORN, I WOULD LIKE TO ADD THAT IN THIS FACILITY WILL GENERATE SOME SALES TAX FROM AN ONSITE EMPLOYEE CAFETERIA. OUR ANALYSIS SHOWS UTAH COUNTY WOULD RECEIVED OVER TWENTY YEARS APPROXIMATELY \$450,000. ON TOP OF THE PROPERTY TAXES.

COMMISSIONER IVIE MAKES MOTION TO ADOPT RESOLUTION ON REGULAR AGENDA ITEM 13. COMMISSIONER AINGE SECONDS MOTION.

VOTE: 3-0

AYE:

COMMISSIONER LEE

COMMISSIONER AINGE

COMMISSIONER IVIE

14. ADOPT A RESOLUTION CONSENTING TO THE APPOINTMENT OF ALEX ANTHONY AS A DEPUTY COUNTY RECORDER  
- David H. Shawcroft, Deputy Attorney -

APPROVED REGULAR AGENDA ITEM 14 ON CONSENT

15. APPROVE RELEASE OF LIEN RECORDED AGAINST PARCEL SERIAL NO. 52:126:0001  
-Terri Eisel, Utah County Attorney's Office -



UTAH COUNTY BOARD OF COMMISSIONERS

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**APPROVED ON CONSENT**

16. ADOPT A RESOLUTION APPROVING THE APPOINTMENT OF KIERSTEN SHELLEY AS A DEPUTY CONSTABLE  
- Bill Lee, Utah County Commissioner -

**APPROVED ON CONSENT – PER CONVERSATION AFTER MEETING KIERSTEN SHELLEY IS NO LONGER AN EMPLOYEE AND THIS AGENDA ITEM WILL NEED TO BE RESCENDED ON NEXT REGULAR COMMISSION MEETING ON JUNE 4, 2019.**

17. APPROVE AND AUTHORIZE SIGNATURE ON CONSENT TO TEMPORARY ASSIGNMENT AND ASSUMPTION AGREEMENT RELATED TO COMMISSARY SERVICES AT THE UTAH COUNTY JAIL  
- Matt Higley, Utah County Sheriff's Office -

**APPROVED ON CONSENT**

18. APPROVE AND AUTHORIZE COMMISSION CHAIR TO SIGN CROSSMATCH AGREEMENT FOR 2019  
- Dalene Higgins, Utah County Sheriff's Office -

**APPROVED ON CONSENT**

19. APPROVE AND RATIFY COMMISSION VICE-CHAIR SIGNATURE FOR CONTRACT WITH WATKINS GLOBAL STRATEGIES FOR UTAH COUNTY PUBLIC INFORMATION OFFICER  
-Ben Van Noy

**APPROVED ON CONSENT**

20. 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  
-Kristen Swensen
21. 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  
-Kristen Swensen
22. 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  
-Kristen Swensen
23. APPROVE AND SET A DATE, TIME AND LOCATION FOR CLOSED MEETING FOR A STRATEGY SESSION TO DISCUSS PENDING OR REASONABLY IMMINENT LITIGATION  
-Kristen Swensen

**WORK SESSION**

**NO WORK SESSION ITEMS WERE SUBMITTED**

**PUBLIC COMMENTS**

**NO PUBLIC COMMENTS**

**MOVED INTO CLOSED SESSION AT 12.22 P.M.  
CLOSED SESSION ENDED AT 1:15 P.M.**

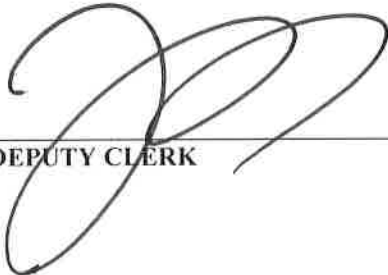
**MOVED BACK INTO REGULAR SESSION AT 1:15 P.M.**

**COMMISSIONER IVIE MAKES MOTION TO ADJOURN THE COMMISSION MEETING AT 1:16 P.M. COMMISSIONER AINGE SECONDS MOTION.**

**VOTE: 3-0**

**AYE:**

**COMMISSIONER LEE  
COMMISSIONER AINGE  
COMMISSIONER IVIE**

  
\_\_\_\_\_  
**DEPUTY CLERK**  
\_\_\_\_\_  
**BILL LEE, COMMISSION CHAIR**

In compliance with the Americans With Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during this meeting should notify Renee Caron at (801) 851-8111 at least three days prior to the meeting.

BOARD OF COMMISSIONERS FOR UTAH COUNTY  
ATTENDANCE SHEET  
May 21, 2019 at 9:00 a.m.

PRINT CLEARLY

Jelly Bury  
Name: Janice Leeb  
Paul Barron  
Carol Ferguson  
David Seaborn  
Kay Crosby  
Steve Thompson  
KIRK RASMUSSEN  
J Rasmussen  
Janice Leeb  
Andrea Allen  
H. R E E B  
Kalle G. Jaring  
Paul Jerome  
Aron Seaborn  
Richard A. White  
Leah A. White  
Vicky Westergaard  
Leah White  
Robt T Baxton  
Brian Voeks

Agency:

Recorder's Office

Elections

Eagle Mountain  
Eagle Mountain

Clerk/Auditor

Purchasing  
Commission



BOARD OF COMMISSIONERS FOR UTAH COUNTY  
ATTENDANCE SHEET  
May 21, 2019 at 9:00 a.m.

PRINT CLEARLY

Name:

Agency:

Asharon Thompson

Rod Petersen

Paul & Phil (Brent Bowles)

Stacy Crosby

Dale Rensch UCSO

Kyla S. Glade

Alicia Richer

Chuck Richards

Larry Seaborn

Alaina Seaborn

Mindi Nelson

Vicky Carter

Steve Carter

Pat Balli

Dalene Higgins

Dion Barron

Jennie Hyde

Robert Ferguson

UCSO



BOARD OF COMMISSIONERS FOR UTAH COUNTY  
ATTENDANCE SHEET  
May 21, 2019 at 9:00 a.m.

PRINT CLEARLY

Name:

Agency:

Mike Stolt

Rebecca Mawell

Ralph Clyy

Patty Cross

Franklin Stuber

Lisa Allsup

Tracy Tanner

Tom Westmoreland

Kim Jackson

CJC

Health

UCUD

Assessor's

Clerk Auditor

Eagle Mtn

Treasurer

