

BOARD OF COUNTY COMMISSIONERS, UTAH COUNTY, UTAH
PUBLIC MEETING MINUTES
May 20, 2020
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PUBLIC NOTICE IS HEREBY GIVEN THAT

THE BOARD OF COMMISSIONERS OF UTAH COUNTY, UTAH

WILL HOLD A PUBLIC MEETING IN THE COMMISSION CHAMBERS - ROOM 1400
OF THE UTAH COUNTY ADMINISTRATION BUILDING
100 East Center Street, Provo, Utah
May 20, 2020 - 03:00 P.M.

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

The public may participate electronically by calling (385) 323-8760

~COMMISSION MEETING MINUTES~

*Commissioner Ainge (chair), Commissioner Lee and Commissioner Ivie in attendance
Others in Attendance: See Attendance Sheet
(Meeting Called to Order: 3:05 pm)*

PRAYER/READING/THOUGHT: **Leah White**
PLEDGE OF ALLEGIANCE: **Member of Audience**

CONSENT AGENDA

1. APPROVE WARRANT SUMMARY FOR PAY PERIOD 2020-10
-Alice Black

APPROVED ON CONSENT

2. RATIFICATION OF WARRANT REGISTER FOR MAY 14, 2020 INCLUDING NOTES AND COMMENTS FROM
THE COMMISSIONERS AS RECORDED ON THE INTERNAL SYSTEM
-Alice Black

APPROVED ON CONSENT

3. RATIFICATION OF WARRANT REGISTER FOR MAY 21, 2020 INCLUDING NOTES AND COMMENTS FROM
THE COMMISSIONERS AS RECORDED ON THE INTERNAL SYSTEM
-Alice Black

APPROVED ON CONSENT

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4. APPROVE THE MINUTES FROM THE BOARD OF COMMISSIONERS OF UTAH COUNTY, UTAH MEETING THAT WAS HELD ON APRIL 15, 2020

-Alice Black

APPROVED ON CONSENT

5. APPROVE THE MINUTES FROM THE BOARD OF COMMISSIONERS OF UTAH COUNTY, UTAH MEETING THAT WAS HELD ON APRIL 29, 2020

-Alice Black

APPROVED ON CONSENT

6. TO APPROVE TAX CREDITS AND REFUNDS RECOMMENDED BY THE COUNTY TREASURER'S OFFICE IN CANCELLATION LETTER #20439

-Randilyn Warner

APPROVED ON CONSENT

7. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN THE CONSENT, RESIGNATION AND APPOINTMENT, AND THE ACCEPTANCE OF ADDITIONAL AUTHORIZATIONS AND DISCLOSURES DOCUMENTS TO FACILITATE THE TRANSFER OF THE UTAH COUNTY CUSTODIAL AGREEMENT FROM WELLS FARGO'S INSTITUTIONAL RETIREMENT AND TRUST TO PRINCIPAL FINANCIAL GROUP DUE TO PRINCIPAL'S PURCHASE OF THIS SEGMENT OF WELLS FARGO.

-Kim Jackson

APPROVED ON CONSENT

8. APPROVE AND AUTHORIZE THE SIGNING OF A GENERAL SERVICE CONTRACT BETWEEN ROCKY MOUNTAIN POWER AND UTAH COUNTY FOR A METERED STREET LIGHT AT PG CANYON ROAD AND TIMPANOGOS HIGHWAY FOR \$3,231.75 - VENDOR REQUIRES PAYMENT WITH SIGNED CONTRACT IN ORDER TO PROCEED WITH WORK.

-Richard Nielson

APPROVED ON CONSENT

9. APPROVE TAX CREDITS AND REFUNDS RECOMMENDED BY THE COUNTY ASSESSOR'S OFFICE IN CANCELLATION AND CORRECTION LETTER 307 DATED 05/14/2020

-Jim Stevens

APPROVED ON CONSENT

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10. APPROVE AND AUTHORIZE THE SIGNING OF A BID PROPOSAL FOR DISINFECTION SPECIALIST CLEANING THROUGH JULY 31, 2020 WITH RBM BUILDING SERVICES AT \$25.45 AN HOUR NOT TO EXCEED \$7,500.

-Richard Nielson

APPROVED ON CONSENT

11. APPROVE AND AUTHORIZE THE SIGNING OF AN AGREEMENT BETWEEN UTAH COUNTY AND COAST MACHINERY FOR TWO SPRAY RIGS WITH ADJUSTABLE SPRAY BOOMS FOR \$11,278.73.

-Richard Nielson

APPROVED ON CONSENT

12. APPROVE AND AUTHORIZE THE SIGNING OF AN AGREEMENT BETWEEN PEAK ASPHALT AND UTAH COUNTY TO PURCHASE CHIPPING OIL LMCRS-2 AT \$407 A TON AND CSS-1H AT \$265 A TON

-Richard Nielson

APPROVED ON CONSENT

13. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN THE NOTICE OF GRANT AND AGREEMENT AWARD WITH THE NATURAL RESOURCES CONSERVATION SERVICE FOR THE SPANISH FORK WATERSHED PLAN-EA PL-566.

-Richard Nielson

RICHARD NIELSEN, DIRECTOR OF PUBLIC WORKS – RECEIVED GRANT AND IT DOES NOT HAVE A MATCH COMPONENT. THIS IS FOR PLAN EA (ENVIRONMENTAL ASSESSMENT) FOR THE WATERSHED OPERATIONS THAT WAS REQUESTED. WORK WAS ORIGINALLY PART OF THE EMERGENCY WATERSHED PROTECTION APPLICATION. THIS PORTION WAS PULLED OUT BY NRCS AND THEY SAID TO PUT UNDER THE WATERSHED OPERATIONS DUE TO IT BEING A LONGER TIMEFRAME. THIS IS 100% FUNDED BY NRCS, APPROXIMATELY \$998,000.

COMMISSIONER IVIE: MOTION TO APPROVE

COMMISSIONER LEE: SECOND

AYE: ALL IN FAVOR

PASSED: 3/0

14. RATIFY THE SIGNATURE OF THE COMMISSION CHAIR ON THE AGREEMENT WITH ZOOM VIDEO COMMUNICATIONS INC.

-Brittany Bell

APPROVED ON CONSENT NOTING THIS IS TO BE PAID WITH COVID-19 FUNDS

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15. APPROVE AND ADOPT A RESOLUTION AUTHORIZING UTAH COUNTY PICK UP OF PUBLIC SAFETY AND FIREFIGHTER EMPLOYEE RETIREMENT CONTRIBUTIONS.

-Ralf Barnes

RALF BARNES, DIRECTOR OF HUMAN RESOURCES – GAVE A BRIEF SYNOPSIS OF SENATE BILL 56. WAS PASSED TO ENHANCE TIER 2 PUBLIC SAFETY BENEFITS FOR URS. IT INCREASES THE MULTIPLIER FROM 1.5 TO 2.0 AND ENHANCES THE DEATH BENEFIT FOR PUBLIC SAFETY OFFICERS IN TIER 2 TO 30% OF THEIR FINAL AVERAGE SALARY. THIS WAS BROUGHT TO THE LEGISLATURE IN HOPES OF IMPROVING THE ATTRACTION AND RETENTION OF LAW ENFORCEMENT OFFICERS. THE STATE WILL PICK UP THE EXTRA COST FOR THE STATE EMPLOYEES BUT ARE ASKING THE COUNTIES AND LOCAL GOVERNMENTS TO PICK UP THE EXTRA COST FOR THEIR AREAS. SPOKE ABOUT DIFFERENT OPTIONS AS TO HOW TO COVER THE COSTS.

COMMISSIONER AINGE COMMENTED ON THE STRUGGLES RIGHT NOW OF ATTRACTING NEW OFFICERS. DISCUSSED OPTIONS OF WHAT WOULD MAKE THE JOB MORE ENTICING – WOULD IT BE BETTER TO APPLY TOWARDS WAGES OR BENEFITS ENHANCEMENTS?

RALF BARNES – LOOKING AT BENEFITS PLAN, THE COUNTY IS TYPICALLY RICHER THAN WHAT YOU FIND IN THE PRIVATE SECTOR. FEELS THAT PUTTING THE INCREASE INTO WAGES IS RISKY BECAUSE THAT WOULD BEGIN AN EXPECTATION THAT YOU HAVE TO CONTINUE TO DO SO JUST TO STAY UP WITH INFLATION.

COMMISSIONER LEE – IN SUPPORT. FEELS IT GET US GOING IN THE RIGHT DIRECTION.

SHERIFF MIKE SMITH – IN AGREEMENT WITH COMMISSIONER LEE. FEELS THE PROBLEM IS WE ARE NOT ONLY COMPETING WITH THE COMMERCIAL MARKET BUT ARE ALSO COMPETING WITH OURSELVES. THERE ARE SO MANY PRESSURES GOING ON RIGHT NOW. STRONGLY FEELS THAT THIS NEEDS TO BE DONE TO STAY SOMEWHAT COMPETITIVE AND TO KEEP GOOD PEOPLE.

COMMISSIONER LEE: MOTION TO APPROVE AND ADOPT

COMMISSIONER IVE: SECOND

AYE: ALL IN FAVOR

PASSED: 3/0

16. APPROVE AND RATIFY THE SIGNATURE OF THE COMMISSION CHAIR ON A COMPROMISE, SETTLEMENT, WAIVER AND RELEASE AGREEMENT.

-Commission

APPROVED ON CONSENT

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REGULAR AGENDA

1. APPROVE AND AUTHORIZE THE SIGNING OF AN AGREEMENT BETWEEN UTAH COUNTY AND AMERICA'S FREEDOM FESTIVAL, INC.

- David H. Shawcroft, Deputy Attorney

AUTHORIZED ON CONSENT

2. APPROVE AND AUTHORIZE THE SIGNING OF A LEASE AGREEMENT BETWEEN UTAH COUNTY AND LEHI CITY FOR WILLOW PARK, WHICH IS LOCATED AT APPROXIMATELY 9800 WEST 300 NORTH IN THE CITY OF LEHI, UTAH.

- Robert J. Moore, Deputy Attorney

AUTHORIZED ON CONSENT WITH FINAL LEHI-APPROVED VERSION AND CONCEPT PLAN

3. APPROVE AND AUTHORIZE THE SIGNING OF AN AGREEMENT WITH ALLIED FOR THE DISPOSAL OF MEDICAL SHARPS.

- Ralph Clegg, Health Department Executive Director

AUTHORIZED ON CONSENT

4. APPROVE THE SIGNING OF A LETTER TO GET TRAINED UTAH RECONSIDERING THE APPROVAL OF AGREEMENT #2020-198.

- Ralph Clegg, Health Department Executive Director

AUTHORIZED ON CONSENT

5. APPROVE AND AUTHORIZE THE SIGNING OF MODIFICATION NO. 2 TO AGREEMENT 2016-116 FOR PEST MONITORING AND CONTROL SERVICES WITH UTAH RECLAMATION MITIGATION AND CONSERVATION COMMISSION.

- Ralph Clegg, Health Department Executive Director

AUTHORIZED ON CONSENT

6. APPROVE AND AUTHORIZE THE SIGNING OF A BUSINESS ASSOCIATE AGREEMENT WITH DOXY.ME LLC.

- Ralph Clegg, Health Department Executive Director

AUTHORIZED ON CONSENT

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7. APPROVE AND AUTHORIZE THE SIGNING OF THE PESTICIDE USE PROPOSAL WITH UTAH RELAMATION MITIGATION AND CONSERVATION COMMISSION.

- Ralph Clegg, Health Department Executive Director

AUTHORIZED ON CONSENT

8. APPROVE AND AUTHORIZE THE SIGNING OF AMENDMENT 1 TO #2020-95 WITH UTAH DEPARTMENT OF HEALTH FOR TB PREVENTION AND CONTROL.

- Ralph Clegg, Health Department Executive Director

AUTHORIZED ON CONSENT

9. APPROVE AMENDED TERMS AND CONDITIONS TO AGREEMENT #2020-304 WITH BIOMEDICAL SOLUTIONS.

- Ralph Clegg, Health Department Executive Director

AUTHORIZED ON CONSENT

10. APPROVE AND AUTHORIZE THE SIGNING OF AMENDMENT 1 TO #2020-248 WITH THE UTAH DEPARTMENT OF HEALTH FOR THE COVID-19 GENERAL RESPONSE.

- Ralph Clegg, Health Department Executive Director

AUTHORIZED ON CONSENT

11. APPROVE AND AUTHORIZE THE SIGNING OF AGREEMENT WITH ADAPT PHARMA, INC., FOR NALOXONE KITS.

- Ralph Clegg, Health Department Executive Director

AUTHORIZED ON CONSENT

12. ADOPT (OR DENY) AN ORDINANCE TO AMEND THE UTAH COUNTY ZONE MAP FROM THE CRITICAL ENVIRONMENTAL (CE-1) ZONE TO THE RESIDENTIAL AGRICULTURAL (RA-5) ZONE FOR PROPERTY ORIGINALLY PROPOSED TO INCLUDE APPROXIMATELY 120 ACRES LOCATED IN SECTION 21, T9S R2E, PAYSON CANYON AREA OF UTAH COUNTY .

- Bryce Armstrong, Community Development

BRYCE ARMSTRONG, COMMUNITY DEVELOPMENT – HAS BEEN BROUGHT BEFORE COMMISSION APPROXIMATELY A YEAR AGO FOR A REZONE OF PROPERTY AT THE MOUTH OF PAYSON CANYON. AT THAT TIME THE COMMISSION DETERMINED THEY WOULD APPROVE THIS SUBJECT TO A DEVELOPMENT AGREEMENT BEING ENTERED INTO WITH THE COUNTY AND ALL PROPERTY OWNERS AFFECTED. FOR SEVERAL REASONS IT HAS BEEN REQUESTED TO BE BROUGHT BACK FOR DISCUSSION:

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- **ONE OF THE SUBJECT PROPERTIES HAS BEEN ANNEXED INTO PAYSON CITY.**
- **THE TROYER'S HAVE INDICATED TO THE ATTORNEY'S OFFICE THEY ARE HAVING TROUBLE GETTING ONE OF THE PARTIES TO SIGN AND ARE WANTING TO KNOW THEIR OPTIONS.**

THIS IS IN COMPANIONSHIP WITH REGULAR AGENDA ITEM #17 WHICH IS THE ACTUAL DEVELOPMENT AGREEMENT.

COMMISSIONER AINGE – OPENED IT UP FOR ANY PUBLIC COMMENTS CONCERNING THIS ITEM (NO PUBLIC COMMENTS)

ROBERT MOORE, ATTORNEY'S OFFICE – DID NOT NOTIFY THE TROYER'S THAT THIS WAS GOING TO BE ON THE AGENDA. RECOMMENDED CONTINUING TO GIVE THEM A CHANCE TO SPEAK.

IF YOU REZONE THE PROPERTY, THE MINIMUM ACREAGE REQUIRED TO DEVELOP WOULD BE 9 ACRES AS OPPOSED TO 5 ACRES IN THE RA-5 ZONE. AN AGREEMENT WAS WRITTEN UP AND GIVEN TO MR. TROYER. HE TOOK IT AROUND TO PARTIES INVOLVED AND HE STATED THAT THERE IS ONE PROPERTY OWNER WHO IS UNWILLING TO SIGN OFF ON THE DEVELOPMENT AGREEMENT. WAS ALSO INFORMED THAT THE PROPERTY OWNER WHO IS NOT SIGNING OFF, IS ALSO TIED TO ANOTHER PIECE OF PROPERTY AS WELL WHICH MAY CAUSE AN ISSUE KNOWN AS A DECLARATION ZONING LOT WHERE TWO PIECES OF PROPERTY ARE TIED TOGETHER WHERE ½ IS SIGNED AND THE OTHER ½ IS NOT.

COMMISSIONER IVIE SUGGESTED TO CONTINUE THIS AGENDA ITEM TO GIVE THE TROYER'S A CHANCE TO COME AND SPEAK.

COMMISSIONER LEE – AGREED. ALSO NOTED THAT THE LAND TOTALS APPROXIMATELY 120 ACRES AND THE ONE THAT DOES NOT WANT TO SIGN IS ABOUT 6 ACRES.

COMMISSIONER LEE: MOTION TO CONTINUE TO NEXT COMMISSION MEETING

COMMISSIONER IVIE: SECOND

AYE: ALL IN FAVOR

PASSED: 3/0

(Robert Moore to contact Troyer's about continuation)

13. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AGREEMENT WITH SUSPECT TECHNOLOGIES

- Dalene Higgins, Utah County Sheriff's Office

AUTHORIZED ON CONSENT

14. ADOPT AN ORDINANCE AMENDING THE UTAH COUNTY GOVERNMENT FEE SCHEDULE ADOPTED IN BOOK FORM BY SECTION 2-1-6 OF THE UTAH COUNTY CODE BY ENACTING A DEPUTY SHERIFF SUPPLEMENTAL SECURITY SERVICES FEE.

- Lieutenant Yvette M. Rice, Utah County Sheriff's Office

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COMMISSIONER AINGE – FEELS THAT THIS SHOULD BE INCREASED A BIT. ALSO STATED THAT THERE IS ANOTHER ORDINANCE COMING CONCERNING THE PATROL SIDE.

YVETTE RICE, UTAH COUNTY SHERIFF’S OFFICE – THE FEE THAT HAS BEEN REQUESTED DOES COVER THE COST OF THE DEPUTY PROVIDING THE SECURITY. HOWEVER, THE OVERHEAD COMPONENT IS NOT FACTORED. PROBABLY NEED TO INCREASE THE FEE TO \$70/HR. FEELS THIS WOULD REASONABLY COVER THE COSTS FOR ALL LEVELS OF COMPLETING THE SECURITY PROCESS.

CONCERNING THE PATROL LAW ENFORCEMENT FEE – HAS BEEN A COUPLE OF YEARS SINCE IT HAS BEEN UPDATED. THAT CONTRACT FEE IS AT \$67.50/HR. THE DIFFERENCE BETWEEN THAT FEE AND THE SECURITY FEE COMES DOWN A VEHICLE THAT IS USED WITH PATROL AND NOT BY SECURITY. OTHER ENFORCEMENT FEES OUTSIDE OF THE SHERIFF’S OFFICE RANGE FROM \$75-100/HR.

MIKE SMITH, UTAH COUNTY SHERIFF – REQUESTED TO GO BACK AND TAKE A CLOSER LOOK AT ENFORCEMENT AND COME BACK AT NEXT MEETING AND PRESENT BOTH.

**COMMISSIONER IVIE: MOTION TO CONTINUE TO NEXT COMMISSION MEETING
COMMISSIONER LEE: SECOND
AYE: ALL IN FAVOR
PASSED: 3/0**

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

AUTHORIZED ON CONSENT

16. AUTHORIZE A STAFFING PLAN CHANGE TO DELETE A FULL-TIME, NON-EXEMPT, CAREER SERVICE PAYROLL ANALYST POSITION AND ADD A FULL-TIME, EXEMPT, CAREER SERVICE PAYROLL ADMINISTRATOR POSITION. [ACCOUNT NUMBER 100-41310; DELETE POSITION00918 AND ADD JOB CODE TBD TO M. FULLMER'S SUPERVISORY ORGANIZATION.]
- Merritt Fullmer, Human Resource Management

AUTHORIZED ON CONSENT

17. APPROVE AND AUTHORIZE THE SIGNING OF A DEVELOPMENT AGREEMENT FOR THE TROYER REZONE REQUEST LOCATED IN THE PAYSON CANYON AREA OF UTAH COUNTY, UTAH.
- Robert J. Moore, Deputy Attorney

**COMMISSIONER LEE: MOTION TO CONTINUE TO NEXT COMMISSION MEETING
COMMISSIONER IVIE: SECOND
AYE: ALL IN FAVOR
PASSED: 3/0**

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18. APPROVE AND ADOPT AN ORDINANCE ENACTING A PROCEDURE FOR CONDITIONAL WAIVER OF PENALTIES FOR LATE FILING OF CERTAIN SIGNED STATEMENTS OF PERSONAL PROPERTY
-Commissioner Lee

COMMISSIONER LEE – EXPLAINED THE ORDINANCE IN DETAIL. HOPING THAT THE TWO COMPONENTS OF THE ORDINANCE WILL ASSIST BUSINESSES AS THEY ARE WORKING THROUGH ISSUES DURING THIS HARD TIME.

ANTHONY LOUBET, ATTORNEY’S OFFICE – EXPLAINED THE PROCESS IN MORE DETAIL AND THE BENEFITS.

KRIS POULSON, COUNTY ASSESSOR - MAY 15TH WAS THE DEADLINE. HAD 75% OF BUSINESSES FILE. USUALLY WE ARE IN THE 80 PERCENTILE SO NOT FAR OFF. DEPARTMENT IS LEAVING THE WEB FILING OPEN FOR PEOPLE TO CONTINUE TO FILE GOING FORWARD AND DELAY THE COLLECTIONS. EVERYONE NEEDS TO FILE EVEN TO CLAIM THE EXEMPTION. THE EXEMPTION IS ALSO BEING EXTENDED.

JOSH DANIELS, CLERK/AUDITOR’S OFFICE – BECAUSE OF THE EMERGENCY, PEOPLE MAY NEED A DELAY IN PAYING THEIR PERSONAL PROPERTY TAXES, BUT ANY CHANGE TO TAX RATES, DOESN’T IMPACT PERSONAL PROPERTY TAX PAYMENTS FOR ANOTHER YEAR.

**COMMISSIONER LEE: MOTION TO APPROVE AND ADOPT
COMMISSIONER IVIE: SECOND
AYE: ALL IN FAVOR
PASSED: 3/0**

19. APPROVE AND ADOPT A RESOLUTION TRANSFERRING FUNDS BETWEEN DEPARTMENTS OF UTAH COUNTY (ASSISTANT DIRECTOR AT CHILDREN'S JUSTICE CENTER)
- Danene Jackson, Clerk/Auditor - Finance

REBECCA MARTELL, CHILDREN’S JUSTICE CENTER – DEPARTMENT RECEIVED NOTICE THAT THEY HAD OTHER FUNDING SECURED FOR THIS THROUGH THE STATE APPROPRIATIONS. LATER RECEIVED WORD THAT THEY CALLED A SPECIAL SESSION AND DURING THE SESSION THEY CUT ANY NEW FUNDING DUE TO BUDGET CUTS.

COMMISSIONER LEE – WOULD LIKE TO SEE A WAY TO APPROVE WITH THE NOTATION THAT WHEN IT COMES TIME FOR BUDGETS AGAIN, THAT WE CONTINUE TO LOOK FOR A FUNDING SOURCE.

COMMISSIONER AINGE – COMMENTED ON THE RISE IN THE PERCENTAGE OF CHILD ABUSE AND DOMESTIC VIOLENCE THAT THE COUNTY IS SEEING SINCE COVID-19 BEGAN.

REBECCA MARTELL – STATEWIDE NUMBERS FROM DCFS IS ABOUT 68%. COUNTY NUMBERS ARE ABOVE 50%. WHEN THE COVID PANDEMIC FIRST BEGAN, THE DEPARTMENT SAW A HUGE DECREASE IN ASSISTANCE AS PEOPLE BEGAN ISOLATION. AS THINGS CONTINUED AND ARE STARTING TO OPEN, ARE NOW GETTING A HUGE INCREASE IN CASES AND ARE IN DIRE NEED OF THE ADDITIONAL

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BUILDING TO BE ABLE TO ASSIST THOSE IN NEED WHILE MAINTAINING DISTANCING BETWEEN FAMILIES IN ORDER TO MEET THE DEMANDS OF THE COMMUNITY.

COMMISSIONER AINGE – IS SUPPORTIVE AND WANTS TO MAKE SURE THAT THROUGH THIS TIME, ESPECIALLY AS OTHER FUNDING GOES AWAY, THAT THESE SERVICES ARE AVAILABLE TO THOSE IN NEED AND THAT THESE EXTRA NEEDS ARE NOTED AS REQUESTED DUE TO COVID-19 ISSUES.

COMMISSIONER LEE: MOTION TO APPROVE AND ADOPT NOTING THAT IS FOR THROUGH END OF YEAR AND WILL BE BROUGHT UP FOR MORE DISCUSSION AT NEXT BUDGETARY PROCESS TO CONTINUE TO LOOK FOR FUNDING SOURCES TO FULFILL THIS LONG TERM.

COMMISSIONER IVIE: SECOND

AYE: ALL IN FAVOR

PASSED: 3/0

20. APPROVE AND RATIFY THE COMMISSION CHAIR'S SIGNATURE ON THE HOLD HARMLESS AGREEMENT WITH THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS.

-Clerk Auditor

AUTHORIZED ON CONSENT

21. TAKE ACTION TO REFER TO THE UTAH COUNTY PLANNING COMMISSION THE ADOPTION OF UTAH HOUSE BILL 297 "YURT AMENDMENTS" (2020) TO THE UTAH COUNTY ZONING ORDINANCE, CONCERNING YURT IMPLEMENTATION IN UTAH COUNTY.

-Nathan Ivie

COMMISSIONER IVIE – RECENTLY THE HOUSE PASSED HOUSE BILL 297 WHICH OPENED UP OPPORTUNITIES FOR THE UTILIZATION OF YURTS THROUGHOUT THE COUNTY. THIS PROPOSAL IS TO TAKE ACTION TO REFER TO THE PLANNING COMMISSION, LOOKING AT ADOPTIONS TO OUR COUNTY LAND USE ORDINANCES OF INCORPORATION OF THIS HOUSE BILL SO THAT WE ARE CONSISTENT WITH STATE LAW AND OPENING UP THESE PARTICULAR OPPORTUNITIES.

ROB MOORE, ATTORNEY'S OFFICE – ANTICIPATED THIS AMENDMENT. THE COUNTY COMMISSION PREVIOUSLY MADE SOME ADJUSTMENTS TO THE COUNTY CODE AND COUNTY LAND USE ORDINANCE. NEED TO MAKE A FEW MORE. BRYCE (COMMUNITY DEVELOPMENT) AND KIRK BERTELSEN (FIRE MARSHAL) HAVE BOTH DRAFTED AMENDMENTS. ROB HAS REVIEWED IT AS WELL AS A DRAFT OF THE ORDINANCE AND FEELS THEY LOOK GOOD. MAY MAKE A FEW ADDITIONAL SMALL ADJUSTMENTS. BESIDES GOING TO THE PLANNING COMMISSION, WILL HAVE TO BRING A MODIFICATION OF THE COUNTY CODE TO THE COMMISSION. WORKING WITH STEVE KITCHEN TO SEE IF ANYTHING IN THE BUILDING PORTION OF THE COUNTY CODE NEEDS TO BE MODIFIED.

COMMISSIONER IVIE: MOTION TO REFER TO THE UTAH COUNTY PLANNING COMMISSIONER

COMMISSIONER LEE: SECOND

AYE: ALL IN FAVOR

PASSED: 3/0

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22. APPROVE AND AUTHORIZE THE SIGNING ON A CONTRACT FOR EXPERT WITNESS SERVICES
- David O. Leavitt, Utah County Attorney

AUTHORIZED ON CONSENT

23. APPROVE AND AUTHORIZE THE SIGNING ON A CONTRACT FOR EXPERT WITNESS SERVICES
- David O. Leavitt, Utah County Attorney

AUTHORIZED ON CONSENT

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

COMMISSIONER IVIE: MOTION TO STRIKE
COMMISSIONER LEE: SECOND
AYE: ALL IN FAVOR
PASSED: 3/0

25. APPROVE AND SET A DATE, TIME AND LOCATION FOR A CLOSED MEETING FOR A STRATEGY SESSION TO DISCUSS THE PURCHASE, EXCHANGE, OR LEASE OF REAL PROPERTY, WATER RIGHTS, OR WATER SHARES (SUGGESTED FOR TODAY'S DATE, AT THIS LOCATION, FOLLOWING THE COMPLETION OF THE REGULAR AGENDA) (ANNOUNCE THE VOTE OF EACH COMMISSIONER)
-Alice Black

COMMISSIONER IVIE: MOTION TO SET A DATE, TIME AND LOCATION AS SUGGESTED
COMMISSIONER LEE: SECOND
AYE: ALL IN FAVOR
PASSED: 3/0

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

COMMISSIONER IVIE: MOTION TO SET A DATE, TIME AND LOCATION AS SUGGESTED
COMMISSIONER LEE: SECOND
AYE: ALL IN FAVOR
PASSED: 3/0

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27. APPROVE AND SET A DATE, TIME AND LOCATION FOR A CLOSED MEETING FOR A STRATEGY SESSION TO DISCUSS PENDING OR REASONABLY IMMINENT LITIGATION (SUGGESTED FOR TODAY'S DATE, AT THIS LOCATION, FOLLOWING THE COMPLETION OF THE REGULAR AGENDA) (ANNOUNCE THE VOTE OF EACH COMMISSIONER)

-Alice Black

COMMISSIONER IVIE: MOTION TO SET A DATE, TIME AND LOCATION AS SUGGESTED

COMMISSIONER LEE: SECOND

AYE: ALL IN FAVOR

PASSED: 3/0

PUBLIC COMMENTS

NO PUBLIC COMMENTS

(Moved to Work Session: 3:52 pm)

WORK SESSION

1. PRESENTATION ON WHITTEMORE ROAD BY RICHARD WHITE, AND SUBSEQUENT WORK SESSION DISCUSSION

-Nathan Ivie

RICHARD WHITE – TRYING TO COME TO AN AGREEMENT WITH THE COUNTY ON IF THE COUNTY SHOULD TAKE WHITTEMORE ROAD OR A PORTION OF THE ROAD AS A PUBLIC ROAD. FEELS IT IS NOT NECESSARILY A BENEFIT FOR THE COUNTY, BUT FEELS IT IS MORE OF AN OBLIGATION DUE TO HOW THE ROAD IS USED AND WHO IS FITTING THE BILL FOR THE ROAD MAINTENANCE. HE HAS A PIECE OF PROPERTY THAT IS OFF OF WHITTEMORE ROAD, JUST VACANT LAND. THERE ARE THREE HOAS THAT ARE OFF OF THAT ROAD (THE COTTAGES, UPPER WHITTEMORE AND SPRINGWOOD). THERE ARE NO APPROVED RESIDENCES IN SPRINGWOOD, MOSTLY CAMPING. WHITTEMORE HAS QUITE A FEW CABINS AND THEY UTILIZE THE ROAD HEAVILY IN WINTER AND SUMMER. THE COTTAGES UTILIZE THE ROAD AS WELL DURING WINTER AND SUMMER. ALSO, THE PUBLIC UTILIZES THE ROAD ALL YEAR ROUND FOR SNOWMOBILING, SNOW BIKING, HIKING, ETC. IN THE SHADOW MOUNTAIN AREA, THERE IS A CAMP FOR 5TH GRADERS THAT NEBO SCHOOL DISTRICT USES EVERY YEAR USUALLY TOWARDS THE END OF MAY THROUGH THE 3RD WEEK IN JULY. DURING THAT TIME, THEY USE THE ROAD HEAVILY WITH SCHOOL BUSES AND TRUCKS/VEHICLES GETTING SUPPLIES UP AND DOWN FROM THE CAMP. THE CAMP DOES NOT LIE IN ANY OF THE HOA'S THAT ARE ON THAT ROAD AND IT IS OUTSIDE OF THE WHITTEMORE HOA, BUT IT UTILIZES THE ROAD AND WATER SYSTEM. WHEN THEY DO THAT, THEY PAY HOA DUES TO WHITTEMORE. THAT GOES TO HELP MAINTAIN THE DIRT WHITTEMORE ROADS AND WATER THEY ARE USING. THE PAVED PORTION OF WHITTEMORE ROAD, WHITTEMORE HOA DOES NOT HELP MAINTAIN AT ALL, NOR DOES NEBO SCHOOL DISTRICT. NEBO SCHOOL DISTRICT SHOULD CONTRIBUTE TO MAINTAINING THAT ROAD. ROAD SHOULD BE TURNED OVER TO THE PUBLIC AND MAINTAINED BY THE COUNTY. ASKING THE COMMISSION TO HELP RESOLVE THE ISSUE.

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ROBERT MOORE, ATTORNEY'S OFFICE – IN 1990 IT BECAME A REQUIREMENT THAT IN ORDER TO HAVE A NEW DEVELOPMENT ON A PRIVATE ROAD, YOU HAD TO HAVE A ROAD MAINTENANCE AGREEMENT. PRIOR TO THAT, IT WAS NOT A REQUIREMENT.

RICHARD WHITE – THE COTTAGES HAVE APPROXIMATELY 35 LOTS, SPRINGWOOD HAS 80 LOTS, UPPER WHITTEMORE HAS OVER 120 LOTS. SO, YOU HAVE 200 LOTS THAT GET TO DRIVE ON A PAVED PRIVATE ROAD WITH NO OBLIGATION TO HELP MAINTAIN. THROUGH THE ORDINANCES, THE COUNTY HAS FORCED A ROAD THAT WAS PRIVATE AND PAID FOR BY 1 HOA TO BE USED BY 3 HOA'S AND THE PUBLIC. WE ASK THAT THE COUNTY TAKE OVER THE PAVED PORTION (APPROXIMATELY ¾ OF A MILE) AND AN ADDITIONAL 375 FEET (THAT WOULD BE PAVED) AS A PUBLIC ROAD. WILLING TO PAVE THE ADDITIONAL 375 FEET PRIOR TO TURNING IT OVER.

COMMISSIONER LEE – THIS CAME UP LOOKING AT DEVELOPMENT AND HOW DEVELOPMENT CAN HAPPEN, SO THERE IS A DEVELOPMENT COMPONENT. THE BEST AND EASIEST WAY IS FOR THE COUNTY TO TAKE OVER THE ROAD AND AGREES THAT IT ACTS AS A PUBLIC ROAD.

COMMISSIONER AINGE – BIGGEST HESITATION IS IT'S UNFORTUNATE THE NEIGHBORING PRIVATE PROPERTY LANDOWNERS CANNOT AGREE ON WHAT THE RIGHTS ARE. SOMETIMES THAT JUST NEEDS TO BE RESOLVED EVEN IF IT'S THROUGH LITIGATION. THIS IS SOMETHING THAT THE COUNTY COULD DO AND IS OPEN TO. IF THE COUNTY STARTS MEDIATING BETWEEN PRIVATE LANDOWNERS, ESPECIALLY IN TAKING OVER ROADS, IT TAKES ON AN INTERESTING PRECEDENT. ALSO AWARE THOUGH, THAT THIS HAS A VERY UNIQUE HISTORY.

JANICE REEVE, HOBBLE CREEK CANYON – THERE ARE EASEMENT AGREEMENTS AND MAINTENANCE AGREEMENTS WITH ALL OF THE SUBDIVISIONS. THE MAP FROM 1975-79 IS EXACTLY WHAT IS IN PLACE NOW AND THE LAW SAYS THAT FOR SAFETY REASON, IT IS NECESSARY TO HAVE 2 ACCESS EGRESS POINTS FROM EVERY SUBDIVISION. DISCUSSED CONCERNS OF THE WATERSHED. ALSO NOTED THAT THERE IS NOT A LEGAL WAY FOR BACK COUNTRY TO ACCESS AND DEVELOP. THE WATER COMING OUT OF WHITTEMORE CANYON IS HALF WHAT IT WAS. THAT MEANS DEVELOPMENTS THAT HAVE BEEN PUT IN PLACE WILL NOT BE AVAILABLE IN THE FUTURE BECAUSE THE PUMPING SYSTEM WILL NOT WORK. DOES NOT FEEL THAT MAKING THE ROAD A PUBLIC ROAD IS BENEFICIAL FOR THE RESIDENTS.

DEANNE BARRON, COTTAGES RESIDENT – FEELS THE COUNTY HASN'T FOLLOWED THROUGH ON THE ORIGINAL AGREEMENTS THAT THAT OTHER HOAS HAVE WITH THE COUNTY OF PROPERTIES ONLY BEING ALLOWED TO BE OCCUPIED 180 DAYS A YEAR. THESE PROPERTIES ARE BEING OCCUPIED 365 DAYS A YEAR AND SO THE MAINTENANCE THAT THE COTTAGES ARE REQUIRED TO DO ON THE ROAD IS 365 DAYS MAINTENANCE BECAUSE THE COUNTY ISN'T ENFORCING THE ORIGINAL INTENT OF THOSE PROPERTIES. FOR THIS REASON, SHE IS IN FAVOR OF THE COUNTY TAKING OVER THE ROAD.

2. ADOPT (OR DENY) AN ORDINANCE TO AMEND SECTIONS 5-17-F AND 5-17-J OF THE UTAH COUNTY LAND USE ORDINANCE RELATED TO THE INCLUSION OF SOLAR ENERGY OPERATIONS AS A PERMITTED CONDITIONAL USE IN THE GOSHEN VALLEY PLANNED COMMUNITY (PC) ZONE.

- Bryce Armstrong, Community Development

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BRYCE ARMSTRONG, COMMUNITY DEVELOPMENT – THIS IS A LAND USE ORDINANCE TO AMEND PORTION OF THE LAND USE ORDINANCE THAT DEALS WITH THE GOSHEN VALLEY COMMUNITY ZONE. IN 2009 THE COUNTY COMMISSION ADOPTED A NEW ZONE. GAVE A LITTLE HISTORY. THE PRESENT REQUEST IS TO ADD TO THOSE EXISTING USES THAT DO NOT INVOKE THE OVERALL DEVELOPMENT PLAN OF THE PC ZONE BUT ALLOWS THESE TO EXIST IN THE INTERIM. IT IS FOR A SOLAR GENERATION FACILITY WHICH IS WHAT IS TO BE DISCUSSED TODAY. THIS WOULD BE SUBJECT TO GOING THROUGH A CONDITIONAL USE PROCESS. NOTED THE AREA DESIGNATED AS PROPOSED BY THE APPLICANT IS LIMITED TO ONLY A PORTION OF THE PC ZONE. THE PLANNING COMMISSION RECOMMENDS APPROVAL. WAS UNANIMOUS AND STAFF FEELS IT’S CONSISTENT WITH THE GENERAL PLAN.

WES QUINTIN, AGRA RESERVES – THERE ARE APPROXIMATELY 3 PIVOTS THAT WOULD BE IMPACTED BY THIS SOLAR PLANT IF IT GOES IN. THE REST IS CURRENTLY IN GRAZING. ASKING FOR APPROXIMATELY 5,000 ACRES WITH APPROXIMATELY 2,600 ACRES THAT WILL GO INTO INDUSTRIAL SOLAR. LIMITED AS TO WHAT THEY COULD ASK FOR BECAUSE OF THEIR NON-PROFIT NATURE. THERE ARE SPECIFIC TAX REGULATIONS.

COMMISSIONER AINGE – STATED THAT SOME OF THE SOLAR PROJECTS THAT HAVE COME AND HAVE MADE INITIAL DISCUSSIONS HAVE ASKED FOR A TAX INCREMENT FINANCE TO ASSIST WITH FINANCING. IS SOMETHING HE HAS NOT BEEN SUPPORTIVE OF. INQUIRED AS TO IF THEY WILL BE ASKING FOR THIS AS WELL.

BRIAN HARRIS, LONG ROAD ENERGY – GAVE A LITTLE BACKGROUND OF COMPANY. ARE THE DEVELOPERS OF THIS PROJECT. THERE ARE MULTIPLE LARGE TRANSMISSION THAT RUN THROUGH THE AREA WHICH IS AN ATTRACTIVE AREA. GOOD SOLAR RESOURCE. THERE’S GROWING DEMAND FOR SOLAR ENERGY. WOULD LIKE TO SEEK TAX FINANCING FOR THIS PROJECT. THE PROJECT WILL BE COMPETING AGAINST OTHER PROJECTS AROUND AND OUTSIDE THE STATE.

COMMISSIONER IVIE – ACCORDING TO THE LATEST DATA, INQUIRED ABOUT WHETHER THE SOLAR MINIMUM WOULD AFFECT THE OUTPUT CAPACITY FOR SOLAR POWERED ENERGY SYSTEMS.

BRIAN HARRIS STATES HE ISN’T FAMILIAR WITH THAT.

COMMISSIONER AINGE – THIS WILL WEIGH IN ON THE DECISIONS MAKING. DEFAULT POSITION IS NO TAX INCREMENT FINANCING. THINKS THAT THERE ARE BUSINESSES THAT WANT TO COME HERE BECAUSE OF THE ATTRACTIVE TAX RATE ALREADY IN PLACE, THE TALENT POOL AND OTHER RESOURCES ALREADY MENTIONED. DOESN’T THINK THERE IS NEED TO OFFER ADDITIONAL INCENTIVES ABOVE AND BEYOND THAT. THIS YEAR A CHANGE WAS MADE AS TO HOW THE ECONOMIC DEVELOPMENT PROGRAM IS ADMINISTERED.

BRIAN HARRIS – STATED THAT THEY ARE IN A LEASE ARRANGEMENT WITH LONG ROAD SO THEY WILL MAINTAIN OWNERSHIP OF THE PROPERTY. LONG ROAD WILL MAINTAIN THE OWNERSHIP OF ALL THE IMPROVEMENTS.

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BRYCE ARMSTONG – WANTED TO MAKE A CLARIFICATION. THE APPLICANT WOULD NEED TO FOLLOW UP WITH THE NATIONAL CONDITIONAL USE APPLICATION FOR A SPECIFIC PROJECT TO THE BOARD OF ADJUSTMENT.

3. ADOPT (OR DENY) AN ORDINANCE TO AMEND SECTIONS 2-2, 7-2, AND 7-4 OF THE UTAH COUNTY LAND USE ORDINANCE RELATED TO REQUIREMENTS FOR GRADING, FILL, AND ASSOCIATED EXCAVATION ACTIVITIES.

- Bryce Armstrong, Community Development

BRYCE ARMSTRONG, COMMUNITY DEVELOPMENT – THIS IS A FOLLOW-UP AMENDMENT. THE COUNTY COMMISSION AMENDED THE COUNTY CODE SEVERAL MONTHS AGO TO ADOPT CHAPTER 32, THE STORMWATER REGULATIONS. THIS IS A FOLLOW-UP TO THOSE CERTAIN SECTIONS OF THE LAND USE ORDINANCE REFERRING TO GRADING AND FILL AND GRADING PERMITS. FAVORABLE RECOMMENDATION FROM THE PLANNING COMMISSION.

4. ADOPT (OR DENY) AN ORDINANCE TO AMEND SECTIONS 5-3, 5-4, AND 6-1 OF THE UTAH COUNTY LAND USE ORDINANCE RELATED TO THE ELIMINATION OF PLANNED UNIT DEVELOPMENTS AS A PERMITTED CONDITIONAL USE IN THE TRANSITIONAL RESIDENTIAL (TR-5) AND RURAL RESIDENTIAL (RR-5) ZONE.

- Bryce Armstrong, Community Development

BRYCE ARMSTRONG, PLANNING COMMISSION – THIS WAS AN ACTION THAT WAS REFERRED TO THE PLANNING COMMISSION BY THE COUNTY COMMISSION RELATIVE TO THE DEVELOPMENT TYPES THAT ARE PERMITTED IN THE RURAL RESIDENTIAL AND ARE RR-5 AND THE TRANSITIONAL RESIDENTIAL TR-5 ZONES SPECIFICALLY LOOKING AT PLANNED UNIT DEVELOPMENT. THE COUNTY HAS HAD AN RR-5 AND A TR-5 ZONE SINCE THE LATE 1970'S. THOSE ZONES HAVE SERVED DIFFERENT FUNCTIONS OVER THE YEARS AND HAVE ALLOWED DIFFERENT TYPES OF DEVELOPMENTS AND DIFFERENT FORMATS. AS THINGS HAVE PROGRESSED, IT'S BECOME CLEAR BOTH TO THE STAFF AND PERHAPS TO THE COMMISSION AS TO WHY THIS MAY HAVE BE REFERRED BACK INCLUDING CONDITIONS THAT MAY BE IN CONFLICT WITH THE COUNTY'S GENERAL PLAN POLICIES TO ENCOURAGE HIGHER DENSITY RESIDENTIAL GROWTH IN MUNICIPALITIES.

THE PLANNING COMMISSION RECOMMENDS ELIMINATING PLANNED UNIT DEVELOPMENTS IN BOTH ZONES.

(Work Session End Time: 4:55 pm)

(Closed Session Begin Time: 4:59 pm)

(Closed Session End Time: 6:38 pm)

(Reopen of Public Session Time: 6:39 pm)

Commissioner Ivie: Motion to adjourn

Commissioner Lee: Second

Aye: All in Favor

Passed: 3/0

Meeting Adjourned

(Meeting End Time: 6:39 pm)

**BOARD OF COMMISSIONERS FOR UTAH COUNTY
ATTENDANCE SHEET
MAY 20, 2020 - 3:00 p.m.**

PRINT CLEARLY

Name:

Agency:

Erin Dungen	PIO office
Carol Ferguson	County Resident
Jimi Evans	Friedenthal
Dion Barron	Home owner "The Cottages"
Sharon Thompson	Home owner
Rebecca Maxwell	CSC
Ryan Lynn	Hunts
Peter Dorrton	Emergency Management
Heather Lewis	Ut. Co. Health Dept.
Patrick Wanko	IT
Richard & Leah White	Route 160
Patty Cross	ucld
Robert Baxter	Provincy
Janice Reeb	County Resident
Richard Nielsen	UCPW

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DocuSigned by:

Nathan Ivie

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NATHAN IVIE

Commission Vice-Chair

Attest:

DocuSigned by:

Alice Black

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DEPUTY CLERK/AUDITOR