

BOARD OF COUNTY COMMISSIONERS, UTAH COUNTY, UTAH  
MINUTES OF PUBLIC MEETING  
COMMISSION CHAMBERS, ROOM 1400  
OF THE UTAH COUNTY ADMINISTRATION BUILDING, PROVO, UTAH  
July 28, 2004 - 5:30 PM

PRESENT:                   COMMISSIONER STEVE WHITE, CHAIR  
                              COMMISSIONER JERRY D. GROVER, VICE CHAIR  
                              COMMISSIONER GARY R. HERBERT

ALSO PRESENT:

Kent Sundberg, Deputy Attorney	Ben Stechler, Eagle Mountain City
Kim Jackson, Clerk-Auditor	Katie Stechler, Eagle Mountain City
Jim Tracy, Utah County Sheriff	Linda Sanders, Lehi City
Doug Witney, Utah County Sheriff's Office	Aaron Evans, Lehi City
Doug Holladay, Clerk-Auditor's Office	Marrrian Liddiard, Lehi City/Eagle Mountain
Jennifer Duffin, Lehi City	Mike Lamb, Orem City
Julie Waller, Lehi City	Lisa Eggleston, Lehi City
Michelle Kendall, Lehi City	Carly Heywood, Lehi City
Michele Stringam, Lehi City	Jessee Bore, Lehi City
Ann Davies, Lehi City	Sharon Voeks, Lehi City
Ty Davies, Lehi City	Brian Barker, Lehi City
Rick Turner, Lehi City	Marcie Alva, Eagle Mountain City
Kathy Hitz, Lehi City	Lori Le, Lehi City
Phil Hitz, Lehi City	Bonnie Clark, Lehi City
Loraine Carlton, Lehi City	Donald Clark, Lehi City
Wayne Carlton, Lehi City	Dustin Clark, Lehi City
Kim Southworth, Eagle Mountain City	Leslie Williams, Lehi City
Julie Adamic, Cedar Hills City	Josh Williams, Lehi City
David Adamic, Cedar Hills City	Beth Williams, Lehi City
Joe Shelton, Lehi City	April West, Lehi City
Edward R. Fransen, Lehi City	Paulette Conrad, Lehi City
Troy Carlton, Lehi City	Marilyn Coward, Lehi City
David Wayt, Lehi City	Laurie Meredith, Lehi City
Susan Patton, Lehi City	Tamara Call, Eagle Mountain City
Karen Ashman, Lehi City	Carolyn Mtie, Lehi City
Jill Clements, Lehi City	Frederick Lutze, Lehi City
Derrilee Thomas, Lehi City	Liz Dixon, Lehi City
Kim Price, Lehi City	Cathy Hughes, Lehi City
Kelly Anderson, Lehi City	Susan Wilson, Lehi City
Terry Smith, Saratoga Springs City	Frederick Lutze, Lehi City
Jennifer Webb, Eagle Mountain City	Darren Pack, Lehi City
Matthew Call, Eagle Mountain City	Marie Duston Lehi City
Barbara Petty, Orem City	Mike Jerman, Utah Taxpayers Association
Dora C. Schwarfold, Orem City	Linda Strickland, Commission Clerk
Tom Means, Public Defender Association	

Commissioner White called the meeting to order at 5:30 PM and welcomed those present. He indicated Commissioner Herbert would be arriving shortly. The following matters were discussed:

**AGENDA**

**1. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN ADDENDUM TO AGREEMENT NO. 2003-810 WITH THE UTAH COUNTY PUBLIC DEFENDER ASSOCIATION (Continued from the July 27, 2004 meeting)**

Kent Sundberg reported Tom Means with the Public Defender's Office had been working with Kent Willis in the Attorney's office and both were in favor of the addendum to the agreement. Commissioner Grover noted they need to know if any additional funds would need to be included in the mid-year budget. Mr. Means replied that they did not anticipate anything additional at this time and they understand the addendum is prorated to cover the rest of 2004. Commissioner Grover made the recommendation that negotiations begin immediately for the 2005 budget and asked if there was anything else the Board should be aware for that budget at this time. Kent Willis said there has been some discussion as to whether a new justice court will require separate negotiations. Kent Sundberg indicated another addendum could be brought back before the Board if necessary.

**Commissioner Grover made the motion to approve the addendum to Agreement No. 2003-810 as presented. The motion was seconded by Commissioner White and carried with the following vote:**

**AYE: Steve White  
Jerry D. Grover  
NAY: None**

AGREEMENT NO. 2004-376

Commissioner Herbert arrived at this time.

**2. APPROVE AND ADOPT A RESOLUTION AMENDING AND INCREASING THE 2004 UTAH COUNTY BUDGET IN THE COUNTY'S GENERAL FUND AND VARIOUS OTHER BUDGETARY FUNDS AND TO CONSIDER TRANSFERRING EXPENDED APPROPRIATION BALANCES FROM ONE DEPARTMENT TO ANOTHER DEPARTMENT IN THE SAME FUND (Continued from the July 13, 20 and 27, 2004 meetings)**

Doug Holladay reported he has completed all of the line items and the mid-year budget is ready for approval. There was a question of forbearance for the Substance Abuse mortgage which has been removed because the payment has already been made for this year. Commissioner Grover said he is not in favor of the \$9,000+ that has been moved to the Auditor's budget. Mr. Holladay explained \$2,000 of that amount was credit card fees, and \$7,069 was for remodeling in Kim Jackson's office. Commissioner Grover said he was not willing to give special attention to one department as they try to treat all department heads the same and the Public Works budget can handle any necessary painting or maintenance in the Clerk-Auditor's Department. Commissioner Grover asked that \$27,077 listed under Substance Abuse also be removed because that will be a 2005 line item. Kent Sundberg noted the date on the budget document should be updated and the word "recommended" should be changed to "approved".

**Commissioner Grover made the motion to approve and adopt a resolution amending and increasing the 2004 Utah County Budget in the County's General Fund and various other budgetary funds and to consider transferring expended appropriation balances from one department to another department in the same fund with the deletion of \$7,069 for remodeling in the Clerk-Auditor's office, and \$27,077 from Substance Abuse; and the corrections in Exhibit A as outlined by the Deputy Attorney. The motion was seconded by Commissioner Herbert and carried with the following vote:**

**AYE: Steve White  
Jerry D. Grover  
Gary R. Herbert  
NAY: None**

RESOLUTION NO. 2004-52

**PUBLIC HEARING**

**PUBLIC HEARING TO DISCUSS THE REPORT AND RECOMMENDATION OF THE AD HOC ADVISORY COMMITTEE APPOINTED TO REVIEW AND MAKE RECOMMENDATION ON A**

**REQUEST FOR THE CREATION OF A NEW SCHOOL DISTRICT FROM THE ALPINE SCHOOL DISTRICT**

Commissioner White opened the public hearing by requesting that all cell phones be placed on the silent or vibrator mode. He continued, the legislation that created the opportunity to form a new school district from an existing school district, 53-A-2-18, paragraph 2-B3, states that the Ad Hoc Committee is to make a report to the county legislative body in a public meeting on the committee's activities, together with a recommendation on whether or not to create a new school district. That meeting took place on June 29, 2004. It next states the county legislative body shall provide for a 45-day public comment period on the report. That comment period will end on August 13, 2004. He indicated written comments are welcome and he has read the comments that have already been sent. Commissioner White said within 14 days (August 24<sup>th</sup>) after the end of the 45-day comment period, the county legislative body shall vote on the creation of the proposed new district. The purpose of tonight's meeting is not to vote on creating a new district but to take public comment on the report only. If the proposal is approved by the majority of the county legislative body, the matter will be placed on the ballot. He added, they will allow three minutes per speaker, they would like the speaker to reference the part of the report they talking about, and they are not here for public clamor, ie., applauding, arguing, etc. They are here to learn what the public comments are. They are also asking for new information, so they ask that the speakers not be redundant.

Julie Waller, from Lehi; addressed statements made by David Cox during the June 29, 2004 meeting where he made the comment that he did not intend to have the new school district run the same as the old school district. She said she had asked him for his ideas on how the new district should be run and he replied he had not worked out the details. She expressed concern that he had started the legislation allowing the new district four years ago, but still did not have a business model.

Michelle Kendall, Lehi; noted that 2 ½ years ago they paid \$3,800 a year for property tax. The property tax increased to \$4,200 after they bonded for a new school. Her other concern regarded Commissioner Herbert's comments at the previous meeting that this might be a benefit to some people in Lehi, but detrimental to others. She felt the costs should be fair to all of the school district. Commissioner Grover explained the law clearly states that the vote would require a favorable vote from the majority of voters in the new area as well as those remaining in the old area in order to create a new district. Ms. Kendall expressed concern that putting the matter to a vote may create problems between the cities of Lehi and Orem.

Jennifer Duffin, Lehi; said if this was to go to vote, would the entire county vote on it and Commissioner Grover replied "No", it would be determined by the vote of the proposed Pioneer District as well as the remainder of the Alpine School District. Ms. Duffin noted the Ad Hoc Committee voted 5 to 1 against creating the new district and the comments she has heard regarding the idea were negative. Commissioner Grover observed that the Board had heard from a large number of people who wanted the study made and one of the petitioners and a member of the school district was included in the committee as per law. Ms. Duffin reiterated this was a big concern to her and many others.

Michele Stringam, Lehi; indicated that in one of the Ad Hoc Committee's meetings, they agreed that having a new district would be difficult for the first 5-10 years. She said she wasn't so much against splitting the district as she was the timing. Statistics show that a home with a value of \$250,000 would support one child per school district. She said most of the homes in the area are below that value and several have more than one child, plus the proposed new district does not have the commercial base to help with this. She believed that splitting the district would be a great idea in the future; however, there is no rush and no reason why it can't wait a few years until the commercial base increases. She expressed concern that the majority voting on this issue would not know all of the facts and approving the district would create a struggle for all involved.

Ann Davies, Lehi; reported she has talked with many people who signed the petition and they all indicated they signed it because they thought this would help them get a new high school and that it was for a feasibility study only. They never would have signed the petition had they known it would get to this point. Ms. Davies said she is one of the people who organized the petitions against the split and 85% to 90% are against it. She said she is not worrying about the vote passing based on its merits; however, her fear is that people will vote for the split when they learn their property taxes may decrease. She asked the Board to consider the BYU Study and the Ad Hoc Committee's recommendation and not put this matter on the ballot.

UTAH COUNTY BOARD OF COMMISSIONERS

MINUTES - July 28, 2004

Page 4

Rick Turner, Lehi High School Community Council; reiterated the Ad Hoc Committee had recommended against the district split. The main concern is to keep people working together and the economic impact would not be good for the area. His recommendation was to have the Community Councils work together to accomplish what is needed without splitting the district. Commissioner White stated the process is good because it teaches everyone the political process involved.

Wayne Carlton, Lehi; said he had attended some of the Ad Hoc Committee meetings and the five members voting against the split based their decision on the 40% property tax increase. Another issue that wasn't addressed was the impact this would have on the cities of Lehi, Saratoga Springs and Eagle Mountain. Lehi City is very active in seeking economic development; however, it will be very difficult to get commercial development in those cities with the large property tax that would be implemented. He stressed the fact that a 40% property tax increase does not make sense at this time.

David Adamic had signed the speaker roll, but indicated his concerns had already been addressed.

Susan Patten, Lehi Business Owner and teacher; stated the business owners cannot shelter this kind of tax increase and it would be a deterrent to new businesses. A lot of the teachers have worked for the Alpine School District for many years and have worked hard for the benefits they have. The teachers in the new district would have to begin again on the wages and benefits but the biggest losers would be the children because the class sizes would increase. She continued, she had also talked with David Cox who didn't have the answers to many of her questions.

Karen Ashmond, Lehi Eagle Crest Elementary School PTA President; indicated she is representing many people and addressed the vote from the Ad Hoc Committee. She noted one person was in favor and one person did not vote. Commissioner Grover said the vote was not as to whether the matter should be placed on the ballot; but rather that they did not believe the district should be split. Ms. Ashmond provided a copy of the editorial in the Salt Lake Tribune which expressed the opinion that this matter should not be placed on the ballot.

Jill Clements, Lehi; said if the district is split, Eagle Crest Elementary School will immediately gain 600 more students. These children were moved from Eagle Crest to Freedom Elementary School due to overcrowding and these students would immediately come back if the split occurs. She asked how the new district will get the necessary bonding for new schools without the financial and commercial base.

Jennifer Webb, Lehi; said she read the Ad Hoc Committee report and it touted this would be a way to increase children's education when in fact it would decrease education. She expressed the opinion that the petition gatherers played on the emotions of frustrated parents who thought it was a petition for a new school. Ms. Webb stated she has yet to see any benefits that the split would make at this time. If the split won't create better education opportunities, it would be irresponsible to move ahead with it at this time. She asked that the Board support the Ad Hoc recommendation.

April West, Lehi; indicated she is also one who helped with the petition against the district split. She expressed the opinion that this is a poorly written law and the Board of Commissioners would be the only saving grace by not putting the matter on the ballot. Ms. Dixon continued, they are all taking this personally because it affects them personally; and they are holding the commissioners responsible for the outcome. She said David Cox has written a check and all of them are being asked to pay for it.

Liz Dixon, Lehi; wondered if David Lifferth, who didn't vote, was opposed to the creation of a Pioneer District and placing the matter on the ballot. She said while she supports the right of people to vote on issues, she believed placing this issue on the ballot would be divisive. Many who signed the original petition never intended that it would go on the ballot. Ms. Dixon added, David Cox had agreed this matter would probably never be placed on the ballot, so it could only be divisive. This will have an economic impact, but the biggest cost will be for the children. She asked that the matter not be placed on the ballot.

Cathie Hughes, Lehi homeowner, teacher and parent of autistic child; said she signed Mr. Cox's original petition because she had been led to believe it was a feasibility study and the study has proven the split would not be feasible. As

UTAH COUNTY BOARD OF COMMISSIONERS

MINUTES - July 28, 2004

Page 5

restitution for signing the initial petition, she has gone door to door with the new petition against the split. The people she has talked with are outraged that this might go on the ballot. She continued, Mr. Cox had said special education may be cut in the new district which would have a serious impact on children like hers. Commissioner Herbert asked why so many people were outraged and Ms. Hughes replied because the petition was represented to people to only be a feasibility study for a split and they did not know how far it would go.

Susan Wilson, PTA Council from Lehi to Cedar Fort; said she has talked with every PTA president and Board and none support this. They fear they will not get the experienced teachers because the pay will be less as the new district will not have the funds for wages and benefits. They also felt the schools would be in danger. She talked with many parents

who never believed the petition would get to this point and they are banking a lot on the commissioners' decision. She asked that the matter not be put on the ballot because supporting the split would not be beneficial at this time.

Barbara Petty, Orem; said she was disappointed and concerned about the threatening statements against the Board of Commissioners. She indicated she represents many people from Orem and she came with a list of people living in Orem, Lindon, Pleasant Grove and American Fork who are in favor of the split. She said there are many other cities in the Alpine School District and the concern they have is that the study doesn't discuss local control. She expressed the opinion that many people present were in favor of the split, but were reluctant to speak. Ms. Petty added, many people are losing their jobs because they don't accept the control of the Alpine School District. The parents, teachers and children need to be happy but they are not getting any satisfaction from the district. She said it is never irresponsible to put issues on the ballot to get the voice of the people. Many studies indicate that smaller school districts give the parents more control over important issues. She expressed her opinion that people are making presumptions on unknown facts; Alpine School District is a heavy expensive district whose administrators have large salaries; and it would be outrageous if this matter is not put on the ballot.

Mike Jerman, Utah TaxPayers Association; stated this is really a Utah County issue, not just an Alpine School District issue. He said the county should be a low tax zone, not a high tax zone and this would impact the entire county. He questioned whether bad ideas should be placed on the ballot, because soon people would just assume all initiatives placed on the ballot were bad. Commissioner Grover asked if the Taxpayers Association believed all initiatives were bad and Mr. Jerman replied "no", but some were. He agreed that Utah County has been very fiscally responsible.

Joe Shelton, Lehi; said the impact on the teachers is not an unknown. For example, he said he had to negotiate with the Alpine School District for over five years to get a Reduction in Force policy. Mr. Shelton said it is a fact that the teachers will lose money because there will be too many other places for the money to go. In addition, the teachers in the new district would have to renegotiate all benefits, Commissioner Herbert said it had been his belief that the proceeds from the 40% increase in property taxes would be for teachers and resources. Mr. Shelton said most of this would go for construction. He added, for many years the north end of the county has helped Orem with growth by way of bonding support and now they need help from those areas with the growth in the northern end of the county.

Sharon Voek, Lehi; indicated she is one of the minority. When she came to the meeting on June 29<sup>th</sup>, she had understood the tax increase over several years would be \$485 if the district split. This would only be \$12.00 per year. It was explained it would be \$12.00 per \$1000 of value. Ms. Voek said she saw all of the power in the district as she has contacted the school board on many occasions regarding investigative math and her concerns have not been resolved. She expressed the belief that the district should have less power and splitting the district was one way of accomplishing this. Ms. Voek said this matter should be placed on the ballot to give the people the right to choose and a new school board would give people more satisfaction.

Marianne Liddiard, Lehi; noted that national scores for Alpine School District are extremely high and she is wondering what is wrong with that. She felt she has a lot of control over what goes on in the district and she was not in favor of splitting the district. Ms. Liddiard indicated she also has an autistic child who has received a great deal of help through the district and they worry about a new district not having the funds necessary for the education of special needs children.

UTAH COUNTY BOARD OF COMMISSIONERS

MINUTES - July 28, 2004

Page 6

Frederick Lutze, Lehi; indicated he had signed the petition with the idea was for a feasibility study. He did not support splitting Lehi from the rest of the school district and believed there would be many problems, one being busing. He said now is not the time for a split.

Paul Williams, Lehi; asked what prior obligations would fall within the new district and would this mean that Orem wouldn't help Lehi in bond issues. Commissioner Grover said they would go against the bonds and it has to be the majority of the new district as well as those remaining. Mr. Williams asked if those in the new district would have the burden of paying off the schools which have already been built and said he believed this would turn into a divisive initiative if it came to a vote.

Eric Frandson, Lehi homeowner and professional economist; indicated he personally had required 700 names on the petition against the split. These signatures are primarily from retired senior citizens who are concerned about increased taxation. He said the 40% property tax increase is unacceptable because citizens would be unable to sell their homes, business owners would have to raise their prices and new businesses would be reluctant to move into the area. He felt the businesses would move to Salt Lake County instead and the split would bankrupt Northern Utah County Cities if this is approved by a vote.

Darren Pack, Lehi; asked about the boundaries, indicating that nobody has been able to tell him why they were split like they were. He called Mr. Cox regarding this matter and was told this was just the easiest way. He said while he wasn't totally opposed to the idea of splitting the district, why not include some of the areas that already have a taxbase in the new district. He said he does not support splitting the district as it is now and expressed the hope that the Board will take the comments into consideration.

Craig Carlton, Lehi; said he wanted to talk about what would happen to the children. Proponents for the split have a web site that states the children will have better test scores with a smaller district, but this is not necessarily true. School districts in other states are actually combining smaller districts. Proponents use Cherry Creek, Colorado as an example of the benefits of smaller school districts; however, they don't mention that Cherry Creek is the technical area for Denver, Colorado with a huge tax base.

Aaron Evans, Lehi; said there is a lot of frustration about this matter being placed on the ballot. Alpine School District is one of the largest school districts per student and one of the best in education in the state and throughout the nation. Why split it. He said they don't solve problems by running away and they need to take responsibility over the school board if they don't like the way it operates. He agreed the majority is against placing this on the ballot.

Marie Duston, Lehi; said people who favor the split are people who have problems with the district. She said she is a former teacher and felt the Alpine School District was a great district.

Commissioner Grover asked for a count of hands for teachers, homeowners, how many would be located in the new district and how many were parents. It was determined that all who were present at that time were in the proposed new district.

**Commissioner Grover made the motion to close the public hearing to discuss the report and recommendation of the Ad Hoc Advisory Committee appointed to review and make recommendation on a request for the creation of a new school district from the Alpine School District. The motion was seconded by Commissioner Herbert and carried with the following vote:**

**AYE: Steve White  
Jerry D. Grover  
Gary R. Herbert**  
**NAY: None**

Commissioner White reminded those present that the comment period will continue until August 15, 2004 and Commissioner Grover said the comments should be submitted to Utah County, not the Alpine School District. The question was raised as to whether a record was kept of all comments made by telephone and the Board said it would be

UTAH COUNTY BOARD OF COMMISSIONERS

MINUTES - July 28, 2004

Page 7

best to have the comments in written form. They said a final decision by the Board will be announced during the August 24<sup>th</sup> regular commission meeting. Commissioner Herbert thanked everyone for attending the meeting. He said he was surprised about the outrage that came out about this issue and expressed concern over some of the personal comments made about David Cox. While he felt the legislation could have been written better, he felt that Representative Cox's motivation was to give the people a stronger voice in the district. Commissioner Herbert agreed the geography is an important issue and he is very concerned with the divisiveness of the matter. He stressed the fact that they need to make a decision that will be best for the children, but they won't make that decision until after the end of the comment period.

**PUBLIC COMMENTS**

There being no further business nor public comments, the meeting adjourned at 7:40 PM. The minutes of the July 28, 2004 Commission meeting were approved as transcribed.

-----  
STEVE WHITE  
Commission Chair

ATTEST:

-----  
KIM JACKSON  
Utah County Clerk-Auditor

COPIES AVAILABLE UPON REQUEST  
RECORDED BY: Linda Strickland