

BOARD OF COUNTY COMMISSIONERS, UTAH COUNTY, UTAH
MINUTES OF PUBLIC MEETING
COMMISSION CHAMBERS, ROOM 1400
OF THE UTAH COUNTY ADMINISTRATION BUILDING
April 22, 2014 - 9:00 A.M.

PRESENT: COMMISSIONER GARY J. ANDERSON, CHAIR
COMMISSIONER LARRY A. ELLERTSON, VICE-CHAIR
COMMISSIONER DOUG WITNEY

ALSO PRESENT:

Jeffrey R. Buhman, Utah County Attorney	Richard Nielson, Utah County Public Works Director
David Shawcroft, Utah County Deputy Attorney	Jeff Smith, Utah County Recorder
Paul Jones, Utah County Deputy Attorney	Andrea Allen, Utah County Recorder's Office
Bryan E. Thompson, Utah County Clerk/Auditor	James O. Tracy, Utah County Sheriff
Scott C. Hogensen, Chief Deputy Clerk/Auditor	Mike Forshee, Utah County Sheriff's Office
Vicky Westergard, Clerk/Auditor's Office - Tax Admin.	Dalene Higgins, Utah County Sheriff's Office
Julie Rollins, Utah County Purchasing Agent	Wally Perschon, Utah County Sheriff's Office
Jim Stevens, Utah County Assessor's Office	Peter Quittner, Utah County Sheriff's Office
Peggy Kelsey, Community Development	Gary Ratcliffe, Utah County Surveyor
Dr. Joseph K. Miner, Health Department Exec. Director	Cary McConnell, Utah County Treasurer's Office
Steve Mickelson, Utah County Health Department	Cameron Gunter, P.E.G. Development, LLC.
Bonnie Hardy, Utah County Health Department	Eldon A. Neves, Citizens for Rural Utah
Richard Nance, Drug&Alcohol Prevention&Treatment	Mike Stansfield, Fairways Media
Lana Jensen, Utah County Personnel Director	Renée Huggins-Caron, Clerk/Auditor Admin. Assist.

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

PRAYER/READING/THOUGHT: Larry A. Ellertson, Utah County Commissioner

PLEDGE OF ALLEGIANCE: Paul Jones, Utah County Deputy Attorney

PUBLIC HEARING

PUBLIC HEARING TO DISCUSS THE POTENTIAL SALE OF PARCELS OF REAL PROPERTY OWNED BY UTAH COUNTY, CONSISTING OF PROPERTIES IDENTIFIED AS TAX SERIAL NUMBERS 58:037:0046, 58:037:0047, AND 58:037:0050, LOCATED AT OR NEAR 314 SOUTH SARATOGA ROAD, SARATOGA SPRINGS, UTAH AND COMMONLY KNOWN AS INLET PARK (*Public Hearing set April 7, 2014*)

Commissioner Anderson summarized that Utah County's Inlet Park is being considered for transfer to Saratoga Springs, as the city often uses it for recreational purposes. He discussed the parcels with Utah County Deputy Attorney Paul Jones, who clarified that the areas included as part of this Public Hearing are identified by the color blue. When Commissioner Anderson indicated that the green areas should also be included, Mr. Jones noted that a separate Public Hearing would need to take place and the Board indicated that they would like to move forward with that action.

Utah County Public Works Director Richard Nielson provided more details regarding the transfer of property to Saratoga Springs, noting that the agreement calls for the city to maintain the area as a trail and park for public use. If the city attempts to modify the function of the area, it would revert to county ownership. Commissioners Witney and Ellertson asked for details regarding location and Mr. Nielson complied. Paul Jones explained the Public Hearing requirements as defined by Utah County Code. Commissioner Anderson invited any members of the public with comment to step forward, and none approached the bench. Commissioner Ellertson and Mr. Nielson confirmed that the city is in favor of this action.

Commissioner Witney made the motion to close the public hearing to discuss the potential sale of parcels of real property owned by Utah County located at or near 314 South Saratoga Road, Saratoga Springs, Utah and commonly known as Inlet Park as specified on the agenda. The motion was seconded by Commissioner Ellertson and carried with the following vote:

AYE: Gary J. Anderson
Larry A. Ellertson
Doug Witney
NAY: None

CONSENT AGENDA

1. TAKE ACTION TO SET A PUBLIC HEARING FOR THE PROPOSED AGRICULTURE PROTECTION AREA SUBMITTED BY SOUTH SHORE FARMS, LC. FOR 878.713 ACRES LOCATED IN SECTIONS 9, 10, 15, 16 AND 17, T8S, R1E, NORTHWEST SIDE OF WEST MOUNTAIN AREA; *Proposed Date: TUESDAY, MAY 13, 2014 AT 9:00 A.M. IN ROOM 1400 OF THE UTAH COUNTY ADMINISTRATION BUILDING AT 100 EAST CENTER STREET IN PROVO, UTAH*

Peggy Kelsey of the Utah County Community Development Office noted that this proposed Agriculture Protection Area has been reviewed by the Utah County Planning Commission.

2. DECLARE SPECIFIED ITEMS AS SURPLUS AND AUTHORIZE DISPOSITION VIA PUBLIC AUCTION OR AS JUNK
3. DECLARE A HYDRAULIC PAPER CUTTER AS SURPLUS AND AUTHORIZE DISPOSITION VIA PUBLIC AUCTION OR AS JUNK
4. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN A LETTER CANCELLING AGREEMENT NO. 2012-790 WITH EMERGENCY COMMUNICATIONS NETWORK LLC FOR ANNUAL SERVICE OF THE CITYWATCH SYSTEM
5. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN A SERVICE AGREEMENT WITH NCSPLUS INC. TO PROVIDE DEBT COLLECTION SERVICES FOR THE UTAH COUNTY DEPARTMENT OF DRUG AND ALCOHOL PREVENTION AND TREATMENT (*Continued from the April 8 and April 15, 2014 Commission meetings*)

The Board requested that Consent Agenda Item No. 5 be stricken from the calendar.
STRICKEN

6. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT WITH THE UTAH VALLEY CHAMBER OF COMMERCE FOR USE OF COUNTY GROUNDS FOR THE 2014 TASTE OF THE VALLEY (*Continued from the April 15, 2014 Commission meeting*)

The Board requested that Consent Agenda Item No. 6 be continued to the next meeting of the Board.
CONTINUED TO APRIL 29, 2014

7. APPROVE TAX ACTIONS CONTAINED IN RECOMMENDATION LETTER NO. 2014-8
- The Board requested that Consent Agenda Item No. 7 be moved to the Regular Agenda for discussion.
PULLED TO REGULAR

8. ADOPT A RESOLUTION APPROVING A VOLUNTEER WHO WISHES TO DONATE THEIR SERVICES TO THE UTAH COUNTY COMMISSION OFFICE

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9. APPROVE THE MINUTES OF THE APRIL 8, 2014 COMMISSION MEETING *(Continued from the April 15, 2014 Commission meeting)*

10. APPROVE THE MINUTES OF THE APRIL 15, 2014 COMMISSION MEETING

11. RATIFICATION OF PAYROLL

Period 8	5 Checks: \$3,765.92	1,102 Total Deposits: \$1,411,698.14	Total: \$1,415,464.05
		Federal Payroll Taxes	Total: \$ 200,655.08

12. RATIFICATION OF WARRANT REGISTER SUMMARY

Register No. 442	April 14, 2014	Check Nos. 193233-193245	Total: \$ 8,642.00
Register No. 443	April 15, 2014	Direct Deposit:19241-19249	Total: \$ 5,175.68
Register No. 444	April 15, 2014	Check Nos. 193246-193262	Total: \$ 13,041.27
Register No. 445	April 15, 2014	Direct Deposit:19250-19251	Total: \$ 2,665.87
Register No. 446	April 15, 2014	Check Nos. 193263-193286	Total: \$ 74,773.03
Register No. 447	April 16, 2014	Check Nos. 193287-193291	Total: \$ 9,103.00
Register No. 448	April 16, 2014	Check Nos. 193292-193292	Total: \$ 169.60
Register No. 449	April 16, 2014	Direct Deposit:19252-19253	Total: \$ 93.41
Register No. 450	April 16, 2014	Check Nos. 193293-193306	Total: \$ 10,601.02
Register No. 451	April 17, 2014	Check Nos. 193307-193376	Total: \$ 2,634.00
Register No. 452	April 17, 2014	Check Nos. 193377-193412	Total: \$ 41,070.08
Register No. 453	April 17, 2014	Bond Wires:266-266	Total: \$ 29.99
Register No. 454	April 17, 2014	Direct Deposit:19254-19264	Total: \$ 745,454.24
Register No. 455	April 17, 2014	Check Nos. 193413-193431	Total: \$ 80,360.48
Register No. 456	April 17, 2014	Purchasing Cards 1888-1888	Total: \$ 110.00
Register No. 457	April 18, 2014	Direct Deposit:19265-19265	Total: \$ 359.94
Register No. 458	April 18, 2014	Bond Wires:267-268	Total: \$ 708.60
Register No. 459	April 18, 2014	Purchasing Cards 1889-1890	Total: \$ 141.49
Register No. 460	April 18, 2014	Direct Deposit:19266-19270	Total: \$ 7,274.54
Register No. 461	April 18, 2014	Check Nos. 193432-193445	Total: \$ 4,243.89
Register No. 462	April 18, 2014	Purchasing Cards 1891-1891	Total: \$ 1,104.70
Register No. 463	April 18, 2014	Direct Deposit:19271-19271	Total: \$ 7.00
Register No. 464	April 18, 2014	Check Nos. 193446-193479	Total: \$ 76,683.12
Register No. 465	April 18, 2014	Check Nos. 193480-193483	Total: \$ 5,955.88
Register No. 466	April 18, 2014	Check Nos. 193484-193484	Total: \$ 29.85
		Total:	<u>\$1,090,432.68</u>

Consent Agenda Item Nos. 1 through 4, and 8 through 12, were approved as written. Commissioner Anderson recommended the following Regular Agenda items be moved to Consent:

3. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN THE UDOT LOCAL GOVERNMENT CONTRACT FOR PROJECT NO. F-LC49(132) FOR THE HISTORIC UTAH SOUTHERN RAIL TRAIL - PIN NO. 10952 WITH JUB ENGINEERS FOR PRE-CONSTRUCTION ENGINEERING

Commissioner Ellertson clarified that Regular Agenda Item No. 3 is for the Rail Trail extending past the Cabela's Store in Lehi and continuing around the Point of the Mountain (eastern range of Traverse Mountains); it is an agreement for Utah County and Lehi City to share costs.

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4. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN A REIMBURSEMENT AGREEMENT WITH THE UTAH STATE DEPARTMENT OF PUBLIC SAFETY - BUREAU OF CRIMINAL IDENTIFICATION (BCI) FOR AUTOMATED FINGERPRINT IDENTIFICATION SYSTEM (AFIS) TERMINAL FEES ASSOCIATED WITH THE WESTERN IDENTIFICATION NETWORK, REPLACING AGREEMENT NO. 2013-671**

7. **ADOPT A RESOLUTION AUTHORIZING THE COMMISSION CHAIR TO SIGN AN INTERLOCAL COOPERATION AGREEMENT CREATING AN INTERLOCAL ENTITY KNOWN AS THE MT. NEBO WATER AGENCY, REPLACING PREVIOUSLY APPROVED RESOLUTION NO. 2014-33 AND AGREEMENT NO. 2014-191**

8. **ADOPT A RESOLUTION CONFIRMING THE APPOINTMENTS OF DIRECTORS AND ALTERNATE DIRECTORS TO THE BOARD OF DIRECTORS OF THE MT. NEBO WATER AGENCY**
The Board requested that Regular Agenda Item No. 8 be continued to the next meeting of the Board.
CONTINUED TO APRIL 29, 2014

9. **ADOPT RESOLUTION OF APPOINTMENT OF REBECCA MARTELL TO THE CHILDREN'S JUSTICE CENTER ADVISORY BOARD**

10. **ADOPT A RESOLUTION OF APPOINTMENT OF GARY J. ANDERSON AS AN ALTERNATE MEMBER TO THE UTAH VALLEY DISPATCH SPECIAL SERVICE DISTRICT ADMINISTRATIVE CONTROL BOARD**

ACTIONS TAKEN

Consent Agenda Item Nos. 1 was set; Nos. 2 and 3 were declared as surplus; No. 4 was approved and authorized; No. 5 was stricken from the agenda; No. 6 was continued to the April 29, 2014 meeting of the Board; No. 7 was tabled for further discussion; No. 8 was adopted; Nos. 9 and 10 were approved; and Nos. 11 and 12 were ratified. Regular Agenda Item Nos. 3 and 4 were approved and authorized; Nos. 7, 9 and 10 were adopted; and No. 8 was continued to the April 29, 2014 meeting of the Board.

AGREEMENT NOS.: 2014-247, 2014-248, 2014-249, 2014-250, 2014-251 and 2014-252

RESOLUTION NOS.: 2014-51, 2014-52, and 2014-53

REGULAR AGENDA

(PULLED FROM CONSENT)

7. **APPROVE TAX ACTIONS CONTAINED IN RECOMMENDATION LETTER NO. 2014-8**
Commissioner Ellertson suggested Recommendation Letter No. 2014-8 be approved with one modification, detailed in his motion below.

Commissioner Ellertson made the motion to approve the Property Tax Actions contained in Recommendation Letter No. 2014-8 with the exception of Parcel Serial No. 51:001:0022 belonging to Daniel A. and Rebekah C. Thorstenson, which would be approved rather than denied as outlined in Consent Agenda Item No. 7. The motion was seconded by Commissioner Witney and carried with the following vote:

AYE: Gary J. Anderson
Larry A. Ellertson
Doug Witney
NAY: None

AGREEMENT NO. 2014-253
APPROVED WITH CHANGE

REGULAR AGENDA

1. APPROVE OR DENY A LATE VETERAN ABATEMENT APPLICATION FOR RACHEL KIRBY, SERIAL NO. 38:315:0008

Commissioner Ellertson made the motion to approve the late veteran abatement application for Rachel Kirby on Property Serial No. 38:315:0008 as specified in Regular Agenda Item No. 1, with the finding that it would be against equity and good conscience to deny the application. The motion was seconded by Commissioner Witney and carried with the following vote:

AYE: Gary J. Anderson
Larry A. Ellertson
Doug Witney
NAY: None

APPROVED

2. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT WITH CARDINAL HEALTH TO USE THE PURCHASING CARD FOR VACCINES

Commissioner Ellertson pointed out that while the agenda describes an agreement to purchase vaccines, the supporting documents detail are for the return of goods. Utah County Health Department Executive Director Dr. Joseph K. Miner explained that the county had not previously used the purchasing card with this company, and Bonnie Hardy of the Utah County Health Department clarified that the return agreement is a requirement to purchase; the county would not be able to buy from Cardinal Health without the return agreement in place, effectively serving as the purchase agreement.

Commissioner Witney made the motion to approve the agreement with Cardinal Health to use the Purchasing Card for vaccines as outlined in Regular Agenda Item No. 2. The motion was seconded by Commissioner Ellertson and carried with the following vote:

AYE: Gary J. Anderson
Larry A. Ellertson
Doug Witney
NAY: None

AGREEMENT NO. 2014-254

5. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN THE QUOTE, SERVICE AGREEMENT AND ADDENDUM WITH EVERBRIDGE, INC. FOR MASS NOTIFICATION SERVICES

Sergeant Peter Quittner of the Utah County Sheriff's Office confirmed that this agreement is for the reverse 9-1-1 system. Sgt. Quittner noted the action in Consent Agenda Item No. 4 on today's calendar in relation to this item; the county will be using a different company with better capabilities and a more reliable system. The cost will be \$5,700.00 annually, and all of Utah County Government will be able to access the system.

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Commissioner Ellertson noted that the previous agreement included other Utah County cities, and questioned whether those entities would be left without services upon approval of this contract. Sgt. Peter Quittner explained that the Utah County Sheriff's Office has been meeting with the cities for the last year to identify their needs; the cities are aware that they will need to acquire new providers. When Commissioner Ellertson reiterated his concern for the cities, Utah County Sheriff James O. Tracy detailed why the previous contractor was not working well enough to continue.

Commissioner Ellertson asked what would happen to the cities upon Utah County's cancellation of the previous CityWatch agreement, and Sgt. Quittner stated that the group, which included those entities, voted to cancel by a majority vote. Sheriff Tracey concurred that the change was approved by the group, and Sgt. Quittner added that Orem and Provo are also seeking arrangements with Everbridge, Inc. Utah County Deputy Attorney Paul Jones noted that the CityWatch cancellation does not go into effect until August 2014, and Sgt. Quittner repeated that the Sheriff's Office has done their best to prevent leaving anyone out.

Commissioner Witney made the motion to approve the quote, service agreement, and addendum with Everbridge, Inc. for mass notification services as detailed in Regular Agenda Item No. 5. The motion was seconded by Commissioner Ellertson and carried with the following vote:

**AYE: Gary J. Anderson
Larry A. Ellertson
Doug Witney**

NAY: None

AGREEMENT NOS. 2014-255, 2014-255(A), and 2014-255(B)

6. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT OF PURCHASE AND SALE OF PROPERTY BETWEEN UTAH COUNTY AND P.E.G. DEVELOPMENT, L.L.C.

Cameron Gunter of P.E.G. Development came forward to answer any questions from the Board, and Utah County Deputy Attorney David Shawcroft confirmed that the Public Hearing for this exchange was held some time ago; the county is ready to move forward. Utah County Clerk/Auditor Bryan E. Thompson noted that the account needs to be identified.

Commissioner Witney made the motion to approve the agreement or purchase and sale of property with P.E.G. Development, L.L.C. as detailed in Regular Agenda Item No. 6. The motion was seconded by Commissioner Ellertson and carried with the following vote:

**AYE: Gary J. Anderson
Larry A. Ellertson
Doug Witney**

NAY: None

AGREEMENT NO. 2014-256

Cameron Gunter mentioned that the Board is invited to a meeting on Wednesday April 30, 2014 at 3:00 P.M. Commissioner Anderson expressed interest in attending, and suggested 11:00 A.M. on Tuesday April 29, 2014 instead.

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

**12. SET A DATE, TIME AND LOCATION FOR A CLOSED MEETING FOR A STRATEGY SESSION TO DISCUSS PENDING OR REASONABLY IMMINENT LITIGATION
STRICKEN**

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15. SET A DATE, TIME AND LOCATION FOR A CLOSED MEETING TO DISCUSS COMMERCIAL INFORMATION AS DEFINED IN SECTION 59-1-404, U.C.A., AS AMENDED
STRICKEN

Commissioner Witney made the motion to strike Regular Agenda Item Nos. 12 and 15 to set dates, times and locations for closed meetings for a strategy session to discuss pending or reasonably imminent litigation; and to discuss commercial information as defined in Section 59-1-404, U.C.A., as amended. The motion was seconded by Commissioner Ellertson and carried with the following vote:

AYE: Gary J. Anderson
Larry A. Ellertson
Doug Witney
NAY: None

11. 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

Commissioner Witney made the motion to set a date, time and location for a closed meeting to discuss the character, professional competence, or physical or mental health of an individual or individuals to immediately follow the public comment portion of the regular public meeting today in Room 1400 of the County Administration Building. The motion was seconded by Commissioner Ellertson and carried with the following vote:

AYE: Gary J. Anderson
Larry A. Ellertson
Doug Witney
NAY: None

SET

13. SET A DATE, TIME AND LOCATION FOR A CLOSED MEETING FOR A STRATEGY SESSION TO DISCUSS THE PURCHASE, EXCHANGE, OR LEASE OF REAL PROPERTY

Commissioner Witney made the motion to set a date, time and location for a closed meeting for a strategy session to discuss the purchase, exchange, or lease of real property to immediately follow the previously scheduled closed meeting today in Room 1400 of the County Administration Building. The motion was seconded by Commissioner Ellertson and carried with the following vote:

AYE: Gary J. Anderson
Larry A. Ellertson
Doug Witney
NAY: None

SET

14. SET A DATE, TIME AND LOCATION FOR A CLOSED MEETING FOR A STRATEGY SESSION TO DISCUSS THE SALE OF REAL PROPERTY

Commissioner Witney made the motion to set a date, time and location for a closed meeting for a strategy session to discuss the sale of real property to immediately follow the previously scheduled closed meetings today in Room 1400 of the County Administration Building.

The motion was seconded by Commissioner Ellertson and carried with the following vote:

**AYE: Gary J. Anderson
Larry A. Ellertson
Doug Witney
NAY: None**

SET

WORK SESSION

NO WORK SESSION ITEMS WERE SUBMITTED

PUBLIC COMMENTS

There were no public comments and the meeting recessed at 9:31 A.M. to go into closed meetings. The public meeting reconvened at 10:18 A.M.

Commissioner Witney made the motion to adjourn the April 22, 2014 meeting of the Utah County Board of Commissioners. The motion was seconded by Commissioner Ellertson and carried with the following vote:

**AYE: Gary J. Anderson
Larry A. Ellertson
Doug Witney
NAY: None**

There being no further business nor public comment, the meeting adjourned at 10:18 A.M. The minutes of the April 22, 2014 Commission Meeting were approved as transcribed on April 29, 2014.

GARY J. ANDERSON, Commission Chair

ATTEST:

BRYAN E. THOMPSON
Utah County Clerk/Auditor