

**BOARD OF COUNTY COMMISSIONERS, UTAH COUNTY, UTAH**  
**MINUTES OF PUBLIC MEETING**  
**COMMISSION CHAMBERS, ROOM 1400**  
**OF THE UTAH COUNTY ADMINISTRATION BUILDING**  
**July 2, 2013 - 9:00 A.M.**

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

**ALSO PRESENT:**

E. Kent Sundberg, Civil Division Chief Attorney  
David Shawcroft, Utah County Deputy Attorney  
Robert J. Moore, Utah County Deputy Attorney  
Paul Jones, Utah County Deputy Attorney  
Scott C. Hogensen, Chief Deputy Clerk/Auditor  
Burt Harvey, Clerk/Auditor - Tax Admin. Supervisor  
Julie Rollins, Utah County Purchasing Agent  
Kris Poulson, Utah County Assessor  
Bryce Armstrong, Community Development  
Peggy Kelsey, Community Development  
Brandon Larsen, Community Development  
Dr. Joseph K. Miner, Health Department Exec. Director  
Raven Albertson, Utah County Health Department  
Toni Carpenter, Utah County Health Department  
Mason Liu, Utah County Health Department  
Richard Nance, Drug&Alcohol Prevention&Treatment  
Gordon Bruin, Drug &Alcohol Prevention & Treatment  
Richard Nielson, Utah County Public Works Director  
Andrea Allen, Utah County Recorder's Office  
James O. Tracy, Utah County Sheriff  
Dalene Higgins, Utah County Sheriff's Office  
Gary Ratcliffe, Utah County Surveyor  
Robert C. Kirk, Utah County Treasurer  
Sterling Brown, Utah Farm Bureau Federation  
Garrick Hall, Utah Farm Bureau Federation  
Randy Parker, Utah Farm Bureau Federation  
Mike Stansfield, Fairways Media

Charles Betts, Palmyra Resident  
Viola Betts, Palmyra Resident  
Camille Biggs, Springville Resident  
Jason Biggs, Springville Resident  
Zeb Christmas, Lake Shore Area Resident  
Larry Diamond, Lake Shore Area Resident  
Clark Hermansen, Spanish Fork Resident  
David Johnson, Lake Shore Area Resident  
Sonja Johnson, Lake Shore Area Resident  
Matt Johnson, Palmyra Resident  
Dallan Langston, Spanish Fork Resident  
Rex Larsen, Spanish Fork Resident  
Elaine Meecham, Spanish Fork Resident  
Ray Meecham, Spanish Fork Resident  
Eldon A. Neves, Citizens for Rural Utah  
Taylor Oldroyd, Provo Resident  
Jeremy Sorensen, Palmyra Resident  
Ned Sorensen, Palmyra Resident  
Diane Tew, Lake Shore Area Resident  
Helina Carter-Thomas, -No further information given-  
Janet Edwards, -No further information given-  
Robert Fillerup, -No further information given-  
Ed Halt, -No further information given-  
Zac Johnson, -No further information given-  
Duane Newitt, -No further information given-  
Shirlene Ottesen, -No further information given-  
Curtis Sampson, -No further information given-  
Renée Huggins-Caron, Clerk/Auditor Admin. Assist.

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

**PRAYER/READING/THOUGHT:** David Johnson, Lake Shore Area Resident  
**PLEDGE OF ALLEGIANCE:** Lana Jensen, Utah County Personnel Director

The commissioners chose to address Regular Agenda Item No. 12 before continuing with the posted calendar.

**REGULAR AGENDA**

- 12. ADOPT (OR DENY) AN ORDINANCE TO AMEND THE UTAH COUNTY LAND USE ORDINANCE, SECTIONS 6-2-D-9, 6-3-D-8, 6-4-D-9, 6-5-D-9, AND 6-6-D-5 TO REQUIRE WATERWAY MANAGEMENT AND TRAIL EASEMENTS FOR LARGE SCALE DEVELOPMENTS**

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The commissioners acknowledged the larger-than-usual presence of private citizens in the audience. Commissioner Ellertson explained that the Board had received more recent information in addition to the materials provided by the Utah County Planning Commission regarding this issue, and noted the sensitivity of the subject. He stated that a solution needs to be found for the trails and storm water/flooding access, admitting that further study is needed.

Commissioner Anderson agreed that he was not prepared to take action on the ordinance today when Commissioner Ellertson suggested continuing the item for several more weeks. A couple of audience members pointed out the inconvenience of missing work or other commitments to attend a future session, and the commissioners provided contact information and instructions to access the weekly agenda. They also expressed their own personal interests in maintaining the integrity of the land and its uses, as all three board members own property and are heavily invested in the affected areas.

**Commissioner Ellertson made the motion to continue Regular Agenda Item No. 12 regarding the Utah County Land Use Ordinance to require Waterway Management and Trail Easements for Large Scale Developments to the August 6, 2013 meeting of the Utah County Board of Commissioners. The motion was seconded by Commissioner Anderson and carried with the following vote:**

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

CONTINUED TO AUGUST 6, 2013

The commissioners moved forward with the agenda as numbered.

**CONSENT AGENDA**

- 1. RATIFY THE SIGNATURE OF THE COMMISSION CHAIR ON AN AGREEMENT WITH CROSS MARINE PRODUCTS FOR THE MECHANICAL TREATMENT OF PHRAGMITES AROUND UTAH LAKE IN THE AMOUNT OF \$150,000.00**
- 2. DECLARE ATTACHED LIST OF COMPUTER EQUIPMENT AS SURPLUS AND ALLOW THE DISPOSITION THEREOF BY PUBLIC AUCTION**
- 3. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN THE SUPPLEMENTAL LAW ENFORCEMENT CONTRACT WITH MOONSTRUCK PRODUCTION INC. TO HAVE TWO DEPUTIES ASSIST WITH TRAFFIC CONTROL AND SAFETY AT CANYON VIEW PARK AND SQUAW PEAK ROAD ON JULY 1, 2013**
- 4. APPROVE REQUESTED EXEMPTIONS ON LIST DATED JUNE 25, 2013, APPLIED FOR BY TAXPAYERS, FOR PAYMENT OF TAXES WHERE THE MARKET VALUE OF EQUIPMENT WAS LESS THAN \$4,000 AS PROVIDED BY THE UTAH STATE LEGISLATURE FOR 2013**
- 5. APPROVE TAX CREDITS AND REFUNDS RECOMMENDED BY THE COUNTY ASSESSOR'S OFFICE IN CANCELLATION AND CORRECTION LETTER NO. 268, DATED JUNE 25, 2013**

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6. APPROVE REDUCING THE PENALTY IN THE AMOUNTS LISTED FOR THE ATTACHED PERSONAL PROPERTY ACCOUNTS, HAVING BEEN IDENTIFIED AS MEETING THE QUALIFICATIONS UNDER ORDINANCE NO. 2010-4 AND RESOLUTION NO. 2011-64 OF THE UTAH COUNTY CODE

7. ABATE PERSONAL PROPERTY ACCOUNTS ATTACHED FOR THE YEARS INDICATED, HAVING BEEN IDENTIFIED AS UNCOLLECTIBLE; THERE ARE NO ASSETS AVAILABLE

8. APPROVE THE MINUTES OF THE JUNE 25, 2013 COMMISSION MEETING

9. RATIFICATION OF PAYROLL

Period 13	6 Checks: \$3,729.35	1,150 Total Deposits: \$1,475,339.46	Total: \$1,479,068.81
		Federal Payroll Taxes	Total: \$ 206,577.57

10. RATIFICATION OF WARRANT REGISTER SUMMARY

Register No. 616	June 24, 2013	Check Nos. 182025-182078	Total: \$ 2,310.00
Register No. 617	June 25, 2013	Direct Deposit:17143-17145	Total: \$ 20,643.96
Register No. 618	June 25, 2013	Check Nos. 182079-182079	Total: \$ 3,776.49
Register No. 619	June 25, 2013	Direct Deposit:17146-17146	Total: \$ 9.99
Register No. 620	June 25, 2013	Purchasing Cards 432-444	Total: \$ 10,537.36
Register No. 621	June 25, 2013	Check Nos. 182080-182095	Total: \$ 14,856.49
Register No. 622	June 25, 2013	Check Nos. 182096-182106	Total: \$ 282.00
Register No. 623	June 26, 2013	Direct Deposit:17147-17147	Total: \$ 300.00
Register No. 624	June 26, 2013	Purchasing Cards 445-447	Total: \$ 783.70
Register No. 625	June 26, 2013	Check Nos. 182107-182114	Total: \$ 41,647.18
Register No. 626	June 26, 2013	Direct Deposit:17148-17151	Total: \$ 817.23
Register No. 627	June 26, 2013	Check Nos. 182115-182131	Total: \$ 44,199.86
Register No. 628	June 26, 2013	Direct Deposit:17152-17158	Total: \$ 3,150.02
Register No. 629	June 27, 2013	Purchasing Cards 448-448	Total: \$ 9,501.24
Register No. 630	June 27, 2013	Purchasing Cards 449-450	Total: \$ 3,938.74
Register No. 631	June 27, 2013	Check Nos. 182132-182158	Total: \$ 34,319.60
Register No. 632	June 27, 2013	Direct Deposit:17159-17169	Total: \$ 855,416.69
Register No. 633	June 27, 2013	Check Nos. 182159-182169	Total: \$ 75,549.03
Register No. 634	June 28, 2013	Purchasing Cards 451-452	Total: \$ 1,579.56
Register No. 635	June 28, 2013	Direct Deposit:17170-17172	Total: \$ 376.90
Register No. 636	June 28, 2013	Check Nos. 182170-182217	Total: \$ 69,254.30
			<u>Total: \$1,193,250.34</u>

Consent Agenda Item Nos. 1 through 10 were approved as written. Commissioner Witney recommended the following Regular Agenda items be moved to Consent:

2. ADOPT A RESOLUTION ESTABLISHING THE 2013 TAX RATE LEVIES FOR UTAH COUNTY, UTAH

3. APPROVE OR DENY A LEAVE OF ABSENCE WITHOUT PAY OF SIX MONTHS FOR AN EMPLOYEE OF THE ASSESSOR'S OFFICE

The commissioners requested that discussion and action on Regular Agenda Item No. 3 follow the closed sessions. TABLED FOR FURTHER DISCUSSION

\*Please refer to the final page of these minutes for additional notations.

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**4. APPROVE EMPLOYEE DONATION OF LEAVE TIME WITHIN THE UTAH COUNTY ATTORNEY'S OFFICE**

The commissioners requested that discussion and action on Regular Agenda Item No. 4 follow the closed sessions.  
TABLED FOR FURTHER DISCUSSION

\*Please refer to the final page of these minutes for additional notations.

**5. DELETE TWO FULL TIME CAREER SERVICE PARKS MAINTENANCE II POSITIONS FROM THE STAFFING PLAN OF THE PUBLIC WORKS DEPARTMENT (ACCOUNT 100-45100, CLASS CODE 8901), AND REPLACE THEM WITH TWO FULL TIME CAREER SERVICE PARKS MAINTENANCE SPECIALIST III POSITIONS (CLASS CODE 8900) IN ORDER TO FACILITATE ANTICIPATED CAREER LADDER ADVANCEMENTS OF INCUMBENT EMPLOYEES**

Utah County Public Works Director Richard Nielson noted that the promotion would not take place until November.

**13. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN THE AGREEMENT WITH THE UTAH DEPARTMENT OF HEALTH FOR THE C4 GRANT FUNDING THE MATERNAL AND CHILD HEALTH, PRENATAL-TO-FIVE HOME VISITATION, AND ABSTINENCE EDUCATION PROGRAMS**

**14. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT WITH RACE ENTRY, LLC. FOR ANTI-TOBACCO CAMPAIGN ADVERTISING**

**15. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN ADDENDUM NO. 2 TO AGREEMENT NO. 2010-527 WITH NEW ROADS FOUNDATION, EXTENDING THE CONTRACT AN ADDITIONAL YEAR AND UPDATING MEDICAID RATES AND CPT CODES** *(Continued from the June 25, 2013 Commission meeting)*

**16. RATIFY THE SIGNATURE OF THE COMMISSION CHAIR ON THE ASPIRE GRANT APPLICATION WITH THE UTAH STATE DEPARTMENT OF WORKFORCE SERVICES FOR THE ASPIRE KIDS PROGRAM TO BE IMPLEMENTED IN NEBO SCHOOL DISTRICT**

**17. APPROVE OR DENY A REQUEST FROM THE UTAH VALLEY MARATHON TO WAIVE THE \$300 EVENT PERMIT FEE FOR USE OF THE HISTORIC COURTHOUSE GROUNDS ON JUNE 8, 2013** *(Continued from the June 18 and June 25, 2013 Commission meetings)*

The commissioners requested that Regular Agenda Item No. 17 be continued to the next meeting of the Board.  
CONTINUED TO JULY 9, 2013

**19. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN A DISTRICT OFFICE LEASE AGREEMENT WITH CONGRESSMAN JASON CHAFFETZ FOR OFFICE SPACE IN THE UTAH COUNTY HISTORIC COURTHOUSE FOR \$1,672.00 PER MONTH UNTIL JANUARY 2, 2015**

**21. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN THE DANA POINT, LLC BANKRUPTCY ESTATE SETTLEMENT AGREEMENT BETWEEN THE TRUSTEE AND AVIVA REAL ESTATE INVESTORS, SUBJECT TO APPROVAL BY THE U.S. BANKRUPTCY COURT (REPLACING AGREEMENT NO. 2012-189)**

**22. ADOPT A RESOLUTION APPROVING AND AUTHORIZING AN INTERLOCAL COOPERATION AGREEMENT BETWEEN UTAH COUNTY AND ELK RIDGE CITY RELATING TO THE CONDUCT OF THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM**

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**23. ADOPT A RESOLUTION APPROVING AND AUTHORIZING AN INTERLOCAL COOPERATION AGREEMENT BETWEEN UTAH COUNTY AND EAGLE MOUNTAIN CITY REDEVELOPMENT AGENCY**

The commissioners requested that Regular Agenda Item No. 23 be continued to the next meeting of the Board.  
CONTINUED TO JULY 9, 2013

**24. ADOPT A RESOLUTION REGARDING OREM CITY'S NOTICE OF INTENT TO SUBMIT AN OPINION QUESTION TO ITS VOTERS REGARDING THE IMPOSITION OF A "CARE" TAX**

**25. ADOPT A RESOLUTION REVOKING APPROVAL OF DEPUTY CONSTABLE**

**ACTIONS TAKEN**

**Regular Agenda Item No. 12** was **continued** to the August 6, 2013 meeting of the Board. **Consent Agenda Item Nos. 1, 9, and 10** were **ratified**; No. **2** was **declared as surplus**; No. **3** was **approved and authorized**; Nos. **4, 5, 6, and 8** were **approved**; and No. **7** was **abated**. **Regular Agenda Item Nos. 2, 22, 24, and 25** were **adopted**; Nos. **3 and 4** were **tabled for further discussion**; No. **5** was **authorized**; Nos. **13, 14, 15, 19, and 21** were **approved and authorized**; No. **16** was **ratified**; and Nos. **17 and 23** were **continued** to the July 9, 2013 meeting of the Board.

**AGREEMENT NOS.:** 2013-456, 2013-457, 2013-458, 2013-459, 2013-460, 2013-461, 2013-462, 2013-463, 2013-464, 2013-465, 2013-466, 2013-467, 2013-468 and 2013-469

**RESOLUTION NO.:** 2013-72, 2013-73, 2013-74 and 2013-75

**REGULAR AGENDA**

**1. RECOGNITION OF THE UTAH COUNTY EMPLOYEE OF THE MONTH FOR JULY 2013**

Jessie Lloyd of the Utah County Attorney's Office was recognized as the Utah County Employee of the Month for July 2013.

**6. ADD ONE NEW FULL TIME CAREER SERVICE PARKS MAINTENANCE SPECIALIST POSITION (CLASS CODE 8902) TO THE STAFFING PLAN OF THE PUBLIC WORKS DEPARTMENT (ACCOUNT 100-45100)**

Utah County Personnel Director Lana Jensen summarized that this addition to the Public Works Department would help maintain the Murdock Trail and additional facilities primarily associated with that project. Commissioner Witney pointed out that sixty-five percent of the position is to be funded by the cities, and noted that the county has experienced problems in recent years in collecting from those entities. Utah County Public Works Director Richard Nielson explained the quarterly billing process, and mentioned working with the Clerk/Auditor's Office to determine the correct fund for the deposit of collected monies.

**Commissioner Anderson made the motion to add one new full-time Career Service Parks Maintenance Specialist position to the Staffing Plan of the Public Works Department as described in Regular Agenda Item No. 6. The motion was seconded by Commissioner Ellertson and carried with the following vote:**

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

NAY: None

APPROVED

**7. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN EQUIPMENT MAINTENANCE AGREEMENT WITH EASTMAN PARK MICROGRAPHICS INC. FOR COVERAGE THROUGH JUNE 30, 2015 OF THE KDS ARCHIVE WRITER NO. 3923809, SERIAL NO. 11809280, LOCATED IN THE RECORDS DEPARTMENT**

Commissioner Ellertson noted some confusion over the billing process, and whether payment for the next two years would be required at once. Utah County Purchasing Agent Julie Rollins responded that she would not object to continuing the item for one week so that she could gather that information, but Commissioner Ellertson indicated that he was comfortable moving forward with the approval assuming there would be further clarification.

**Commissioner Ellertson made the motion to approve and authorize the equipment maintenance agreement with Eastman Park Micrographics Inc. as detailed in Regular Agenda Item No. 7, with the understanding that payment details would be arranged for periodic intervals if possible. The motion was seconded by Commissioner Anderson and carried with the following vote:**

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

AGREEMENT NO. 2013-470

**8. APPROVE AND ADOPT THE FINDINGS OF FACT, CONCLUSIONS OF LAW, AND DECISION REGARDING THE DKJN LTD & KAREN KAY HANSEN ARGYLE THOMAS, TRUSTEE APPLICATION FOR AGRICULTURE PROTECTION AREA FOR 193.57 ACRES LOCATED IN SECTION 21, TOWNSHIP 8 SOUTH, RANGE 1 EAST AND SECTIONS 6 & 7, TOWNSHIP 8 SOUTH, RANGE 2 EAST, SLB&M, LAKESHORE AREA OF UTAH COUNTY**

**Commissioner Anderson made the motion to approve and adopt the Findings of Fact, Conclusions of Law, and Decision regarding the DKJN LTD & Karen Kay Hansen Argyle Thomas, Trustee Application for Agriculture Protection Area as defined in Regular Agenda Item No. 8. The motion was seconded by Commissioner Ellertson and carried with the following vote:**

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

AGREEMENT NO. 2013-471

**9. ADOPT (OR DENY) AN ORDINANCE ENACTING A TEXT AMENDMENT TO SECTION 3-24-C-10 OF THE UTAH COUNTY LAND USE ORDINANCE REGARDING OPEN PIT EXTRACTION OF EARTH PRODUCTS TO ADD PROCEDURES TO REVIEW AND APPROVE PUBLIC ROAD HAUL ROUTES**

Commissioner Witney summarized that this ordinance is related to mining operations and the route infrastructure for vehicles. Peggy Kelsey of the Utah County Community Development Office explained that road conditions for mining operations are not currently addressed within the Utah County Land Use Ordinance. This amendment would require new operations to submit information to the County Engineer for review in determining appropriate structure.

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Commissioner Ellertson asked for a solution on road conditions for existing mining operations, and Peggy Kelsey noted that the ordinance does not have a way to address current situations. Commissioner Anderson commented that an existing operation is willing to cease and desist, and there was some discussion between Commissioner Witney and Utah County Public Works Director Richard Nielson regarding the process to determine road worthiness. Commissioner Ellertson continued to express concerns about current operations and asked Utah County Deputy Attorney David Shawcroft to look into more options. He also suggested that Utah County cities be provided copies of this ordinance so that they would be made aware of the issues.

**Commissioner Ellertson made the motion to adopt the ordinance enacting a text amendment to Section 3-24-d-10 of the Utah County Land Use Ordinance regarding Open Pit Extraction of Earth Products as specified in Regular Agenda Item No. 9. The motion was seconded by Commissioner Anderson and carried with the following vote:**

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

ORDINANCE NO. 2013-6

**10. ADOPT (OR DENY) AN ORDINANCE TO AMEND THE UTAH COUNTY LAND USE ORDINANCE, SECTION 2-2-B-13, SECTION 6-3-C-7, AND SECTION 6-3-D-15, DEALING WITH THE DELETION OF THE OPEN SPACE REQUIREMENTS FOR PLANNED SUBDIVISIONS AND THE ESTABLISHMENT OF COMMON AREA REQUIREMENTS FOR PLANNED SUBDIVISIONS**

Brandon Larsen of the Utah County Community Development Office reviewed the Utah County Land Use ordinance amendment related to the common area/open space areas of planned subdivisions.

**Commissioner Ellertson made the motion to adopt the ordinance amending the Utah County Land Use Ordinance regarding Open Space and Common Area Requirements for Planned Subdivisions as outlined in Regular Agenda Item No. 10. The motion was seconded by Commissioner Anderson and carried with the following vote:**

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

ORDINANCE NO. 2013-7

**11. ADOPT (OR DENY) AN ORDINANCE TO AMEND THE UTAH COUNTY LAND USE ORDINANCE, SECTION 6-3-D-6 & 7, DEALING WITH THE STANDARDS AND CONDITIONS FOR PLANNED SUBDIVISION RELATIVE TO SIDEWALKS, CURBS AND GUTTERS**

Brandon Larsen of the Utah County Community Development Office came forward to explain that recent subdivision proposals in the Spring Lake area have brought attention to the sidewalk, curb and gutter requirements for certain properties. There are no sidewalks nearby in this situation, and the installation of them may cause a greater problem because of the water levels. With no current storm water system in the area, requiring curbs and gutters in front of the subdivision lots would only displace water to adjacent properties. Utah County Public Works Director Richard Nielson mentioned potential maintenance issues and agreed with the compromise offered through this ordinance amendment.

Commissioner Ellertson asked about possible future problems based on this amendment. He questioned the solution for areas that will eventually need curbs and gutters. Initially requiring the sidewalks could create issues. Commissioner Ellertson mentioned that if improvements are deemed necessary at a future date, there should be flexibility. Utah County Deputy Attorney David Shawcroft addressed the bonding options for required improvements. Mr. Shawcroft and the commissioners discussed the current draft, and he clarified that those concerns are addressed by other current ordinances.

**Commissioner Anderson made the motion to adopt the ordinance amending the Utah County Land Use Ordinance Section 6-3-D-6 and 7 regarding Planned Subdivision Standards and Conditions as identified in Regular Agenda Item No. 11. The motion was seconded by Commissioner Ellertson and carried with the following vote:**

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

ORDINANCE NO. 2013-8

**18. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN WRITTEN PERMISSION FOR THE LEHI 34TH WARD WEBELOS SCOUT PACK 1234 TO USE M1 RIFLES LOADED WITH BLANKS AT WILLOW PARK AS PART OF A FLAG RETIREMENT CEREMONY ON JULY 16, 2013**

Utah County Public Works Director Richard Nielson summarized that written permission is required for use of any weapons in county parks. He clarified that the youth themselves would not be firing the rifles, and Commissioner Anderson expressed interest in attending the event.

**Commissioner Anderson made the motion to approve and authorize written permission for the Lehi 34<sup>th</sup> Ward Webelos Scout Pack 1234 to use M1 rifles at Willow Park as defined in Regular Agenda Item No. 18. The motion was seconded by Commissioner Ellertson and carried with the following vote:**

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

AGREEMENT NO. 2013-472

**20. ADOPT A RESOLUTION EXCLUDING CERTAIN REAL PROPERTIES FROM THE PROPOSED INCORPORATION BOUNDARIES OF THE PROPOSED INCORPORATION OF THE CITY OF WEST MOUNTAIN**

Utah County Deputy Attorney Robert J. Moore approached the bench. He summarized the Proposed Incorporation of the City of West Mountain, and the legal process of notifying people owning one percent or more of the assessed value within the proposed incorporation, or ten percent of the total private land area. Of the seven notices sent to those meeting the requirements, one objection (Notice of Exclusion) was returned to the county. Commissioner Ellertson mentioned that several people had addressed him in opposition to the incorporation, and Mr. Moore noted the requirement of needing to own a large amount of property in the affected area. Utah County Public Works Director Richard Nielson clarified the location of the property in question.

Robert J. Moore explained the legal requirements of the county. He noted that the property exclusion could only be denied if the county could find by clear and convincing evidence that the parcel would create an island, and the parcel could be considered urban. Though a "donut" will be created, the area is definitely not urban - the finding for denial would only be met halfway. Commissioner Anderson reiterated that the Board really has no legal choice in the matter.

**Commissioner Anderson made the motion to adopt the resolution excluding certain real properties from the proposed incorporation boundaries of the Proposed Incorporation of the City of West Mountain, emphasizing the statutory requirements binding the Utah County Board of Commissioners, and because there is no way that the county could find by clear and convincing evidence that this is an urban situation as discussed in Regular Agenda Item No. 20.**

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

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

RESOLUTION NO. 2013-76

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

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

30. 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 Anderson made the motion to strike Regular Agenda Item Nos. 28 and 30 to set dates, times and locations for closed meetings for a strategy session to discuss the purchase, exchange, or lease of real property; 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: Doug Witney  
Gary J. Anderson  
Larry A. Ellertson  
NAY: None

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

SET

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

Commissioner Anderson made the motion to set a date, time and location for a closed meeting for a strategy session to discuss pending or reasonably imminent litigation 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: Doug Witney  
Gary J. Anderson  
Larry A. Ellertson  
NAY: None

SET

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

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

SET

**WORK SESSION**

NO WORK SESSION ITEMS WERE SUBMITTED

**PUBLIC COMMENTS**

Utah County resident Eldon A. Neves came forward to speak about Regular Agenda Item No. 20, regarding the Proposed Incorporation of the City of West Mountain. Mr. Neves expressed concern that should development occur, the trucks and associated building vehicles will travel through his neighborhood and disrupt the way of life in that area. Commissioner Anderson noted that the petitioners for the incorporation are mostly seeking residential benefits. Mr. Neves mentioned Cole Cannon, a developer previously associated with Utah County, and the commissioners assured him that this is not related to any of Mr. Cannon's projects.

This concluded the public comment portion of the open meeting, and the meeting recessed at 10:06 A.M. to go into closed meetings. The public meeting reconvened at 11:02 A.M., and the commissioners returned to previously tabled Regular Agenda Item Nos. 3 and 4 at this point.

**REGULAR AGENDA**

**3. APPROVE OR DENY A LEAVE OF ABSENCE WITHOUT PAY OF SIX MONTHS FOR AN EMPLOYEE OF THE ASSESSOR'S OFFICE**

Commissioner Anderson made the motion to strike Regular Agenda Item No. 3 from the agenda. The motion was seconded by Commissioner Ellertson and carried with the following vote:

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

STRICKEN

\*Please refer to the final page of these minutes for additional notations.

**4. APPROVE EMPLOYEE DONATION OF LEAVE TIME WITHIN THE UTAH COUNTY ATTORNEY'S OFFICE**

**Commissioner Anderson made the motion to approve employee donation of leave time within the Utah County Attorney's Office as specified in Regular Agenda Item No. 4. The motion was seconded by Commissioner Ellertson and carried with the following vote:**

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

APPROVED

\*Please refer to the final page of these minutes for additional notations.

This concluded the open meeting.

**Commissioner Anderson made the motion to adjourn the July 2, 2013 meeting of the Utah County Board of Commissioners. The motion was seconded by Commissioner Ellertson and carried with the following vote:**

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

There being no further business nor public comment, the meeting adjourned at 11:02 A.M. The minutes of the July 2, 2013 Commission Meeting were approved as transcribed on July 9, 2013.

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DOUG WITNEY, Commission Chair

ATTEST:

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SCOTT C. HOGENSEN  
Chief Deputy  
Utah County Clerk/Auditor

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\*Regular Agenda Item No. 3:

The commissioners addressed Regular Agenda Item No. 3 regarding the leave of absence without pay of six months for an employee of the Assessor's Office following the closed session meetings, and struck the item from the agenda by unanimous vote.

\*Regular Agenda Item No. 4:

The commissioners addressed Regular Agenda Item No. 4 the employee donation of leave time within the Attorney's Office following the closed session meetings, and approved the item by unanimous vote.