

BOARD OF COUNTY COMMISSIONERS, UTAH COUNTY, UTAH  
**MINUTES OF PUBLIC MEETING**  
COMMISSION CHAMBERS, ROOM 1400  
OF THE UTAH COUNTY ADMINISTRATION BUILDING  
**July 16, 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	Rebecca Martell, Children's Justice Center
David Shawcroft, Utah County Deputy Attorney	Neil Peterson, Information Systems Director
Robert J. Moore, Utah County Deputy Attorney	Lana Jensen, Utah County Personnel Director
Paul Jones, Utah County Deputy Attorney	Richard Nielson, Utah County Public Works Director
Scott C. Hogensen, Chief Deputy Clerk/Auditor	Jeff Smith, Utah County Recorder
Julie Rollins, Utah County Purchasing Agent	Mike Brower, Utah County Sheriff's Office
Sandy Hoffman, Utah County Assessor's Office	Matt Higley, Utah County Sheriff's Office
Bryce Armstrong, Community Development	Nancy Killian, Utah County Sheriff's Office
Peggy Kelsey, Community Development	Robert C. Kirk, Utah County Treasurer
Dr. Joseph K. Miner, Health Department Exec. Director	Mike Stansfield, Fairways Media
Mason Liu, Utah County Health Department	Renée Huggins-Caron, Clerk/Auditor Admin. Assist.

Commissioner Witney called the meeting to order at 9:00 A.M. and welcomed those present. The following matters were discussed:

**PRAYER/READING/THOUGHT:** Doug Witney, Utah County Commission Chair  
**PLEDGE OF ALLEGIANCE:** Scott C. Hogensen, Utah County Chief Deputy Clerk/Auditor

**CONSENT AGENDA**

**1. DECLARE 22 MOTOROLA ASTRO SPECTRA PORTABLE RADIOS AS SURPLUS AND AUTHORIZE THE DISPOSITION THEREOF THROUGH TRANSFER TO THE UTAH COUNTY SHERIFF'S SEARCH AND RESCUE ORGANIZATION**

Commissioner Ellertson asked about the condition of the radios to be declared surplus to Search and Rescue, questioning why they were to be written off if they are still useable. Utah County Public Works Director Richard Nielson explained that the radios are not compatible with the multi-band system used by county patrol employees, and Jerry Monson of the Utah County Sheriff's Office confirmed that information.

**2. DECLARE AS SURPLUS POLICE SERVICE DOG "VITO," TRANSFERRING OWNERSHIP TO DEPUTY JEFF S. ROBINSON FOR CARE, AND RELEASING THE UTAH COUNTY SHERIFF'S OFFICE OF ALL RESPONSIBILITY FOR AND CLAIM TO VITO**

Mike Brower of the Utah County Sheriff's Office came forward to respond to the commissioners' questions regarding county liability for the animal once transferred to Deputy Jeff S. Robinson for care. They discussed the letter attached to the declaration of surplus releasing responsibility.

**3. DECLARE AS SURPLUS A GLOCK MODEL 22, SERIAL NO. PND642 WITH AN ESTIMATED VALUE OF \$300.00 TO BE PRESENTED TO SCOTT CARTER FOR SERVING THE UTAH COUNTY SHERIFF'S OFFICE AND CITIZENS OF UTAH COUNTY FOR 35 YEARS**

**4. ADOPT A RESOLUTION AWARDDING COUNTY PERSONAL PROPERTY AS A GIFT IN RECOGNITION OF MERITORIOUS SERVICE TO UTAH COUNTY FOR LIEUTENANT SCOTT CARTER**

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5. **ACCEPT THE GRANT AWARD OF \$22,614.00 FROM THE STATE OF UTAH DIVISION OF FORESTRY, FIRE AND STATE LANDS**
6. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT WITH LANA SOELBERG FOR THE 2013 MISS UTAH COUNTY PAGEANT**  
Commissioner Ellertson asked for the location of this year's pageant, but there was no one present in the audience who could respond. Utah County Clerk/Auditor Bryan E. Thompson commented on the available budget of \$3,400 for this contract, and the need to transfer funds if the amount would be greater.
7. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AMENDMENT NO. 4 TO STATE OF UTAH CONTRACT NO. 110291 FOR FY 2013-14 BASIC FUNDING FOR THE UTAH COUNTY CHILDREN'S JUSTICE CENTER (Reference Agreement No. 2010-491)**
8. **APPROVE AND AUTHORIZE THE EXECUTION OF A LETTER BY UTAH COUNTY INFORMATION SYSTEMS DIRECTOR NEIL PETERSON TO ENROLL IN THE APPLE DEVELOPER PROGRAM**
9. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN THE STATEMENT OF WORK WITH SOLUTIONS II FOR CHANGES TO THE LAW ENFORCEMENT SERVERS**
10. **APPROVE AND AUTHORIZE THE UTAH COUNTY CLERK/AUDITOR TO EXECUTE A QUIT CLAIM DEED RELATED TO THE ROADWAYS OF THE FAIRFIELD TOWN SITE**
11. **APPROVE TAX CREDITS AND REFUNDS RECOMMENDED BY THE COUNTY ASSESSOR'S OFFICE IN CANCELLATION AND CORRECTION LETTER NO. 60292, DATED JULY 11, 2013**
12. **APPROVE TAX CREDITS AND REFUNDS RECOMMENDED BY THE COUNTY TREASURER'S OFFICE IN CANCELLATION LETTER NO. 20286, DATED JULY 10, 2013**
13. **APPROVE TAX CREDITS AND REFUNDS RECOMMENDED BY THE COUNTY TREASURER'S OFFICE IN CANCELLATION LETTER NO. 13-862, DATED JULY 10, 2013**
14. **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**
15. **ABATE PERSONAL PROPERTY ACCOUNTS ATTACHED FOR THE YEARS INDICATED, HAVING BEEN IDENTIFIED AS UNCOLLECTIBLE; THERE ARE NO ASSETS AVAILABLE**
16. **ADOPT A RESOLUTION APPROVING VOLUNTEERS WHO WISH TO DONATE THEIR SERVICES TO THE UTAH COUNTY SENIOR COMPANION PROGRAM**
17. **APPROVE THE MINUTES OF THE JULY 2, 2013 COMMISSION MEETING (Continued from the July 9, 2013 Commission meeting)**
18. **APPROVE THE MINUTES OF THE JULY 9, 2013 COMMISSION MEETING**

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**19. RATIFICATION OF PAYROLL**

Period 14	5 Checks: \$2,437.92	1,146 Total Deposits: \$1,503,253.71	Total: \$1,505,691.63
		Federal Payroll Taxes	Total: \$ 222,233.22

**20. RATIFICATION OF WARRANT REGISTER SUMMARY**

Register No. 658	July 08, 2013	Purchasing Cards 474-474	Total: \$ 15.00
Register No. 659	July 08, 2013	Check Nos. 182506-182521	Total: \$ 39,511.00
Register No. 660	July 08, 2013	Direct Deposit:17199-17200	Total: \$ 528.59
Register No. 661	July 08, 2013	Check Nos. 182522-182532	Total: \$ 19,824.03
Register No. 662	July 09, 2013	Direct Deposit:17201-17204	Total: \$ 1,572.25
Register No. 663	July 09, 2013	Purchasing Cards 475-477	Total: \$ 1,716.01
Register No. 664	July 09, 2013	Check Nos. 182533-182569	Total: \$ 43,298.27
Register No. 665	July 10, 2013	Check Nos. 182570-182576	Total: \$ 9,713.00
Register No. 666	July 11, 2013	Direct Deposit:17205-17206	Total: \$ 171.99
Register No. 667	July 11, 2013	Purchasing Cards 478-481	Total: \$ 741.80
Register No. 668	July 11, 2013	Check Nos. 182577-182651	Total: \$ 50,719.90
Register No. 669	July 11, 2013	Direct Deposit:17207-17217	Total: \$ 744,241.74
Register No. 670	July 11, 2013	Check Nos. 182652-182664	Total: \$ 81,634.96
Register No. 671	July 12, 2013	Purchasing Cards 482-482	Total: \$ 685.00
Register No. 672	July 12, 2013	Check Nos. 182665-182677	Total: \$ 13,639.48
		<b>Total:</b>	<b><u>\$1,008,013.02</u></b>

Consent Agenda Item Nos. 1 through 20 were approved as written. Commissioner Witney recommended the following Regular Agenda items be moved to Consent:

1. **DELETE ONE FULL-TIME CAREER SERVICE TELECOMMUNICATION TECHNICIAN POSITION FROM THE STAFFING PLAN OF THE PUBLIC WORKS DEPARTMENT (CLASS CODE 3112, ACCOUNT NO. 640-44640), AND ADD ONE FULL-TIME CAREER SERVICE TELECOMMUNICATION SPECIALIST III - RADIO POSITION (CLASS CODE 3123, ACCOUNT NUMBER 650-44650)**

Commissioner Witney asked whether the deletion and vacancy of the Telecommunication Technician Position would provide enough funds to pay for the Telecommunication Specialist III position upgrade. Utah County Public Works Director Richard Nielson confirmed from the audience. Utah County Clerk/Auditor Bryan E. Thompson noted the need for an additional \$8,629.00 to fund the Specialist III position for the rest of this year, and Commissioner Ellertson indicated monies should be available because the other position has not been filled for the last six months. Commissioner Witney also pointed out that these are one-time funds, and Mr. Thompson suggested adjustments going forward.

3. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT BETWEEN THE UTAH DEPARTMENT OF WORKFORCE SERVICES AND THE UTAH COUNTY DEPARTMENT OF DRUG AND ALCOHOL PREVENTION AND TREATMENT FOR AFTER SCHOOL PROGRAMS FOR GOSHEN ELEMENTARY - NEBO SCHOOL DISTRICT**
4. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT BETWEEN THE UTAH DEPARTMENT OF WORKFORCE SERVICES AND THE UTAH COUNTY DEPARTMENT OF DRUG AND ALCOHOL PREVENTION AND TREATMENT FOR AFTER SCHOOL PROGRAMS FOR TAYLOR ELEMENTARY - NEBO SCHOOL DISTRICT**
5. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT BETWEEN THE UTAH DEPARTMENT OF WORKFORCE SERVICES AND THE UTAH COUNTY DEPARTMENT OF DRUG AND ALCOHOL PREVENTION AND TREATMENT FOR AFTER SCHOOL PROGRAMS FOR WESTSIDE ELEMENTARY - NEBO SCHOOL DISTRICT**

**7. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT WITH PROPERTYROOM.COM**

**ACTIONS TAKEN**

**Consent Agenda Item Nos. 1, 2, and 3 were declared as surplus; Nos. 4 and 16 were adopted; No. 5 was accepted; Nos. 6, 7, 8, 9, and 10 were approved and authorized; Nos. 11, 12, 13, 14, 17, and 18 were approved; No. 15 was abated; and Nos. 19 and 20 were ratified. Regular Agenda Item Nos. 1, 3, 4, 5, and 7 were approved and authorized.**

**AGREEMENT NOS.:** 2013-484, 2013-485, 2013-486, 2013-487, 2013-488, 2013-489, 2013-490, 2013-491, 2013-492, 2013-493, 2013-494, 2013-495, 2013-496, 2013-497, 2013-498, 2013-499, 2013-500 and 2013-501

**RESOLUTION NOS.:** 2013-79 and 2013-80

**REGULAR AGENDA**

**2. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN THE LARGE PUBLIC ASSEMBLY LICENSE FOR THE JENNY HOLZER PROJECTION AT BRIDAL VEIL FALLS - BRIGHAM YOUNG UNIVERSITY MUSEUM OF ART FOR OCTOBER 10-12, 2013**

Utah County Community Development's Peggy Kelsey came forward to address the Board. She mentioned that there had been a meeting approximately one month ago involving Utah Highway Patrol (UHP) and the Utah Department of Transportation (UDOT) to address traffic and safety concerns regarding this art exhibit, which is expected to attract many members of the public. Both UHP and UDOT were willing to work with the proposal.

Peggy Kelsey introduced Jeff Lambson, Curator of Contemporary Art and contact for this project. He also spoke about cooperation between the UHP, Utah County Sheriff's Office, and Brigham Young University Police in creating the safest environment possible for this situation. Signs will be posted near Bridal Veil Falls to alert drivers. They are anticipating having between ten and eighteen offers on site. Mr. Lambson also addressed insurance policies.

The commissioners asked for details on this event, which will be a consecutive Thursday, Friday, and Saturday nights in October of this year from 7:00 PM to 11:00 PM. Jenny Holzer has presented at renowned establishments such as The Musée de Louvre in Paris, France and the Guggenheim Museum in New York City. She recently visited Bridal Veil Falls and was inspired to bring a projection show to Utah County. Jeff Lambson has worked at the Smithsonian Institution in Washington, DC and is impressed by her conceptual art which involves literary projections onto large structures. This event will be mentioned in international art magazines, bringing much positive publicity for the BYU Museum, Provo, and Utah County.

**Commissioner Ellertson made the motion to approve and authorize the Large Public Assembly License for the Jenny Holzer Projection at Bridal Veil Falls from October 10-12, 2013 as discussed in Regular Agenda Item No. 2. 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. 2013-502

**6. ADOPT A RESOLUTION AUTHORIZING THE COMMISSION CHAIR TO SIGN AN INTERLOCAL AGREEMENT WITH SANTAQUIN CITY FOR THE CREATION OF A RAILROAD QUIET ZONE IN THE SANTAQUIN AREA**

Utah County Public Works Director Richard Nielson explained that Santaquin City has requested this agreement for a Quiet Zone around certain railroads in their area. There are six public crossings and three private ones involved. Commissioners Anderson and Ellertson had safety concerns about omitting the train horns, and Mr. Nielson noted that all of the public crossings are up to standards but he has not investigated the private crossings.

Commissioner Ellertson summarized that this interlocal agreement only gives Santaquin City the ability to submit an application to the railroad for the Quiet Zone. The agreement states that the county would pay their share of the costs for the crossings, but all of the improvements are already in place; further costs are not anticipated. Commissioner Witney mentioned that the county is not somehow supporting any private crossings, and Commissioner Anderson noted that Santaquin would essentially be representing Utah County in an association with the railroad. They discussed liability, and Utah County Deputy Attorney Paul Jones pointed out that it would not be an issue for the county.

**Commissioner Ellertson made the motion to adopt the resolution authorizing the interlocal agreement with Santaquin City for the creation of a Railroad Quiet Zone as detailed in Regular Agenda Item No. 6. The motion was seconded by Commissioner Anderson and carried with the following vote:**

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

RESOLUTION NO. 2013-81  
AGREEMENT NO. 2013-503

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

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

**10. 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

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

**12. 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. 9, 10, 11, and 12 to set dates, times and locations for closed meetings for a strategy session to discuss pending or reasonably imminent litigation; for a strategy session to discuss the purchase, exchange, or lease of real property; for a strategy session to discuss the sale 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

**8. 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**

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

**WORK SESSION**

NO WORK SESSION ITEMS WERE SUBMITTED

**PUBLIC COMMENTS**

There were no public comments and the meeting recessed at 9:27 A.M. to go into closed meetings. The public meeting reconvened at 9:58 A.M.

Commissioner Ellertson made the motion to adjourn the July 16, 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

There being no further business nor public comment, the meeting adjourned at 9:58 A.M. The minutes of the July 16, 2013 Commission Meeting were approved as transcribed on July 30, 2013.

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DOUG WITNEY, Commission Chair

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ATTEST:

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BRYAN E. THOMPSON  
Utah County Clerk/Auditor

