

BOARD OF COUNTY COMMISSIONERS, UTAH COUNTY, UTAH
MINUTES OF PUBLIC MEETING
COMMISSION CHAMBERS, ROOM 1400
OF THE UTAH COUNTY ADMINISTRATION BUILDING
August 20, 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
Bryan E. Thompson, Utah County Clerk/Auditor
Burt Harvey, Clerk/Auditor - Tax Admin. Supervisor
Sandy Nielson, Clerk/Auditor's Office - Tax Admin.
Jim Stevens, Utah County Assessor's Office
Dr. Joseph K. Miner, Health Department Exec. Director
Eric Edwards, Utah County Health Department
Mason Liu, Utah County Health Department
Mark Brady, Assistant Personnel Director
Jane Ivie, Personnel Office

Julie Rollins, Utah County Purchasing Agent
Richard Nielson, Utah County Public Works Director
Don Nay, Utah County Public Works Assoc. Director
Jeff Smith, Utah County Recorder
Andrea Allen, Utah County Recorder's Office
James O. Tracy, Utah County Sheriff
Cary McConnell, Utah County Treasurer's Office
Matt Dugdale, George K. Baum & Company
Randy Larsen, Ballard Spahr
Darwin Bundy, Fairfield Resident
Chris Crockett, Utah Division of Wildlife Resources
Mark Grover, Utah Division of Wildlife Resources
Mike Washburn, Thanksgiving Point
Renée Huggins-Caron, Clerk/Auditor Admin. Assist.

Commissioner Witney called the meeting to order at 9:01 A.M. and welcomed those present. The following matters were discussed:

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

PLEDGE OF ALLEGIANCE: Dr. Joseph K. Miner, Utah County Health Department Executive Director

CONSENT AGENDA

1. RATIFY THE SIGNATURE OF THE COMMISSION CHAIR ON THE MANAGEMENT REPRESENTATION LETTER FOR THE 2012 UTAH COUNTY AUDIT

Commissioner Ellertson asked whether there were any discrepancies in the letter, and Utah County Clerk/Auditor Bryan E. Thompson ensured him that it had been completed appropriately.

2. DECLARE SPECIFIED ITEMS AS SURPLUS AND AUTHORIZE THE DISPOSITION THEREOF THROUGH PUBLIC AUCTION OR AS JUNK

3. ADOPT A RESOLUTION APPROVING AND AUTHORIZING INTERLOCAL AGREEMENT NO. 2013-565 WITH PAYSON CITY FOR SUBSTANCE ABUSE PREVENTION SERVICES AND THE COMMUNITIES THAT CARE PREVENTION MODEL

4. APPROVE AND AUTHORIZE A MOUNTAINLAND ASSOCIATION OF GOVERNMENTS UTAH COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT AWARD OF UP TO \$197,962.00 TO AMERICAN FORK CITY FOR 100 SOUTH FIRE PROTECTION AND WATER LINE REPLACEMENT

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5. APPROVE AND AUTHORIZE A MOUNTAINLAND ASSOCIATION OF GOVERNMENTS UTAH COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT AWARD OF UP TO \$22,000.00 TO FRIENDS OF THE UTAH COUNTY CHILDREN'S JUSTICE CENTER FOR CHILD ABUSE TREATMENT
6. APPROVE AND AUTHORIZE A MOUNTAINLAND ASSOCIATION OF GOVERNMENTS UTAH COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT AWARD OF UP TO \$69,308.00 TO SANTAQUIN CITY FOR THE SENIOR CITIZEN'S PROJECT
7. APPROVE TAX CREDITS AND REFUNDS RECOMMENDED BY THE COUNTY TREASURER'S OFFICE IN CANCELLATION LETTER NO. 20289, DATED AUGUST 14, 2013
8. ABATE PERSONAL PROPERTY ACCOUNTS ATTACHED FOR THE YEARS INDICATED, HAVING BEEN IDENTIFIED AS UNCOLLECTIBLE; THERE ARE NO ASSETS AVAILABLE
9. APPROVE PROPERTY TAX ACTIONS CONTAINED IN RECOMMENDATION LETTER 2013-13
(Continued from the August 6 and August 13, 2013 Commission meetings)

The Board requested that Consent Agenda Item No. 9 be moved to the Regular Agenda for discussion.
PULLED TO REGULAR

10. ADOPT A RESOLUTION APPROVING VOLUNTEERS WHO WISH TO DONATE THEIR SERVICES TO THE CHILDREN'S JUSTICE CENTER AND THE UTAH COUNTY HEALTH DEPARTMENT
11. APPROVE THE MINUTES OF THE AUGUST 13, 2013 COMMISSION MEETING

12. RATIFICATION OF WARRANT REGISTER SUMMARY

Register No. 747	August 12, 2013	Purchasing Cards 577-577	Total: \$	62.46
Register No. 748	August 12, 2013	Check Nos. 183845-183905	Total: \$	217,240.81
Register No. 749	August 12, 2013	Direct Deposit:17418-17432	Total: \$	5,596.06
Register No. 750	August 12, 2013	Check Nos. 183906-183926	Total: \$	5,168.72
Register No. 751	August 12, 2013	Direct Deposit:17433-17441	Total: \$	1,594.91
Register No. 752	August 12, 2013	Check Nos. 183927-183937	Total: \$	1,886.69
Register No. 753	August 13, 2013	Purchasing Cards 578-586	Total: \$	3,675.67
Register No. 754	August 13, 2013	Check Nos. 183938-183945	Total: \$	290,497.18
Register No. 755	August 13, 2013	Check Nos. 183946-183996	Total: \$	96,445.66
Register No. 756	August 14, 2013	Bond Wires:163-167	Total: \$	463,840.66
Register No. 757	August 14, 2013	Bond Wires:168-169	Total: \$	6,745.30
Register No. 758	August 14, 2013	Direct Deposit:17442-17443	Total: \$	5,373.00
Register No. 759	August 14, 2013	Check Nos. 183997-184012	Total: \$	18,467.10
Register No. 760	August 15, 2013	Bond Wires:170-170	Total: \$	3,768.15
Register No. 761	August 15, 2013	Check Nos. 184013-184020	Total: \$	40,270.99
Register No. 762	August 15, 2013	Purchasing Cards 587-587	Total: \$	497.00
Register No. 763	August 15, 2013	Direct Deposit:17444-17449	Total: \$	2,656.10
Register No. 764	August 15, 2013	Check Nos. 184021-184032	Total: \$	3,399.53
Register No. 765	August 16, 2013	Direct Deposit:17450-17450	Total: \$	67.90
Register No. 766	August 16, 2013	Check Nos. 184033-184044	Total: \$	224,824.88
Register No. 767	August 16, 2013	Direct Deposit:17451-17453	Total: \$	483.75
Register No. 768	August 16, 2013	Purchasing Cards 588-600	Total: \$	2,198.27
Register No. 769	August 16, 2013	Check Nos. 184045-184106	Total: \$	222,878.76
			<u>Total:</u>	<u>\$1,617,639.55</u>

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Consent Agenda Item Nos. 1 through 8, and 10 through 12 were approved as written. Commissioner Witney recommended the following Regular Agenda items be moved to Consent:

1. **APPROVE EMPLOYEE DONATION OF LEAVE TIME WITHIN THE UTAH COUNTY ATTORNEY'S OFFICE**
2. **ADOPT A RESOLUTION REVISING THE UTAH COUNTY PURCHASING CARD POLICIES AND PROCEDURES**
3. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT WITH THE CITY OF SARATOGA SPRINGS FOR THE TOBACCO SALES TO UNDERAGE PERSONS PROGRAM**
4. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT WITH DONE RITE LINES, LLC FOR PAINTING OF PAVEMENT MARKINGS ON ROADS AND OTHER COUNTY PROPERTIES**
6. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN A ROAD PROJECT AGREEMENT (#13-RO-11041915-047) WITH THE UNITED STATES FOREST SERVICE FOR WORK ON DIAMOND FORK ROAD, NEBO LOOP ROAD, AND SHEEP CREEK ROAD IN THE AMOUNT OF \$260,000.00**
8. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT WITH THE UTAH VALLEY CHAMBER OF COMMERCE FOR THE DEVELOPMENT OF A REGIONAL WEBSITE**
9. **ADOPT A RESOLUTION APPROVING AND AUTHORIZING THE EXECUTION OF AN INTERLOCAL COOPERATION AGREEMENT WITH MILLARD COUNTY**

Utah County Clerk/Auditor Bryan E. Thompson noted that budget transfers would be needed for the execution of Regular Agenda Item Nos. 8 and 9.

ACTIONS TAKEN

Consent Agenda Item Nos. 1 and 12 were ratified; No. 2 was declared as surplus; Nos. 3 and 10 were adopted; Nos. 4, 5 and 6 were approved and authorized; and Nos. 7 and 11 were approved; No. 8 was abated; and No. 9 was tabled for further discussion. Regular Agenda Item No. 1 was approved; Nos. 2 and 9 were adopted; and Nos. 3, 4, 6, and 8 were approved and authorized.

AGREEMENT NOS.: 2013-574, 2013-575, 2013-576, 2013-577, 2013-578, 2013-579, 2013-580, 2013-581, 2013-582, 2013-583, 2013-584 and 2013-585

RESOLUTION NOS.: 2013-94, 2013-95, 2013-96 and 2013-97

REGULAR AGENDA

(PULLED FROM CONSENT)

9. **APPROVE PROPERTY TAX ACTIONS CONTAINED IN RECOMMENDATION LETTER 2013-13**
(Continued from the August 6 and August 13, 2013 Commission meetings)

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Vic Devano came forward to represent Riverside Country Club of Provo and their "Application for Settlement or Deferral of Delinquent Property Tax." The Utah County Attorney's Office has recommended a denial of the application as contained in Consent Agenda Item No. 9. Mr. Devano explained that he had been working with Utah County Assessor Kris Poulson and Jim Stevens of the same office to tax the property at \$27,000 for the land and approximately \$15,000 for the greenbelt status. He expressed that the two closest comparable properties to Riverside Country Club were Thanksgiving Point and the Alpine Country Club, and addressed the differences between open space and space for the clubhouse. Mr. Devano also pointed out the community involvement of his club and the fact that the Riverside Country Club allows non-members to use the venue for weddings and events. Mr. Devano explained that past discussions with the Assessor's Office led to a decrease in the taxes to total \$43,000, which he stated was still excessive compared to Thanksgiving Point and Alpine Country Club.

Commissioner Anderson noted the absence of Utah County Assessor Kris Poulson from the audience today, mentioning that Mr. Poulson might have more information pertinent to this discussion. Jim Stevens of the Assessor's Office acknowledged that Vic Devano and Kris Poulson had conferred but could not expand on their discussions since he had not been present and would not speak on behalf of Mr. Poulson. When Mr. Devano attempted to express that Riverside Country Club could be considered a charitable organization, Utah County Deputy Attorney David Shawcroft clarified that the club is not a non-profit business. Mr. Shawcroft also noted that any valuation concerns of Mr. Devano had not been raised in a timely manner, and pointed out the new structures for the clubhouse on the property.

Utah County Deputy Attorney David Shawcroft, the commissioners, and Vic Devano debated the appropriateness in discussing several different issues during this session, and ultimately decided to delay any decision until more information could be gathered.

Commissioner Ellertson made the motion to continue Consent Agenda Item No. 9 regarding Property Tax actions contained in Recommendation Letter 2013-13 for two weeks to the September 3, 2013 meeting of the Board. 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 SEPTEMBER 3, 2013

REGULAR AGENDA

5. ADOPT A RESOLUTION APPROVING AND AUTHORIZING THE COMMISSION CHAIR TO SIGN AN INTERLOCAL AGREEMENT WITH SALEM CITY FOR ASPHALT WORK ON BEET ROAD

Commissioner Ellertson asked about the total cost of asphalt for this project and Utah County Public Works Director Richard Nielson clarified that it would be approximately \$46,000.00.

Commissioner Ellertson made the motion to adopt the resolution approving and authorizing the interlocal agreement with Salem City as described in Regular Agenda Item No. 5. 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. 2013-98
AGREEMENT NO. 2013-586

7. CONSIDERATION FOR ADOPTION OF A RESOLUTION OF THE COUNTY COMMISSION OF UTAH COUNTY, UTAH, AUTHORIZING THE EXECUTION BY THE COUNTY OF A PORTFOLIO AGREEMENT, A MEMORANDUM OF UNDERSTANDING, AND A GROUND LEASE AGREEMENT, ALL IN RELATION TO A MUSEUM PROJECT (Continued from the August 13, 2013 Commission meeting)

Commissioner Witney summarized that this resolution and subsequent documents would be to lease ground for the Children's Museum. Randy Larsen of Ballard Spahr came forward and defined the calculations within the agreements. Mike Washburn of Thanksgiving Point commented from the audience regarding TRCC funds. Commissioner Anderson praised the cooperation of the entities working together to create this opportunity for our school districts.

Commissioner Ellertson made the motion to adopt the resolution authorizing the execution of a Portfolio Agreement, a Memorandum of Understanding, and a Ground Lease Agreement in relation to a Museum Project as defined in Regular Agenda Item No. 7. 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. 2013-99

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

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

**14. 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. 11 and 14 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: Doug Witney
Gary J. Anderson
Larry A. Ellertson
NAY: None**

10. 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

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

SET

13. 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

1. DISCUSS POTENTIAL UTAH DIVISION OF WILDLIFE PROJECT ON PRIVATE LANDS IN FAIRFIELD, UTAH

Chris Crockett of the Utah Division of Wildlife Resources approached the bench to discuss the population of “least chub” fish in Utah waters. The DWR is proposing a program to prevent this state-sensitive species from becoming an endangered species; least chub is currently considered vulnerable/threatened class by the federal government. Mr. Crockett assured Commissioner Anderson that this ray-finned fish is in no way related to the June sucker, an endangered species that has been a topic of much discussion in the past.

Chris Crockett introduced Darwin Bundy, a Fairfield resident with whom the Department of Natural Resources will be entering into an agreement with to help protect Least chub. Mr. Crockett provided an overview of the seven to eight sites in other counties that will be dedicated to preserving these fish that are endemic to Utah.

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Darwin Bundy spoke of his property, consisting of 161 acres, and the diversity of habitat and wildlife species found there. He has planted thousands of trees in this desert oasis with a natural spring holding at 54 degrees year-round; the water never freezes. Mr. Bundy is very enthusiastic about native species and looks forward to cooperating with Wildlife Resources in the upcoming months.

The commissioners thanked Chris Crockett and Darwin Bundy for their presentation, with a final request to not get Utah County involved in another June sucker type of situation.

PUBLIC COMMENTS

There were no public comments and the meeting recessed at 9:53 A.M. to go into closed meetings. The public meeting reconvened at 11:30 A.M.

Commissioner Ellertson made the motion to adjourn the August 20, 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 11:30 A.M. The minutes of the August 20, 2013 Commission Meeting were approved as transcribed on September 10, 2013.

DOUG WITNEY, Commission Chair

ATTEST:

BRYAN E. THOMPSON
Utah County Clerk/Auditor