

BOARD OF COUNTY COMMISSIONERS, UTAH COUNTY, UTAH
MINUTES OF PUBLIC MEETING
COMMISSION CHAMBERS, ROOM 1400
OF THE UTAH COUNTY ADMINISTRATION BUILDING
October 1, 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
Julie Rollins, Utah County Purchasing Agent
Kris Poulson, Utah County Assessor
Peter A. Jeppsen, Utah County Assessor's Office
Jim Stevens, Utah County Assessor's Office
Dr. Joseph K. Miner, Health Department Exec. Director
Lana Jensen, Utah County Personnel Director
Jane Ivie, Personnel Office
Jeff Smith, Utah County Recorder
Andrea Allen, Utah County Recorder's Office
Robert C. Kirk, Utah County Treasurer
Cary McConnell, Utah County Treasurer's Office

James O. Tracy, Utah County Sheriff
Patricia Batley, Utah County Sheriff's Office
Mark Beals, Utah County Sheriff's Office
Darin Durfey, Utah County Sheriff's Office
Mike Forshee, Utah County Sheriff's Office
Dalene Higgins, Utah County Sheriff's Office
Matt Higley, Utah County Sheriff's Office
Nancy Killian, Utah County Sheriff's Office
Gary Ratcliffe, Utah County Surveyor
Jim Dain, Lindon City Mayor
Jeff Acerson, Lindon City
Adam Cowie, Lindon City
Hugh Van Wagenen, Lindon City
Jason Burningham, Lewis Young Robertson Burningham
Cami Hamilton, Lewis Young Robertson Burningham Inc.
Mike Stansfield, Fairways Media
Renée Huggins-Caron, Clerk/Auditor Admin. Assist.

Commissioner Witney called the meeting to order at 9:08 A.M. and welcomed those present. The following matters were discussed:

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

PLEDGE OF ALLEGIANCE: Doug Witney, Utah County Commissioner

CONSENT AGENDA

1. **RATIFY THE SIGNATURE OF THE COMMISSION CHAIR ON AN ADDENDUM TO PICTOMETRY LICENSE AGREEMENT NO. 2006-101**
2. **RATIFY THE SIGNATURE OF THE COMMISSION CHAIR ON A CONTRACT WITH SUNDANCE MOUNTAIN RESORT TO PAY FOR SCENIC TOUR OF UTAH EVENT ACTIVITIES TO PROMOTE TOURISM IN UTAH COUNTY**

Commissioner Anderson noted that on both Consent Agenda Item Nos. 2 and 3, the contracts are related to the 2013 Scenic Tour of Utah; the posted "Tour of Utah" is a very different event. The minutes will reflect this change.

3. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN ADDENDUM TO THE AGREEMENT BETWEEN UTAH COUNTY AND SUNDANCE MOUNTAIN RESORT FOR SPONSORSHIP OF THE 2013 SCENIC TOUR OF UTAH**

Commissioner Ellertson questioned whether discounted rates had been applied, and Commissioner Witney was unsure.

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4. 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

Commissioner Ellertson commented on the first item on the list, Account No. 73492 under the ownership of "Real Deals on Home Décor," and suggested its exclusion from approval after discussion with Utah County Deputy Attorney David Shawcroft.

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

Commissioner Ellertson commented on the first item on the list, Account No. 83381 under the ownership of "Shekinah Tax Service," and suggested its exclusion from abatement after discussion with Utah County Deputy Attorney David Shawcroft.

6. ADOPT A RESOLUTION APPROVING VOLUNTEERS WHO WISH TO DONATE THEIR SERVICES TO THE CHILDREN'S JUSTICE CENTER AND THE UTAH COUNTY HEALTH DEPARTMENT

7. APPROVE THE MINUTES OF THE SEPTEMBER 10, 2013 COMMISSION MEETING (Continued from the September 24, 2013 Commission meeting)

8. APPROVE THE MINUTES OF THE SEPTEMBER 24, 2013 COMMISSION MEETING

Commissioner Ellertson requested that Consent Agenda Item No. 8 be continued to the next meeting of the Board.
CONTINUED TO OCTOBER 8, 2013

9. RATIFICATION OF WARRANT REGISTER SUMMARY

Register No. 879	September 23, 2013	Direct Deposit:17814-17816	Total: \$	2,408.81
Register No. 880	September 23, 2013	Purchasing Cards 773-776	Total: \$	1,974.67
Register No. 881	September 23, 2013	Check Nos. 185488-185532	Total: \$	213,406.70
Register No. 882	September 23, 2013	Bond Wires:173-173	Total: \$	300,000.00
Register No. 883	September 23, 2013	Direct Deposit:17817-17828	Total: \$	3,610.27
Register No. 884	September 23, 2013	Purchasing Cards 777-780	Total: \$	470.07
Register No. 885	September 23, 2013	Check Nos. 185533-185534	Total: \$	4,043.38
Register No. 886	September 24, 2013	Purchasing Cards 781-781	Total: \$	37.13
Register No. 887	September 24, 2013	Check Nos. 185535-185554	Total: \$	72,351.79
Register No. 888	September 24, 2013	Check Nos. 185555-185555	Total: \$	225.00
Register No. 889	September 24, 2013	Purchasing Cards 782-785	Total: \$	168,625.02
Register No. 890	September 24, 2013	Check Nos. 185556-185605	Total: \$	80,591.75
Register No. 891	September 25, 2013	Purchasing Cards 786-804	Total: \$	3,283.98
Register No. 892	September 25, 2013	Check Nos. 185606-185634	Total: \$	1,707,382.06
Register No. 893	September 25, 2013	Direct Deposit:17829-17847	Total: \$	9,575.00
Register No. 894	September 25, 2013	Check Nos. 185635-185650	Total: \$	5,766.94
Register No. 895	September 25, 2013	Direct Deposit:17848-17848	Total: \$	690,862.40
Register No. 896	September 25, 2013	Check Nos. 185651-185654	Total: \$	9,178.81
Register No. 897	September 26, 2013	Direct Deposit:17849-17849	Total: \$	4,800.00
Register No. 898	September 26, 2013	Purchasing Cards 805-805	Total: \$	67.74
Register No. 899	September 26, 2013	Check Nos. 185655-185664	Total: \$	15,002.68
Register No. 900	September 26, 2013	Check Nos. 185665-185665	Total: \$	504.00
Register No. 901	September 26, 2013	Purchasing Cards 806-806	Total: \$	19.99
Register No. 902	September 26, 2013	Direct Deposit:17850-17853	Total: \$	408.79
Register No. 903	September 26, 2013	Check Nos. 185666-185682	Total: \$	9,098.40

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Register No. 904	September 27, 2013	Purchasing Cards 807-807	Total: \$ 1,195.88
Register No. 905	September 27, 2013	Check Nos. 185683-185705	Total: \$ 78,076.22
Register No. 906	September 27, 2013	Check Nos. 185706-185708	Total: \$ 298.50
			<u>Total: \$3,383,265.98</u>

Consent Agenda Item Nos. 1 through 7, and 9, were approved as written, with the changes noted to Nos. 2, 3, 4 and 5. Commissioner Witney recommended the following Regular Agenda items be moved to Consent:

2. **APPROVE AND ADOPT A RESOLUTION TRANSFERRING FUNDS BETWEEN DEPARTMENTS OF UTAH COUNTY**

3. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AMENDMENT NO. 1 TO AGREEMENT NO. 2012-784 WITH THE UTAH DEPARTMENT OF HEALTH FOR ANOTHER YEAR OF FUNDING FOR THE HEALTHCARE ASSOCIATED INFECTIONS GRANT**

6. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN THE 2013 JAG BLOCK GRANT APPLICATION WITH THE STATE OF UTAH**

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

The commissioners requested that this item be stricken from the agenda.
STRICKEN

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

The commissioners requested that this item be stricken from the agenda.
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**

The commissioners requested that this item be stricken from the agenda.
STRICKEN

ACTIONS TAKEN

Consent Agenda Item Nos. 1, 2, and 9 were ratified; No. 3 was approved and authorized; Nos. 4 and 7 were approved; No. 5 was abated; No. 6 was adopted; and No. 8 was continued to the October 8, 2013 meeting of the Board. Regular Agenda Item No. 2 was adopted; Nos. 3 and 6 were approved and authorized; and Nos. 9, 11 and 12 were stricken from the agenda.

AGREEMENT NOS.: 2013-663, 2013-664, 2013-665, 2013-666, 2013-667, 2013-668 and 2013-669

RESOLUTION NOS.: 2013-108 and 2013-109

REGULAR AGENDA

1. **RECOGNITION OF THE UTAH COUNTY EMPLOYEE OF THE MONTH FOR OCTOBER 2013**
Patricia Batley of the Utah County Sheriff's Office was recognized as the Utah County Employee of the Month for October 2013.

4. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN THE TENANT ESTOPPEL CERTIFICATE FOR PAUL WASHBURN REGARDING THE OREM WIC OFFICE

Utah County Deputy Attorney Paul Jones explained that the building wherein the Orem WIC Office is located is currently for sale by the owner, Paul Washburn. Since Utah County has a lease agreement for commercial space, this certificate shows that the county does not have any lien against the property and there are no owed funds - this helps the landlord complete the sale.

Commissioner Ellertson made the motion to approve the Tenant Estoppel Certificate for Paul Washburn as described in Regular Agenda Item No. 4. 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. 2013-670

5. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN A MAINTENANCE AGREEMENT WITH WESTERN IDENTIFICATION NETWORK FOR THE AFIS MACHINE LOCATED IN THE SHERIFF'S OFFICE - EVIDENCE DIVISION, EFFECTIVE SEPTEMBER 1, 2013 TO JUNE 30, 2014

Commissioner Ellertson pointed out a typographical error in the effective dates (ending period listed as June 20, 2014 rather than June 30, 2014 on the form), and this was corrected for signatures.

Commissioner Ellertson made the motion to approve the maintenance agreement with Western Identification Network as defined 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**

AGREEMENT NO. 2013-671

7. ADOPT A RESOLUTION OF THE LEGISLATIVE BODY OF UTAH COUNTY APPROVING AND AUTHORIZING THE EXECUTION OF AN INTERLOCAL COOPERATION AGREEMENT BETWEEN UTAH COUNTY AND THE REDEVELOPMENT AGENCY OF LINDON CITY

Lindon City Mayor Jim Dain came forward to express the city's desire for the county to participate in a CDA (Community Development Area). Lindon City has been collaborating with Lewis Young Robertson & Burningham, Inc. as well as the Utah County Attorney's Office to bring this to pass. There was some discussion regarding the trigger date, changes in the distribution amounts, and the maximum costs; Jason Burningham was able to clarify all of the commissioners' concerns.

Commissioner Ellertson made the motion to adopt the resolution approving and authorizing the interlocal cooperation agreement with the Redevelopment Agency of Lindon City as discussed 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. 2013-110
AGREEMENT NO. 2013-672

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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 INDIVIDUALS

Commissioner Ellertson 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 Anderson and carried with the following vote:

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

SET

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

Commissioner Ellertson 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 meetings today in Room 1400 of the County Administration Building. The motion was seconded by Commissioner Anderson 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 9:37 A.M. to go into closed meetings. The public meeting reconvened at 10:44 A.M., and the Board took a moment of personal privilege to acknowledge the birthday of Administrative Assistant Renée Huggins-Caron, who was flattered to be surprised with gifts and flowers by father-in-law David Caron.

Commissioner Ellertson made the motion to adjourn the September 24, 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

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There being no further business nor public comment, the meeting adjourned at 10:45 A.M. The minutes of the October 1, 2013 Commission Meeting were approved as transcribed on October 8, 2013.

DOUG WITNEY, Commission Chair

ATTEST:

BRYAN E. THOMPSON
Utah County Clerk/Auditor