

BOARD OF COUNTY COMMISSIONERS, UTAH COUNTY, UTAH
MINUTES OF PUBLIC MEETING
COMMISSION CHAMBERS, ROOM 1400
OF THE UTAH COUNTY ADMINISTRATION BUILDING
June 3, 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	Marilyn Dye, Utah County Personnel Office
E. Kent Sundberg, Civil Division Chief Attorney	Jane Ivie, Utah County Personnel Office
David Shawcroft, Utah County Deputy Attorney	Jeff Smith, Utah County Recorder
Paul Jones, Utah County Deputy Attorney	BJ Eckles, Utah County Sheriff's Office
Bryan E. Thompson, Utah County Clerk/Auditor	Mike Forshee, Utah County Sheriff's Office
Burt Harvey, Clerk/Auditor - Tax Admin. Supervisor	Dalene Higgins, Utah County Sheriff's Office
Vicky Westergard, Clerk/Auditor's Office - Tax Admin.	Holden Rockwell, Utah County Sheriff's Office
Julie Rollins, Utah County Purchasing Agent	Jeremie Taylor, Utah County Sheriff's Office
Jim Stevens, Utah County Assessor's Office	Dan Thorns, Utah County Sheriff's Office
Bryce Armstrong, Community Development	Robert C. Kirk, Utah County Treasurer
Peggy Kelsey, Community Development	Garrick Hall, Utah Farm Bureau Federation
Dr. Joseph K. Miner, Health Department Exec. Director	Dan Ellsworth, Strawberry Electric Service District
Bryce C. Larsen, Utah County Health Department	Blair Hamilton, Strawberry Electric Service District
Tyler Plewe, Utah County Health Department	John R. Payne, Morgan & Payne Attorneys
Cheri Tuckett, Foster Grandparent Program	McKay Crockett, -No further information given-
Richard Nielson, Utah County Public Works Director	Mike Stansfield, Fairways Media
	Renée Huggins-Caron, Clerk/Auditor Admin. Assist.

Commissioner Ellertson called the meeting to order at 9:03 A.M. and welcomed those present. He excused Commissioner Anderson for the time being, explaining Commissioner Anderson would be joining the meeting shortly, and noted that Robert's Rules of Order would be temporarily waived for the purpose of making motions. The following matters were discussed:

PRAYER/READING/THOUGHT: Doug Witney, Utah County Commissioner

PLEDGE OF ALLEGIANCE: Larry A. Ellertson, Utah County Commissioner

CONSENT AGENDA

- 1. RATIFY THE COMMISSION SIGNATURES ON THE FINDINGS OF FACT, CONCLUSION OF LAW, AND DECISION REGARDING THE DENIAL OF THE TAX SALE PROTEST FILED BY TIMOTHY COLLINGS WITH C161P, LLC, RELATED TO PARCEL SERIAL NO. 02:033:029**
- 2. DENY (OR ADOPT) AN ORDINANCE TO AMEND THE UTAH COUNTY LAND USE ORDINANCE, SUBSECTION 6-3-C-7-E, RELATED TO WATER QUALITY REQUIREMENTS FOR WELLS IN SUBDIVISIONS** *(Continued from the April 1, 2014 Commission meeting)*

The Board requested that Consent Agenda Item No. 2 be continued to a future meeting of the Board.

CONTINUED TO JULY 29, 2014

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3. APPROVE THE RELEASE OF THE OPEN PIT MINING OPERATION REHABILITATION BOND AND AUTHORIZE THE COMMISSION CHAIR TO SIGN THE RELEASE LETTER FOR CALCITE EXPLORATION LLC - DAN CARY GRAVEL PIT LOCATED IN THE PELICAN POINT AREA OF UNINCORPORATED UTAH COUNTY: CASH BOND IN THE TOTAL AMOUNT OF \$17,825.00
4. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN A SOFTWARE MAINTENANCE AND SUPPORT AGREEMENT WITH THE SIDWELL COMPANY FOR PROGRAMS USED IN THE RECORDER'S OFFICE
5. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN THE AIRCRAFT HULL & LIABILITY PROPOSAL OF INSURANCE PRESENTED BY ARTHUR J. GALLAGHER
6. APPROVE TAX CREDITS AND REFUNDS RECOMMENDED BY THE COUNTY ASSESSOR'S OFFICE IN CANCELLATION AND CORRECTION LETTER NO. 60306, DATED MAY 29, 2014
7. APPROVE THE CANCELLATION OF AGREEMENT NO. 2013-578 BETWEEN UTAH COUNTY AND SANTAQUIN CITY

8. APPROVE PROPERTY TAX ACTIONS CONTAINED IN RECOMMENDATION LETTER NO. 2014-11
The Board requested that Consent Agenda Item No. 8 be continued to the next meeting of the Board.
CONTINUED TO JUNE 17, 2014

9. ADOPT A RESOLUTION APPROVING VOLUNTEERS WHO WISH TO DONATE THEIR SERVICES TO THE UTAH COUNTY HEALTH DEPARTMENT
10. APPROVE THE MINUTES OF THE MAY 6, 2014 COMMISSION MEETING

11. RATIFICATION OF PAYROLL
Period 11 10 Checks: \$7,669.40 1,142 Total Deposits: \$1,523,740.38 Total: \$ 1,531,409.78
Federal Payroll Taxes Total: \$ 220,367.38

12. RATIFICATION OF WARRANT REGISTER SUMMARY

Register No. 579	May 27, 2014	Check Nos. 194633-194644	Total: \$ 26,030.00
Register No. 580	May 27, 2014	Purchasing Cards 2131-2206	Total: \$ 60,432.47
Register No. 581	May 27, 2014	Check Nos. 194645-194700	Total: \$ 2,436.00
Register No. 582	May 27, 2014	Direct Deposit:19510-19514	Total: \$ 4,972.38
Register No. 583	May 27, 2014	Check Nos. 194701-194739	Total: \$ 195,538.87
Register No. 584	May 29, 2014	Purchasing Cards 2207-2210	Total: \$ 327.24
Register No. 585	May 29, 2014	Direct Deposit:19515-19521	Total: \$ 780,999.89
Register No. 586	May 29, 2014	Check Nos. 194740-194801	Total: \$ 168,736.52
Register No. 587	May 29, 2014	Bond Wires:286-286	Total: \$ 220,367.38
Register No. 588	May 29, 2014	Check Nos. 194802-194810	Total: \$ 80,366.45
Register No. 589	May 29, 2014	Direct Deposit:19522-19530	Total: \$ 680,404.74
Register No. 590	May 29, 2014	Check Nos. 194811-194811	Total: \$ 145.95
			Total: \$2,220,757.89

Consent Agenda Item Nos. 1, 3 through 7, and 9 through 12 were approved as written. Commissioner Ellertson recommended the following Regular Agenda items be moved to Consent:

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3. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT TO PROVIDE FOSTER GRANDPARENTS TO PROVO SCHOOL DISTRICT**
4. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT WITH LE BUS TO TRANSPORT SENIOR VOLUNTEERS TO THE FOSTER GRANDPARENTS ANNUAL PICNIC AND INSERVICE MEETING TO BE HELD AT VIVIAN PARK ON MONDAY, JUNE 16, 2014**
5. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT WITH BRIGHAM YOUNG UNIVERSITY (BYU) TO PROVIDE FOOD HANDLER PERMIT TRAINING**
8. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN CHANGE ORDER NO. 1 TO AGREEMENT NO. 2014-197 WITH J. LYNE ROBERTS & SONS, INC.**
10. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN THE EASEMENT ENCROACHMENT AGREEMENT WITH THE UNITED STATES DEPARTMENT OF THE INTERIOR, BUREAU OF RECLAMATION, CENTRAL UTAH PROJECT, JORDAN AQUEDUCT, REACH 4, & ALPINE AQUEDUCT, REACH 3 FOR THE MURDOCK CANAL TRAIL, DRY CREEK SEGMENT**
11. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN THE ROAD PROJECT AGREEMENT # 14-RO-110419915-032 WITH THE USDA, FOREST SERVICE, UINTA-WASATCH-CACHE NATIONAL FOREST FOR WORK ON DIAMOND FORK, SHEEP CREEK, DIAMOND CAMPGROUND, AND NEBO LOOP ROADS IN AN AMOUNT NOT TO EXCEED \$100,000**
12. **RATIFY THE SIGNATURE OF THE COMMISSION CHAIR ON THE FY2014 ANNUAL DRUG OPERATIONS AND FINANCIAL PLAN WITH THE USDA FOREST SERVICE INTERMOUNTAIN REGION: LAW ENFORCEMENT AND INVESTIGATIONS** *(Continued from the May 27, 2014 Commission meeting)*
13. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO EXECUTE AN AGREEMENT WITH THE CITY OF EAGLE MOUNTAIN FOR A UTAH COUNTY COMMUNITY ACTIVITIES GRANT FOR A TOURISM AND RECREATION DEVELOPMENT PROJECT** *(Continued from the May 27, 2014 Commission meeting)*
14. **APPROVE THE NOTICE OF CANCELLATION OF MEETING OF THE BOARD OF COUNTY COMMISSIONERS OF UTAH COUNTY, UTAH FOR TUESDAY, JUNE 10, 2014**
15. **ADOPT RESOLUTION OF REAPPOINTMENTS OF SUSAN CHASSON, DWAYNE NIELSON, AND CRAIG PETERSON TO THE CHILDREN'S JUSTICE CENTER ADVISORY BOARD**

ACTIONS TAKEN

Consent Agenda Item Nos. 1, 11, and 12 were **ratified**; No. 2 was **continued** to the July 29, 2014 meeting of the Board; Nos. 3, 4, 5, 6 and 7 were **approved and authorized**; No. 8 was **continued** to the June 17, 2014 meeting of the Board; No. 9 was **adopted**; and No. 10 was **approved**. **Regular Agenda Item Nos. 3, 4, 5, 8, 10 and 11** were **approved and authorized**; No. 12 was **ratified**; No. 13 was **continued** to the June 17, 2014 meeting of the Board; No. 14 was **approved**; and No. 15 was **adopted**.

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AGREEMENT NOS.: 2014-361, 2014-362, 2014-363, 2014-364, 2014-365, 2014-366, 2014-367, 2014-368, 2014-369, 2014-370, 2014-371, 2014-372, 2014-373 and 2014-374

RESOLUTION NOS.: 2014-62, and 2014-63

Commissioner Anderson joined the meeting at this time, apologizing for his tardiness. He allowed Commissioner Ellertson to continue conducting the session.

REGULAR AGENDA

1. RECOGNITION OF THE UTAH COUNTY EMPLOYEE OF THE MONTH FOR JUNE 2014

Brian "BJ" Eckles of the Sheriff's Office was recognized as the Utah County Employee of the Month for June 2014.

2. APPROVE OR DENY A LATE VETERAN ABATEMENT APPLICATION FOR DAVID DRISCOLL, SERIAL NO. 38:260:0131

Commissioner Ellertson summarized that David Driscoll had just been granted the veteran status that would make him eligible for this abatement.

Commissioner Anderson made the motion to approve the late veteran abatement application for David Driscoll on Property Serial No. 38:260:0131 as specified in Regular Agenda Item No. 2, 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

6. RECONSIDER APPROVING A REQUEST FROM BYU VOCAL POINT TO WAIVE THE \$600 EVENT PERMIT FEE FOR FILMING IN THE HISTORIC COURTHOUSE ON APRIL 28, 2014

Commissioner Ellertson explained that previous action by the Board had denied this request from BYU Vocal Point to waive the event permit fee for filming in the Historic Courthouse. That denial had been based on reports of damage to the property, which was later inspected and found to have not incurred any excessive use. Because all items were returned to their original state, the Board is reconsidering the request.

Commissioner Anderson asked whether there had been any significant costs to the county, and Utah County Public Works Director Richard Nielson clarified that the duties were performed as part of the regular job description of the employees. Commissioner Ellertson added that his initial concerns regarding the group's profits after use of the grounds had been exculpated upon learning that they were performing as part of school curriculum.

Commissioner Witney made the motion to waive the \$600 event permit fee for BYU Vocal Point for filming in the Historic Courthouse on April 28, 2014 as described in Regular Agenda Item No. 6, with the finding that the benefit to the community exceeds the monetary fees in fair and adequate consideration to the county. The motion was seconded by Commissioner Anderson and carried with the following vote:

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

NAY: None

AGREEMENT NO. 2014-375

7. APPROVE OR DENY A REQUEST FROM THE OLLIE KAI HEBB MEMORIAL TO WAIVE THE EVENT PERMIT FEE IN THE AMOUNT OF \$200.00 FOR USE OF A PORTION OF THE MURDOCK CANAL TRAIL, FOR THE "H2O RUN" TO BE HELD AUGUST 23, 2014 (Continued from the May 27, 2014 Commission meeting)

Utah County Public Works Director Richard Nielson reminded the commissioners that they had asked for more information on the Ollie Kai Hebb Memorial during the previous meeting. Mr. Nielson explained that Utah County Public Works Associate Director Don Nay was able to determine that the proceeds are for "Let It Flow," an organization based out of California that assists in building wells for clean drinking water in third-world countries. Commissioner Ellertson noted that while the direct benefit of clean water is not necessarily for the local community, the well-being of Utah County residents is positively impacted because they are participating in service for others.

Commissioner Anderson made the motion to waive the event permit fee in the amount of \$200 for the Ollie Kai Hebb Memorial to use a portion of the Murdock Canal Trail on August 23, 2014 as described in Regular Agenda Item No. 7, with the finding that doing so contributes to the safety, health, prosperity, moral well-being, peace, order, comfort or convenience of county residents. 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. 2014-376

9. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN THE MUTUAL AID INTERLOCAL AGREEMENT FOR UTAH PUBLIC WORKS EMERGENCY MANAGEMENT WITH THE AMERICAN PUBLIC WORKS ASSOCIATION

Utah County Public Works Director Richard Nielson explained that this agreement is specific to Public Works management. They have been working for several years to compose a statewide contract open to any governmental entity that would like to take part. The agreement would provide the specifications for requests for mutual aid in emergencies, such as seeking Federal Emergency Management Agency (FEMA) eligibility. Costs would be determined on a case-by-case basis. Mr. Nielson pointed out that the Public Works community is generally positive about the idea.

Commissioner Witney asked for clarification on reimbursement as defined in Section B of the agreement, and Richard Nielson explained the difference in services for Public Works compared to law enforcement. Commissioner Anderson reviewed examples of cooperative work from the past, and Utah County Deputy Attorney Paul Jones added comments from the audience. They discussed flood control, and liability for payment.

Commissioner Anderson made the motion to approve and authorize the Mutual Aid Interlocal Agreement for Utah Public Works Emergency Management with the American Public Works Association as discussed in Regular Agenda Item No. 9. 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. 2014-377

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

16. 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

The commissioners initially suggested this item be stricken from the agenda, but later cast a vote to set the closed meeting (Page 7).

STRICKEN

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

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

STRICKEN

20. 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. 16, 19 and 20 to set dates, times and locations for closed meetings to discuss the character, professional competence, of physical or mental health of an individual or individuals; 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 Witney and carried with the following vote:

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

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

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

SET

18. 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 Anderson 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 9:34 A.M. to go into closed meetings. The public meeting reconvened at 10:20 A.M.; the commissioners re-opened discussion of Regular Agenda Item No. 16 at this point. Commissioner Anderson also reclaimed conducting the meeting.

16. 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 occur immediately 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

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

The open meeting recessed a second time at 10: 21 A.M. to go into a closed session. The public meeting reconvened again at 10:54 A.M.

Commissioner Witney made the motion to adjourn the June 3, 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**

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There being no further business nor public comment, the meeting adjourned at 10:54 A.M. The minutes of the June 3, 2014 Commission Meeting were approved as transcribed on June 24, 2014.

GARY J. ANDERSON, Commission Chair

ATTEST:

BRYAN E. THOMPSON
Utah County Clerk/Auditor

*Regular Agenda Item No. 16:

After initially choosing to strike Regular Agenda Item No. 16 from the calendar, the commissioners returned the item to the table and unanimously voted to set an immediate closed meeting to discuss the character, professional competence, or physical or mental health of an individual or individuals. The closed session was held from 10:21 A.M. to 10:54 A.M.

Copies Available on the County Web Site at www.utahcountyonline.org
Recorded by Renée Huggins-Caron, Clerk/Auditor Administrative Assistant