

**BOARD OF COUNTY COMMISSIONERS, UTAH COUNTY, UTAH**  
**MINUTES OF PUBLIC MEETING**  
**COMMISSION CHAMBERS, ROOM 1400**  
**OF THE UTAH COUNTY ADMINISTRATION BUILDING**  
**August 5, 2014 - 9:00 A.M.**

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

**ALSO PRESENT:**

E. Kent Sundberg, Civil Division Chief Attorney  
David Shawcroft, Utah County Deputy Attorney  
Dianne Orcutt, Utah County Deputy Attorney  
Robert J. Moore, Utah County Deputy Attorney  
Cort Griffin, Utah County Deputy Attorney  
Paul Jones, Utah County Deputy Attorney  
Bryan E. Thompson, Utah County Clerk/Auditor  
Vicky Westergard, Clerk/Auditor's Office - Tax Admin.  
Clarissa Reeve, Utah County Assessor's Office  
Jim Stevens, Utah County Assessor's Office  
Peter Jepps, Utah County Assessor's Office  
Mardene Barker, Utah County Assessor's Office  
Peggy Kelsey, Community Development  
Joshua K. Ivie, Community Development  
Dr. Joseph K. Miner, Health Department Exec. Director  
Ralph Clegg, Utah County Health Department  
Maria Brady, Utah County Health Department  
Marianne Christensen, Utah County Health Department  
Patty Cross, Utah County Health Department  
Eric Edwards, Utah County Health Department  
Jason Garret, Utah County Health Department  
Andrea Jensen, Utah County Health Department  
Lance Madigan, Utah County Health Department  
Richard Nance, Drug&Alcohol Prevention&Treatment  
Pat Bird, Drug & Alcohol Prevention & Treatment

Julie Rollins, Utah County Purchasing Agent  
Dean Richins, Information Systems  
Lana Jensen, Utah County Personnel Director  
Jane Ivie, Personnel Office  
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  
Robert C. Kirk, Utah County Treasurer  
James H. Hadfield, American Fork City Mayor  
Derric Rykert, American Fork City  
Brandon Johnson, Chapman and Cutler LLP  
Charlene Christensen, UV Convention & Visitors Bureau  
Robert Fillerup, Attorney representing Mountain Shores  
Peter Anderson, Utah County Resident  
Sharon Anderson, Utah County Resident  
Larry Ballard, Utah County Resident  
Melvin Luthy, Utah County Resident  
Eldon A. Neves, Citizens for Rural Utah  
Susan Ridgeway, Provo Resident  
Lynda Rope, Provo Resident  
Annalisa Beck, -No further information given-  
Dana Beck, -No further information given-  
Mike Stansfield, Fairways Media  
Renée Huggins-Caron, Clerk/Auditor Admin. Assist.

Commissioner Anderson called the meeting to order at 9:06 A.M. and welcomed those present. The following matters were discussed:

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

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

The Board momentarily recessed to assemble as The Board of Equalization of Utah County from 9:07 A.M. to 9:08 A.M. The Utah County Board of Commissioners reconvened at 9:08 A.M., and the commissioners moved forward with the following agenda items.

**PUBLIC HEARING**

**PUBLIC HEARING TO DISCUSS AMENDING AND INCREASING THE 2014 UTAH COUNTY BUDGET IN THE COUNTY'S GENERAL FUND AND VARIOUS OTHER BUDGETARY FUNDS** *(Public Hearing set July 22, 2014) (Continued from the July 29, 2014 Commission meeting)*

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There was some discussion between the commissioners and Utah County Clerk/Auditor Bryan E. Thompson regarding timeliness of amendments to the current budget. Commissioner Anderson invited anyone with related comments to step forward, and none approached the bench.

**Commissioner Witney made the motion to continue the public hearing regarding the 2014 Utah County Budget to the August 19, 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**

CONTINUED TO AUGUST 19, 2014

**CONSENT AGENDA**

- 1. RATIFY THE SIGNATURE OF COMMISSIONER WITNEY ON THE 2013-2014 BYRNE JAG GRANT APPLICATION FOR THE UTAH COUNTY DEPARTMENT OF DRUG AND ALCOHOL PREVENTION AND TREATMENT, TO FUND THE CONTINUED OPERATION OF THE OUT PLUS PROGRAM IN THE UTAH COUNTY JAIL**
- 2. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN THE MAINTENANCE AND SUPPORT AGREEMENT WITH DELL COMPELLENT FOR THE DATA STORAGE SYSTEM**  
Commissioner Ellertson commented on the dollar amount with input from Utah County Clerk/Auditor Bryan E. Thompson, and notes from Dean Richins of the Utah County Information Systems Department.
- 3. APPROVE TAX CREDITS AND REFUNDS RECOMMENDED BY THE COUNTY ASSESSOR'S OFFICE IN CANCELLATION AND CORRECTION LETTER NO. 60309, DATED JULY 31, 2014**
- 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** *(Continued from the July 29, 2014 Commission meeting)*
- 5. ABATE PERSONAL PROPERTY ACCOUNTS ATTACHED FOR THE YEARS INDICATED, HAVING BEEN IDENTIFIED AS UNCOLLECTIBLE; THERE ARE NO ASSETS AVAILABLE**  
Commissioner Ellertson noted that he would like to follow-up with Utah County Clerk/Auditor Bryan E. Thompson regarding these personal property accounts.
- 6. APPROVE PROPERTY TAX ACTIONS CONTAINED IN RECOMMENDATION LETTER NO. 2014-3 (ABATEMENTS)**
- 7. APPROVE PROPERTY TAX ACTIONS CONTAINED IN RECOMMENDATION LETTER NO. 2014-15**
- 8. APPROVE THE MINUTES OF THE JULY 8, 2014 COMMISSION MEETING**

**9. RATIFICATION OF WARRANT REGISTER SUMMARY**

Register No. 726	July 28, 2014	Check Nos. 196779-196790	Total: \$	33,322.00
Register No. 727	July 28, 2014	Direct Deposit:19911-19911	Total: \$	92.97
Register No. 728	July 28, 2014	Check Nos. 196791-196804	Total: \$	79,245.14
Register No. 729	July 29, 2014	Check Nos. 196805-196812	Total: \$	288,657.42
Register No. 730	July 29, 2014	Check Nos. 196813-196826	Total: \$	44,208.71
Register No. 731	July 30, 2014	Bond Wires:296-296	Total: \$	223,956.96
Register No. 732	July 30, 2014	Check Nos. 196827-196846	Total: \$	7,928.26
Register No. 733	July 31, 2014	Purchasing Cards 2522-2522	Total: \$	179.86
Register No. 734	July 31, 2014	Check Nos. 196847-196858	Total: \$	15,651.33
Register No. 735	July 31, 2014	Purchasing Cards 2523-2523	Total: \$	108.00
Register No. 736	July 31, 2014	Check Nos. 196859-196884	Total: \$	82,903.44
Register No. 737	July 31, 2014	Direct Deposit:19912-19927	Total: \$	3,437.78
Register No. 738	July 31, 2014	Purchasing Cards 2524-2528	Total: \$	441.01
Register No. 739	Aug. 1, 2014	Bond Wires:297-297	Total: \$	26.17
Register No. 740	Aug. 1, 2014	Purchasing Cards 2529-2534	Total: \$	361.98
Register No. 741	Aug. 1, 2014	Check Nos. 196885-196913	Total: \$	57,527.37
Register No. 742	Aug. 1, 2014	Purchasing Cards 2535-2539	Total: \$	1,558.03
Register No. 743	Aug. 1, 2014	Purchasing Cards 2540-2554	Total: \$	3,080.88
Register No. 744	Aug. 1, 2014	Direct Deposit:19928-19933	Total: \$	930.87
Register No. 745	Aug. 1, 2014	Check Nos. 196914-196943	Total: \$	88,062.97
Register No. 746	Aug. 1, 2014	Check Nos. 196944-196948	Total: \$	1,993.00
			<b>Total:</b>	<b>\$ 933,674.15</b>

Consent Agenda Item Nos. 1 through 9 were approved as written. Commissioner Anderson recommended the following Regular Agenda items be moved to Consent:

**2. APPROVE AND ADOPT A RESOLUTION AMENDING AND INCREASING THE 2014 UTAH COUNTY BUDGET IN THE COUNTY'S GENERAL FUND AND VARIOUS OTHER BUDGETARY FUNDS (Continued from the July 29, 2014 Commission meeting)**

The commissioners requested that Regular Agenda Item No. 2 be continued two weeks to the August 19, 2014 meeting of the Board, in correlation with the Public Hearing.  
 CONTINUED TO AUGUST 19, 2014

**4. APPROVE EMPLOYEE DONATIONS OF LEAVE TIME WITHIN THE UTAH COUNTY SHERIFF'S OFFICE**

**5. RATIFY THE SIGNATURE OF THE COMMISSION CHAIR ON AN AGREEMENT WITH LANA SOELBERG FOR THE 2014 MISS UTAH COUNTY PAGEANT**

**7. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN A SERVICE CONTRACT WITH NEOPOST ROCKY MOUNTAIN FOR THE HASLER IM420 POSTAGE MACHINE, SERIAL NO. DB08440190, LOCATED IN THE SHERIFF'S OFFICE; EFFECTIVE DATES 8/30/2014 - 8/29/2015**

**9. ADOPT (OR DENY) AN ORDINANCE TO AMEND THE UTAH COUNTY LAND USE ORDINANCE, SECTION 3-20 AND SUBSECTIONS 6-3-C & D, RELATIVE TO WATER QUALITY FOR WATER SOURCES FOR LOTS AND PARCELS OF LAND**

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The commissioners requested that Regular Agenda Item No. 9 be continued two weeks to the August 19, 2014 meeting of the Board, per the submitting department.  
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**11. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT TO PROVIDE SENIOR COMPANIONS TO ENCOMPASS HOME HEALTH & HOSPICE OF HEBER**

The commissioners requested that Regular Agenda Item No. 11 be continued to a future meeting of the Board, on a date yet to be determined.  
CONTINUED WITHOUT DATE

**12. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT TO PROVIDE SENIOR COMPANIONS TO ENCOMPASS HOME HEALTH & HOSPICE OF OREM**

**13. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN THE TRANSPORTATION SERVICE CONTRACT WITH MOUNTAINLAND ASSOCIATION OF GOVERNMENTS FOR THE FOSTER GRANDPARENT PROGRAM**

**14. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN THE TRANSPORTATION SERVICE CONTRACT WITH MOUNTAINLAND ASSOCIATION OF GOVERNMENTS FOR THE SENIOR COMPANION PROGRAM**

**17. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN CHANGE ORDER NO. 2 TO AGREEMENT NO. 2011-614 WITH M&M ASPHALT TO FOG SEAL DIAMOND FORK CANYON AT THE COST OF \$0.50/SQUARE YARD AS REQUESTED BY THE UNITED STATES DEPARTMENT OF AGRICULTURE (USDA) FOREST SERVICE**

**18. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AMENDMENT TO AGREEMENT NO. 2013-410 WITH JONES & DEMILLE ENGINEERING FOR THE PAYSON CANYON BRIDGE PROJECT**

Utah County Clerk/Auditor Bryan E. Thompson noted that a budget transfer would be necessary for this amendment.

**20. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN A COOPERATIVE AGREEMENT WITH THE STATE OF UTAH DIVISION OF FORESTRY FIRE & STATE LANDS FOR FFSL TO PROVIDE UP TO \$20,000 FOR THE COUNTY TO CREATE A 287 ACRE FUEL BREAK SOUTH OF SARATOGA SPRINGS TO HELP REDUCE WILDFIRE RISK**

**21. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN A MEMORANDUM OF UNDERSTANDING WITH THE UTAH ATTORNEY GENERAL'S OFFICE TO FORMALIZE THE WORKING RELATIONSHIP WITH THE INTERNET CRIMES AGAINST CHILDREN (ICAC) TASK FORCE**

The Board suggested this item be stricken from the agenda.  
STRICKEN

**25. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN THE BYRNE JUSTICE ASSISTANCE GRANT (JAG) APPLICATION TO THE UTAH STATE COMMISSION ON CRIMINAL AND JUVENILE JUSTICE TO FUND EQUIPMENT, SUPPLIES, AND OPERATING (ESO)**

**ACTIONS TAKEN**

**Consent Agenda Item Nos. 1 and 9** were **ratified**; No. 2 was **approved and authorized**; Nos. 3, 4, 6, 7 and 8 were **approved**; and No. 5 was **abated**. **Regular Agenda Item Nos. 2 and 9** were **continued** to the August 19, 2014 meeting of the Board; No. 4 was **approved**; No. 5 was **ratified**; Nos. 7, 12, 13, 14, 17, 18, 20 and 25 were **approved and authorized**; No. 11 was **continued without date**; and No. 21 was **stricken** from the agenda.

**AGREEMENT NOS.:** 2014-510, 2014-511, 2014-512, 2014-513, 2014-514, 2014-515, 2014-516, 2014-517, 2014-518, 2014-519, 2014-520, 2014-521, 2014-522, 2014-523, 2014-524 and 2014-525

**REGULAR AGENDA**

1. **RECOGNITION OF THE UTAH COUNTY EMPLOYEE OF THE MONTH FOR AUGUST 2014**  
Andrea Jensen of the Utah County Health Department was recognized as the Employee of the Month for August 2014.
3. **APPROVE OR DENY A LATE VETERAN ABATEMENT APPLICATION FOR ALLAN ERB, SERIAL NO. 14:037:0178**

**Commissioner Ellertson made the motion to approve the late veteran abatement application for Allan Erb on Property Serial No. 14:037:0178 as specified in Regular Agenda Item No. 3, 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. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AMENDMENT NO. 1 TO AGREEMENT NO. 2013-175 WITH HYKO MAINTENANCE SUPPLY TO INCREASE THE PRICING OF THE JANITORIAL ITEMS DETAILED IN THE ATTACHMENT (Continued from the July 29, 2014 Commission meeting)**

Commissioner Witney asked whether Utah County Purchasing Agent Julie Rollins is satisfied with the changes to the contract, and she indicated from the audience that everything is in order. Commissioner Ellertson added that he had received the additional information sought last week.

**Commissioner Ellertson made the motion to approve Amendment No. 1 to Agreement No. 2013-175 with Hyko Maintenance Supply as described in Regular Agenda Item No. 6. 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. 2014-526

8. **ADOPT AN ORDINANCE TO AMEND UTAH COUNTY CODE CHAPTER 3: ALCOHOLIC BEVERAGES (Continued from the July 29, 2014 Commission meeting)**

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Utah County Deputy Attorney Paul Jones asked the Board to consider continuing discussion of this item for one more week. Lee Adamson of the Utah Valley Convention and Visitors Bureau noted the amount of time needed for a subsequent application to be made to the state for an event to take place on September 13, 2014, and indicated there would be enough flexibility to delay a vote until August 12, 2014. Commissioner Anderson suggested it would be beneficial to the applicant for the Board to take the extra time in finalizing details.

**Commissioner Ellertson made the motion to continue Regular Agenda Item No. 8 regarding the ordinance to amend Utah County Code Chapter 3: Alcoholic Beverages to the August 12, 2014 meeting of the Utah County Board of Commissioners. The motion was seconded by Commissioner Witney and carried with the following vote:**

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

CONTINUED TO AUGUST 12, 2014

**10. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN THE “COMPLIANCE AGREEMENT AND BOND FOR OPEN PIT MINING OPERATIONS” FOR CONTINUATION OF AN EXISTING MINING OPERATION WITH NEW OPERATOR FOR MOUNTAIN SHORES DEVELOPMENT (AKA FAIRBOURN PIT) WITH A SITE LOCATION OF APPROXIMATELY 7605 S LINCOLN BEACH RD., WEST SIDE OF WEST MOUNTAIN AREA OF UNINCORPORATED UTAH COUNTY; SURETY BOND NO. 1106221 IN THE AMOUNT OF \$19,419.50 WITH GCNA, ONE TOWNE SQUARE, #1470, SOUTHFIELD, MI 48076**

Peggy Kelsey of the Utah County Community Development Office summarized the location of the mining operation, noting that the bond includes a traffic study and road analysis. Commissioner Anderson acknowledged previous discussions regarding this item, and mentioned receiving an extensive amount of phone calls in the last 24 hours from citizens concerned about the Fairbourn Pit. He noted that Utah County is the primary agricultural county in the state for sour cherries, and that is currently in the middle of harvest season. Commissioner Anderson relayed concerns from cherry pickers regarding dust and asked Ms. Kelsey to clarify the codes related to dust. Ms. Kelsey quoted Utah County Land Use Ordinance Section 3-24: Open Pit Extraction of Earth Products, stating

“Dust generated in the extraction and processing of the earth products shall be kept under control by the operator by keeping the extraction area, main roads in the pit, and loaded trucks, watered down. Placing berms or landscape screening for protection from the prevailing winds, and other suitable measures, may also be used. Any un-paved access road to the pit from the paved road system shall be maintained by the pit operator for dust control by watering down the access road surface or placing dust inhibiting material on the surface of the access road.”

Commissioner Witney asked whether those standards had been met by the previous pit operator, and Peggy Kelsey noted conflicting information; the Community Development Office had not received complaints against compliance until yesterday, Monday August 4, 2014, when several members of the public implied there had been problems with the last operation. When Commissioner Anderson asked about restrictions for dust control, Utah County Deputy Attorney David Shawcroft clarified that the compliance agreement must meet the requirements of the Land Use Ordinance. Defying the terms of the agreement could warrant legal action against the mining operation. Commissioner Anderson compared the threat of legal proceedings after the fact to “trying to get the cow back into the barn after escape, rather than closing the barn door from the beginning.” He named several people who called the day before with concerns, and their wishes to meet with the mining pit operators. Commissioner Anderson supported the idea of a meeting between the cherry pickers and the construction company before moving forward with this agreement.

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Robert Fillerup came forward on behalf of land owner Mountain Shores Development, and also mentioned his association with Fowers Fruit Ranch of Genola, Utah. Mr. Fillerup stated he was involved with the dust issue when Ames Construction operated the pit, and acknowledged the legitimate concerns of the fruit-growers because of the promises made by that company which were not kept. He explained how dust lands on the leaves and kills predatory mites which would eat other destructive bugs. Mr. Fillerup paraphrased a conversation with a representative of Fowers Fruit Ranch who had indicated a preference for no mining operation at all. However, that individual expressed interest in a compromise in which the operator employs dust control measures, and additionally offered use of the ranch's water rights to do so.

When Commissioner Anderson suggested a one-week delay to allow for a meeting between the pit operators and the farmers, Robert Fillerup emphasized that Mountain Shores Development has already met the requirements of the current ordinances. Mr. Fillerup warned against punishing his client for potential hypothetical future problems, issues which remedies are provided for within the code. He reiterated the section quoted earlier by Peggy Kelsey and pointed out the additional restriction: "The pit and/or extraction operation shall not constitute a nuisance according to the Utah County Code or Utah State Code." Mr. Fillerup expressed concerns for the financial standing of Mountain Shores Development as the Board repeatedly delays approval of this item. Commissioner Anderson responded that it would be wiser to allow one more week of discussion rather than require a dust control plan be submitted as a stipulation of approval. Commissioner Witney voiced his willingness to move ahead with approval today, stating the requirements are defined in the statute and discussions can still occur between parties. Commissioner Anderson repeated his concerns in addressing violations of the code after the fruit has already been ruined.

Dana Beck is the new operator for the pit in question. He came forward and mentioned that he had not been made aware of any problems until the evening prior to this meeting. Mr. Beck does not think the dust is a serious problem because he has plans to mitigate it. He mentioned another mining operation near the Outlets at Traverse Mountain in the Lehi area; the closest home is a short 150 feet away, and Mr. Beck has not had problems with that pit. Mr. Beck stated "we want to be good neighbors," and offered to meet with Fowers Fruit Ranch to build the same type of relationship.

Dana Beck asked the Board not to condemn him because of the actions of the previous operator. He listed the differences between Beck & Beck Construction's operation and Ames Construction, noting that Ames was harvesting 150 acres whereas he will only be working with two acres. There will not be a gravel crusher on site as there had been. Mr. Beck will reclaim the property as it is mined; Ames Construction did not. He reiterated a desire to meet with the farmers, but does not want to delay this compliance agreement any longer.

Commissioner Anderson was apprehensive that Dana Beck does not see how serious a problem dust control can be. Mr. Beck mentioned a quarry on the other side of the mountain that is potentially a greater threat to orchards than this proposed pit.

Commissioner Ellertson suggested approval of the item today, contingent upon a meeting between the parties before actual operation begins. Robert Fillerup pointed out that the Board keeps requesting a meeting, but it has yet come to pass. Mr. Fillerup repeated that Mountain Shores Development has satisfied the requirements for current code, stating the commissioners cannot add stipulations after the fact. Commissioner Anderson disagreed, and discussion continued in that manner for several minutes.

**Commissioner Witney made the motion to approve the "Compliance Agreement and Bond for Open Pit Mining Operations" for continuation of an existing mining operation with new operator for Mountain Shores Development (a.k.a. Fairbourn Pit) as detailed in Regular Agenda Item No. 10, based on the public declaration by Dana Beck that the operator would agree to meet with Fowers Fruit Ranch and other interested parties before operation begins. The motion died for lack of a second.**

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Commissioner Ellertson expressed his opinion that approval contingent upon a future meeting between the pit operator and the farmers, compared to continuing discussion for one week to the next meeting of the Board, has the same result upon the timetable for all parties involved. He noted his intention to move forward with approval, but would like to give everyone the chance to be heard. Commissioner Anderson added that only one side of the argument is represented today.

**Commissioner Ellertson made the motion to continue Regular Agenda Item No. 10 regarding a "Compliance Agreement and Bond for Open Pit Mining Operations" with Mountain Shores Development (a.k.a. Fairbourn Pit) to the August 12, 2014 meeting of the Utah County Board of Commissioners.**

Because there was lack of a second, Commissioner Anderson briefly suspended Robert's Rules of Order for the purpose of seconding this motion.

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

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

CONTINUED TO AUGUST 12, 2014

**15. ADOPT A RESOLUTION APPROVING AND AUTHORIZING THE COMMISSION CHAIR TO SIGN AN INTERLOCAL AGREEMENT WITH SARATOGA SPRINGS CITY TO IMPLEMENT THE GUIDING GOOD CHOICES PROGRAM IN THE CITIES OF SARATOGA SPRINGS AND EAGLE MOUNTAIN**

Pat Bird of the Utah County Department of Drug and Alcohol Prevention and Treatment came forward. He explained that this parenting program is specific to the needs in Saratoga Springs; Utah County will provide funding and it will be handled through the city's Communities That Care Coalition. Mr. Bird identified the funding sources.

**Commissioner Witney made the motion to adopt the resolution approving and authorizing an interlocal agreement with Saratoga Springs City to implement the Guiding Good Choices Program as described in Regular Agenda Item No. 15. The motion was seconded by Commissioner Ellertson and carried with the following vote:**

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

RESOLUTION NO. 2014-84  
AGREEMENT NO. 2014-527

**16. APPROVE OR DENY A REQUEST FROM THE PAYSON AREA SPORTS COUNCIL OF THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS TO WAIVE THE \$200 EVENT PERMIT FEE FOR USE OF VARIOUS COUNTY ROADS FOR THEIR ANNUAL 5K/1 MILE RACE TO BE HELD SEPTEMBER 13, 2014**

Utah County Public Works Director Richard Nielson noted there are no concerns in allowing this race to take place; the Board has waived the fees for this event in previous years.

**Commissioner Ellertson made the motion to waive the \$200 event permit fee for the Payson Area Sports Council of the Church of Jesus Christ of Latter-Day Saints to use various county roads for their annual 5K/1 Mile race to be held on September 13, 2014 as described in Regular Agenda Item No. 16, 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 Witney and carried with the following vote:**

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

AGREEMENT NO. 2014-528

**19. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT WITH THE STATE OF UTAH, DEPARTMENT OF ADMINISTRATIVE SERVICES, DIVISION OF FACILITIES CONSTRUCTION AND MANAGEMENT (DFCM) TO LEASE 0.74 ACRES OF PROPERTY IN SPANISH FORK**

Utah County Public Works Director Richard Nielson clarified that Utah County will own the land, and the State of Utah will lease the building.

**Commissioner Witney made the motion to approve the agreement with the State of Utah, Department of Administrative Services, Division of Facilities Construction and Management (DFCM) to lease 0.74 acres of property in Spanish Fork as specified in Regular Agenda Item No. 19. The motion was seconded by Commissioner Ellertson, and discussion continued.**

Commissioner Anderson summarized that this agreement is for a veterinarian facility near the South Utah Valley Animal Shelter and Utah County Sheriff's Office. A State Veterinarian is relocating from Juab County to Utah County, which will be very convenient for our law enforcement canines to receive services that previously were only available via a trip to Nephi. The State is building the structure on county land, and the structure will revert to the county should they relocate again.

Commissioner Ellertson asked about the wording in the contract to clarify transfer of ownership. Utah County Deputy Attorney Paul Jones explained that the transfer will be at no cost. The Board also requested the five-dollar annual fee specified in the contract be deleted. Commissioner Witney adjusted his motion for approval to include those changes.

**The motion carried with the following vote:**

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

AGREEMENT NO. 2014-529  
APPROVED WITH CHANGES

**22. ADOPT A RESOLUTION ACKNOWLEDGING RECEIPT OF PETITION TO VACATE ROADS WITHIN THE BOX ELDER SOUTH SUBDIVISION; AND SETTING A DATE, TIME, AND LOCATION FOR A PUBLIC HEARING TO DISCUSS THE VACATION OF ROADS WITHIN SAID SUBDIVISION. SUGGESTED DATE: TUESDAY, SEPTEMBER 16, 2014 AT 9:00 AM IN ROOM 1400 OF THE COUNTY ADMINISTRATION BUILDING, 100 EAST CENTER, PROVO, UTAH**

Utah County Deputy Attorney Robert J. Moore summarized the purpose of this resolution, and the Public Hearing required by law.

**Commissioner Witney made the motion to adopt the resolution acknowledging receipt of petition to vacate roads within the Box Elder South Subdivision, and setting a date, time, and location for a Public Hearing to discuss the vacation of those roads as outlined in Regular Agenda Item No. 22. The motion was seconded by Commissioner Ellertson and carried with the following vote:**

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

RESOLUTION NO. 2014-85

**23. ADOPT A RESOLUTION REGARDING AMERICAN FORK CITY'S NOTICE OF INTENT TO SUBMIT AN OPINION QUESTION TO ITS VOTERS REGARDING THE IMPOSITION OF A "RAP" TAX, CONFIRMING THAT UTAH COUNTY IS NOT SEEKING TO IMPOSE A TAX UNDER SECTION 59-12-1402**

Commissioner Anderson addressed American Fork City Mayor James H. Hadfield in the audience, and explained that this resolution is to declare the county is not seeking to impose the same tax sought in their city. Commissioner Anderson expressed support of the tax and offered assistance to the city in any related matters.

**Commissioner Ellertson made the motion to adopt the resolution regarding American Fork City's Notice of Intent to submit an opinion question to voters regarding the imposition of a "RAP" tax as specified in Regular Agenda Item No. 23. The motion was seconded by Commissioner Ellertson and carried with the following vote:**

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

RESOLUTION NO. 2014-86

**24. ADOPT A RESOLUTION APPROVING AND AUTHORIZING THE EXECUTION OF AN INTERLOCAL COOPERATION AGREEMENT WITH ALPINE CITY REGARDING LIBRARY SERVICES**

Utah County Civil Division Chief Deputy Attorney E. Kent Sundberg clarified for the Board that this resolution and agreement is for bookmobile services.

**Commissioner Witney made the motion to adopt the resolution approving and authorizing an interlocal cooperation agreement with Alpine City regarding library services as identified in Regular Agenda Item No. 24. The motion was seconded by Commissioner Ellertson and carried with the following vote:**

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

RESOLUTION NO. 2014-87  
AGREEMENT NO. 2014-530

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**

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**29. SET A DATE, TIME AND LOCATION FOR A CLOSED MEETING FOR A STRATEGY SESSION TO DISCUSS THE SALE 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 Witney made the motion to strike Regular Agenda Item Nos. 28, 29 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; 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: Gary J. Anderson  
Larry A. Ellertson  
Doug Witney  
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 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 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: Gary J. Anderson  
Larry A. Ellertson  
Doug Witney  
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 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 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: Gary J. Anderson  
Larry A. Ellertson  
Doug Witney  
NAY: None

SET

**WORK SESSION**

NO WORK SESSION ITEMS WERE SUBMITTED

**PUBLIC COMMENTS**

Mike Stansfield, Fairways Media Marketing Director thanked participants of the American Fork City Steel Days Parade on Saturday, July 19, 2014, in which the Utah County Float received the Grand Sweepstakes Award. He presented the impressive trophy to the Board, and spoke of the agricultural heritage represented each year. This is an important event especially for the 4-H youth. Mr. Stansfield also reminded the audience of the Utah County Fair occurring from Wednesday August 13, 2014 through Saturday, August 16, 2014. Upcoming events include the Demolition Derby, a Monster Truck Rally, and amazing displays of local talent. Commissioner Anderson attempted to convince his co-Board members to perform as a Pig Wrestling team, but they were reluctant to do so. The commissioners thanked Mr. Stansfield for his comments.

Utah County resident Larry Ballard approached the bench to read a prepared statement in opposition to the Bus Rapid Transit project. He provided a copy of his comments, as well as the 'Joint Resolution on Environmental Land Developmental Policies,' to be included as part of these minutes. He and Commissioner Ellertson discussed the conflicting information from different sources regarding the exact dollar amounts for the project.

Orem resident Sharon Anderson warned against accepting federal funds and grant monies. She provided examples of United States Department of Housing and Urban Development (HUD) contracts gone wrong, specifically in Westchester County, New York. Ms. Anderson expressed that grants are changing the way local governments are able to make decisions, and questioned whether the county would be subject to conditions set by the federal government in accepting their funds. She urged the Board to help Utah County remain independent and free of federal constraints.

Pam Openshaw is also concerned about the Bus Rapid Transit (BRT) project. She has watched busses in her community with barely any passengers on them, and questions the reasoning behind investing \$150,000,000 of federal government funds for bigger busses. Ms. Openshaw does not want Utah County to incur any more debt, and supported the comments by Sharon Anderson regarding strings attached to federal funds.

The commissioners thanked all for their comments, and Commissioner Ellertson briefly responded to the statements regarding the Bus Rapid Transit project. He reminded the audience that the dollars spent in public transportation must also be compared to the dollars saved in construction, expansion of roads, and other transit issues in order to be fair. The number of people using FrontRunner rail during peak traffic times has saved two additional lanes on Interstate 15 in each direction.

This concluded the public comment portion of the open meeting, and the meeting recessed at 10:28 A.M. to go into closed meetings. The public meeting reconvened at 11:20 A.M.

**Commissioner Witney made the motion to adjourn the August 5, 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 11:20 A.M. The minutes of the August 5, 2014 Commission Meeting were approved as transcribed on September 2, 2014.

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GARY J. ANDERSON, Commission Chair

ATTEST:

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BRYAN E. THOMPSON  
Utah County Clerk/Auditor