

BOARD OF COUNTY COMMISSIONERS, UTAH COUNTY, UTAH
MINUTES OF PUBLIC MEETING
COMMISSION CHAMBERS, ROOM 1400
OF THE UTAH COUNTY ADMINISTRATION BUILDING
August 26, 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 | Lana Jensen, Utah County Personnel Director |
| David Shawcroft, Utah County Deputy Attorney | Richard Nielson, Utah County Public Works Director |
| Robert J. Moore, Utah County Deputy Attorney | Jeff Smith, Utah County Recorder |
| Cort Griffin, Utah County Deputy Attorney | Andrea Allen, Utah County Recorder's Office |
| Paul Jones, Utah County Deputy Attorney | Dalene Higgins, Utah County Sheriff's Office |
| Bryan E. Thompson, Utah County Clerk/Auditor | Mike Forshee, Utah County Sheriff's Office |
| Vicky Westergard, Clerk/Auditor's Office - Tax Admin. | Gary Ratcliffe, Utah County Surveyor |
| Julie Rollins, Utah County Purchasing Agent | Robert C. Kirk, Utah County Treasurer |
| Jim Stevens, Utah County Assessor's Office | Larry Ballard, Utah County Resident |
| Peter A. Jeppsen, Utah County Assessor's Office | Sherida Gavin, Genola Resident |
| Dr. Joseph K. Miner, Health Department Exec. Director | Bryan LeRoy, Genola Resident |
| Ralph Clegg, Utah County Health Department | Billy Hesterman, <i>The Daily Herald</i> |
| Richard Nance, Drug&Alcohol Prevention&Treatment | Mike Stansfield, Fairways Media |
| | Renée Huggins-Caron, Clerk/Auditor Admin. Assist. |

Commissioner Anderson called the meeting to order at 9:03 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

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, August 5, and August 19, 2014 Commission meetings*)

Utah County Clerk/Auditor Bryan E. Thompson summarized the changes to the 2014 Utah County Budget, and confirmed for Commissioner Anderson that Financial Officer Danene Jackson had spoken to Utah County Public Defender Tom Means. Mr. Thompson pointed out adjustments in revenue projections, as the county has received additional monies. There have also been requests from several county departments for special or unexpected projects. He and Commissioner Ellertson discussed sales tax, and Commissioner Anderson noted that the budget is still balanced. Mr. Thompson commented on the county's "healthy 'rainy day' fund."

Commissioner Witney made the motion to close the public hearing to discuss amending and increasing the 2014 Utah County Budget in the county's general fund and various other budgetary funds as specified on the agenda. The motion was seconded by Commissioner Ellertson and carried with the following vote:

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

CONSENT AGENDA

1. **DECLARE THE ATTACHED LIST OF VEHICLES, EQUIPMENT AND MISCELLANEOUS ITEMS AS SURPLUS AND AUTHORIZE THE DISPOSAL OF THESE ITEMS THROUGH PUBLIC AUCTION**
2. **APPROVE REDUCING THE PENALTY IN THE AMOUNTS LISTED FOR THE ATTACHED PERSONAL PROPERTY ACCOUNTS, HAVING BEEN IDENTIFIED AS MEETING THE QUALIFICATIONS UNDER ORDINANCE NO. 2014-4 AND RESOLUTION NO. 2011-64 OF THE UTAH COUNTY CODE**
3. **ABATE PERSONAL PROPERTY ACCOUNTS ATTACHED FOR THE YEARS INDICATED, HAVING BEEN IDENTIFIED AS UNCOLLECTIBLE; THERE ARE NO ASSETS AVAILABLE**
4. **APPROVE TAX CREDITS AND REFUNDS RECOMMENDED BY THE COUNTY TREASURER'S OFFICE IN CANCELLATION LETTER NO. 20313, DATED AUGUST 20, 2014**
5. **APPROVE THE MINUTES OF THE JULY 29, 2014 COMMISSION MEETING**

6. **RATIFICATION OF PAYROLL**

| | | | | | |
|-----------|-----------------------|-------|--------------------------------|--------|----------------|
| Period 17 | 9 Checks: \$ 5,414.98 | 1,148 | Total Deposits: \$1,527,750.55 | Total: | \$1,533,165.53 |
| | | | Federal Payroll Taxes | Total: | \$ 225,341.59 |

7. **RATIFICATION OF WARRANT REGISTER SUMMARY**

| | | | | | |
|------------------|-----------------|----------------------------|---------------|----|-----------------------|
| Register No. 810 | August 18, 2014 | Purchasing Cards 2758-2766 | Total: | \$ | 4,002.05 |
| Register No. 811 | August 18, 2014 | Direct Deposit:20056-20067 | Total: | \$ | 1,539.40 |
| Register No. 812 | August 18, 2014 | Check Nos. 198022-198061 | Total: | \$ | 31,013.45 |
| Register No. 813 | August 19, 2014 | Purchasing Cards 2767-2767 | Total: | \$ | 100.00 |
| Register No. 814 | August 19, 2014 | Check Nos. 198062-198074 | Total: | \$ | 23,663.72 |
| Register No. 815 | August 20, 2014 | Direct Deposit:20068-20068 | Total: | \$ | 12,587.83 |
| Register No. 816 | August 20, 2014 | Purchasing Cards 2768-2789 | Total: | \$ | 28,110.83 |
| Register No. 817 | August 20, 2014 | Check Nos. 198075-198104 | Total: | \$ | 30,674.79 |
| Register No. 818 | August 20, 2014 | Check Nos. 198105-198147 | Total: | \$ | 2,106.00 |
| Register No. 819 | August 21, 2014 | Purchasing Cards 2790-2793 | Total: | \$ | 1,165.42 |
| Register No. 820 | August 21, 2014 | Check Nos. 198148-198160 | Total: | \$ | 47,892.75 |
| Register No. 821 | August 21, 2014 | Direct Deposit:20069-20079 | Total: | \$ | 773,579.10 |
| Register No. 822 | August 21, 2014 | Check Nos. 198161-198170 | Total: | \$ | 80,373.01 |
| Register No. 823 | August 22, 2014 | Purchasing Cards 2794-2802 | Total: | \$ | 5,516.25 |
| Register No. 824 | August 22, 2014 | Direct Deposit:20080-20096 | Total: | \$ | 25,898.16 |
| Register No. 825 | August 22, 2014 | Check Nos. 198171-198216 | Total: | \$ | 84,548.53 |
| Register No. 826 | August 22, 2014 | Check Nos. 198217-198239 | Total: | \$ | 11,871.57 |
| Register No. 827 | August 22, 2014 | Direct Deposit:20097-20097 | Total: | \$ | 758,975.15 |
| Register No. 828 | August 22, 2014 | Direct Deposit:20098-20100 | Total: | \$ | 22,062.23 |
| Register No. 829 | August 22, 2014 | Check Nos. 198240-198243 | Total: | \$ | 63,335.02 |
| | | | <u>Total:</u> | | <u>\$2,009,015.26</u> |

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Consent Agenda Item Nos. 1 through 7 were approved as written. Commissioner Anderson recommended the following Regular Agenda items be moved to Consent:

1. **DELETE ONE (1) FULL-TIME CAREER SERVICE PUBLIC HEALTH NUTRITIONIST II POSITION FROM THE STAFFING PLAN OF THE UTAH COUNTY HEALTH DEPARTMENT, AND AUTHORIZE THE ADDITION OF ONE (1) FULL-TIME CAREER SERVICE PROGRAM COORDINATOR-LACTATION SERVICES POSITION (ACCOUNT NUMBER 230-43150: DELETE POSITION 2026-6-1 AND ADD CLASS CODE 2680)**
4. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT WITH FP MAILING SOLUTIONS FOR THE POSTAGE MACHINE AT THE UTAH COUNTY HEALTH DEPARTMENT - AMERICAN FORK OFFICE**
5. **ACCEPT AMENDMENT NO. 6 TO AGREEMENT NO. 2012-441 (STATE CONTRACT 122419) WITH THE UTAH DEPARTMENT OF HUMAN SERVICES FOR FUNDING ALLOCATIONS OF \$4,187,070.00 FOR SFY 2015; COUNTY MATCH \$280,544.00**

There was some discussion between Commissioner Ellertson and Utah County Department of Drug and Alcohol Prevention and Treatment Director Richard Nance regarding the required county match and appropriations. The Board suggested this item be continued one week to the next meeting in order to obtain more information.

CONTINUED TO SEPTEMBER 2, 2014

6. **ADOPT A RESOLUTION APPROVING AND AUTHORIZING THE COMMISSION CHAIR TO SIGN AN AMENDMENT TO AGREEMENT NO. 2014-164 WITH PAYSON CITY, ALLOWING ADJUSTMENTS TO THE BUDGET FOR THE STRENGTHENING FAMILIES PROGRAM**
7. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT WITH JAMES MOSHER FOR LECTURE FEES FOR THE UTAH LEGISLATIVE ALCOHOL POLICY SUMMIT**
8. **APPROVE AND AUTHORIZE THE UTAH COUNTY CLERK/AUDITOR TO SIGN A QUIT CLAIM DEED WITH TERRY S. AND CHRISTI LYNN MILLS IN THE AMOUNT OF \$92,500.00 FOR SURPLUS PROPERTY (SERIAL NO. 14:017:0139) FROM THE NORTH COUNTY BOULEVARD PROJECT (Continued from the August 19, 2014 Commission meeting)**
12. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN THE RIGHT-OF-WAY SERVICES AGREEMENT WITH PADGETT PROPERTIES, INC. IN THE AMOUNT OF \$4,000 FOR RIGHT-OF-WAY SERVICES FOR THE JORDAN TO MURDOCK CONNECTOR TRAIL PROJECT**
14. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AMENDMENT TO AGREEMENT NO. 2012-647 WITH HABITAT FOR HUMANITY OF UTAH COUNTY**
15. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AMENDMENT TO AGREEMENT NO. 2012-650 WITH UTAH LEGAL SERVICES OF UTAH COUNTY**
16. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AMENDMENT TO AGREEMENT NO. 2013-600 WITH CENTRO HISPANO**
17. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AMENDMENT TO AGREEMENT NO. 2013-740 WITH UTAH COUNTY CRISIS LINE**

18. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO ACCEPT AN AWARD FROM THE STATE OF UTAH FY2014-2015 VOCA VICTIM ASSISTANCE PROGRAM GRANT TO THE UTAH COUNTY ATTORNEY'S OFFICE IN THE AMOUNT OF \$41,990.52

Commissioner Ellertson asked whether this monetary award was anticipated in the budget, and Utah County Attorney Jeffrey R. Buhman stated yes.

19. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO EXECUTE A NOTICE OF VACANCY ON THE NORTH FORK SPECIAL SERVICE DISTRICT ADMINISTRATIVE CONTROL BOARD

ACTIONS TAKEN

Consent Agenda Item No. 1 was **declared** as surplus; Nos. **2, 4 and 5** were **approved**; No. **3** was **abated**; and Nos. **6 and 7** were **ratified**. **Regular Agenda Item No. 1** was **approved**; Nos. **4, 7, 8, 12, and 14 through 19** were **approved and authorized**; No. **5** was **continued** to the September 2, 2014 meeting of the Board; and No. **6** was **adopted**.

AGREEMENT NOS.: 2014-565, 2014-566, 2014-567, 2014-568, 2014-569, 2014-570, 2014-571, 2014-572, 2014-573, 2014-574, 2014-575, 2014-576, 2014-577, 2014-578 and 2014-579
RESOLUTION NO.: 2014-93
VACANCY NO.: 2014-2

REGULAR AGENDA

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, August 5, and August 19, 2014 Commission meetings)

Commissioner Ellertson made the motion to approve and adopt the resolution amending and increasing the 2014 Utah County Budget in the county's general fund and various other budgetary funds as detailed in Regular Agenda Item No. 2. The motion was seconded by Commissioner Witney and carried with the following vote:

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

RESOLUTION NO. 2014-93

3. APPROVE OR DENY A LATE VETERAN ABATEMENT APPLICATION FOR BRYAN LEROY, SERIAL NO. 35:624:0001

Commissioner Ellertson made the motion to approve the late veteran abatement application for Bryan LeRoy on Property Serial No. 35:624:0001 as described 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

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9. ACCEPT THE RECOMMENDATION, AND APPROVE THE RECOMMEND FUNDING LIST, FOR PROJECTS FUNDED WITH COUNTY SALES TAX PROCEEDS AS PRESENTED BY THE MOUNTAINLAND ASSOCIATION OF GOVERNMENTS OR AS AMENDED BY THE BOARD OF COMMISSIONERS

The Board suggested that this item be momentarily tabled to allow the Mountainlands Association of Governments representative to prepare his presentation.

TABLED FOR FURTHER DISCUSSION

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

10. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN CHANGE ORDER NO. 3 IN THE AMOUNT OF \$49,800 TO AGREEMENT NO. 2011-373 WITH CONDIE CONSTRUCTION FOR CONSTRUCTION OF THE HEADWALL AND DIVERSION IN THE SANTAQUIN SUMMIT CREEK HIGH WATER PROJECT

Commissioner Ellertson asked about the funding source for the change in the contract, and Utah County Public Works Director Richard Nielson explained it will come from the agreement with Summit Creek Irrigation and the State of Utah. Commissioner Witney mentioned a previous similar contract, and Mr. Nielson reminded the Board that a previous version was stricken from the agenda and will now be corrected through this item. Utah County Clerk/Auditor Bryan E. Thompson clarified that there are unencumbered funds available.

Commissioner Witney made the motion to approve and authorize Change Order No. 3 to Agreement No. 2011-373 with Condie Construction as identified in Regular Agenda Item No. 10. The motion was seconded by Commissioner Ellertson and carried with the following vote:

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

AGREEMENT NO. 2014-580

11. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN THE LOCAL GOVERNMENT CONTRACT MODIFICATION NO. 2 TO AGREEMENT NO. 2014-212 WITH THE UTAH DEPARTMENT OF TRANSPORTATION(UDOT)/JUB ENGINEERS INC. FOR THE JORDAN RIVER/MURDOCK CONNECTOR TRAIL PROJECT [STATE CONTRACT #F-LC49(125)]

Commissioner Ellertson asked about the connection for the Jordan River trail portion located west of Interstate-15, and Utah County Public Works Director Richard Nielson confirmed this contract modification is for that same project. JUB Engineers Inc. is under contract through the Utah Department of Transportation (UDOT) by Utah County, and is paid through the UDOT project funds. This trail will access Thanksgiving Point.

Commissioner Witney made the motion to approve and authorize the Local Government Contract Modification No. 2 to Agreement No. 2014-212 with the Utah Department of Transportation(UDOT)/JUB Engineers Inc. as outlined in Regular Agenda Item No. 11. The motion was seconded by Commissioner Ellertson and carried with the following vote:

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

AGREEMENT NO. 2014-581

13. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT WITH FIRE PROTECTION SERVICE CORPORATION FOR TESTING, INSPECTION, AND REPAIR OF FIRE ALARM SYSTEMS IN VARIOUS COUNTY-OWNED FACILITIES

Utah County Public Works Director Richard Nielson summarized that the current agreement only contained fees for the Utah County Health and Justice Building; this agreement will include additional county property.

Commissioner Ellertson made the motion to approve and authorize the agreement with Fire Protection Service Corporation for testing, inspection, and repair of fire alarm systems in various county-owned facilities as identified in Regular Agenda Item No. 13. 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. 2014-582

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

24. 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

Commissioner Ellertson made the motion to strike Regular Agenda Item Nos. 24 to 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 motion was seconded by Commissioner Witney and carried with the following vote:

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

STRICKEN

20. 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 Witney and carried with the following vote:

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

SET

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

Commissioner Ellertson 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 Witney and carried with the following vote:

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

SET

22. 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 Witney and carried with the following vote:

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

SET

23. SET A DATE, TIME AND LOCATION FOR A CLOSED MEETING FOR A STRATEGY SESSION TO DISCUSS THE SALE 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 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 Witney and carried with the following vote:

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

SET

The commissioners returned to previously tabled Regular Agenda Item No. 9 at this point.

9. ACCEPT THE RECOMMENDATION, AND APPROVE THE RECOMMEND FUNDING LIST, FOR PROJECTS FUNDED WITH COUNTY SALES TAX PROCEEDS AS PRESENTED BY THE MOUNTAINLAND ASSOCIATION OF GOVERNMENTS OR AS AMENDED BY THE BOARD OF COMMISSIONERS

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Shawn Eliot, Transportation Planner for Mountainland Association of Governments, gave a presentation regarding county sales tax proposed projects list. He addressed the budget selection process, priority ranking, and items that are largely connected to Utah County, including but not limited to: Santaquin Main Street, Pleasant Grove State Road 146/Canyon Road, American Fork 900 West, and the Springville 400 South 800 East intersection. Utah County Public Works Director Richard Nielson also commented, and the Board thanked Mr. Eliot for the updated information. Related documents can be found attached to these minutes.

Commissioner Ellertson made the motion to continue Regular Agenda Item No. 9 regarding the recommended funding list for projects funded with County Sales Tax for two weeks to the September 9, 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 SEPTEMBER 9, 2014

WORK SESSION

NO WORK SESSION ITEMS WERE SUBMITTED

PUBLIC COMMENTS

There were no public comments and the meeting recessed at 9:39 A.M. to go into closed meetings. The public meeting reconvened at 10:29A.M.

Commissioner Witney made the motion to adjourn the August 26, 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**

There being no further business nor public comment, the meeting adjourned at 10:29 A.M. The minutes of the August 26, 2014 Commission meeting were approved as transcribed on September 9, 2014.

GARY J. ANDERSON, Commission Chair

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ATTEST:

BRYAN E. THOMPSON
Utah County Clerk/Auditor

***Regular Agenda Item No. 9:**

The commissioners addressed Regular Agenda Item No. 9, regarding the recommended funding list for projects funded with County Sales Tax proceeds as presented by the Mountainland Association of Governments, before recessing into closed meetings. They voted unanimously to continue discussion to the September 9, 2014 meeting of the Board.