

BOARD OF COUNTY COMMISSIONERS, UTAH COUNTY, UTAH
MINUTES OF PUBLIC MEETING
COMMISSION CHAMBERS, ROOM 1400
OF THE UTAH COUNTY ADMINISTRATION BUILDING
October 7, 2014 - 9:00 A.M.

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

ALSO PRESENT:

E. Kent Sundberg, Civil Division Chief Attorney
David Shawcroft, Utah County Deputy Attorney
Paul Jones, Utah County Deputy Attorney
Julie Rollins, Utah County Purchasing Agent
Rebecca Martell, Children's Justice Center
Maria Blanchard, Family Justice Court
Kris Poulson, Utah County Assessor
Peter A. Jepps, Utah County Assessor's Office
Clarissa Reeve, Utah County Assessor's Office
Peggy Kelsey, Community Development
Brandon Larsen, Community Development
Bryce Armstrong, Community Development
Joshua K. Ivie, Community Development
Dr. Joseph K. Miner, Health Department Exec. Director
Lana Jensen, Utah County Personnel Director
Jeff Smith, Utah County Recorder
Andrea Allen, Utah County Recorder's Office
James O. Tracy, Utah County Sheriff
Mark Beals, Utah County Sheriff's Office
Dalene Higgins, Utah County Sheriff's Office
Nancy Killian, Utah County Sheriff's Office
Jason Newman, Utah County Sheriff's Office

Richard Nielson, Utah County Public Works Director
Gary Ratcliffe, Utah County Surveyor
Robert C. Kirk, Utah County Treasurer
Bill Freeze, Utah County Association of Realtors President
Dustin Rowley, Utah Association of Conservation Districts
Diana Neves, Citizens for Rural Utah
Eldon A. Neves, Citizens for Rural Utah
Chelsa Bringham, Payson Resident
Bill Fairbanks, Orem Resident
Don Sorenson, Orem Resident
Clinton Stephens, Palmyra Resident
Kathleen Stephens, Palmyra Resident
Sandra Batty, -No further information given-
Yueng Dealas, -No further information given-
Ed Evans, -No further information given-
Judy Evans, -No further information given-
Daniel Gunnel, -No further information given-
Enoch Irvine, -No further information given-
Serena Irvine, -No further information given-
Lindsey Maun, -No further information given-
Shirlene Otterson, -No further information given-
David Thomas, -No further information given-
Renée Huggins-Caron, Clerk/Auditor Admin. Assist.

Commissioner Ellertson called the meeting to order at 9:06 A.M. and welcomed those present. He excused Commissioner Anderson and noted that Robert's Rules of Order would be waived for the purpose of making motions. The following matters were discussed:

PRAYER/READING/THOUGHT: Larry A. Ellertson, Utah County Commissioner
PLEDGE OF ALLEGIANCE: Doug Witney, Utah County Commissioner

The Board momentarily recessed to assemble as The Board of Equalization of Utah County from 9:08 A.M. to 9:09 A.M. The Utah County Board of Commissioners reconvened at 9:09 A.M., and the commissioners moved forward with the following agenda items.

PUBLIC HEARING

PUBLIC HEARING FOR THE PROPOSAL OF DONALD ALLEN SORENSON FOR VIVIAN PARK SUBDIVISION, PLAT "E," BEING AN AMENDMENT OF LOT 3, AND A PORTION OF LOTS 1 AND 2, BLOCK A, VIVIAN PARK SUBDIVISION IN THE CRITICAL ENVIRONMENTAL (CE-2) ZONE, SECTION 26, T5S R3E, LOCATED AT 6793 FAIRFAX DRIVE, SOUTH FORK, PROVO CANYON AREA OF UTAH COUNTY (Public Hearing set September 30, 2014)

Brandon Larsen of the Utah County Community Development Office summarized how Donald Allen Sorenson came into the office seeking a building permit. Mr. Sorenson's property consists of one lot (Lot 3) and a portion of two additional lots (Lots 1 and 2); this makes it difficult to apply setback requirements. Mr. Sorenson has proposed to combine his land into one lot to alleviate the problem. The application meets all county and state requirements and the owner of the remaining portions of Lots 1 and 2 is amenable to the change. However, that second owner signed the petition incorrectly, and a hearing is now required by state code.

Commissioner Ellertson noted that the Utah County Planning Commission as well as staff have recommended approval of the application, and Brandon Larsen added that the vote was unanimous. Commissioner Ellertson asked Utah County Public Works Director Richard Nielson about potential impact on water lines and trails in the area, and Mr. Nielson stated there are no other considerations.

Commissioner Witney made the motion to close the public hearing for the proposal of Donald Allen Sorenson for Vivian Park Subdivision, Plat "E," being an amendment of Lot 3, and a portion of Lots 1 and 2, Block A, Vivian Park Subdivision in the Critical Environmental (CE-2) Zone as specified on the agenda. The motion was seconded by Commissioner Ellertson and carried with the following vote:

**AYE: Larry A. Ellertson
Doug Witney
NAY: None**

CONSENT AGENDA

- 1. RATIFY THE SIGNATURE OF THE COMMISSION CHAIR ON AMENDMENT NO. 2 TO DEPARTMENT OF HUMAN SERVICES (DHS/DCFS) CONTRACT NO. 112481 FOR OCTOBER 2014-JUNE 2015 FUNDING FOR THE UTAH COUNTY CHILDREN'S JUSTICE CENTER MEDICAL PROGRAM (REFERENCE AGREEMENT NO. 2011-377)**
- 2. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN THE VIOLENCE AGAINST WOMEN ACT (VAWA) GRANT, THROUGH THE UTAH OFFICE FOR VICTIMS OF CRIME, TO FUND THE UTAH COUNTY FAMILY JUSTICE CENTER PROGRAM FOR \$46,807.36; AND REPORT ON SERVICES PROVIDED TO VICTIMS OF CRIME FOR 2014 AT THE FAMILY JUSTICE CENTER**
- 3. DECLARE THE ATTACHED LIST OF VEHICLES AS SURPLUS AND AUTHORIZE DISPOSAL OF THESE VEHICLES THROUGH PUBLIC AUCTION**
- 4. APPROVE (OR DENY) VIVIAN PARK SUBDIVISION, PLAT "E," BEING AN AMENDMENT OF LOT 3, AND A PORTION OF LOTS 1 AND 2, BLOCK A, VIVIAN PARK SUBDIVISION**

Commissioner Ellertson pointed out Consent Agenda Item No. 4 as the action item related to today's Public Hearing.

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5. **APPROVE (OR DENY) THE PAUL TAYLOR SUBDIVISION, PLAT "A," SUBJECT TO THE CONDITIONS STATED IN THE STAFF REPORT**
6. **APPROVE THE TRANSFER OF UNIT 701056 TO THE HEALTH DEPARTMENT EMISSIONS DIVISION FROM COMMUNITY DEVELOPMENT DIVISION OF PUBLIC WORKS FOR THE SUM OF \$2,000.00**
7. **APPROVE TAX CREDITS AND REFUNDS RECOMMENDED BY THE COUNTY ASSESSOR'S OFFICE IN CANCELLATION AND CORRECTION LETTER NO. 60311, DATED OCTOBER 1, 2014**
8. **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**

From the audience, Utah County Treasurer Robert C. Kirk answered Commissioner Ellertson's questions related to Personal Property Account No. 84608 registered to Aaxis Fine Jewelers LLC. The Board suggested approval of the list with the exception of that account.

APPROVED WITH CHANGES

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

Utah County Treasurer Robert C. Kirk requested Personal Property Account No. 34990: Kid to Kid/Scott Henrie be excluded from the list.

APPROVED WITH CHANGES

10. **APPROVE TAX CREDITS AND REFUNDS RECOMMENDED BY THE COUNTY TREASURER'S OFFICE IN CANCELLATION LETTER NO. 20316, DATED OCTOBER 1, 2014**

11. **APPROVE PROPERTY TAX ACTIONS CONTAINED IN RECOMMENDATION LETTER NO. 2014-4 (ABATEMENTS)**

12. **APPROVE PROPERTY TAX ACTIONS CONTAINED IN RECOMMENDATION LETTER NO. 2014-18**

Utah County Deputy Attorney David Shawcroft commented on Account No. 72621 registered to Matt Smith Photography, and Commissioner Ellertson clarified that the denial without judgement is based on an intention to work out a payment plan.

APPROVED WITH CHANGES

13. **ADOPT A RESOLUTION APPROVING VOLUNTEERS WHO WISH TO DONATE THEIR SERVICES TO THE CHILDREN'S JUSTICE CENTER**

14. **RATIFICATION OF PAYROLL**

Period 20	12 Checks: \$ 7,354.53	1,118 Total Deposits: \$1,483,625.64	Total: \$1,490,980.17
		Federal Payroll Taxes	Total: \$ 224,302.20

15. **RATIFICATION OF WARRANT REGISTER SUMMARY**

Register No. 940	September 29, 2014	Bond Wires:312-312	Total: \$ 211,764.19
Register No. 941	September 29, 2014	Purchasing Cards 2998-3007	Total: \$ 7,264.35
Register No. 942	September 29, 2014	Check Nos. 199339-199362	Total: \$ 39,438.95
Register No. 943	September 29, 2014	Direct Deposit:20468-20472	Total: \$ 2,272.40
Register No. 944	September 29, 2014	Check Nos. 199363-199424	Total: \$ 2,724.00

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Register No. 945	September 30, 2014	Purchasing Cards 3008-3023	Total: \$	11,074.93
Register No. 946	September 30, 2014	Check Nos. 199425-199429	Total: \$	12,799.00
Register No. 947	October 1, 2014	Bond Wires:313-313	Total: \$	15.00
Register No. 948	October 1, 2014	Purchasing Cards 3024-3027	Total: \$	775.70
Register No. 949	October 1, 2014	Check Nos. 199430-199477	Total: \$	48,743.42
Register No. 950	October 1, 2014	Direct Deposit:20473-20477	Total: \$	1,333.32
Register No. 951	October 1, 2014	Check Nos. 199478-199501	Total: \$	15,389.61
Register No. 952	October 1, 2014	Purchasing Cards 3028-3032	Total: \$	5,787.91
Register No. 953	October 2, 2014	Purchasing Cards 3033-3034	Total: \$	1,511.85
Register No. 954	October 2, 2014	Bond Wires:314-316	Total: \$	45.00
Register No. 955	October 2, 2014	Direct Deposit:20478-20480	Total: \$	190.00
Register No. 956	October 2, 2014	Check Nos. 199502-199536	Total: \$	128,242.24
Register No. 957	October 2, 2014	Direct Deposit:20481-20491	Total: \$	774,915.96
Register No. 958	October 2, 2014	Check Nos. 199537-199550	Total: \$	82,858.70
Register No. 959	October 3, 2014	Direct Deposit:20492-20492	Total: \$	59,185.94
Register No. 960	October 3, 2014	Check Nos. 199551-199552	Total: \$	1,072.00
Register No. 961	October 3, 2014	Purchasing Cards 3035-3046	Total: \$	6,704.48
Register No. 962	October 3, 2014	Direct Deposit:20493-20501	Total: \$	14,696.78
Register No. 963	October 3, 2014	Check Nos. 199553-199572	Total: \$	19,181.84
			Total:	<u>\$1,447,987.57</u>

Consent Agenda Item Nos. 1 through 15 were approved as written, with changes noted to Consent Agenda Item Nos. 8, 9, and 12. Commissioner Ellertson recommended the following Regular Agenda items be moved to Consent:

2. **ADD ONE (1) FULL-TIME CAREER SERVICE FACILITY MAINTENANCE ASSISTANT TO THE STAFFING PLAN OF THE BUILDINGS AND GROUNDS DIVISION OF THE UTAH COUNTY PUBLIC WORKS DEPARTMENT (CLASS CODE 8002, ACCOUNT NUMBER 630-44630) (Continued from the September 16 and September 30, 2014 Commission meetings)**

The commissioners requested Regular Agenda Item No. 2 be continued to the October 14, 2014 meeting of the Board.
CONTINUED TO OCTOBER 14, 2014

3. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN A MAINTENANCE AGREEMENT WITH VALCOM FOR AN IR2525 COPIER, SERIAL NO. FRU95777, LOCATED IN THE HEALTH DEPARTMENT; USAGE RATE OF .0101/COPY, EXPIRING OCTOBER 2019**
4. **RATIFY PORTIONS OF THE 2014 ANNUAL DELINQUENT TAX SALE NOT PREVIOUSLY RATIFIED DUE TO THE PRESENCE OF A FEDERAL TAX LIEN AGAINST THE ORIGINAL OWNER OF RECORD PER UTAH COUNTY CODE 21-5-7 AND SECTION 7425 (C) OF THE INTERNAL REVENUE CODE**
6. **APPROVE (OR DENY) THE BRINGHURST FARM SUBDIVISION, PLAT "A," SUBJECT TO THE CONDITIONS STATED IN THE STAFF REPORT**

Though initially pulled to the Consent Agenda for approval, the Board returned to this item before setting closed meetings in order to make a motion with a finding.

APPROVED

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

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8. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT WITH MOLINA HEALTHCARE REGARDING THE USE OR DISCLOSURE OF PERSONNEL HEALTH INFORMATION IN MEDICAL CARE INSURANCE BILLING (HIPAA & HITECH RULES)
9. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT WITH THE UTAH HIGHWAY SAFETY OFFICE (CHILD PASSENGER SAFETY)
10. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO ACCEPT AN AGREEMENT WITH THE UTAH HIGHWAY SAFETY OFFICE (HISPANIC HWY SAFETY)
11. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT WITH THE UTAH HIGHWAY SAFETY OFFICE (IMPAIRED DRIVING)
12. APPROVE AND AUTHORIZE COMMISSION CHAIR TO SIGN AN AGREEMENT WITH NEW DAWN TECHNOLOGIES FOR A CASE AND DOCUMENT MANAGEMENT SYSTEM FOR THE UTAH COUNTY ATTORNEY'S OFFICE *(Continued from the September 30, 2014 Commission meeting)*
The commissioners requested Regular Agenda Item No. 12 be continued to the October 14, 2014 meeting of the Board.
CONTINUED TO OCTOBER 14, 2014
13. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN A MOUNTAINLAND ASSOCIATION OF GOVERNMENTS UTAH COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT AWARD OF UP TO \$15,000.00 TO WEE CARE CENTER AT UTAH VALLEY UNIVERSITY FOR CHILDCARE FUNDING FOR LOW-INCOME STUDENTS
14. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO EXECUTE AN AGREEMENT WITH THE CITY OF GENOLA FOR A UTAH COUNTY COMMUNITY ACTIVITIES GRANT FOR A TOURISM AND RECREATION DEVELOPMENT PROJECT
15. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT TO PROVIDE INDIGENT DEFENSE SERVICES BETWEEN UTAH COUNTY, UTAH, AND NEIL SKOUSEN
16. ADOPT A RESOLUTION ESTABLISHING THE UTAH COUNTY CONSTABLE NOMINATING COMMITTEE AND APPOINTING MEMBERS THERETO

ACTIONS TAKEN

Consent Agenda Item Nos. 1, 14 and 15 were ratified; No. 2 was approved and authorized; No. 3 was declared as surplus; Nos. 4 through 8 and 10 through 12 were approved; No. 9 was abated; and No. 13 was adopted. Regular Agenda Item Nos. 2 and 12 were continued to the October 14, 2014 meeting of the Board; Nos. 3, 8 through 11, and 13 through 15 were approved and authorized; No. 4 was ratified; No. 6 was approved (*see note on final page); and No. 16 was adopted.

AGREEMENT NOS.: 2014-665, 2014-667, 2014-668, 2014-669, 2014-670, 2014-671, 2014-672, 2014-673, 2014-674, 2014-675, 2014-676, 2014-677, 2014-678, 2014-679, 2014-680, 2014-681, 2014-682, 2014-683, 2014-684, 2014-685 and 2014-686

RESOLUTION NOS.: 2014-102 and 2014-103

REGULAR AGENDA

1. RECOGNITION OF THE UTAH COUNTY EMPLOYEE OF THE MONTH FOR OCTOBER 2014
Jason Newman of the Utah County Sheriff's Office was recognized as Employee of the Month for October 2014.

5. ADOPT (OR DENY) AN ORDINANCE TO AMEND THE UTAH COUNTY LAND USE ORDINANCE, SECTION 5-2-B-13, PERMITTED USES, ADDING THE USE OF THE MEDICAL TREATMENT OF OTHER ANIMALS IN THE RESIDENTIAL AGRICULTURAL (RA-5) ZONE

Commissioner Ellertson noted that while this ordinance was recommended for approval by the Utah County Planning Commission by a 4-3 vote, he has some concerns. Minutes from the Planning Commission meeting indicate discussion regarding a conditional use permit for the applicant; Commissioner Ellertson questioned why they should not move forward in that vein. Once a use becomes permitted in any zone, control is lost. Commissioner Witney invited Peggy Kelsey of the Utah County Community Development Office to expound on the large animal versus small animal use.

Peggy Kelsey came forward to explain that Dr. Yeony D. Calás-Dobson submitted an application to include the veterinary care of small animals alongside the already permitted medical treatment of domestic livestock within the Residential Agricultural (RA-5) Zone. Upon review, it was suggested by staff to include the word "primarily" as part of the ordinance to help preserve the agricultural component within commercial uses. There was also discussion to add annual gross receipts in order to prove primary treatment of livestock over small animals. Ms. Kelsey pointed out that the application for allowed use is approved administratively, whereas conditional use would be presented to the Board of Adjustment.

Peggy Kelsey mentioned she has worked in Community Development for seventeen years; only one veterinary clinic has been approved during that time, and has since been annexed into Spanish Fork City. Ms. Kelsey does not anticipate a surge of applications if this ordinance is approved. Pet services are currently allowed within the neighborhood commercial zone, so a regular veterinary clinic could exist there as long as they met all building requirements. The application is being presented to the commissioners without the word "primarily," and with no consideration of annual gross receipts.

Commissioner Witney questioned why there would be opposition to a veterinary clinic in unincorporated Utah County. Peggy Kelsey explained that because this is an agricultural-residential zone, and the clinic would technically be commercial use. While staff is not opposed to the treatment of small animals, domestic livestock is necessary for the nature of the area and the Community Development Office would like assurance that they will remain the priority. Commissioner Ellertson summarized that the veterinarian should serve to support the agricultural zone.

Commissioner Witney noted the Planning Commission discussion related to traffic concerns near the clinic; an extensive increase is not expected, as there should be no more than four additional visits daily. Peggy Kelsey generally agreed but added that there is no way to know until operations have been approved. Commissioner Ellertson expressed worry over relinquishing requirements once the permitted use is allowed, which would be a problem for any business in a residential area. He and Ms. Kelsey discussed conditional use and involvement from the Board of Adjustment, as well as Chapter 3 enhanced requirements. Utah County Deputy Attorney David Shawcroft added that those conditions would have to be pre-determined. They continued to speak about commercial use in residential zones and serving agricultural use, and Mr. Shawcroft suggested the ordinance could be denied and returned to the Utah County Planning Commission for additional review.

Commissioner Witney expressed an intent to approve the proposed ordinance. David Shawcroft and Peggy Kelsey summarized the purpose, and Ms. Kelsey stated she would be more comfortable with the word "primarily" being included in the ordinance. She reiterated that domestic livestock should be the focus of the clinic, and Bryce Armstrong of the Utah County Community Development Office reviewed conditional versus permitted use impacts. Commissioner Ellertson suggested the application be returned to staff and the Planning Commission.

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The applicant, Dr. Yeony D. Calás-Dobson, approached the bench. Dr. Dobson clarified that she has been a veterinarian in Utah for twenty-one years, and already owns an agricultural/residential delineated veterinary hospital in Provo (Riverwoods Pet Hospital). She has been doing business there for fourteen years and is able to treat large animals there the same as the previous owner who had operated since the 1950's. Dr. Dobson explained that when she applies for a state license through the Division of Occupational and Professional Licensing (DOPL), there is no such thing as a license only for large or small animals - the veterinarian chooses to treat animals based on their expertise. The consequences of lack of expertise are lawsuits. If Dr. Dobson were to operate on a chinchilla and the animal died through lack of experience, action could be taken by DOPL. She used this hypothetical situation to remind the commissioners that there are entities in place to assure the veterinarian is practicing correctly. In agricultural uses, there is no such thing as a farmer with cattle or sheep or horses that does not also own a working dog or cat. Dr. Dobson mentioned that she cares for Provo Police Department dogs, noting that agricultural entities are not just bovines or llamas or ostrich or elk. The current text already allows for non-traditional livestock; the addition of small animals would not be a risk for trained professionals.

Utah County resident Eldon A. Neves requested to come forward to respond to Dr. Dobson. Mr. Neves compared the doctor's statement of farmers having cats and dogs to his wife wearing dresses: that does not make it necessary to have a dress shop in the agricultural area. Mr. Neves pointed out that there are 32 veterinarians within fifteen miles of the area in question; most people have a means of transportation to get to any of those locations for a sick pet. The zone is to preserve agricultural land but the commissioners are considering a commercial venture today.

Commissioner Witney made the motion to deny the ordinance to amend the Utah County Land Use Ordinance Sections 5-2-B-13: Permitted Uses as discussed in Regular Agenda Item No. 5, with the intent to approve a future version with the appropriate language as discussed. The motion was seconded by Commissioner Ellertson and carried with the following vote:

**AYE: Larry A. Ellertson
Doug Witney
NAY: None**

DENIED

Bryce Armstrong of the Utah County Community Development Office asked for clarification on whether the commissioners are seeking additional requirements for permitted use to be considered in all future applications, and Commissioner Ellertson stated he would like staff to reconsider both permitted and conditional uses.

7. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN THE AGREEMENT WITH SELECT HEALTH FOR MEDICARE COMPLIANCE ATTESTATION

Utah County Health Department Executive Director Dr. Joseph K. Miner explained that this is required for insured patients; it is related to the confidential record-keeping in accordance with the federal Health Insurance Portability and Accountability Act (HIPAA).

Commissioner Witney made the motion to approve and authorize the agreement with SelectHealth for Medicare Compliance Attestation as defined in Regular Agenda Item No. 7. The motion was seconded by Commissioner Ellertson and carried with the following vote:

**AYE: Larry A. Ellertson
Doug Witney
NAY: None**

AGREEMENT NO. 2014-687

Though previously pulled to the Consent Agenda, Regular Agenda Item No. 6 was re-visited at this point upon counsel from Utah County Deputy Attorney David Shawcroft; he noted that a specific finding would be needed as part of the motion.

6. APPROVE (OR DENY) THE BRINGHURST FARM SUBDIVISION, PLAT "A," SUBJECT TO THE CONDITIONS STATED IN THE STAFF REPORT

Commissioner Witney made the motion to approve the Bringhurst Farm Subdivision, Plat "A" as identified in Regular Agenda Item No. 6 with the finding that less water is needed to establish and meet green plant use of alfalfa due to a water table that is sufficiently near the surface on an annual growing season basis to allow such reduction, based on an Engineering Study, as recommended by the Utah County Planning Commission. The motion was seconded by Commissioner Ellertson and carried with the following vote:

**AYE: Larry A. Ellertson
Doug Witney
NAY: None**

AGREEMENT NO. 2014-679

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

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

21. 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 Witney made the motion to strike Regular Agenda Item No. 21 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 Ellertson and carried with the following vote:

**AYE: Larry A. Ellertson
Doug Witney
NAY: None**

STRICKEN

17. 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: Larry A. Ellertson
Doug Witney
NAY: None**

SET

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18. 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: Larry A. Ellertson
Doug Witney
NAY: None

SET

19. 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 meetings today in Room 1400 of the County Administration Building. The motion was seconded by Commissioner Ellertson and carried with the following vote:

AYE: Larry A. Ellertson
Doug Witney
NAY: None

SET

20. SET A DATE, TIME AND LOCATION FOR A CLOSED MEETING FOR A STRATEGY SESSION TO DISCUSS THE SALE 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 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: Larry A. Ellertson
Doug Witney
NAY: None

SET

WORK SESSION

NO WORK SESSION ITEMS WERE SUBMITTED

PUBLIC COMMENTS

Utah County Sheriff James O. Tracy commented on the current algae bloom in Utah Lake. He noted that the type of algae that is blooming can be toxic; over the weekend, the death of a dog was reported less than one hour after the canine had been seen drinking and playing in the water. Commissioner Witney suggested placing signs at the boat harbor to warn of the dangers to the community.

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Utah County resident Eldon A. Neves returned to the stand to reiterate his position regarding veterinary clinics as addressed in Regular Agenda Item No. 5 on today's agenda. Mr. Neves repeated that there are 32 veterinarians within fifteen miles; he stated that if a pet is sick, there is either transportation or "a .22 (rifle) to take care of it." Commissioner Witney pointed out that an individual can be criminally charged for such action, and Mr. Neves jokingly responded "I realize that and do that quietly."

Commissioner Witney noted he had read Eldon A. Neves' comments within the Utah County Planning Commission meeting minutes and understood the argument. Mr. Neves replied that the Planning Commission only consists of one true agricultural person as the rest are bankers and developers. Allowing a commercial venue in that zone would open up the area to development.

This concluded the public comment portion of the open meeting, and the meeting recessed at 9:56 A.M. to go into closed meetings. The public meeting reconvened at 10:37 A.M.

Commissioner Witney made the motion to adjourn the October 7, 2014 meeting of the Utah County Board of Commissioners. The motion was seconded by Commissioner Ellertson and carried with the following vote:

**AYE: Larry A. Ellertson
Doug Witney
NAY: None**

There being no further business nor public comment, the meeting adjourned at 10:37 A.M. The minutes of the October 7, 2014 Commission meeting were approved as transcribed on November 18, 2014.

GARY J. ANDERSON, Commission Chair

ATTEST:

BRYAN E. THOMPSON
Utah County Clerk/Auditor

***Regular Agenda Item No. 6:**

Initially pulled to the Consent Agenda for unanimous approval, this item was discussed as part of the regular agenda immediately preceding the setting of closed meetings (*see page 8*) in order for an official finding to be made as part of the motion for approval. The vote remained the same and the documents were assigned Agreement No. 2014-679.

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