

BOARD OF COUNTY COMMISSIONERS, UTAH COUNTY, UTAH
MINUTES OF PUBLIC MEETING
COMMISSION CHAMBERS, ROOM 1400
OF THE UTAH COUNTY ADMINISTRATION BUILDING
March 17, 2015 - 9:00 A.M.

PRESENT: COMMISSIONER LARRY A. ELLERTSON, CHAIR
COMMISSIONER WILLIAM C. LEE, VICE-CHAIR
COMMISSIONER GREG GRAVES

ALSO PRESENT:

Jeffrey R. Buhman, Utah County Attorney	Jim Stevens, Utah County Assessor's Office
David Shawcroft, Civil Division Chief Deputy Attorney	Pat Bird, Drug & Alcohol Prevention & Treatment
Robert J. Moore, Utah County Deputy Attorney	Neil Peterson, Information Systems Director
Dianne Orcutt, Utah County Deputy Attorney	Lana Jensen, Utah County Personnel Director
Paul Jones, Utah County Deputy Attorney	Mark Brady, Assistant Personnel Director
Bryan E. Thompson, Utah County Clerk/Auditor	Andrea Allen, Utah County Recorder's Office
Burt Harvey, Clerk/Auditor - Tax Admin. Supervisor	James O. Tracy, Utah County Sheriff
Vicky Westergard, Clerk/Auditor's Office - Tax Admin.	Dalene Higgins, Utah County Sheriff's Office
Bryce Armstrong, Community Development	Mike Forshee, Utah County Sheriff's Office
Peggy Kelsey, Community Development	Gary Ratcliffe, Utah County Surveyor
Joshua K. Ivie, Community Development	Kim T. Jackson, Utah County Treasurer
Dr. Joseph K. Miner, Health Department Exec. Director	Larry Ballard, Utah County Resident
Ralph Clegg, Utah County Health Department	Merlin Weekes, Utah County Resident
Bryce C. Larsen, Utah County Health Department	Mike Stansfield, Fairways Media
Andrea Jensen, Utah County Health Department	Renée Huggins-Caron, Clerk/Auditor Admin. Assist.

Commissioner Ellertson called the meeting to order at 9:04 A.M. and welcomed those present. The following matters were discussed:

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

PLEDGE OF ALLEGIANCE: William C. Lee, Utah County Commissioner

PUBLIC COMMENTS

Orem resident Merlin Weekes addressed the Provo/Orem Bus Rapid Transit (BRT) project. Mr. Weekes referred the commissioners to the website www.stopamp.org, related to a similar statewide BRT proposal in Tennessee. The project was successfully stopped in Nashville, and Mr. Weekes asked the Board to review the information and heavily consider their decision.

Following public comments, the commissioners moved forward with the agenda as scheduled.

CONSENT AGENDA

- 1. APPROVE THE RELEASE OF THE COMPLIANCE AGREEMENT AND BOND FOR OPEN PIT MINING OPERATIONS, AGREEMENT NO. 2006-165, SURETY BOND IN THE AMOUNT OF \$115,830.00, AND AUTHORIZE THE COMMISSION CHAIR TO SIGN THE RELEASE LETTER: JKLMN INVESTMENTS, LC AND KENNY SENG CONSTRUCTION, INC (APPLICANT) AND PAYSON CITY CORPORATION (PROPERTY OWNER) - SURETY IS THE OHIO CASUALTY INSURANCE COMPANY, 9450 SEWARD RD, FAIRFIELD, OHIO**

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2. **DECLARE A LAPTOP COMPUTER AS SURPLUS TO BE GIVEN TO PAULETTE PATTEN AS PART OF HER RETIREMENT GIFT FROM THE COUNTY**
3. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT WITH THE UTAH DEPARTMENT OF AGRICULTURE AND FOOD FOR THE PROVISION OF SURPLUS COMPUTER EQUIPMENT AND INTERNET ACCESS**
4. **APPROVE TAX CREDITS AND REFUNDS RECOMMENDED BY THE COUNTY ASSESSOR'S OFFICE IN CANCELLATION AND CORRECTION LETTER NO. 60322, DATED MARCH 12, 2015**
5. **APPROVE THE MINUTES OF THE FEBRUARY 3, 2015 COMMISSION MEETING** *(Continued from the March 10, 2015 Commission meeting)*
6. **APPROVE THE MINUTES OF THE FEBRUARY 10, 2015 COMMISSION MEETING** *(Continued from the March 10, 2015 Commission meeting)*
7. **APPROVE THE MINUTES OF THE FEBRUARY 17, 2015 COMMISSION MEETING**
8. **APPROVE THE MINUTES OF THE MARCH 3, 2015 COMMISSION MEETING**
9. **RATIFICATION OF WARRANT REGISTER SUMMARY**

The Board requested Consent Agenda Item No. 5 be moved to the Regular Agenda for discussion.
PULLED TO REGULAR

Register No. 266	March 09, 2015	Direct Deposit:21569-21574	Total: \$	356.00
Register No. 267	March 09, 2015	Check Nos. 205154-205155	Total: \$	6,651.80
Register No. 268	March 09, 2015	Purchasing Cards 4196-4221	Total: \$	13,210.92
Register No. 269	March 09, 2015	Check Nos. 205156-205166	Total: \$	33,874.00
Register No. 270	March 09, 2015	Direct Deposit:21575-21575	Total: \$	218.69
Register No. 271	March 09, 2015	Direct Deposit:21576-21581	Total: \$	2,280.40
Register No. 272	March 09, 2015	Check Nos. 205167-205195	Total: \$	71,396.67
Register No. 273	March 10, 2015	Check Nos. 205196-205203	Total: \$	15,738.26
Register No. 274	March 10, 2015	Direct Deposit:21582-21584	Total: \$	14,497.41
Register No. 275	March 10, 2015	Check Nos. 205204-205204	Total: \$	190.91
Register No. 276	March 10, 2015	Purchasing Cards 4222-4223	Total: \$	2,983.92
Register No. 277	March 10, 2015	Purchasing Cards 4224-4242	Total: \$	31,724.14
Register No. 278	March 10, 2015	Direct Deposit:21585-21585	Total: \$	45.65
Register No. 279	March 10, 2015	Wires: 382-383	Total: \$	212.71
Register No. 280	March 10, 2015	Check Nos. 205205-205207	Total: \$	18,724.22
Register No. 281	March 10, 2015	Check Nos. 205208-205277	Total: \$	142,858.94
Register No. 282	March 11, 2015	Purchasing Cards 4243-4244	Total: \$	138.76
Register No. 283	March 11, 2015	Direct Deposit:21586-21601	Total: \$	20,645.31
Register No. 284	March 11, 2015	Check Nos. 205278-205307	Total: \$	52,551.40
Register No. 285	March 12, 2015	Direct Deposit:21602-21628	Total: \$	6,050.82
Register No. 286	March 12, 2015	Check Nos. 205308-205336	Total: \$	6,482.88
Register No. 287	March 12, 2015	Direct Deposit:21629-21647	Total: \$	5,510.31
Register No. 288	March 12, 2015	Check Nos. 205337-205354	Total: \$	4,926.07
Register No. 289	March 12, 2015	Direct Deposit:21648-21648	Total: \$	5,335.00
Register No. 290	March 12, 2015	Wires: 384-387	Total: \$	87.15
Register No. 291	March 12, 2015	Check Nos. 205355-205359	Total: \$	101,260.24
Register No. 292	March 12, 2015	Check Nos. 205360-205375	Total: \$	16,982.04

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Register No. 293	March 13, 2015	Purchasing Cards 4245-4245	Total: \$ 15.84
Register No. 294	March 13, 2015	Direct Deposit:21649-21651	Total: \$ 4,363.96
Register No. 295	March 13, 2015	Check Nos. 205376-205384	Total: \$ 78,975.82
Register No. 296	March 13, 2015	Direct Deposit:21652-21670	Total: \$ 71,148.39
Register No. 297	March 13, 2015	Check Nos. 205385-205462	Total: \$ 355,093.21
Register No. 298	March 13, 2015	Check Nos. 205463-205489	Total: \$ 28,812.28
Register No. 299	March 13, 2015	Purchasing Cards 4246-4314	Total: \$ 16,249.62
			<u>Total: \$1,129,593.74</u>

Consent Agenda Item Nos. 1 through 4, and 6 through 9, were approved as written. Commissioner Ellertson recommended the following Regular Agenda items be moved to Consent:

1. **AUTHORIZE THE FOLLOWING CHANGES TO THE STAFFING PLAN OF THE ASSESSOR'S OFFICE: ADD ONE FULL-TIME CAREER SERVICE CADASTRAL MAPPER - ASSESSOR POSITION (CLASS CODE 3542) TO REVIEW AND VALIDATE GIS WORK PRODUCT; AND DELETE ONE SENIOR VALUATION ANALYST POSITION (100-41460-3537-71-1) AND ONE APPRAISER II POSITION (100-41460-68-1)**
6. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN A MAINTENANCE AGREEMENT WITH LES OLSON COMPANY FOR AN MX-M565N COPIER, SERIAL NO. 45012596, LOCATED IN THE SHERIFF'S OFFICE; EXPIRES 12/28/2015**
7. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN A MAINTENANCE AGREEMENT WITH LES OLSON COMPANY FOR AN AR-M455N COPIER, SERIAL NO. 65044448, LOCATED IN THE SHERIFF'S OFFICE; EXPIRES 3/29/2016**
10. **APPROVE AND AUTHORIZE THE UTAH COUNTY CLERK/AUDITOR TO SIGN A QUIT CLAIM DEED FOR AN ABANDONED COUNTY ROAD TO LEHI CITY (Continued from the March 10, 2015 Commission meeting)**

ACTIONS TAKEN

Consent Agenda Item Nos. 1, 4, 6, 7 and 8 were approved; No. 2 was declared as surplus; No. 3 was approved and authorized; No. 5 was tabled for further discussion; and No. 9 was ratified. Regular Agenda Item No. 1 was authorized; and Nos. 6, 7, and 10 were approved and authorized.

AGREEMENT NOS.: 2015-149, 2015-150, 2015-151, 2015-152, 2015-153, 2015-154 and 2015-155

REGULAR AGENDA

(PULLED FROM CONSENT)

5. **APPROVE THE MINUTES OF THE FEBRUARY 3, 2015 COMMISSION MEETING (Continued from the March 10, 2015 Commission meeting)**

Commissioner Lee requested additional clarifying language for items within the February 3, 2015 Commission meeting minutes, and suggested approval with those changes.

Commissioner Lee made the motion to approve the minutes of the February 3, 2015 Commission meeting, with the changes discussed in Consent Agenda Item No. 5. The motion was seconded by Commissioner Graves and carried with the following vote:

**AYE: Larry A. Ellertson
William C. Lee
Greg Graves
NAY: None**

APPROVED WITH CHANGES

REGULAR AGENDA

- 2. DELETE ONE (1) FULL-TIME CAREER SERVICE LICENSED PRACTICAL NURSE POSITION FROM THE CHILDREN'S JUSTICE CENTER, AND ADD ONE (1) FULL-TIME CAREER SERVICE LICENSE PRACTICAL NURSE – CJC (ACCOUNT NUMBER 250-42250; DELETING POSITION 3012-11-1 AND ADDING CLASS CODE 3357)**

Utah County Personnel Director Lana Jensen explained one position within the Children's Justice Center is being re-classified with a two-step pay increase due to specific tasks required of the employee. Ms. Jensen confirmed for Commissioner Graves that the funds for the change are covered by the budget.

Commissioner Graves made the motion to authorize the Children's Justice Center Staffing Plan changes as detailed in Regular Agenda Item No. 2. The motion was seconded by Commissioner Lee and carried with the following vote:

**AYE: Larry A. Ellertson
William C. Lee
Greg Graves
NAY: None**

APPROVED

- 3. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN A PROFESSIONAL SERVICES AGREEMENT WITH INDEPTH SOLUTIONS TO PROVIDE TITLE SEARCH REPORT FOR THE ANNUAL MAY TAX SALE**

Utah County Clerk/Auditor Bryan E. Thompson confirmed for Commissioner Ellertson that InDepth Solutions will be performing title searches for properties listed as part of the 2015 May Tax Sale. Mr. Thompson mentioned that fewer sales could be contested if all interested parties are notified beforehand. This is the first time the Clerk/Auditor's Office will be using this company, but they have proven competent through a trial run performed by the office. InDepth Solutions is also used by other counties in the state. Mr. Thompson noted the sixty-five dollar fee is automatically paid by the current owner or new buyer. Commissioner Ellertson asked about payment due dates and insurance requirements, and Tax Administration Supervisor Burt Harvey stated the contract would be corrected. Commissioner Lee suggested tabling discussion until later in the meeting in order to gather more information and make those corrections.

Commissioner Graves made the motion to table discussion of Regular Agenda Item No. 3. The motion was seconded by Commissioner Lee and carried with the following vote:

**AYE: Larry A. Ellertson
William C. Lee
Greg Graves
NAY: None**

TABLED FOR FURTHER DISCUSSION

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

4. APPROVE OR DENY A LATE ACTIVE DUTY ARMED FORCES TAX ABATEMENT FOR RYAN BALAGNA, SERIAL NO. 40:357:0032

Vicky Westergard of the Tax Administration Division in the Utah County Clerk/Auditor's Office explained the laws for active duty Armed Forces tax abatements, including the fact that applications are submitted once the officer has returned from serving 200 consecutive days.

Commissioner Graves made the motion to approve the late active duty Armed Forces tax abatement for Ryan Balagna on Property Serial No. 40:357:0032 for the 2013 tax year as specified in Regular Agenda Item No. 4, with the finding that it would be against equity and good conscience to deny the application. The motion was seconded by Commissioner Lee and carried with the following vote:

**AYE: Larry A. Ellertson
William C. Lee
Greg Graves
NAY: None**

APPROVED

5. APPROVE OR DENY A LATE VETERAN ABATEMENT APPLICATION FOR MICHAEL MITCHELL, SERIAL NO. 36:081:0021

Commissioner Graves made the motion to approve the late veteran abatement application for Michael Mitchell on Property Serial No. 36:081:0021 as specified in Regular Agenda Item No. 5, with the finding that it would be against equity and good conscience to deny the application. The motion was seconded by Commissioner Lee and carried with the following vote:

**AYE: Larry A. Ellertson
William C. Lee
Greg Graves
NAY: None**

APPROVED

8. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT WITH GGP TO USE THE PROVO TOWNE CENTRE MALL PARKING LOT FOR HOUSEHOLD HAZARDOUS WASTE COLLECTION DAY ON APRIL 11, 2015

Utah County Health Department Executive Director Dr. Joseph K. Miner noted this is the eighth consecutive year the county collaborated with special service districts for a 'Household Hazardous Waste Day.' It is the fourth year the event will be taking place at Provo Towne Centre mall at the end of National Public Health Week. Dr. Miner reviewed materials generally accepted throughout the day, with Andrea Jensen of the Utah County Health Department commenting on preparation and cleanup from the audience. The commissioners discussed fees, insurance and indemnification.

Commissioner Lee made the motion to approve an agreement with GGP to use the Provo Towne Centre mall parking lot for Household Hazardous Waste Collection Day on April 11, 2015 as detailed in Regular Agenda Item No. 8. The motion was seconded by Commissioner Graves and carried with the following vote:

**AYE: Larry A. Ellertson
William C. Lee
Greg Graves
NAY: None**

AGREEMENT NO. 2015-156

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9. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN THE DRUG FREE COMMUNITY - CONTINUATION ONLINE GRANT APPLICATION ON BEHALF OF THE UTAH COUNTY DEPARTMENT OF DRUG AND ALCOHOL PREVENTION AND TREATMENT

Pat Bird of the Utah County Department of Drug and Alcohol Prevention and Treatment came forward to speak about the grant used to encourage drug-free communities, noting it is very competitive and intensive. The department will be notified in August whether or not they will be receiving the award. Mr. Bird mentioned a professional audit completed within the last year and a half that will increase their chances.

Commissioner Lee made the motion to approve the Drug-Free Community Continuation Online Grant Application as specified in Regular Agenda Item No. 9. The motion was seconded by Commissioner Graves and carried with the following vote:

**AYE: Larry A. Ellertson
William C. Lee
Greg Graves
NAY: None**

AGREEMENT NO. 2015-157

11. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN EASEMENT AGREEMENT WITH THE NORTH UTAH COUNTY WATER CONSERVANCY DISTRICT FOR THE MURDOCK CANAL TRAIL

Utah County Public Works Director Richard Nielson clarified the bridge location in relation to the Murdock Canal Trail. He addressed the geography of the area, and explained how a temporary easement was granted to the contractor when the trail was constructed with the intention of granting this permanent easement to the county upon completion. Mr. Nielson responded to Commissioner Ellertson's questions regarding attorney fees and termination dates.

Commissioner Lee made the motion to approve an easement agreement with the North Utah County Water Conservancy District for the Murdock Canal Trail as outlined in Regular Agenda Item No. 11. The motion was seconded by Commissioner Graves and carried with the following vote:

**AYE: Larry A. Ellertson
William C. Lee
Greg Graves
NAY: None**

AGREEMENT NO. 2015-157

12. RATIFY THE SIGNATURE OF THE COMMISSION CHAIR ON AN INTERLOCAL COOPERATION AGREEMENT WITH VINEYARD TOWN FOR LAW ENFORCEMENT SERVICES (*Continued from the March 10, 2015 Commission meeting*)

Mike Forshee of the Utah County Sheriff's Office summarized the process for payments between the Justice Courts and the Utah County Clerk/Auditor's Office. Monies collected through citations are divided between the court, cities, and the county. Utah County Deputy Attorney Cort Griffin reviewed the credits and percentages for the commissioners.

Commissioner Graves made the motion to ratify the interlocal cooperation agreement with Vineyard Town for law enforcement services as identified in Regular Agenda Item No. 12. The motion was seconded by Commissioner Lee and carried with the following vote:

**AYE: Larry A. Ellertson
William C. Lee
Greg Graves
NAY: None**

AGREEMENT NO. 2015-159

13. ADOPT AN ORDINANCE ENACTING ARTICLE 2-10 OF THE UTAH COUNTY CODE RELATING TO THE COUNTY LOGO AND SLOGAN

Utah County Deputy Attorney Dianne Orcutt summarized new laws dictating government entities cannot apply for trademarks; this proposed ordinance is an attempt to create an easier means of processing claims and violations related to the Utah County logo and slogan since trademark litigation will no longer be available to the county. Commissioner Lee asked whether the ordinance contains any information that should be restricted from the public, and Ms. Orcutt stated no.

Commissioner Graves made the motion to adopt an ordinance enacting Article 2-10 of the Utah County Code relating to the county logo and slogan as defined in Regular Agenda Item No. 13. The motion was seconded by Commissioner Lee and carried with the following vote:

**AYE: Larry A. Ellertson
William C. Lee
Greg Graves
NAY: None**

ORDINANCE NO. 2015-7

Commissioner Graves requested the Utah County Information Systems Department begin using the updated logo as appropriate, since he has noticed that it is missing in several places.

The commissioners returned to previously tabled Regular Agenda Item No. 3 at this point.

3. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN A PROFESSIONAL SERVICES AGREEMENT WITH INDEPTH SOLUTIONS TO PROVIDE TITLE SEARCH REPORT FOR THE ANNUAL MAY TAX SALE

Tax Administration Supervisor Burt Harvey of the Utah County Clerk/Auditor's Office returned to note appropriate corrections have been made to the contract. The document addressing insurance has also been attached as part of the agreement.

Commissioner Graves made the motion to approve the professional services agreement with InDepth Solutions with the additional information discussed in Regular Agenda Item No. 3. The motion was seconded by Commissioner Lee and carried with the following vote:

**AYE: Larry A. Ellertson
William C. Lee
Greg Graves
NAY: None**

AGREEMENT NO. 2015-160

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 FOR A STRATEGY SESSION TO DISCUSS THE PURCHASE, EXCHANGE, OR LEASE OF REAL PROPERTY STRICKEN

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

STRICKEN

18. 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 Lee made the motion to strike Regular Agenda Item Nos. 16, 17 and 18 to set dates, times, and locations for a closed meeting 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 Graves and carried with the following vote:

AYE: Larry A. Ellertson
William C. Lee
Greg Graves
NAY: None

14. 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 Lee made the motion to set a date, time and location for a closed meeting for a strategy session to discuss the character, professional competence, or physical or mental health of an individual or individuals to immediately follow the Work Session portion of the regular public meeting today in Room 1400 of the County Administration Building. The motion was seconded by Commissioner Graves and carried with the following vote:

AYE: Larry A. Ellertson
William C. Lee
Greg Graves
NAY: None

SET

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

Commissioner Lee 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 Graves and carried with the following vote:

AYE: Larry A. Ellertson
William C. Lee
Greg Graves
NAY: None

SET

WORK SESSION

NO WORK SESSION ITEMS WERE SUBMITTED

This concluded discussion of all scheduled agenda items, and the meeting recessed at 10:04 A.M. to go into closed sessions. The public meeting reconvened at 11:09 A.M.

Commissioner Graves made the motion to adjourn the March 17, 2015 meeting of the Utah County Board of Commissioners. The motion was seconded by Commissioner Lee and carried with the following vote:

**AYE: Larry A. Ellertson
William C. Lee
Greg Graves
NAY: None**

There being no further business nor public comment, the meeting adjourned at 11:10 A.M. The minutes of the March 17, 2015 Commission meeting were approved as transcribed on March 31, 2015.

LARRY A. ELLERTSON, Commission Chair

ATTEST:

BRYAN E. THOMPSON
Utah County Clerk/Auditor

***Regular Agenda Item No. 3:**

The commissioners briefly tabled discussion of Regular Agenda Item No. 3, regarding a professional services agreement with InDepth Solutions to provide title search reports for the annual May Tax Sale. They returned to the subject immediately following Regular Agenda Item No. 13, and approved the contract by unanimous vote.