

BOARD OF COUNTY COMMISSIONERS, UTAH COUNTY, UTAH
MINUTES OF PUBLIC MEETING
COMMISSION CHAMBERS, ROOM 1400
OF THE UTAH COUNTY ADMINISTRATION BUILDING
May 28, 2013 - 9:00 A.M.

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

ALSO PRESENT:

E. Kent Sundberg, Civil Division Chief Attorney	Julie Rollins, Utah County Purchasing Agent
David Shawcroft, Utah County Deputy Attorney	Richard Nielson, Utah County Public Works Director
Paul Jones, Utah County Deputy Attorney	Jeff Smith, Utah County Recorder
Scott C. Hogensen, Chief Deputy Clerk/Auditor	Dalene Higgins, Utah County Sheriff's Office
Brandon Larsen, Community Development	Jerry Monson, Utah County Sheriff's Office
Richard Nance, Drug & Alcohol Prevention & Treatment	Cary McConnell, Utah County Treasurer's Office
Jim Stevens, Utah County Assessor's Office	Eldon A. Neves, Citizens for Rural Utah
Lana Jensen, Utah County Personnel Director	Mike Stansfield, Fairways Media
Mark Brady, Assistant Personnel Director	Renée Huggins-Caron, Clerk/Auditor Admin. Assist.

Commissioner Witney called the meeting to order at 9:03 A.M. and welcomed those present. The following matters were discussed:

PRAYER/READING/THOUGHT: Brandon Larsen, Community Development

PLEDGE OF ALLEGIANCE: Eldon A. Neves, Citizens for Rural Utah

CONSENT AGENDA

1. RESCIND AGREEMENT NO. 2013-275 BETWEEN THE UTAH COUNTY DEPARTMENT OF DRUG AND ALCOHOL PREVENTION AND TREATMENT, AND ARAMARK UNIFORM SERVICES

2. APPROVE (OR DENY) THE MORGANSON SUBDIVISION, PLAT "A," SUBJECT TO THE CONDITIONS STATED IN THE STAFF REPORT

Commissioner Witney questioned the payment of rollback taxes related to greenbelt status for the properties within the Morganson Subdivision, and Utah County Deputy Attorney David Shawcroft clarified that the dedicated road areas would be affected.

3. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN A NEW AGREEMENT FOR THE PURCHASE OF ONE ARCTIC CAT WILDCAT UTV FROM CUTLER'S INC. OF OREM, UTAH

4. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT WITH HONNEN EQUIPMENT FOR THE PURCHASE OF A NEW ASPHALT ROLLER

5. DECLARE SPECIFIED VEHICLES AND EQUIPMENT AS SURPLUS AND AUTHORIZE THE DISPOSITION THEREOF THROUGH PUBLIC AUCTION

Commissioner Witney asked about the process for collecting funds from surplus items sold through public auction, and Utah County Public Works Director Richard Nielson explained that the bids occur online.

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6. APPROVE AND AUTHORIZE THE COMMISSION CHAIR AND THE UTAH COUNTY CLERK/AUDITOR TO SIGN THE FISCAL YEAR 2013 EMERGENCY MANAGEMENT PERFORMANCE GRANT (EMPG) APPLICATION AND ASSOCIATED DOCUMENTS AS NEEDED FOR THE UTAH COUNTY SHERIFF'S OFFICE
7. APPROVE REQUESTED EXEMPTIONS ON LIST DATED MAY 21, 2013, APPLIED FOR BY TAXPAYERS, FOR PAYMENT OF TAXES WHERE THE MARKET VALUE OF EQUIPMENT WAS EQUAL TO OR LESS THAN \$4,000 AS PROVIDED BY THE UTAH STATE LEGISLATURE FOR 2013
8. APPROVE TAX CREDITS AND REFUNDS RECOMMENDED BY THE COUNTY ASSESSOR'S OFFICE IN CANCELLATION AND CORRECTION LETTER NO. 267, DATED MAY 21, 2013
9. APPROVE TAX CREDITS AND REFUNDS RECOMMENDED BY THE COUNTY ASSESSOR'S OFFICE IN CANCELLATION AND CORRECTION LETTER NO. 60290, DATED MAY 22, 2013
10. APPROVE TAX CREDITS AND REFUNDS RECOMMENDED BY THE COUNTY TREASURER'S OFFICE IN CANCELLATION LETTER NO. 13-764, DATED MAY 22, 2013
11. APPROVE TAX CREDITS AND REFUNDS RECOMMENDED BY THE COUNTY TREASURER'S OFFICE IN CANCELLATION LETTER NO. 20282, DATED MAY 22, 2013
12. 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
13. ABATE PERSONAL PROPERTY ACCOUNTS ATTACHED FOR THE YEARS INDICATED, HAVING BEEN IDENTIFIED AS UNCOLLECTIBLE; THERE ARE NO ASSETS AVAILABLE
14. ADOPT A RESOLUTION APPROVING VOLUNTEERS WHO WISH TO DONATE THEIR SERVICES TO THE CHILDREN'S JUSTICE CENTER AND THE UTAH COUNTY HEALTH DEPARTMENT
15. APPROVE THE MINUTES OF THE MAY 21, 2013 COMMISSION MEETING

16. RATIFICATION OF WARRANT REGISTER SUMMARY

Register No. 514	May 20, 2013	Direct Deposit:16943-16952	Total: \$ 18,487.23
Register No. 515	May 20, 2013	Check Nos. 180660-180695	Total: \$ 339,264.38
Register No. 516	May 20, 2013	Direct Deposit:16953-16953	Total: \$ 6.00
Register No. 517	May 20, 2013	Purchasing Cards 362-366	Total: \$ 904.67
Register No. 518	May 20, 2013	Check Nos. 180696-180720	Total: \$ 304,288.94
Register No. 519	May 21, 2013	Check Nos. 180721-180732	Total: \$ 6,397.00
Register No. 520	May 21, 2013	Check Nos. 180733-180734	Total: \$ 90.00
Register No. 521	May 22, 2013	Check Nos. 180735-180739	Total: \$ 2,262.50
Register No. 522	May 22, 2013	Check Nos. 180740-180743	Total: \$ 3,240.00
Register No. 523	May 23, 2013	Direct Deposit:16954-16962	Total: \$ 70,218.16
Register No. 524	May 23, 2013	Check Nos. 180744-180766	Total: \$ 10,543.96
Register Nos. ---	May 24, 2013	*To Be Determined*	Total: \$ TBD
Register Nos. ---	May 24, 2013	*To Be Determined*	Total: \$ TBD
Register Nos. ---	May 24, 2013	*To Be Determined*	Total: \$ TBD
			Total: \$ 755,702.84

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Consent Agenda Item Nos. 1 through 16 were approved as written. Commissioner Witney recommended the following Regular Agenda items be moved to Consent:

1. **APPROVE PERSONNEL ACTIONS ORIGINATING MAY 23, 2013**
2. **APPROVE EMPLOYEE DONATION OF LEAVE TIME WITHIN THE SHERIFF'S OFFICE**
4. **RATIFY THE APPROVAL OF THE UTAH COUNTY BOARD OF COMMISSIONERS ON THE SUPPLEMENTAL AUDITOR'S LIST OF PROPERTIES DEEMED IN THE BEST INTEREST OF THE PUBLIC TO WITHDRAW FROM THE 2013 ANNUAL DELINQUENT TAX SALE (Reference Agreement No. 2013-361)**
5. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN THE THIRD AMENDMENT TO AGREEMENT NO. 2006-467 WITH CUSTOM DATA PROCESSING, INC.**
6. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN A CONTRACT WITH DAN POULSEN TO PROVIDE CONCESSION SERVICES AT LINCOLN BEACH (*Continued from the May 21, 2013 Commission meeting*)**

Utah County Public Works Director Richard Nielson requested that Regular Agenda Item No. 6 be continued one week. CONTINUED TO JUNE 4, 2013

9. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN THE CO-SPONSORSHIP AGREEMENT WITH THE UTAH COUNTY ARTS BOARD**

Commissioner Ellertson had questions regarding the payments for the Utah County Arts Board, and Utah County Deputy Attorney Paul Jones noted that the specified amounts are in addition to the reserved budget from past agreements.

10. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN A LETTER TO PROVO CITY AND/OR PROVO CITY MUNICIPAL BUILDING AUTHORITY REQUESTING THAT THEY TRANSFER TITLE TO THE ICE SHEET ARENA FACILITY AND THE REAL PROPERTY THAT IS CONSTRUCTED UPON TO THE PROVO CITY/UTAH COUNTY ICE SHEET AUTHORITY**
11. **ADOPT A RESOLUTION OF APPOINTMENT OF BOARD MEMBER TO THE BOARD OF TRUSTEES OF THE NORTH UTAH COUNTY WATER CONSERVANCY DISTRICT**

ACTIONS TAKEN

Consent Agenda Item No. 1 was rescinded; Nos. 2, 7, 8, 9, 10, 11, 12, and 15 were approved; Nos. 3, 4, and 6 were approved and authorized; No. 5 was declared as surplus; No. 13 was abated; No. 14 was adopted; and No. 16 was ratified. Regular Agenda Item Nos 1 and 2 were approved; No. 4 was ratified; Nos. 5, 9, and 10 were approved and authorized; No. 6 was continued to the June 4, 2013 meeting of the Board; and No. 11 was adopted.

AGREEMENT NOS.: 2013-369, 2013-370, 2013-371, 2013-372, 2013-373, 2013-374, 2013-375, 2013-376, 2013-377, 2013-378, 2013-379, 2013-380, 2013-381, 2013-382, 2013-383, and 2013-384

RESOLUTION NOS.: 2013-60 and 2013-61

REGULAR AGENDA

3. **APPROVE THE ADDITION OF THE FOLLOWING THREE POSITIONS TO THE SUPPORT SERVICES STAFFING PLAN OF THE UTAH COUNTY SHERIFF'S OFFICE: ONE (1) FULL-TIME CAREER SERVICE CERTIFIED ASSISTANT FOOD SERVICE SUPERVISOR (CLASS CODE TBD, ACCOUNT NO. 620-42620); AND TWO (2) FULL-TIME CAREER SERVICE COOK POSITIONS (CLASS CODE 8011, ACCOUNT NO. 620-42620)**

Commissioner Witney recalled previous discussions to employ one new full-time Career Service Certified Assistant Food Service Supervisor, but expressed surprise at the two additional Cook positions. Utah County Personnel Director Lana Jensen confirmed that they had not discussed the two additions, explaining that there is a shortage of qualified temporary employees that can meet the needs of the department. When Ms. Jensen noted that there is an ongoing need for assistance in the Jail Kitchen, Commissioner Anderson agreed that they are understaffed and overworked.

Commissioner Ellertson expressed concern over the long-term funding for the additional positions, and Dalene Higgins of the Utah County Sheriff's Office mentioned that the costs should be covered. Utah County Chief Deputy Clerk/Auditor Scott C. Hogensen pointed out that there is enough money in the food service budget to compensate for this increase for half of a year, but not necessarily the full year. He asked for details in providing coverage, and Ms. Higgins stated that money is always returned back to the budget; funds could be shifted and prioritized. Ms. Higgins noted the dedication and efficiency of Food Service Supervisor Larry Hunter, who answered a question for Commissioner Ellertson from the audience.

Commissioner Anderson made the motion to approve the addition of the three positions to the Support Services Staffing Plan of the Utah County Sheriff's Office as specified in Regular Agenda Item No. 3. The motion was seconded by Commissioner Ellertson and carried with the following vote:

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

APPROVED

7. **ADOPT A RESOLUTION ADOPTING THE NEBO LOOP NATIONAL SCENIC BYWAY CORRIDOR MANAGEMENT PLAN UPDATE**

Utah County Public Works Director Richard Nielson introduced Payson City Planner Jill Spencer. Mr. Nielson has been working with Ms. Spencer on a corridor management plan update. They noted the involvement of Nephi City and Juab County with the Forest Service to acquire a grant. The grant has been awarded to cover the costs of the update; the goal is to advertise the Nebo Loop and attract tourists to the county and state. The commissioners joked that the Nebo Loop is a well-kept secret for local residents, and perhaps should not be marketed to outsiders. Ms. Spencer spoke of public outreach and desires, including dispersed camping and bicycle lanes. She reviewed the enhancements, and a member of the audience (Richard Nance) suggested that restrooms and water could be provided at one of the points.

Commissioner Anderson made the motion to adopt the resolution for the Nebo Loop National Scenic Byway Corridor Management Plan Update as detailed in Regular Agenda Item No. 7. The motion was seconded by Commissioner Ellertson and carried with the following vote:

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

RESOLUTION NO. 2013-62

8. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN THE AMENDMENT TO THE FIRE SERVICE INTERLOCAL COOPERATION AGREEMENT WITH NORTH FORK SPECIAL SERVICE DISTRICT *(Continued from the May 21, 2013 Commission meeting)*

Commissioner Ellertson mentioned that he would like the opportunity to discuss this agreement with Utah County Deputy Attorney Cort Griffin in the upcoming week before taking any further action.

Commissioner Anderson made the motion to continue Regular Agenda Item No. 8 regarding the amendment to the Fire Service Interlocal Cooperation Agreement with North Fork Special Service District to the June 4, 2013 meeting of the Utah County Board of Commissioners. The motion was seconded by Commissioner Ellertson and carried with the following vote:

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

CONTINUED TO JUNE 4, 2013

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

12. 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

STRICKEN

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

STRICKEN

16. SET A DATE, TIME AND LOCATION FOR A CLOSED MEETING TO DISCUSS COMMERCIAL INFORMATION AS DEFINED IN SECTION 59-1-404, U.C.A., AS AMENDED

STRICKEN

Commissioner Anderson made the motion to strike Regular Agenda Item Nos. 12, 13 and 16 to set dates, times and locations for closed meetings to discuss the character, professional competence, or physical or mental health of an individual or individuals; for a strategy session to discuss pending or reasonably imminent litigation; 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: Doug Witney
Gary J. Anderson
Larry A. Ellertson
NAY: None**

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

SET

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

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

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

SET

WORK SESSION

NO WORK SESSION ITEMS WERE SUBMITTED

PUBLIC COMMENTS

There were no public comments and the meeting recessed at 9:25 A.M. to go into closed meetings. The public meeting reconvened at 9:43 A.M.

Commissioner Ellertson made the motion to adjourn the May 28, 2013 meeting of the Utah County Board of Commissioners. The motion was seconded by Commissioner Anderson and carried with the following vote:

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

There being no further business nor public comment, the meeting adjourned at 9:43 A.M. The minutes of the May 28, 2013 Commission Meeting were approved as transcribed on June 4, 2013.

DOUG WITNEY, Commission Chair

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ATTEST:

SCOTT C. HOGENSEN
Chief Deputy
Utah County Clerk/Auditor

