

BOARD OF COUNTY COMMISSIONERS, UTAH COUNTY, UTAH  
**MINUTES OF PUBLIC MEETING**  
 COMMISSION CHAMBERS, ROOM 1400  
 OF THE UTAH COUNTY ADMINISTRATION BUILDING  
**June 18, 2013 - 9:00 A.M.**

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

**ALSO PRESENT:**

David Shawcroft, Utah County Deputy Attorney	Jeff Smith, Utah County Recorder
Robert J. Moore, Utah County Deputy Attorney	Andrea Allen, Utah County Recorder's Office
Paul Jones, Utah County Deputy Attorney	James O. Tracy, Utah County Sheriff
Scott C. Hogensen, Chief Deputy Clerk/Auditor	Dalene Higgins, Utah County Sheriff's Office
Julie Rollins, Utah County Purchasing Agent	Gary Ratcliffe, Utah County Surveyor
Dr. Joseph K. Miner, Health Department Exec. Director	Robert C. Kirk, Utah County Treasurer
Richard Nance, Drug & Alcohol Prevention & Treatment	Eldon A. Neves, Citizens for Rural Utah
Neil Peterson, Information Systems Director	Clinton Stephens, -No further information given-
Mark Brady, Assistant Personnel Director	Mike Stansfield, Fairways Media
Richard Nielson, Utah County Public Works Director	Renée Huggins-Caron, Clerk/Auditor Admin. Assist.

Commissioner Witney called the meeting to order at 9:00 A.M. and welcomed those present. The following matters were discussed:

**PRAYER/READING/THOUGHT:** Paul Jones, Utah County Deputy Attorney

**PLEDGE OF ALLEGIANCE:** Dr. Joseph K. Miner, Utah County Health Department Exec. Director

**CONSENT AGENDA**

**1. APPROVE TAX CREDITS AND REFUNDS RECOMMENDED BY THE COUNTY ASSESSOR'S OFFICE IN CANCELLATION AND CORRECTION LETTER NO. 60291, DATED JUNE 12, 2013**

Commissioner Ellertson had a question about the location of one of the properties included on Letter No. 60291, but when an immediate answer was not available he did not object to the approval of this item.

**2. ADOPT A RESOLUTION APPROVING VOLUNTEERS WHO WISH TO DONATE THEIR SERVICES TO THE UTAH COUNTY HEALTH DEPARTMENT AND THE SENIOR COMPANION PROGRAM**

**3. APPROVE THE MINUTES OF THE JUNE 11, 2013 COMMISSION MEETING**

**4. RATIFICATION OF PAYROLL**

Period 12	13 Checks: \$8,365.62	1,138 Total Deposits: \$1,560,904.60	Total: \$1,569,270.22
		Federal Payroll Taxes	Total: \$ 208,828.12

**5. RATIFICATION OF WARRANT REGISTER SUMMARY**

Register No. 568	June 10, 2013	Direct Deposit:17025-17026	Total: \$ 3,513.40
Register No. 569	June 10, 2013	Check Nos. 181386-181404	Total: \$ 12,131.55
Register No. 570	June 10, 2013	Check Nos. 181405-181421	Total: \$ 53,599.00
Register No. 571	June 11, 2013	Direct Deposit:17027-17027	Total: \$ 56.25
Register No. 572	June 11, 2013	Check Nos. 181422-181468	Total: \$ 327,126.12
Register No. 573	June 12, 2013	Direct Deposit:17028-17031	Total: \$ 649.03
Register No. 574	June 12, 2013	Check Nos. 181469-181478	Total: \$ 7,774.05
Register No. 575	June 12, 2013	Direct Deposit:17032-17046	Total: \$ 5,641.01

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Register No. 576	June 12, 2013	Check Nos. 181479-181496	Total: \$ 5,142.19
Register No. 577	June 12, 2013	Check Nos. 181497-181553	Total: \$ 2,544.00
Register No. 578	June 12, 2013	Direct Deposit:17047-17075	Total: \$ 6,519.46
Register No. 579	June 12, 2013	Check Nos. 181554-181585	Total: \$ 7,347.36
Register No. 580	June 12, 2013	Purchasing Cards 375-390	Total: \$ 2,891.54
Register No. 581	June 12, 2013	Check Nos. 181586-181592	Total: \$ 4,670.00
Register No. 582	June 13, 2013	Purchasing Cards 391-412	Total: \$ 4,302.79
Register No. 583	June 13, 2013	Check Nos. 181593-181627	Total: \$ 146,550.01
Register No. 584	June 13, 2013	Direct Deposit:17076-17086	Total: \$ 725,080.79
Register No. 585	June 13, 2013	Check Nos. 181628-181641	Total: \$ 77,857.39
Register No. 586	June 14, 2013	Purchasing Cards 413-413	Total: \$ 17,294.00
Register No. 587	June 14, 2013	Direct Deposit:17087-17098	Total: \$ 3,679.17
Register No. 588	June 14, 2013	Check Nos. 181642-181688	Total: \$ 79,127.31
Register No. 589	June 14, 2013	Direct Deposit:17099-17100	Total: \$ 693,314.10
Register No. 590	June 14, 2013	Check Nos. 181689-181721	Total: \$ 28,791.09
			<b>Total: \$2,215,601.61</b>

Consent Agenda Item Nos. 1 through 5 were approved as written. Commissioner Witney recommended the following Regular Agenda items be moved to Consent:

**1. APPROVE AN ACTING PAY REQUEST FOR A SERGEANT-ENFORCEMENT POSITION IN THE UTAH COUNTY SHERIFF'S OFFICE**

Utah County Chief Deputy Clerk/Auditor Scott C. Hogensen commented on the available budget to cover FMLA costs for an absent employee while moving forward with this acting pay request. Utah County Sheriff James O. Tracy confirmed that there is enough money for approval.

**2. APPROVE OR DENY THE LIMITED DELEGATION OF AUTHORITY OF THE PURCHASING AGENT TO CASEY ALLEN**

The commissioners requested that discussion and action on Regular Agenda Item No. 2 follow the closed sessions.

**TABLED FOR FURTHER DISCUSSION**

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

**4. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AMENDMENT NO. 1 TO AGREEMENT NO. 2012-347 WITH THE STATE OF UTAH DIVISION OF SUBSTANCE ABUSE AND MENTAL HEALTH FOR THE COMMUNITIES THAT CARE PROGRAM**

There was brief clarification of the dollar amount by Utah County Department of Drug and Alcohol Prevention and Treatment Director Richard Nance.

**5. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN THE SIDWELL SOFTWARE MAINTENANCE AND SUPPORT AGREEMENT FOR THE MAPPING PROGRAM USED IN THE RECORDER'S OFFICE**

**6. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN A LETTER TERMINATING AGREEMENT NO. 2012-685 WITH JOHNSON CONTROLS, INC. FOR MAINTENANCE OF CHILLERS AND ASSOCIATED EQUIPMENT**

**7. APPROVE OR DENY A REQUEST FROM THE UTAH VALLEY MARATHON TO WAIVE THE \$300 EVENT PERMIT FEE FOR USE OF THE HISTORIC COURTHOUSE GROUNDS ON JUNE 8, 2013**

The commissioners requested that Regular Agenda Item No. 7 be continued to the next meeting of the Board.

CONTINUED TO JUNE 25, 2013

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10. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT WITH GRAYBAR OF SALT LAKE CITY FOR THE PURCHASE OF ONE FIBER OPTIC SPLICE TRAILER
11. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN A LICENSE AGREEMENT AND EASEMENT ENCROACHMENT AGREEMENT (FEDERAL CONTRACT NO. 11-LM-41-0160) WITH THE U.S. BUREAU OF RECLAMATION FOR THE PROVO RESERVOIR CANAL ALSO KNOWN AS THE MURDOCK CANAL TRAIL
12. RATIFY THE SIGNATURE OF THE COMMISSION CHAIR ON AN AGREEMENT WITH DIAMOND BAR EXPLOSIVES SERVICES LLC
13. RATIFY THE SIGNATURE OF THE COMMISSION CHAIR ON THE CONSULTING SERVICES AGREEMENT WITH SUNDANCE PARTNERS LTD
14. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO EXECUTE AN AGREEMENT WITH AMERICAN FORK CITY FOR A UTAH COUNTY COMMUNITY ACTIVITIES GRANT FOR A TOURISM AND RECREATION DEVELOPMENT PROJECT
15. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO EXECUTE AN AGREEMENT WITH THE TOWN OF CEDAR FORT FOR A UTAH COUNTY COMMUNITY ACTIVITIES GRANT FOR A TOURISM AND RECREATION DEVELOPMENT PROJECT
16. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO EXECUTE AN AGREEMENT WITH CEDAR HILLS FOR A UTAH COUNTY COMMUNITY ACTIVITIES GRANT FOR A TOURISM AND RECREATION DEVELOPMENT PROJECT
17. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO EXECUTE AN AGREEMENT WITH THE CITY OF ELK RIDGE FOR A UTAH COUNTY COMMUNITY ACTIVITIES GRANT FOR A TOURISM AND RECREATION DEVELOPMENT PROJECT
18. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO EXECUTE AN AGREEMENT WITH THE CITY OF HIGHLAND FOR A UTAH COUNTY COMMUNITY ACTIVITIES GRANT FOR A TOURISM AND RECREATION DEVELOPMENT PROJECT
19. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO EXECUTE AN AGREEMENT WITH THE CITY OF LEHI FOR A UTAH COUNTY COMMUNITY ACTIVITIES GRANT FOR A TOURISM AND RECREATION DEVELOPMENT PROJECT
20. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO EXECUTE AN AGREEMENT WITH THE CITY OF LINDON FOR A UTAH COUNTY COMMUNITY ACTIVITIES GRANT FOR A TOURISM AND RECREATION DEVELOPMENT PROJECT
21. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO EXECUTE AN AGREEMENT WITH THE CITY OF MAPLETON FOR A UTAH COUNTY COMMUNITY ACTIVITIES GRANT FOR A TOURISM AND RECREATION DEVELOPMENT PROJECT
22. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO EXECUTE AN AGREEMENT WITH THE CITY OF OREM FOR A UTAH COUNTY COMMUNITY ACTIVITIES GRANT FOR A TOURISM AND RECREATION DEVELOPMENT PROJECT

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23. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO EXECUTE AN AGREEMENT WITH THE CITY OF PAYSON FOR A UTAH COUNTY COMMUNITY ACTIVITIES GRANT FOR A TOURISM AND RECREATION DEVELOPMENT PROJECT
24. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO EXECUTE AN AGREEMENT WITH THE CITY OF PLEASANT GROVE FOR A UTAH COUNTY COMMUNITY ACTIVITIES GRANT FOR A TOURISM AND RECREATION DEVELOPMENT PROJECT
25. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO EXECUTE AN AGREEMENT WITH THE CITY OF PROVO FOR A UTAH COUNTY COMMUNITY ACTIVITIES GRANT FOR A TOURISM AND RECREATION DEVELOPMENT PROJECT
26. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO EXECUTE AN AGREEMENT WITH THE CITY OF SALEM FOR A UTAH COUNTY COMMUNITY ACTIVITIES GRANT FOR A TOURISM AND RECREATION DEVELOPMENT PROJECT
27. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO EXECUTE AN AGREEMENT WITH THE CITY OF SANTAQUIN FOR A UTAH COUNTY COMMUNITY ACTIVITIES GRANT FOR A TOURISM AND RECREATION DEVELOPMENT PROJECT
28. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO EXECUTE AN AGREEMENT WITH THE CITY OF SPANISH FORK FOR A UTAH COUNTY COMMUNITY ACTIVITIES GRANT FOR A TOURISM AND RECREATION DEVELOPMENT PROJECT
29. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO EXECUTE AN AGREEMENT WITH THE CITY OF SPRINGVILLE FOR A UTAH COUNTY COMMUNITY ACTIVITIES GRANT FOR A TOURISM AND RECREATION DEVELOPMENT PROJECT
30. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO EXECUTE AN AGREEMENT WITH THE CITY OF WOODLAND HILLS FOR A UTAH COUNTY COMMUNITY ACTIVITIES GRANT FOR A TOURISM AND RECREATION DEVELOPMENT PROJECT

**ACTIONS TAKEN**

Consent Agenda Item Nos. 1 and 3 were approved; No. 2 was adopted; and Nos. 4 and 5 were ratified. Regular Agenda Item No. 1 was approved; No. 2 was tabled for further discussion; Nos. 4, 5, 6, 10, 11, and 14 through 30 were approved and authorized; No. 7 was continued to the June 25, 2013 meeting of the Board; and Nos. 12 and 13 were ratified.

**AGREEMENT NOS.:** 2013-411, 2013-412, 2013-413, 2013-414, 2013-415, 2013-416, 2013-417, 2013-418, 2013-419, 2013-420, 2013-421, 2013-422, 2013-423, 2013-424, 2013-425, 2013-426, 2013-427, 2013-428, 2013-429, 2013-430, 2013-431, 2013-432, 2013-433, 2013-434 and 2013-435

**RESOLUTION NO.:** 2013-70

**REGULAR AGENDA**

3. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT WITH SHARETIX FOUNDATION FOR THE DONATION OF EVENTS TICKETS TO THE SENIOR COMPANION AND FOSTER GRANDPARENTS PROGRAMS

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Utah County Health Department Executive Director Dr. Joseph K. Miner explained that this new agreement is related to venues such as the Hale Center Theater. When the theater realizes they are not going to sell all available tickets for a show, they would rather donate the excess to the county's Senior programs rather than have the audience space go to waste.

Dr. Joseph K. Miner and Commissioner Ellertson discussed transportation to and from events, with Commissioner Ellertson pointing out that the tickets should not be claimed by those unable to attend. There was some discussion regarding the venue's use of photographs from these types of events, and a release that would need to be signed by participants. Utah County Deputy Attorney Paul Jones commented that while ShareTix has primarily operated in Salt Lake County, the majority of services being extended to Utah County would be conducted locally at Brigham Young University.

**Commissioner Ellertson made the motion to approve and authorize the agreement with ShareTix Foundation for the donation of events tickets to the Senior Companion and Foster Grandparents programs as specified in Regular Agenda Item No. 3. The motion was seconded by Commissioner Anderson and carried with the following vote:**

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

AGREEMENT NO. 2013-436

**8. APPROVE AND AUTHORIZE AN AGREEMENT WITH ALL ABOUT CURB INC. TO PROVIDE AND INSTALL CONCRETE LANDSCAPE CURBING**

Utah County Public Works Director Richard Nielson clarified that this agreement with All About Curb Inc. was written to allow for work to be completed in multiple locations. Commissioner Witney mentioned that there is \$1,600.00 in the account, but the request is for \$2,000.00. Mr. Nielson confirmed that there would be a transfer of funds to compensate.

**Commissioner Ellertson made the motion to approve and authorize the agreement with All About Curb Inc. for concrete landscape curbing as outlined in Regular Agenda Item No. 8. The motion was seconded by Commissioner Anderson and carried with the following vote:**

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

AGREEMENT NO. 2013-437

**9. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT WITH BRIGHAM YOUNG UNIVERSITY ALLOWING THEM TO INSTALL AND MAINTAIN RADIO EQUIPMENT IN THE COUNTY'S LAKE MOUNTAIN COMMUNICATIONS SITE**

Utah County Public Works Director Richard Nielson explained that additional equipment would be placed in the building at Brigham Young University's expense. This is a reciprocal contract because the county also has some equipment on BYU property. Utah County Deputy Attorney Paul Jones noted that the equipment would not be on the antenna.

**Commissioner Ellertson made the motion to approve and authorize the agreement with Brigham Young University for radio equipment at the Lake Mountain Communications Site as defined in Regular Agenda Item No. 9. The motion was seconded by Commissioner Anderson and carried with the following vote:**

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

AGREEMENT NO. 2013-438

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

**35. 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 Anderson made the motion to strike Regular Agenda Item No. 35 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:** Doug Witney  
Gary J. Anderson  
Larry A. Ellertson  
**NAY:** None

STRICKEN

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

**Commissioner Anderson 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 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

**33. 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 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

**34. 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 meetings 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

**31. 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 Anderson 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 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:** 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 9:17 A.M. to go into closed meetings. The public meeting reconvened at 10:02 A.M., and the commissioners returned to previously tabled Regular Agenda Item No. 2 at this point.

**REGULAR AGENDA**

**2. APPROVE OR DENY THE LIMITED DELEGATION OF AUTHORITY OF THE PURCHASING AGENT TO CASEY ALLEN**

Commissioner Ellertson made the motion to continue Regular Agenda Item No. 2 regarding the limited delegation of authority of the Purchasing Agent to Casey Allen to a future meeting of the Utah County Board of Commissioners, on a date yet to be determined. The motion was seconded by Commissioner Anderson and carried with the following vote:

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

CONTINUED WITHOUT DATE

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

This concluded the open meeting.

**Commissioner Anderson made the motion to adjourn the June 18, 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**

There being no further business nor public comment, the meeting adjourned at 10:03 A.M. The minutes of the June 18, 2013 Commission Meeting were approved as transcribed on June 25, 2013.

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DOUG WITNEY, Commission Chair

ATTEST:

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SCOTT C. HOGENSEN  
Chief Deputy  
Utah County Clerk/Auditor

\*Regular Agenda Item No. 2:

The commissioners addressed Regular Agenda Item No. 2 regarding the limited delegation of the Purchasing Agent to Casey Allen following the closed session meetings, and continued the item without date by unanimous vote.