

BOARD OF COUNTY COMMISSIONERS, UTAH COUNTY, UTAH
MINUTES OF PUBLIC MEETING
COMMISSION CHAMBERS, ROOM 1400
OF THE UTAH COUNTY ADMINISTRATION BUILDING
October 22, 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	Richard Nance, Drug & Alcohol Prevention & Treatment
David Shawcroft, Utah County Deputy Attorney	Lana Jensen, Utah County Personnel Director
Robert J. Moore, Utah County Deputy Attorney	Richard Nielson, Utah County Public Works Director
Paul Jones, Utah County Deputy Attorney	Jeff Smith, Utah County Recorder
Bryan E. Thompson, Utah County Clerk/Auditor	Andrea Allen, Utah County Recorder's Office
Sandy Nielson, Clerk/Auditor's Office - Tax Admin.	James O. Tracy, Utah County Sheriff
Julie Rollins, Utah County Purchasing Agent	Dalene Higgins, Utah County Sheriff's Office
Peter A. Jepps, Utah County Assessor's Office	Robert C. Kirk, Utah County Treasurer
Jim Stevens, Utah County Assessor's Office	Diana Ballard, Utah County Resident
Bryce Armstrong, Community Development	Larry Ballard, Utah County Resident
Ralph Clegg, Utah County Health Department	Mike Stansfield, Fairways Media
Steve Mickelson, Utah County Health Department	Renée Huggins-Caron, Clerk/Auditor Admin. Assist.

Commissioner Witney called the meeting to order at 9:11 A.M. and welcomed those present. The following matters were discussed:

PRAYER/READING/THOUGHT: Ralph Clegg, Utah County Health Department
PLEDGE OF ALLEGIANCE: Steve Mickelson, Utah County Health Department

CONSENT AGENDA

1. ACCEPT AND APPROVE, OR DECLINE, AN OFFER BY SANTAQUIN DEPARTMENT OF PUBLIC SAFETY TO PURCHASE A SURPLUS 2005 CHEVROLET TRAILBLAZER (701280) FROM UTAH COUNTY *(Continued from the October 8 and October 15, 2013 Commission meetings)*

Utah County Public Works Director Richard Nielson noted that the offer by the Santaquin Department of Public Safety is based on available funds within their budget. The market value of the vehicle is \$4,500.00; they have suggested payment of \$2,500.00. Commissioner Ellertson suggested that the difference be split between Santaquin City and Utah County for \$1,000.00 on each side by accepting an offer of \$3,500.00.

Commissioner Ellertson made the motion to accept and approve a counteroffer to Santaquin Department of Public Safety for the purchase of a surplus 2005 Chevrolet Trailblazer as described in Consent Agenda Item No. 1. The motion was seconded by Commissioner Anderson and carried with the following vote:

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

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2. APPROVE PROPERTY TAX ACTIONS CONTAINED IN RECOMMENDATION LETTER NO. 2013-16

The Board requested that Consent Agenda Item No. 2 be moved to the Regular Agenda for discussion.

PULLED TO REGULAR

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

4. APPROVE THE MINUTES OF THE OCTOBER 8, 2013 COMMISSION MEETING *(Continued from the October 15, 2013 Commission meeting)*

5. APPROVE THE MINUTES OF THE OCTOBER 15, 2013 COMMISSION MEETING

6. RATIFICATION OF PAYROLL

Period 21 4 Checks: \$817.07 1,096 Total Deposits: \$1,416,451.84 Total: \$1,417,268.91
Federal Payroll Taxes Total: \$ 201,787.64

7. RATIFICATION OF WARRANT REGISTER SUMMARY

Register No. 943	October 14, 2013	Direct Deposit:17913-17922	Total: \$	3,107.16
Register No. 944	October 14, 2013	Purchasing Cards 875-875	Total: \$	185.75
Register No. 945	October 14, 2013	Check Nos. 186277-186286	Total: \$	13,115.42
Register No. 946	October 14, 2013	Direct Deposit:17923-17954	Total: \$	7,543.79
Register No. 947	October 14, 2013	Check Nos. 186287-186314	Total: \$	6,641.47
Register No. 948	October 14, 2013	Direct Deposit:17955-17969	Total: \$	4,761.79
Register No. 949	October 14, 2013	Check Nos. 186315-186335	Total: \$	5,584.00
Register No. 950	October 14, 2013	Purchasing Cards 876-880	Total: \$	4,246.01
Register No. 951	October 14, 2013	Check Nos. 186336-186357	Total: \$	50,529.64
Register No. 952	October 15, 2013	Check Nos. 186358-186398	Total: \$	62,784.34
Register No. 953	October 16, 2013	Purchasing Cards 881-887	Total: \$	1,628.28
Register No. 954	October 16, 2013	Check Nos. 186399-186427	Total: \$	13,023.39
Register No. 955	October 16, 2013	Check Nos. 186428-186492	Total: \$	2,790.00
Register No. 956	October 16, 2013	Purchasing Cards 888-888	Total: \$	32,442.90
Register No. 957	October 16, 2013	Check Nos. 186493-186522	Total: \$	22,796.88
Register No. 958	October 17, 2013	Purchasing Cards 889-889	Total: \$	22,264.00
Register No. 959	October 17, 2013	Direct Deposit:17970-18001	Total: \$	17,823.89
Register No. 960	October 17, 2013	Check Nos. 186523-186545	Total: \$	25,243.98
Register No. 961	October 17, 2013	Purchasing Cards 890-892	Total: \$	615.42
Register No. 962	October 17, 2013	Direct Deposit:18002-18005	Total: \$	6,040.59
Register No. 963	October 17, 2013	Check Nos. 186546-186589	Total: \$	366,332.05
Register No. 964	October 17, 2013	Direct Deposit:18006-18016	Total: \$	728,256.16
Register No. 965	October 17, 2013	Check Nos. 186590-186605	Total: \$	128,018.15
Register No. 966	October 18, 2013	Direct Deposit:18017-18027	Total: \$	1,539.31
Register No. 967	October 18, 2013	Check Nos. 186606-186611	Total: \$	2,563.96
Register No. 968	October 18, 2013	Check Nos. 186612-186616	Total: \$	6,639.00
			Total:	\$1,536,517.33

Consent Agenda Item Nos. 1, and 3 through 7, were approved as written, with the changes noted to Consent Agenda Item No. 1. Commissioner Witney recommended the following Regular Agenda items be moved to Consent:

1. APPROVE AND ADOPT A RESOLUTION TRANSFERRING FUNDS BETWEEN DEPARTMENTS OF UTAH COUNTY

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2. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN A MAINTENANCE AGREEMENT WITH RICOH FOR THE MPC3000 COPIER, SERIAL NO. L376600079, LOCATED IN THE ATTORNEY'S OFFICE - INVESTIGATIONS**
3. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN A MAINTENANCE AGREEMENT WITH RICOH FOR THE MPC4000 COPIER, SERIAL NO. V1295700945, LOCATED IN THE PROVO W.I.C. OFFICE**
4. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN THE SECOND ADDENDUM TO AGREEMENT NO. 2012-676 WITH QUEST DIAGNOSTICS FOR PRICING**
5. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN A PURCHASE AGREEMENT WITH THE DAILY HERALD TO ADVERTISE THE SEMI-ANNUAL TAKE BACK EVENTS**
6. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AMENDMENT TO AGREEMENT NO. 2012-712 WITH DR. HENRY GARDNER TO EXTEND THE TERMS OF THE CONTRACT UNTIL SEPTEMBER 30, 2014**

The commissioners suggested that Regular Agenda Item No. 6 be continued to the October 29, 2013 meeting of the Board, per request of the submitting department.

CONTINUED TO OCTOBER 29, 2013

7. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN A REAL ESTATE PURCHASE AGREEMENT WITH DAN W. AND CINDY L. DANSIE IN THE AMOUNT OF \$25,000.00 FOR THE PAYSON CANYON BRIDGE PROJECT**
8. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AMENDMENT TO AGREEMENT NO. 2013-541 WITH GSBS ARCHITECTS FOR THE HISTORIC COURTHOUSE ROOF/PARAPET AND WEST STEPS PROJECT**
9. **ADOPT A RESOLUTION OF APPOINTMENT OF JAMES A. DAIN TO THE UTAH COUNTY BOARD OF ADJUSTMENT**

ACTIONS TAKEN

Consent Agenda Item Nos. 1, 4 and 5 were approved; No. 2 was tabled for further discussion; No. 3 was adopted; and Nos. 6 and 7 were ratified. Regular Agenda Item Nos. 1 and 9 were adopted; Nos. 2, 3, 4, 5, 7 and 8 were approved and authorized; and No. 6 was continued to the October 29, 2013 meeting of the Board.

AGREEMENT NOS.: 2013-704, 2013-705, 2013-706, 2013-707, 2013-708, 2013-709 and 2013-710

RESOLUTION NOS.: 2013-119, 2013-120, and 2013-121

REGULAR AGENDA

(PULLED FROM CONSENT)

2. **APPROVE PROPERTY TAX ACTIONS CONTAINED IN RECOMMENDATION LETTER NO. 2013-16**
There were two Property Tax actions contained in Recommendation Letter No. 2013-16: the recommendation to deny the Sunroc Corporation application for Property Serial No. 32:021:0025, and the recommendation to deny the John G. DeHaas Family LC application for Property Serial No. 23:027:0056.

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Commissioner Ellertson mentioned a number of complexities related to the Sunroc Corporation application. He submitted a document to be included for the record as the reasoning behind the following motion:

Commissioner Ellertson made the motion to abate the taxes, interest, and penalties in excess of the amounts calculated on a valuation of \$95,900.00 for each of the applicable years related to the current greenbelt rollback for Property Serial No. 32:021:0025 belonging to Sunroc Corporation, finding that the requirements of Utah Code Section 59-2-1347 have been met. The motion was seconded by Commissioner Anderson and carried with the following vote:

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

Commissioner Anderson provided some background on the John G. DeHaas Family LC application. The applicant had been denied during the 2012 Board of Equalization process, and followed with an appeal directly to Commissioner Anderson. Commissioner Anderson had assured them at the time that the property was overvalued according to Utah County Assessor Kris Poulson, and indicated he would be initiating the procedure to overturn the denial. This ultimately was not done; the applicant was unable to submit the correct paperwork based on Commissioner Anderson's actions. Commissioner Anderson suggested that the Board finds the application was filed in a timely manner so that the applicant can now appeal to the Utah State Tax Commission.

Commissioner Anderson made the motion to find that the application for Property Serial No. 23:027:0056 belonging to the John G. DeHaas Family LC was filed in an appropriate and timely manner, allowing them to move forward with an appeal to the Utah State Tax Commission. The motion was seconded by Commissioner Ellertson and carried with the following vote:

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

The items contained within Recommendation Letter No. 2013-16 were approved as detailed within these minutes.
AGREEMENT NO. 2013-711

REGULAR AGENDA

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

- 11. SET A DATE, TIME AND LOCATION FOR A CLOSED MEETING FOR A STRATEGY SESSION TO DISCUSS PENDING OR REASONABLY IMMINENT LITIGATION
STRICKEN**
- 12. 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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14. 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. 11, 12 and 14 to set dates, times and locations for closed meetings for a strategy session to discuss pending or reasonably imminent litigation; for a strategy session to discuss the purchase, exchange, or lease 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 Ellertson and carried with the following vote:

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

10. 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 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

13. 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

WORK SESSION

NO WORK SESSION ITEMS WERE SUBMITTED

PUBLIC COMMENTS

Utah County resident Larry Ballard shared his observations regarding the potential for Bus Rapid Transit (BRT) in Utah County. He commented that our nation currently has a debt of seventeen trillion dollars (\$17,000,000,000,000). Mr. Ballard spoke of debt through bonds and the financial system. He pointed out that Provo City presented a resolution to the Mountainland Association of Governments Metropolitan Planning Organization (MPO) to adopt a road use tax to help overcome debt for past roads. Mr. Ballard suggested that we begin asking the questions in order finance desires beforehand rather than increase debt; put the money aside first or see if the money will pay for itself to a greater degree.

Commissioner Witney thanked Larry Ballard for his comments, noting that he had expressed many of the same concerns during MPO meetings.

This concluded the public comment portion of the open meeting, and the meeting recessed at 9:28 A.M. to go into closed meetings. The public meeting reconvened at 10:06 A.M.

Commissioner Anderson made the motion to adjourn the October 22, 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 10:06 A.M. The minutes of the October 22, 2013 Commission Meeting were approved as transcribed on October 29, 2013.

DOUG WITNEY, Commission Chair

ATTEST:

BRYAN E. THOMPSON
Utah County Clerk/Auditor