

BOARD OF COUNTY COMMISSIONERS, UTAH COUNTY, UTAH  
**MINUTES OF PUBLIC MEETING**  
COMMISSION CHAMBERS, ROOM 1400  
OF THE UTAH COUNTY ADMINISTRATION BUILDING  
**November 19, 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 Nance, Drug & Alcohol Prevention & Treatment
Dianne Orcutt, Utah County Deputy Attorney	Lana Jensen, Utah County Personnel Director
Robert J. Moore, Utah County Deputy Attorney	Jeff Smith, Utah County Recorder
Paul Jones, Utah County Deputy Attorney	Andrea Allen, Utah County Recorder's Office
Bryan E. Thompson, Utah County Clerk/Auditor	Mike Forshee, Utah County Sheriff's Office
Scott C. Hogensen, Chief Deputy Clerk/Auditor	Dalene Higgins, Utah County Sheriff's Office
Sandy Nielson, Clerk/Auditor's Office - Tax Admin.	Lieutenant Yvette Rice, Utah County Sheriff's Office
Kris Poulson, Utah County Assessor	Robert C. Kirk, Utah County Treasurer
Clarissa Reeve, Utah County Assessor's Office	Larry Ballard, Utah County Resident
Jim Stevens, Utah County Assessor's Office	Mike Stansfield, Fairways Media
	Renée Huggins-Caron, Clerk/Auditor Admin. Assist.

Commissioner Witney called the meeting to order at 9:02 A.M. and welcomed those present. The following matters were discussed:

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

**PLEDGE OF ALLEGIANCE:** Peter A. Jeppsen, Utah County Assessor's Office

The Board momentarily recessed to assemble as The Board of Equalization of Utah County from 9:06 A.M. to 9:09 A.M. The Utah County Board of Commissioners reconvened at 9:09 A.M.

**CONSENT AGENDA**

- 1. RATIFY THE SIGNATURE OF THE COMMISSION CHAIR ON FORBEARANCE AGREEMENT NO. 2013-712, APPROVED AND AUTHORIZED OCTOBER 29, 2013**
- 2. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT BETWEEN THE UTAH COUNTY DEPARTMENT OF DRUG AND ALCOHOL PREVENTION AND TREATMENT AND UTAH VALLEY UNIVERSITY FOR SPONSORSHIP OF THE 2014 ADDICTIONS CONFERENCE TO BE HELD FEBRUARY 28, 2014**
- 3. APPROVE TAX CREDITS AND REFUNDS RECOMMENDED BY THE COUNTY ASSESSOR'S OFFICE IN CANCELLATION AND CORRECTION LETTER NO. 60298, DATED NOVEMBER 14, 2013**

There was some discussion in the audience between Commissioner Ellertson, Utah County Assessor Kris Poulson, Utah County Treasurer Robert C. Kirk, and Utah County Clerk/Auditor Bryan E. Thompson regarding adjustments to the certified tax rates.

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4. **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**
5. **ADOPT A RESOLUTION APPROVING VOLUNTEERS WHO WISH TO DONATE THEIR SERVICES TO THE CHILDREN'S JUSTICE CENTER AND THE SENIOR COMPANION PROGRAM**
6. **APPROVE THE MINUTES OF THE NOVEMBER 5, 2013 COMMISSION MEETING**
7. **RATIFICATION OF PAYROLL**  
Period 23      13 Checks: \$6,656.56      1,087 Total Deposits: \$1,434,690.73      Total: \$1,441,347.29  
Federal Payroll Taxes Total: \$ 209,104.86
8. **RATIFICATION OF WARRANT REGISTER SUMMARY**

Register No. 1,033	November 12, 2013	Purchasing Cards 966-987	Total: \$	4,331.31
Register No. 1,034	November 12, 2013	Check Nos. 187387-187414	Total: \$	82,749.87
Register No. 1,035	November 13, 2013	Direct Deposit:18181-18196	Total: \$	5,516.34
Register No. 1,036	November 13, 2013	Check Nos. 187415-187435	Total: \$	5,788.41
Register No. 1,037	November 13, 2013	Direct Deposit:18197-18230	Total: \$	9,682.88
Register No. 1,038	November 13, 2013	Check Nos. 187436-187469	Total: \$	9,356.12
Register No. 1,039	November 13, 2013	Check Nos. 187470-187540	Total: \$	2,706.00
Register No. 1,040	November 13, 2013	Check Nos. 187541-187549	Total: \$	229,200.50
Register No. 1,041	November 14, 2013	Direct Deposit:18231-18241	Total: \$	733,284.07
Register No. 1,042	November 14, 2013	Check Nos. 187550-187560	Total: \$	75,962.74
Register No. 1,043	November 14, 2013	Purchasing Cards 988-992	Total: \$	114,028.44
Register No. 1,044	November 14, 2013	Direct Deposit:18242-18255	Total: \$	9,233.44
Register No. 1,045	November 14, 2013	Check Nos. 187561-187582	Total: \$	35,012.27
Register No. 1,046	November 15, 2013	Direct Deposit:18256-18258	Total: \$	5,517.75
Register No. 1,047	November 15, 2013	Purchasing Cards 993-1020	Total: \$	4,801.90
Register No. 1,048	November 15, 2013	Check Nos. 187583-187628	Total: \$	91,270.61
Register No. 1,049	November 15, 2013	Direct Deposit:18259-18261	Total: \$	4,162.71
Register No. 1,050	November 15, 2013	Check Nos. 187629-187641	Total: \$	57,876.50
Register No. 1,051	November 15, 2013	Purchasing Cards 1021-1022	Total: \$	157.69
Register No. 1,052	November 15, 2013	Direct Deposit:18262-18265	Total: \$	583.50
Register No. 1,053	November 15, 2013	Check Nos. 187642-187680	Total: \$	332,606.65
<b>Total:</b>				<b>\$ 1,813,829.70</b>

Consent Agenda Item Nos. 1 through 8 were approved as written. Commissioner Witney recommended the following Regular Agenda items be moved to Consent:

1. **APPROVE EMPLOYEE DONATION OF LEAVE TIME WITHIN THE UTAH COUNTY SHERIFF'S OFFICE**
2. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN A MAINTENANCE AGREEMENT WITH CANON SOLUTIONS AMERICA FOR AN ADV5045 COPIER, SERIAL NO. GPQ12128, LOCATED IN THE JUSTICE COURT**
3. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN A MAINTENANCE AGREEMENT WITH RICOH FOR AN MPC3000 COPIER, SERIAL NO. L3775100210, LOCATED IN THE ATTORNEY'S OFFICE**

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4. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN A MAINTENANCE AGREEMENT WITH RICOH FOR AN MPC3000 COPIER, SERIAL NO. L3765800615, LOCATED IN THE PUBLIC WORKS DEPARTMENT**
8. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT WITH EPIC ENGINEERING, P.C. TO DEVELOP A STORM WATER MANAGEMENT PLAN AND RELATED DOCUMENTS FOR THE COUNTY**
9. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT WITH GSBS ARCHITECTS FOR THE PROJECT TO REPAIR THE EXTERIOR CLADDING ON THE SECURITY CENTER**
10. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN THE RIGHT OF ACCESS PROVIDER CONTRACT BETWEEN THE UTAH COUNTY SHERIFF'S OFFICE AND THE UTAH BUREAU OF CRIMINAL IDENTIFICATION**

Utah County Sheriff's Office Captain Mike Forshee clarified that citizens are allowed to obtain their own criminal records from the Utah Bureau of Criminal Identification (BCI) through county employees under certain circumstances.

11. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT WITH THE UTAH ASSOCIATION OF COUNTIES FOR A COST BENEFIT ASSESSMENT STUDY PERFORMED BY ZIONS BANK PUBLIC FINANCE CONCERNING THE HOUSING OF STATE OF UTAH PRISONERS IN COUNTY JAILS**

**ACTIONS TAKEN**

**Consent Agenda Item Nos. 1, 7 and 8 were ratified; No. 2 was approved and authorized; Nos. 3, 4 and 6 were approved; and No. 5 was adopted. Regular Agenda Item No. 1 was approved; and Nos. 2, 3, 4, 8, 9, 10, and 11 were approved and authorized.**

**AGREEMENT NOS.:** 2013-749, 2013-750, 2013-751, 2013-752, 2013-753, 2013-754, 2013-755, 2013-756, 2013-757 and 2013-758

**RESOLUTION NO.:** 2013-153

**REGULAR AGENDA**

5. **DISCUSS, AND APPROVE OR DENY, A TAX SALE PROTEST FILED BY BRADLEY WEBER, ATTORNEY REPRESENTING CHAD MOFFAT RELATED TO PARCEL SERIAL NO. 48:362:0002**  
*(Continued from the October 8, and November 5, 2013 Commission meetings)*

Tax Administration Supervisor Burt Harvey of the Utah County Clerk/Auditor's Office noted that the two parties involved in this tax sale protest are working to finalize an agreement between themselves, and have requested this item be continued for one week.

**Commissioner Anderson made the motion to continue Regular Agenda Item No. 5 regarding a Tax Sale Protest related to Parcel Serial No. 48:362:0002 for one week to the November 26, 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 NOVEMBER 26, 2013

**6. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN ADDENDUM TO AGREEMENT NO. 2012-636 BETWEEN THE UTAH COUNTY DEPARTMENT OF DRUG AND ALCOHOL PREVENTION AND TREATMENT AND UNITED SITE SERVICES FOR PORTABLE RESTROOMS, EXTENDING THE TERMS UNTIL SEPTEMBER 30, 2015**

Utah County Department of Drug and Alcohol Prevention and Treatment Director Richard Nance approached the bench. Commissioner Witney summarized that the addendum is to extend the termination date of a standing arrangement, and questioned whether price comparisons had been made. Utah County Public Works Director Richard Nielson added comments regarding the differences between contracts.

**Commissioner Anderson made the motion to approve and authorize the addendum to Agreement No. 2013-636 with United Site Services for portable restrooms as described in Regular Agenda Item No. 6. The motion was seconded by Commissioner Ellertson and carried with the following vote:**

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

AGREEMENT NO. 2013-759

**7. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN ADDENDUM NO. 4 TO AGREEMENT NO. 2012-171 RELATED TO THE SUMMIT CREEK WATER MANAGEMENT PROJECT MEMORANDUM OF UNDERSTANDING, DESIGNATING A COMMITTEE MEMBER AND ALTERNATE**

Utah County Public Works Director Richard Nielson explained that Summit Creek Irrigation and Highline Canal Company, Santaquin City, and Utah County entered into a Memorandum of Understanding last year to handle water coming from Santaquin Canyon. The Utah County portion is for flood control, and this addendum sets up an operating committee to determine functions while considering drainage and flood potential. Mr. Nielson and the commissioners discussed appointments.

**Commissioner Ellertson made the motion to approve and authorize Addendum No. 4 to Agreement No. 2012-171 for the Summit Creek Water Management Project Memorandum of Understanding as detailed in Regular Agenda Item No. 7. 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. 2013-760

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

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

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**  
STRICKEN
15. **SET A DATE, TIME AND LOCATION FOR A CLOSED MEETING FOR A STRATEGY SESSION TO DISCUSS THE SALE OF REAL PROPERTY**  
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. 13, 14, 15, and 16 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; 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 Ellertson and carried with the following vote:

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

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**

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

### **WORK SESSION**

NO WORK SESSION ITEMS WERE SUBMITTED

### **PUBLIC COMMENTS**

There were no public comments and the meeting recessed at 9:20 A.M. to go into closed meetings. The public meeting reconvened at 9:50 A.M.

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**Commissioner Anderson made the motion to adjourn the November 19, 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 9:50 A.M. The minutes of the November 19, 2013 Commission Meeting were approved as transcribed on December 3, 2013.

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DOUG WITNEY, Commission Chair

ATTEST:

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BRYAN E. THOMPSON  
Utah County Clerk/Auditor