

BOARD OF COUNTY COMMISSIONERS, UTAH COUNTY, UTAH
MINUTES OF PUBLIC MEETING
COMMISSION CHAMBERS, ROOM 1400
OF THE UTAH COUNTY ADMINISTRATION BUILDING
November 26, 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	Andrea Allen, Utah County Recorder's Office
Bryan E. Thompson, Utah County Clerk/Auditor	Mike Forshee, Utah County Sheriff's Office
Burt Harvey, Clerk/Auditor - Tax Admin. Supervisor	Dalene Higgins, Utah County Sheriff's Office
Julie Rollins, Utah County Purchasing Agent	Robert C. Kirk, Utah County Treasurer
Mardene Barker, Utah County Assessor's Office	Larry Ballard, Utah County Resident
Peter A. Jeppsen, Utah County Assessor's Office	Robert Franson, Utah Honor Flight Program
Lana Jensen, Utah County Personnel Director	Melory Haggard, SecurityMetrics Inc.
Richard Nance, Drug & Alcohol Prevention & Treatment	Taylor Oldroyd, Utah County Association of Realtors
Pat Bird, Drug & Alcohol Prevention & Treatment	Mike Stansfield, Fairways Media
Malyce Warner, Drug&Alcohol Prevention & Treatment	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: Richard Nance, Dept. of Drug & Alcohol Prevention & Treatment Director
PLEDGE OF ALLEGIANCE: Lana Jensen, Utah County Personnel Director

CONSENT AGENDA

1. **APPROVE REQUESTED EXEMPTIONS ON LIST DATED NOVEMBER 15, 2013, APPLIED FOR BY TAXPAYERS, FOR PAYMENT OF TAXES WHERE THE MARKET VALUE OF EQUIPMENT WAS LESS THAN \$4,000 AS PROVIDED BY THE UTAH STATE LEGISLATURE FOR 2013**
2. **APPROVE REIMBURSEMENT TO THE UTAH STATE TAX COMMISSION FOR UNCOLLECTIBLE MOTOR VEHICLE CHECKS SPECIFIED BY INVOICE NO. 14-211, DATED OCTOBER 8, 2013**
3. **APPROVE TAX CREDITS AND REFUNDS RECOMMENDED BY THE COUNTY TREASURER'S OFFICE IN CANCELLATION LETTER NO. 20296**
4. **APPROVE REAL PROPERTY TAX ACTIONS CONTAINED IN RECOMMENDATION LETTER 2013-3 (ABATEMENTS)**
5. **APPROVE AND AUTHORIZE AN AGREEMENT WITH AMERICAN LANDS COUNCIL**
6. **ADOPT A RESOLUTION APPROVING VOLUNTEERS WHO WISH TO DONATE THEIR SERVICES TO THE UTAH COUNTY HEALTH DEPARTMENT AND THE SENIOR COMPANION PROGRAM**
7. **RATIFICATION OF WARRANT REGISTER SUMMARY**

Register No. 1,054	November 18, 2013	Direct Deposit:18266-18267	Total: \$	2,175.94
Register No. 1,055	November 18, 2013	Check Nos. 187681-187693	Total: \$	6,923.34
Register No. 1,056	November 18, 2013	Purchasing Cards 1023-1031	Total: \$	2,390.93
Register No. 1,057	November 18, 2013	Check Nos. 187694-187716	Total: \$	53,734.40
Register No. 1,058	November 19, 2013	Direct Deposit:18268-18271	Total: \$	1,033.60

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Register No. 1,059	November 19, 2013	Check Nos. 187717-187732	Total: \$	8,704.12
Register No. 1,060	November 19, 2013	Purchasing Cards 1032-1033	Total: \$	412.45
Register No. 1,061	November 19, 2013	Check Nos. 187733-187744	Total: \$	21,942.41
Register No. 1,062	November 20, 2013	Check Nos. 187745-187751	Total: \$	8,384.00
Register No. 1,063	November 21, 2013	Purchasing Cards 1034-1035	Total: \$	76,359.00
Register No. 1,064	November 21, 2013	Direct Deposit:18272-18279	Total: \$	17,041.91
Register No. 1,065	November 21, 2013	Check Nos. 187752-187784	Total: \$	30,071.15
Register No. 1,066	November 21, 2013	Purchasing Cards 1036-1037	Total: \$	73,772.84
Register No. 1,067	November 21, 2013	Direct Deposit:18280-18281	Total: \$	631.00
Register No. 1,068	November 21, 2013	Check Nos. 187785-187851	Total: \$	85,659.46
Register No. 1,069	November 22, 2013	Direct Deposit:18282-18286	Total: \$	1,010.89
Register No. 1,070	November 22, 2013	Check Nos. 187852-187856	Total: \$	123,387.00
			Total: \$	513,364.44

Consent Agenda Item Nos. 1 through 7 were approved as written. Commissioner Witney recommended the following Regular Agenda items be moved to Consent:

2. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN A MAINTENANCE AGREEMENT WITH LES OLSON FOR AN AR-M620 COPIER, SERIAL NO. 55003108, LOCATED IN THE CHILDREN'S JUSTICE CENTER**
3. **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, November 5, and November 19, 2013 Commission meetings)

The Board suggested that Regular Agenda Item No. 3 be continued to the next meeting of the Board.

CONTINUED TO DECEMBER 3, 2013

9. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN CHANGE ORDER NO. 2 TO AGREEMENT NO. 2012-654 WITH MOUNTAIN STATES FENCE COMPANY, INC. FOR AN AUTOMATIC GATE INSTALLATION AT THE MOSQUITO ABATEMENT FACILITY**
10. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN A SALES QUOTE AND MAINTENANCE SERVICES ORDERS WITH NORTH AMERICAN COMMUNICATIONS RESOURCES, INC. TO RENEW HARDWARE AND SOFTWARE SUPPORT FOR THE TELEPHONE SWITCH SYSTEM AND VOICE MAIL SYSTEM**
11. **ADOPT RESOLUTION OF REAPPOINTMENTS TO THE UTAH COUNTY CAREER SERVICE COUNCIL**
12. **ADOPT RESOLUTION OF REAPPOINTMENT OF DOUG SEALE TO THE UTAH COUNTY FIRE CODE BOARD OF APPEALS**
13. **ADOPT RESOLUTION OF APPOINTMENT OF JEFF NOORDA TO THE ADMINISTRATIVE CONTROL BOARD OF THE NORTH FORK SPECIAL SERVICE DISTRICT**

ACTIONS TAKEN

Consent Agenda Item Nos. 1, 2, 3 and 4 were approved; No. 5 was approved and authorized; No. 6 was adopted; and No. 5 was ratified. Regular Agenda Item Nos. 2, 9 and 10 were approved and authorized; No. 3 was continued to the December 3, 2013 meeting of the Board; and Nos. 11, 12 and 13 were adopted.

AGREEMENT NOS.: 2013-761, 2013-762, 2013-763, 2013-764, 2013-765, 2013-766, 2013-767 and 2013-768

RESOLUTION NOS.: 2013-154, 2013-155, 2013-156 and 2013-157

REGULAR AGENDA

1. APPROVE, OR DENY, PETITION TO BOARD OF EQUALIZATION TO HEAR APPEAL OF PERSONAL PROPERTY VALUATION AFTER FILING DEADLINE FOR JP HOBBY LLC, ACCOUNT NO. 77110

Utah County Deputy Attorney David Shawcroft summarized that permission needs to be granted in order to hear the late appeal filed by JP Hobby LLC, Account No. 77110, by factual basis. Commissioner Witney asked the petitioner for the reason in filing the late appeal, and Jacob Bryans explained that the valuation notice was received while the company was in the process of moving offices; he was not personally aware of it until after the deadline had passed. Mardene Barker of the Utah County Assessor's Office reviewed the timeline of the application, noting that JP Hobby LLC was billed on August 8, 2013 with payment due September 9, 2013. An unpaid notice was sent September 27, 2013; the Assessor's Office began receiving phone calls in late October 2013 with the petitioner requesting an appeal. Jacob Bryans confirmed that the official move date was November 1, 2013, but there had been much to prepare for the change. He also mentioned that the company is technically ExactRail DBA JP Hobby. Both the warehouse and corporate offices were moving from one location to another.

Commissioner Anderson made the motion to approve the petition to the Board of Equalization to hear Appeal of Personal Property Valuation After Filing Deadline for JP Hobby LLC, Account No. 77110 as described in Regular Agenda Item No. 1 in the interest of justice, public policy, basic fairness, and with the finding that circumstances may or may not have been within the control of the petitioner. The motion was seconded by Commissioner Ellertson and carried with the following vote:

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

HEARING GRANTED

Commissioner Witney pointed out the due taxes of \$8,000, and asked whether the amount is for one single item or multiple items. Jacob Bryans clarified that the total is for multiple items that have been assessed at a value of \$645,472; his company is appealing for a reduced value of \$289,271.00. These items include CAD files, molds, and other office equipment like machinery and computers.

Jacob Bryans explained that his group invested in JP Hobby six years ago, purchasing half of the assets for half ownership and moving the company from Oregon to Orem, Utah. It has never turned a profit for the shareholders or owners, but they have been current on property taxes since inception. The company was still struggling as of January 1, 2013, and a decision was made to have a reduction of force through several layoffs. This did not result in a profit. When Commissioner Witney asked about value of the items, Mr. Bryans clarified that prototype scale models are a very specific hobby; there are not many comparable sales. Mr. Bryans speculated that the genre is nationally operation at a loss. Commissioner Anderson asked how value is determined by the county, and Mardene Barder explained that the original purchase price is depreciated by percentage through a state-regulated table. Peter Jeppsen of the Utah County Assessor's Office added that JP Hobby is included within Table 1, therefore depreciating at the fastest and highest percentage possible: eighty-nine percent in a two to three year period.

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Commissioner Witney noted that JP Hobby paid the assessed personal property taxes last year, and questioned what has changed. Jacob Bryans explained that the property is nearly worthless based on the success of the business; they are currently attempting to sell the remaining products. Peter Jeppsen commented that while he is sympathetic to the operation, he does not understand the lack of preparation by the company. They have known the business is failing for some time, and burden of proof belongs to the petitioner. The applicant did not submit any documentation supporting attempted sales or lack of financial value of the remaining property. Commissioner Anderson agreed with Mr. Jeppsen's comments, and chose to make a motion at this point.

Commissioner Anderson made the grant the appeal and adopt the owner's estimated Personal Property value of \$289,271.00 and reduce the due taxes based on that new value as outlined in Regular Agenda Item No. 1. The motion was seconded by Commissioner Ellertson, and discussion continued.

Mardene Barker, Peter Jeppsen, the commissioners and Jacob Bryans discussed several items of greater value within the proposed estimate, and Utah County Deputy Attorney David Shawcroft noted that an itemized breakdown should be submitted to the Utah County Assessor's Office. Mr. Bryans clarified that the appeal is to value the molds and CAD files at zero dollars and leave the remaining items at the county-assessed values. Commissioner Witney added that documentation should still be provided, and Commissioner Anderson granted Mr. Bryans until December 15, 2013 to submit the requested paperwork, correcting his motion accordingly.

The motion carried with the following vote:

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

AGREEMENT NO. 2013-769

The commissioners chose to address Regular Agenda Item Nos. 4 through 8 in tandem since they are directly related to each other. Pat Bird of the Utah County Department of Drug and Alcohol Prevention and Treatment came forward to speak on these contracts.

- 4. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT BETWEEN THE UTAH COUNTY DEPARTMENT OF DRUG AND ALCOHOL PREVENTION AND TREATMENT, AND NEBO SCHOOL DISTRICT, FOR PREVENTION SERVICES**

AGREEMENT NO. 2013-770

- 5. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT BETWEEN THE UTAH COUNTY DEPARTMENT OF DRUG AND ALCOHOL PREVENTION AND TREATMENT, AND NEBO SCHOOL DISTRICT, FOR THE IMPLEMENTATION OF THE ASPIRE KIDS 4H PROGRAMS**

AGREEMENT NO. 2013-771

- 6. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT BETWEEN THE UTAH COUNTY DEPARTMENT OF DRUG AND ALCOHOL PREVENTION AND TREATMENT, AND SPRINGVILLE CITY, TO ESTABLISH THE COMMUNITIES THAT CARE PROGRAM**

It was noted that a resolution would need to be adopted in order to enter into an agreement with Springville City, another government entity. This item was stricken from the agenda with the intention that it would return with the correct wording and action the following week.

STRICKEN

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7. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT BETWEEN THE UTAH COUNTY DEPARTMENT OF DRUG AND ALCOHOL PREVENTION AND TREATMENT, AND UTAH STATE UNIVERSITY - EXTENSION, FOR AFTER SCHOOL 4H PROGRAMS**

AGREEMENT NO. 2013-772

8. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT BETWEEN THE UTAH COUNTY DEPARTMENT OF DRUG AND ALCOHOL PREVENTION AND TREATMENT, AND UTAH STATE UNIVERSITY - EXTENSION, FOR ASSISTANCE WITH ASPIRE KIDS 4H PROGRAMS**

AGREEMENT NO. 2013-773

Pat Bird of the Utah County Department of Drug and Alcohol Prevention and Treatment explained that there is currently an agreement in place between Utah County and Alpine School District regarding Substance Abuse Prevention Services; Regular Agenda Item Nos. 4 and 5 from the calendar today are to enter into a similar arrangement with Nebo School District. He mentioned that Provo School District should follow suit soon. Mr. Bird spoke about collecting data annually to determine services needed in risk and protective factors within the community. The county has a great relationship with the school districts and works primarily with sixth- through twelfth-graders on these projects. He commented on the alarming parental influences for negative behaviors, and using pro-social involvement and youth recognition to deter those choices. Mr. Bird also addressed the success of the ASPIRE Kids program within the schools and through 4H, and noted that payment to each entity is determined by comparing staff time and resources to provide services.

Commissioner Anderson made the motion to approve and authorize an agreement with Nebo School District for prevention services and an agreement with Nebo School District for the ASPIRE Kids 4H Program as detailed in Regular Agenda Item Nos. 4 and 5 respectively; to strike Regular Agenda Item No. 6; and to approve and authorize agreements with Utah State University - Extension for After School 4H Programs and assistance with ASPIRE Kids 4H Programs as detailed in Regular Agenda Item Nos. 7 and 8 respectively. The motion was seconded by Commissioner Ellertson and carried with the following vote:

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

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

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 Ellertson made the motion to strike Regular Agenda Item Nos. 16 and 18 to set dates, times and locations for closed meetings 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 Anderson 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 TO DISCUSS THE CHARACTER, PROFESSIONAL COMPETENCE, OR PHYSICAL OR MENTAL HEALTH OF AN INDIVIDUAL OR INDIVIDUALS

Commissioner Ellertson 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 Anderson 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 PENDING OR REASONABLY IMMINENT LITIGATION

Commissioner Ellertson 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 Anderson and carried with the following vote:

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

SET

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

Commissioner Ellertson 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 Anderson 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

Melory Haggard introduced herself on behalf of SecurityMetrics, Inc. She recently submitted an application requesting relief of 2013 Property Taxes for their business. Ms. Haggard explained that the company has been very profitable for the last six years, but lost their largest customer this last year. They are recovering but still running at a loss and would rather not lay off any of their 325 employees. Ms. Haggard noted that Orem City Mayor Jim Evans has indicated that the city would be able to write off the portion of taxes owed to them, and that she will be meeting with Alpine School District Treasurer Rob Smith to make the same request. Commissioner Anderson noted his interest in Mr. Smith's response, and suggested waiting to address Ms. Haggard's request during a regular Commission meeting following her appointment Mr. Smith. Utah County Deputy Attorney David Shawcroft mentioned that the application could be delayed until the December 17, 2013 session.

This concluded the public comment portion of the open meeting, and the meeting recessed at 9:47 A.M. to go into closed meetings. The public meeting reconvened at 10:16 A.M.

Commissioner Anderson made the motion to adjourn 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**

There being no further business nor public comment, the meeting adjourned at 10:16 A.M. The minutes of the November 26, 2013 Commission Meeting were approved as transcribed on December 10, 2013.

DOUG WITNEY, Commission Chair

ATTEST:

BRYAN E. THOMPSON
Utah County Clerk/Auditor