

BOARD OF COUNTY COMMISSIONERS, UTAH COUNTY, UTAH
MINUTES OF PUBLIC MEETING
COMMISSION CHAMBERS, ROOM 1400
OF THE UTAH COUNTY ADMINISTRATION BUILDING
February 25, 2014 - 9:00 A.M.

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

ALSO PRESENT:

David Shawcroft, Utah County Deputy Attorney	James O. Tracy, Utah County Sheriff
Robert J. Moore, Utah County Deputy Attorney	Dalene Higgins, Utah County Sheriff's Office
Paul Jones, Utah County Deputy Attorney	Nancy Killian, Utah County Sheriff's Office
Bryan E. Thompson, Utah County Clerk/Auditor	Yvette M. Rice, Utah County Sheriff's Office
Scott C. Hogensen, Chief Deputy Clerk/Auditor	Gary Ratcliffe, Utah County Surveyor
Julie Rollins, Utah County Purchasing Agent	Robert C. Kirk, Utah County Treasurer
Peter A. Jepps, Utah County Assessor's Office	Peter Anderson, -No further information given-
Jim Stevens, Utah County Assessor's Office	Larry Ballard, Utah County Resident
Lana Jensen, Utah County Personnel Director	Chris Dexter, -No further information given-
Richard Nielson, Utah County Public Works Director	Robert Franson, Utah Honor Flight Program
Jeff Smith, Utah County Recorder	Eldon A. Neves, Citizens for Rural Utah
Andrea Allen, Utah County Recorder's Office	Jack McKay Taylor, Taylor Ranch Subdivision
Mike Stansfield, Fairways Media	Renée Huggins-Caron, Clerk/Auditor Admin. Assist.

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

PRAYER/READING/THOUGHT: Doug Witney, Utah County Commissioner

PLEDGE OF ALLEGIANCE: Larry Ballard, Utah County Resident

Commissioner Anderson took a moment of personal privilege to recognize several friends in the audience. Commissioner Ellertson commended the audience's recitation of the Pledge of Allegiance, noting a current bill before the Utah State Legislature.

CONSENT AGENDA

- 1. APPROVE (OR DENY) THE TAYLOR RANCH SUBDIVISION, PLAT "A," SUBJECT TO THE CONDITIONS STATED IN THE STAFF REPORT**
- 2. APPROVE TAX CREDITS AND REFUNDS RECOMMENDED BY THE COUNTY TREASURER'S OFFICE IN CANCELLATION LETTER NO. 20301, DATED FEBRUARY 19, 2014**
- 3. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT WITH BRIGHAM YOUNG UNIVERSITY, MARRIOTT SCHOOL OF MANAGEMENT - FIELD STUDIES PROGRAM**

Commissioner Anderson noted a comment from the Clerk/Auditor's Office regarding the budget for this agreement; the Board recommended approval with the understanding that funding will need to be determined. Commissioner Ellertson indicated monies are available.

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4. APPROVE RELEASE OF LIEN RECORDED AGAINST PARCEL SERIAL NO. 49:642:0028 (AGREEMENT NO. 2013-207)
5. APPROVE PROPERTY TAX ACTIONS CONTAINED IN RECOMMENDATION LETTER NO. 2014-4
6. ADOPT A RESOLUTION APPROVING VOLUNTEERS WHO WISH TO DONATE THEIR SERVICES TO THE CHILDREN'S JUSTICE CENTER, THE UTAH COUNTY HEALTH DEPARTMENT, AND THE DEPARTMENT OF DRUG AND ALCOHOL PREVENTION AND TREATMENT
7. APPROVE THE MINUTES OF THE JANUARY 7, 2014 COMMISSION MEETING *(Continued from the February 18, 2014 Commission meeting)*
8. APPROVE THE MINUTES OF THE JANUARY 14, 2014 COMMISSION MEETING
9. APPROVE THE MINUTES OF THE JANUARY 21, 2014 COMMISSION MEETING
10. APPROVE THE MINUTES OF THE JANUARY 28, 2014 COMMISSION MEETING
11. RATIFICATION OF PAYROLL
Period 4 7 Checks: \$ 3,762.75 1,085 Total Deposits: \$1,365,292.94 Total: \$1,369,055.69
Federal Payroll Taxes Total: \$ 193,863.16

12. RATIFICATION OF WARRANT REGISTER SUMMARY

Register No. 204	February 14, 2014	Purchasing Cards 1450-1450	Total: \$	170.15
Register No. 205	February 14, 2014	Purchasing Cards 1451-1452	Total: \$	68.32
Register No. 206	February 14, 2014	Check Nos. 191053-191054	Total: \$	1,617.83
Register No. 207	February 14, 2014	Check Nos. 191055-191059	Total: \$	3,900.99
Register No. 208	February 14, 2014	Direct Deposit:18847-18847	Total: \$	56,071.26
Register No. 209	February 18, 2014	Check Nos. 191060-191075	Total: \$	9,387.15
Register No. 210	February 18, 2014	Direct Deposit:18848-18848	Total: \$	45.00
Register No. 211	February 18, 2014	Purchasing Cards 1453-1454	Total: \$	9,572.69
Register No. 212	February 18, 2014	Check Nos. 191076-191077	Total: \$	2,729.82
Register No. 213	February 18, 2014	Check Nos. 191078-191099	Total: \$	24,745.56
Register No. 214	February 19, 2014	Check Nos. 191100-191162	Total: \$	2,610.00
Register No. 215	February 19, 2014	Check Nos. 191163-191163	Total: \$	584.70
Register No. 216	February 19, 2014	Check Nos. 191164-191176	Total: \$	608,156.11
Register No. 217	February 20, 2014	Direct Deposit:18849-18856	Total: \$	6,362.51
Register No. 218	February 20, 2014	Check Nos. 191177-191191	Total: \$	4,706.13
Register No. 219	February 20, 2014	Check Nos. 191192-191193	Total: \$	2,283.02
Register No. 220	February 20, 2014	Check Nos. 191194-191205	Total: \$	7,338.30
Register No. 221	February 20, 2014	Direct Deposit:18857-18867	Total: \$	740,349.85
Register No. 222	February 20, 2014	Check Nos. 191206-191217	Total: \$	75,346.46
Register No. 223	February 20, 2014	Bond Wires:238-238	Total: \$	387.00
Register No. 224	February 21, 2014	Direct Deposit:18898-18874	Total: \$	3,406.07
Register No. 225	February 21, 2014	Check Nos. 191218-191242	Total: \$	11,961.37
Register No. 226	February 21, 2014	Check Nos. 191243-191252	Total: \$	12,871.00
Register No. 227	February 21, 2014	Check Nos. 191253-191253	Total: \$	28,730.00
			<u>Total:</u>	<u>\$1,613,401.29</u>

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Consent Agenda Item Nos. 1 through 12 were approved as written. Commissioner Anderson recommended the following Regular Agenda items be moved to Consent:

1. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AMENDMENT TO AGREEMENT NO. 2013-801 WITH RBM SERVICES**
2. **APPROVE OR DENY A REQUEST FROM COSCO TO WAIVE THE REQUIREMENTS OF SECTION 1.6.A OF THE UTAH COUNTY FACILITY USE POLICY AND ALLOW THEM TO CONDUCT MARKETING AT THE PUBLIC WORKS BUILDING ON APRIL 17, 2014; AND IN THE LOBBIES OF THE ADMINISTRATION BUILDING AND HEALTH AND JUSTICE BUILDING ON APRIL 18, 2014**
4. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN THE SERVICE OF PROCESS AGREEMENT WITH GUSTIN LAW FIRM**
8. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO EXECUTE AN AGREEMENT WITH THE COACH KARL TUCKER FOUNDATION FOR THE 2014 PROVO OPEN TOURNAMENT**

The Board requested that Regular Agenda Item No. 8 be continued to the next meeting of the Board.
CONTINUED TO MARCH 11, 2014

9. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO EXECUTE AN AGREEMENT WITH UNITED WAY OF UTAH COUNTY**

ACTIONS TAKEN

Consent Agenda Item Nos. 1, 2, 4, 5, 7, 8, 9 and 10 were approved; No. 3 was approved and authorized; No. 6 was adopted; and Nos. 11 and 12 were ratified. Regular Agenda Item Nos. 1, 4 and 9, were approved and authorized; No. 2 was approved; and No. 8 was continued to the March 11, 2014 meeting of the Board.

AGREEMENT NOS.: 2014-134, 2014-135, 2014-136, 2014-137, 2014-138, 2014-139, 2014-140, 2014-141 and 2014-142

RESOLUTION NO.: 2014-26

REGULAR AGENDA

3. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AUTHORIZATION FOR ADDITIONAL SERVICES PURSUANT TO AGREEMENT NO. 2013-210 WITH FFKR ARCHITECTS FOR THE NORTH FOOTHILL PROJECT, AUTHORIZING THE ARCHITECT TO BILL FOR REIMBURSABLE EXPENSES**

Utah County Public Works Director Richard Nielson explained that there is a provision within the standing agreement with FFKR Architects for reimbursable expenses such as copies and mileage. Written authorization from the Board of Commissioners is required as part of the clause. Commissioner Ellertson asked whether funds for this contract have been acquired through Community Development Block Grants (CDBGs), and Utah County Clerk/Auditor Bryan E. Thompson confirmed: \$149,000 of the \$163,000 amount is provided through the grant. Mr. Thompson mentioned the difference of \$24,000 that would need to be obtained. Commissioner Ellertson noted that the balance could be provided through additional grants, and Mr. Thompson suggested reviewing the Utah County Department of Drug and Alcohol Prevention and Treatment (aDDAPT) options.

Commissioner Ellertson made the motion to approve the authorization for additional services pursuant to Agreement No. 2013-210 with FFKR Architects for the North Foothill Project, contingent upon additional funding through grants, as discussed in Regular Agenda Item No. 3. The motion was seconded by Commissioner Witney and carried with the following vote:

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

AGREEMENT NO. 2014-143
APPROVED WITH CONDITIONS

5. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT WITH SPECIALTY SERVICES FOR PUBLIC SAFETY, LLC DBA INTERMOUNTAIN POLYGRAPH SERVICES

Lieutenant Yvette M. Rice of the Utah County Sheriff's Office mentioned the slight increase in price over previous contracts with this provider, as determined through the competitive sealed bid process. Commissioner Witney asked whether insurance needs have been satisfied, and Lt. Rice confirmed. Utah County Purchasing Agent Julie Rollins nodded in agreement from the audience.

Commissioner Witney made the motion to approve and authorize an agreement with Specialty Services for Public Safety, LLC dba Intermountain Polygraph Services as detailed in Regular Agenda Item No. 5. The motion was seconded by Commissioner Ellertson and carried with the following vote:

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

AGREEMENT NO. 2014-144

6. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN THE WATER RIGHTS PURCHASE AGREEMENT WITH THE DAVIS FAMILY TRUST, HEBER LEE DAVID AND JOANN DAVIS, TRUSTEES

Utah County Deputy Attorney David Shawcroft suggested that this item be tabled for a vote until after closed meetings.
*Please refer to the final page of these minutes for additional notations.

7. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN THE INDEMNITY AND RELEASE AGREEMENT PERTAINING TO THE BOX ELDER SOUTH SUBDIVISION, PLAT A

Commissioner Ellertson noted that Utah County is being indemnified with the exception of any internal expenses. Utah County Deputy Attorney David Shawcroft confirmed. Commissioner Ellertson asked whether a lot of expenses are anticipated; Mr. Shawcroft replied that while there may be some time involved, the details were agreed upon in previous discussions. Commissioner Anderson summarized that Utah County will not be taking any actions or further steps beyond the usual process of indemnification.

Commissioner Witney made the motion to approve and authorize the indemnity and release agreement pertaining to the Box Elder South Subdivision, Plat A as defined in Regular Agenda Item No. 7. The motion was seconded by Commissioner Ellertson and carried with the following vote:

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

AGREEMENT NO. 2014-145

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

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

Commissioner Ellertson made the motion to strike Regular Agenda Item No. 14 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 Witney and carried with the following vote:

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

STRICKEN

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 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 Witney and carried with the following vote:

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

SET

11. 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 Witney and carried with the following vote:

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

SET

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

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

**AYE: Gary J. Anderson
Larry A. Ellertson
Doug Witney
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 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 Witney and carried with the following vote:

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

SET

WORK SESSION

1. UTAH HONOR FLIGHT PROJECT UPDATE

Robert Franson came forward to speak about Utah Honor Flight, a program dedicated to giving senior and terminally ill war veterans a chance to visit the National World War II Memorial in Washington, D.C. While the current majority of veterans served in the Korean War and World War II, the program expects to begin addressing those involved in the Gulf War and more recent Iraq/Afghanistan conflicts.

Robert Franson reminded the Board of his presentation during the December 3, 2013 Commission meeting in preparation for winter activities, mentioning that the schedule is now available at their website: <http://www.utahhonorflight.org/>. He commented on joining forces with local veterans organizations, specifically the American Legion and the Utah Elks. There will be a banquet on March 15, 2014 to honor participants from the October 29, 2013 with a photo album of their journey and a unique victory medal. Mr. Franson also mentioned an upcoming presentation at 3:00 P.M. on Thursday at the Payson Veteran's Nursing Home. Utah Honor Flight will be coordinating with retirement and nursing homes in Highland, Payson, Ogden, and Salt Lake City, as well as interns through college nursing programs, to provide care during visits to the nation's capitol.

The commissioners thanked Robert Franson for his presentation, and commended his work with the Utah Honor Flight. Commissioner Witney mentioned the veteran's organization housed in the Utah County Historic Courthouse at 51 South University Avenue in Provo, and their work through Operation S.A.V.E. dedicated to suicide prevention for veterans. Mr. Franson named individuals at the front of the effort, and discussed funding and donation options for the programs.

PUBLIC COMMENTS

Utah County Sheriff James O. Tracy commented on a course titled "Staying Sane Behind The Badge," taught to law enforcement officers by Dr. Paul Jenkins. An agreement is needed for the class to be taught March 10th through March 13th, which is before the next Commission meeting. Sheriff Tracy noted that existing funds are available to pay for the course, and Commissioner Anderson verbally approved moving forward with the contract and ratifying the signatures at the next meeting of the Board on March 11, 2014.

This concluded the public comment portion of the open meeting, and the meeting recessed at 9:30 A.M. to go into closed meetings. The public meeting reconvened at 10:35 A.M., and the commissioners returned to previously tabled Regular Agenda Item No. 6 at this point.

REGULAR AGENDA

6. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN THE WATER RIGHTS PURCHASE AGREEMENT WITH THE DAVIS FAMILY TRUST, HEBER LEE DAVID AND JOANN DAVIS, TRUSTEES

Commissioner Ellertson made the motion to approve and authorize the Water Rights Purchase Agreement with the Davis Family Trust as detailed in Regular Agenda Item No. 6, with the additional note that Utah County would purchase any and all other confirmed shares available at the same price. The motion was seconded by Commissioner Witney and carried with the following vote:

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

AGREEMENT NO. 2014-146

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

This concluded the open meeting.

Commissioner Ellertson made the motion to adjourn the February 25, 2014 meeting of the Utah County Board of Commissioners. The motion was seconded by Commissioner Witney and carried with the following vote:

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

There being no further business nor public comment, the meeting adjourned at 10:36 A.M. The minutes of the February 25, 2014 Commission Meeting were approved as transcribed on March 11, 2014.

GARY J. ANDERSON, Commission Chair

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ATTEST:

BRYAN E. THOMPSON
Utah County Clerk/Auditor

*Regular Agenda Item No. 6:

The commissioners addressed Regular Agenda Item No. 6, regarding a Water Rights Purchase Agreement with the Davis Family Trust, following closed meetings and approved the item by unanimous vote with notes.

Copies Available on the County Web Site at www.utahcountyonline.org
Recorded by Renée Huggins-Caron, Clerk/Auditor Administrative Assistant