

BOARD OF COUNTY COMMISSIONERS, UTAH COUNTY, UTAH
MINUTES OF PUBLIC MEETING
COMMISSION CHAMBERS, ROOM 1400
OF THE UTAH COUNTY ADMINISTRATION BUILDING
January 28, 2014 - 9:00 A.M.

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

ALSO PRESENT:

E. Kent Sundberg, Civil Division Chief Attorney
Robert J. Moore, Utah County Deputy Attorney
Paul Jones, Utah County Deputy Attorney
Scott C. Hogensen, Chief Deputy Clerk/Auditor
Burt Harvey, Clerk/Auditor - Tax Admin. Supervisor
Kris Poulson, Utah County Assessor
Peter A. Jepps, Utah County Assessor's Office
Julie Rollins, Utah County Purchasing Agent
Bryce Armstrong, Community Development
Dr. Joseph K. Miner, Health Department Exec. Director
Eric Edwards, Utah County Health Department
Steve Mickelson, Utah County Health Department
Matthew Phillips, Utah County Health Department
Doreen Radford, Utah County Health Department
Richard Nance, Drug&Alcohol Prevention&Treatment

Neil Peterson, Information Systems Director
Lana Jensen, Utah County Personnel Director
Richard Nielson, Utah County Public Works Director
Jeff Smith, Utah County Recorder
Andrea Allen, Utah County Recorder's Office
Mike Forshee, Utah County Sheriff's Office
Dalene Higgins, Utah County Sheriff's Office
Boyd Loveless, Utah County Sheriff's Office
Gary Ratcliffe, Utah County Surveyor
Robert C. Kirk, Utah County Treasurer
Greg Graves, Springville Resident
Andrew Jackson, Mountainland Assoc. of Governments
Clark Merkley, Leavitt Group Insurance Advisors
Taylor Oldroyd, Utah County Association of Realtors
Mike Stansfield, Fairways Media
Renée Huggins-Caron, Clerk/Auditor Admin. Assist.

Commissioner Anderson called the meeting to order at 9:04 A.M. and welcomed those present. The following matters were discussed:

PRAYER/READING/THOUGHT: Andrew Jackson, Mountainland Association of Governments

PLEDGE OF ALLEGIANCE: Clark Merkley, Leavitt Group Insurance Advisors

Commissioner Anderson took a moment of personal privilege to recognize several friends in the audience.

CONSENT AGENDA

1. APPROVE TAX CREDITS AND REFUNDS RECOMMENDED BY THE COUNTY ASSESSOR'S OFFICE IN CANCELLATION AND CORRECTION LETTER NO. 272, DATED JANUARY 17, 2014

The Board requested that Consent Agenda Item No. 1 be moved to the Regular Agenda for discussion.

PULLED TO REGULAR

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

2. APPROVE PARTIAL RELEASE OF LIEN RECORDED AGAINST SEVERAL PARCELS OF PROPERTY A ENTRY NO. 51557:2013 FOR DELINQUENT PROPERTY TAXES (AGREEMENT NO. 2013-360)

3. ADOPT A RESOLUTION APPROVING VOLUNTEERS WHO WISH TO DONATE THEIR SERVICES TO THE UTAH COUNTY FOSTER GRANDPARENT PROGRAM

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5. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN A MAINTENANCE AGREEMENT WITH LES OLSON COMPANY FOR THE AR-M455N COPIER, SERIAL NO. 65035504, LOCATED IN THE ASSESSOR'S OFFICE; RENEWAL DATES 1/2/2014 - 1/1/2015**
6. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN A MAINTENANCE AGREEMENT WITH LES OLSON COMPANY FOR THE AR-M455N COPIER, SERIAL NO. 55045129, LOCATED IN THE ASSESSOR'S OFFICE; RENEWAL DATES 1/4/2014 - 1/3/2015**
7. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN LEASE ADDENDUM NO. 2 TO AGREEMENT NO. 2013-605 WITH PAYSON I, LLC TO ADJUST THE RENTAL LEASE COMMENCEMENT DATE** *(Continued from the January 21, 2014 Commission meeting)*
8. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN LEASE ADDENDUM NO. 3 TO AGREEMENT NO. 2013-605 WITH PAYSON I, LLC FOR THE NEW PAYSON WIC BUILDING ELECTRIC POLE SIGN USE AND CONDITIONS** *(Continued from the January 21, 2014 Commission meeting)*

The commissioners requested that Regular Agenda Item No. 8 be stricken from the agenda.
STRICKEN

9. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN A LICENSE AGREEMENT WITH THE UTAH VALLEY CONVENTION CENTER FOR THE CHILDREN IN DISASTERS CONFERENCE TO BE HELD FEBRUARY 27, 2014**

The Board noted that a budget transfer is authorized for approval of this agenda item.

13. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AMENDMENT TO AGREEMENT NO. 2013-544 BETWEEN THE UTAH COUNTY DEPARTMENT OF DRUG AND ALCOHOL PREVENTION AND TREATMENT, AND INTERCARE, LLC FOR ADDITIONAL SERVICES**

The Board noted that a budget transfer is authorized for approval of this agenda item.

19. **ADOPT A RESOLUTION APPROVING AND AUTHORIZING THE EXECUTION OF AN INTERLOCAL COOPERATION AGREEMENT WITH MOUNTAINLAND ASSOCIATION OF GOVERNMENTS**

20. **ADOPT A RESOLUTION CONSENTING TO THE APPOINTMENT OF CINDY STEWART AS DEPUTY COUNTY RECORDER**

ACTIONS TAKEN

Consent Agenda Item No. 1 was tabled for further discussion; No. 2 was approved; No. 3 was adopted; and Nos. 4 and 5 were ratified. Regular Agenda Item Nos. 2 and 3 were continued to the February 4, 2014 meeting of the Board; Nos. 4, 5, 6, 7, 9, and 13 were approved and authorized; No. 8 was stricken from the agenda; and Nos. 19 and 20 were adopted.

AGREEMENT NOS.: 2014-62, 2014-63, 2014-64, 2014-65, 2014-66, 2014-67, 2014-68 and 2014-69

RESOLUTION NOS.: 2014-8, 2014-9, and 2014-10

REGULAR AGENDA

(PULLED FROM CONSENT)

1. APPROVE TAX CREDITS AND REFUNDS RECOMMENDED BY THE COUNTY ASSESSOR'S OFFICE IN CANCELLATION AND CORRECTION LETTER NO. 272, DATED JANUARY 17, 2014

Commissioner Ellertson questioned a personal property account paired with a Circuit Breaker abatement within the Cancellation and Correction Letter, and Utah County Deputy Attorney David Shawcroft suggested excluding that specific parcel from approval with the letter to allow further review.

Commissioner Ellertson made the motion to approve the Property Tax Actions contained in Recommendation Letter No. 2014-2, with the changes as identified in Consent Agenda Item No. 1. 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. 2014-70
APPROVED WITH CHANGES

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

REGULAR AGENDA

1. ADOPT A RESOLUTION AMENDING THE UTAH COUNTY PAY PLAN AND INCORPORATING THE UTAH COUNTY PAY PLAN INTO THE UTAH COUNTY PERSONNEL RULES AND REGULATIONS AS SECTION XV

Commissioner Ellertson suggested the following changes to the proposed amendments for the Utah County Pay Plan:

C. Salary Adjustments

5. After consultation with the Department Head and the Board of County Commissioners, the Director may approve salary increases outside the parameters described above in unusual situations warranted by such factors as.....

Should be corrected to:

C. Salary Adjustments

5. After consultation with the Department Head and the Board of County Commissioners, *and when sufficient budgetary funding is available*, the Director may approve *salaries* outside the parameters described above in unusual situations warranted by such factors as.....

Utah County Personnel Director Lana Jensen explained that the cost of filling certain positions throughout the year may vary. Commissioner Ellertson acknowledged that fact, but noted that the departments must be prepared to pay for any budget changes upon approval. Ms. Jensen noted that funding should not be the driver of the issue, and Commissioner Ellertson stated that it is only one associated portion. Commissioner Anderson and Commissioner Ellertson spoke about the importance of identifying funds. Ms. Jensen questioned how a department would be able to guarantee there are monies for different benefit selections, or individuals replaced by other employees at higher salaries. She concurred that funds should be identified, but pointed out that benefit costs cannot be used as a determining factor for new hires. Commissioner Ellertson repeated that salaries should be covered through budgetary funding.

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Commissioner Witney made the motion to adopt the resolution amending the Utah County Pay Plan, with the noted changes, as detailed in Regular Agenda Item No. 1. The motion was seconded by Commissioner Ellertson, and discussion continued.

Personnel Director Lana Jensen mentioned that the Pay Plan includes provisions about acting pay for “full-time Career Service status employees directed in writing to temporarily assume the higher level duties,” and requested that the phrase “full-time” be deleted from that description in Section F. The Board agreed, and Commissioner Witney adjusted his motion accordingly.

The motion carried with the following vote:

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

RESOLUTION NO. 2014-11
APPROVED WITH CHANGES

The commissioners chose to address Regular Agenda Item Nos. 10 and 11 in tandem since they are directly related to each other.

10. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AMENDMENT TO AGREEMENT NO. 2010-389 WITH SELECTHEALTH FOR DIAGNOSING AND TREATMENT SERVICES TO SELECT CARE, SELECT CARE PLUS, SELECT MED, SELECT MED PLUS, SELECT VALUE, AND CHIP NETWORK MEMBERS

AGREEMENT NO. 2014-71

11. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AMENDMENT TO AGREEMENT NO. 2010-389 WITH SELECTHEALTH FOR DIAGNOSING AND TREATMENT SERVICES TO SELECT CHOICE NETWORK MEMBERS

AGREEMENT NO. 2014-72

Utah County Health Department Executive Director Dr. Joseph K. Miner explained that the SelectHealth insurance programs need amendments to include sexually-transmitted disease diagnosis and treatment services. If an enrolled patient is seen at the county Health Department, this will allow Utah County to bill the company. It has always been done for immunizations. Commissioner Witney asked whether the contracts are specifically for county employees, and Dr. Miner clarified that it is for any person with these insurances through Intermountain Health Care. He also noted the separation of the Select Choice agreement, which is for outside insurance companies not part of Utah networks.

Commissioner Witney made the motion to approve and authorize the amendments to Agreement No. 2010-389 with SelectHealth for diagnosing and treatment services as outlined in Regular Agenda Item Nos. 10 and 11. The motion was seconded by Commissioner Ellertson and carried with the following vote:

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

12. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN THE PPHF: ADOLESCENT HPV GRANT CONTRACT WITH THE UTAH DEPARTMENT OF HEALTH

There was some discussion between Utah County Health Department Executive Director Dr. Joseph K. Miner and the Board of Commissioners regarding the wording of the grant, and the distribution of it from Salt Lake County to Utah County. Commissioner Anderson suggested continuing the agenda item to the next meeting of the Board for further clarification.

Commissioner Witney made the motion to continue Regular Agenda Item No. 12 regarding the PPHF: Adolescent HPV Grant Contract with the Utah Department of Health to the February 4, 2014 meeting of the Utah County Board of Commissioners. The motion was seconded by Commissioner Ellertson and carried with the following vote:

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

CONTINUED TO FEBRUARY 4, 2014

14. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN THE SERVICES AGREEMENT WITH SOLUTIONS-II FOR STORAGE INSTALLATION, STORAGE MIGRATION AND OTHER CHANGES TO THE SPILLMAN MAIN AND BACKUP SERVERS

Utah County Information Systems Director Neil Peterson explained that there is currently no identified revenue to recover from this expense, but there are ongoing discussions with the Utah County Sheriff's Office to create a process. Mike Forshee of the Utah County Sheriff's Office confirmed that Utah County Sheriff James O. Tracy has strong opinions on the issue, as there is no funding stream. Commissioner Witney referred to an agreement approved during a previous meeting of the Board (December 17, 2013) in which several cities and entities accepted responsibility for payment towards the Spillman system; Mr. Forshee and Mr. Peterson confirmed that the contract was completed. Mr. Forshee noted that the costs are approximately ninety percent covered because the fiscal year for several of the groups begins in July, and they only submitted partial payments. Commissioner Witney added that he wants to engage in conversation to address future upgrades.

Commissioner Ellertson made the motion to approve and authorize the services agreement with Solutions-II for storage installation, storage migration and other changes to the Spillman main and backup servers as outlined in Regular Agenda Item No. 14. 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. 2014-73

15. ADOPT THE RESOLUTION FIXING THE COMPENSATION OF THE UTAH COUNTY JUSTICE COURT JUDGES FOR THE YEAR 2014 (Continued from the January 21, 2014 Commission meeting)

Commissioner Anderson summarized the purpose of this resolution to provide salary step increases to the Utah County Justice Court Judges, and voiced concerns. He acknowledged the view that the judges are entitled to the pay increase, and shared his opinion that they are not entitled. Commissioner Anderson explained that judges are red-lined, and therefore topped out at the top of their pay scales - county employees who reach that level are not eligible for increases.

Utah County Deputy Attorney Robert J. Moore noted that there is a state statute requiring that any increases for employees should also be extended to the judges. Commissioner Anderson repeated the statement about red-lined employees who do not receive increases, and Utah County Personnel Director Lana Jensen countered that judges are not

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at the top of their range as the other employees. Ms. Jensen clarified that the range is maximized at ninety percent of the District Court Judges, and Commissioner Anderson emphasized that the Justice Court Judges are at the top of the county range.

Commissioner Witney made the motion to adopt the resolution fixing the compensation of the Utah County Justice Court Judges for the Year 2014 as specified in Regular Agenda Item No. 15. The motion was seconded by Commissioner Ellertson and carried with the following vote:

**AYE: Larry A. Ellertson
Doug Witney**

NAY: Gary J. Anderson

RESOLUTION NO. 2014-12

- 16. ADOPT A RESOLUTION APPROVING AND AUTHORIZING THE RENEWAL OF UTAH COUNTY'S COMMITMENT TO THE MASTER LEASE AGREEMENT BETWEEN THE MUNICIPAL BUILDING AUTHORITY OF UTAH COUNTY UTAH, AS LESSOR, AND UTAH COUNTY, AS LESSEE, OF THE MOUNTAINLAND APPLIED TECHNOLOGY COLLEGE SPANISH FORK FACILITY FOR THE PERIOD FROM JANUARY 1, 2014 TO DECEMBER 31, 2014 (Continued from the January 21, 2014 Commission meeting)**

Utah County Civil Division Chief Deputy Attorney E. Kent Sundberg summarized the need to re-commit to the Master Lease Agreement with the Municipal Building Authority of Utah County on an annual basis, as delegated through the bond documents.

Commissioner Witney made the motion to adopt the resolution approving and authorizing the renewal of Utah County's Commitment to the Master Lease Agreement with the Municipal Building Authority of Utah County as detailed in Regular Agenda Item No. 16. The motion was seconded by Commissioner Ellertson and carried with the following vote:

**AYE: Gary J. Anderson
Larry A. Ellertson
Doug Witney**

NAY: None

RESOLUTION NO. 2014-13

The commissioners chose to address Regular Agenda Item Nos. 17 and 18 in tandem since they are directly related to each other.

- 17. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AMENDMENT TO AGREEMENT NO. 2013-186 WITH FAIRWAYS MEDIA INC. (Continued from the January 21, 2014 Commission meeting)**

CONTINUED TO FEBRUARY 4, 2014

- 18. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO EXECUTE AN AGREEMENT WITH FAIRWAYS MEDIA INC. FOR PUBLIC INFORMATION MANAGER SERVICES**

CONTINUED TO FEBRUARY 4, 2014

Utah County Civil Division Chief Deputy Attorney E. Kent Sundberg clarified that Regular Agenda Item No. 17 is for an amendment to the 2013 contract with Fairways Media Inc., whereas Regular Agenda Item No. 18 is a new agreement for 2014 services. Mr. Sundberg mentioned responsibilities were added throughout 2013 that required more funds, and Commissioner Ellertson suggested continuing both items for one week for further discussion.

Commissioner Ellertson made the motion to continue Regular Agenda Item Nos. 17 and 18 regarding an amendment to Agreement No. 2013-186, and an agreement with, Fairway Media Inc. to the February 4, 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**

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

**23. 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**

**25. 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 Witney made the motion to strike Regular Agenda Item Nos. 23 and 25 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 Ellertson and carried with the following vote:

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

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

SET

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

Commissioner Witney 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 Ellertson and carried with the following vote:

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

SET

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

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

SET

WORK SESSION

NO WORK SESSION ITEMS WERE SUBMITTED

PUBLIC COMMENTS

Utah County resident Clark Merkley thanked the Board of Commissioners and the Utah County Public Works Department in relation to the Provo River and Murdock Canal Trails. Mr. Merkley explained that he has been a long-time user of the trails, and considers them great assets to the community. He commended the expediency at which the county clears the paths of snow, and repairs any buckling asphalt from raised roots. Commissioner Anderson added accolades in regard to the Hobble Creek Trail; he credited Public Works Director Richard Nielson and his staff for wonderful work. Commissioner Ellertson also thanked Mr. Nielson for quickly responding to icy slope issues along underpasses.

Commissioner Anderson referenced the upcoming State of the Union address to be delivered that same night by United States President Barack Obama. Commissioner Anderson mentioned that he was discouraged to hear divisive and speculative reports on the radio, and is grateful to local colleagues and entities that work together for the good of the people. He expressed gratitude to live in Utah County and the State of Utah.

This concluded the public comment portion of the open meeting, and the commissioners chose to re-address Consent Agenda Item No. 1 at this point.

CONSENT AGENDA

1. APPROVE TAX CREDITS AND REFUNDS RECOMMENDED BY THE COUNTY ASSESSOR'S OFFICE IN CANCELLATION AND CORRECTION LETTER NO. 272, DATED JANUARY 17, 2014

Peter Jeppsen of the Utah County Assessor's Office clarified that a late appeal was submitted by an applicant owing \$190 in taxes. The Board of Commissioners approved a late appeal for said applicant through a Circuit Breaker abatement, which would have granted a \$360 credit for the taxes. Mr. Jeppsen also noted that the property is a residential mobile home, handled as personal property rather than a business account.

Commissioner Ellertson made the motion to strike the previous motion regarding this item (reference Page 4 of these minutes), and to approve the tax credits and refunds recommended by the County Assessor's Office in Cancellation and Correction Letter No. 272 as discussed in Consent Agenda Item No. 1 (this page). 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. 2014-70

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

This concluded the public comment and regular business portions of the open meeting, and the meeting recessed at 9:38 A.M. to go into closed meetings. The public meeting reconvened at 10:44 A.M.

Commissioner Ellertson made the motion to adjourn the January 28, 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 10:44 A.M. The minutes of the January 28, 2014 Commission Meeting were approved as transcribed on February 25, 2014.

GARY J. ANDERSON, Commission Chair

ATTEST:

BRYAN E. THOMPSON
Utah County Clerk/Auditor

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*Consent Agenda Item No. 1:

Though initially approved with exceptions, the commissioners returned to discussion of this item following the Public Comment portion of the meeting and before recessing into closed meetings. Further discussion led the Board to retract the previous motion, and instead approve the tax credits and refunds recommended by the County Assessor's Office in Cancellation and Correction Letter No. 272 by unanimous vote.