

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

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

ALSO PRESENT:

Jeffrey R. Buhman, Utah County Attorney	Jeff Smith, Utah County Recorder
E. Kent Sundberg, Civil Division Chief Attorney	Andrea Allen, Utah County Recorder's Office
David Shawcroft, Utah County Deputy Attorney	Mike Brower, Utah County Sheriff's Office
Robert J. Moore, Utah County Deputy Attorney	Darin Durfey, Utah County Sheriff's Office
Paul Jones, Utah County Deputy Attorney	Dalene Higgins, Utah County Sheriff's Office
Bryan E. Thompson, Utah County Clerk/Auditor	Matt Higley, Utah County Sheriff's Office
Julie Rollins, Utah County Purchasing Agent	Nancy Killian, Utah County Sheriff's Office
Kris Poulson, Utah County Assessor	Robert C. Kirk, Utah County Treasurer
Peter A. Jeppsen, Utah County Assessor's Office	Jason Allen, Utah State Parks and Recreation
Jim Stevens, Utah County Assessor's Office	Chris Haller, Utah State Parks and Recreation
Bryce Armstrong, Community Development	Larry Ballard, Utah County Resident
Peggy Kelsey, Community Development	Chris Ewwes, Ames Construction
Dr. Joseph K. Miner, Health Department Exec. Director	Heather Jackson, Utah County Resident
Jason Winward, Utah County Health Department	Johnny Reville, Lehi City Council
Richard Nance, Drug & Alcohol Prevention & Treatment	Mike Stansfield, Fairways Media
Richard Nielson, Utah County Public Works Director	Renée Huggins-Caron, Clerk/Auditor Admin. Assist.

Commissioner Anderson called the meeting to order at 9:06 A.M. and welcomed those present. The following matters were discussed:

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

PLEDGE OF ALLEGIANCE: Larry A. Ellertson, Utah County Commissioner

CONSENT AGENDA

- 1. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN THE XO COMMUNICATIONS CERTIFICATE OF EXEMPTION FROM FEDERAL EXCISE TAX FORMS**
- 2. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT WITH GENEVA ROCK PRODUCTS FOR HOT PLANT MIX ASPHALT**
- 3. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT WITH GRANITE CONSTRUCTION COMPANY FOR HOT PLANT MIX ASPHALT**
- 4. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT WITH STAKER & PARSON COMPANIES FOR HOT PLANT MIX ASPHALT**
- 5. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT WITH J. LYNE ROBERTS & SONS, INC. FOR REPAIR OF THE EXTERIOR INSULATION AND FINISH SYSTEM (EIFS) ON THE SECURITY CENTER**

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6. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN THE SUPPLEMENTAL LAW ENFORCEMENT CONTRACT WITH KRISHNA TEMPLE ON BEHALF OF THE "FESTIVAL OF COLORS" TO HAVE ELEVEN DEPUTIES SECURE KRISHNA TEMPLE LOCATED AT 8628 SOUTH STATE ROAD ON MARCH 29 AND 30, 2014

7. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN THE REIMBURSEMENT AND SETTLEMENT OF CLAIMS AGREEMENT WITH MR. KELLY SOBOTKA

The Board requested that Consent Agenda Item No. 7 be moved to the Regular Agenda for discussion.
PULLED TO REGULAR

8. APPROVE RELEASE OF LIEN RECORDED AGAINST PARCEL SERIAL NO. 06:041:0009 (AGREEMENT NO. 2013-357)

9. APPROVE PROPERTY TAX ACTIONS CONTAINED IN RECOMMENDATION LETTER NO. 2014-6
(Continued from the March 18, 2014 Commission meeting)

10. ADOPT A RESOLUTION APPROVING VOLUNTEERS WHO WISH TO DONATE THEIR SERVICES TO THE UTAH COUNTY HEALTH DEPARTMENT

11. APPROVE THE MINUTES OF THE MARCH 18, 2014 COMMISSION MEETING

12. RATIFICATION OF PAYROLL

Period 6 3 Checks: \$1,262.67 1,119 Total Deposits: \$1,409,794.00 Total: \$1,411,056.67
Federal Payroll Taxes Total: \$ 200,994.66

13. RATIFICATION OF WARRANT REGISTER SUMMARY

Register No. 334	March 17, 2014	Bond Wires:254-254	Total: \$	83,014.21
Register No. 335	March 17, 2014	Direct Deposit:19049-19051	Total: \$	146.41
Register No. 336	March 17, 2014	Purchasing Cards 1642-1642	Total: \$	15.99
Register No. 337	March 17, 2014	Purchasing Cards 1643-1673	Total: \$	6,986.83
Register No. 338	March 17, 2014	Check Nos. 192073-192074	Total: \$	1,003.27
Register No. 339	March 17, 2014	Check Nos. 192075-192158	Total: \$	160,383.69
Register No. 340	March 18, 2014	Direct Deposit:19052-19052	Total: \$	6,078.61
Register No. 341	March 18, 2014	Check Nos. 192159-192170	Total: \$	26,949.05
Register No. 342	March 19, 2014	Direct Deposit:19053-19053	Total: \$	1,997.30
Register No. 343	March 19, 2014	Check Nos. 192171-192191	Total: \$	171,329.24
Register No. 344	March 19, 2014	Check Nos. 192192-192258	Total: \$	2,628.00
Register No. 345	March 19, 2014	Check Nos. 192259-192260	Total: \$	64.15
Register No. 346	March 20, 2014	Direct Deposit:19054-19064	Total: \$	895,983.38
Register No. 347	March 20, 2014	Check Nos. 192261-192276	Total: \$	79,698.02
Register No. 348	March 20, 2014	Purchasing Cards 1674-1692	Total: \$	11,067.24
Register No. 349	March 20, 2014	Direct Deposit:19065-19075	Total: \$	16,652.64
Register No. 350	March 20, 2014	Check Nos. 192277-192311	Total: \$	336,420.81
Register No. 351	March 21, 2014	Purchasing Cards 1693-1693	Total: \$	20,419.84
Register No. 352	March 21, 2014	Direct Deposit:19076-19077	Total: \$	2,665.87
Register No. 353	March 21, 2014	Check Nos. 192312-192312	Total: \$	13,681.63
Register No. 354	March 21, 2014	Check Nos. 192313-192368	Total: \$	80,868.83
Register No. 355	March 21, 2014	Purchasing Cards 1694-1694	Total: \$	72,270.50
Register No. 356	March 21, 2014	Direct Deposit:19078-19096	Total: \$	17,019.93
Register No. 357	March 21, 2014	Check Nos. 192369-192427	Total: \$	204,317.14
			Total:	\$2,211,662.58

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Consent Agenda Item Nos. 1 through 6, and 8 through 13 were approved as written. Commissioner Anderson recommended the following Regular Agenda items be moved to Consent:

- 1. DECLARE AS SURPLUS A GLOCK MODEL17, SERIAL NO. WBW897, WITH AN ESTIMATED VALUE OF \$330.00 TO BE PRESENTED TO DEPUTY TIMOTHY ANDERSON FOR SERVING THE UTAH COUNTY SHERIFF'S OFFICE AND CITIZENS OF UTAH COUNTY**

The Board requested that this item be tabled for a vote until after closed meetings.

TABLED FOR FURTHER DISCUSSION

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

- 2. ADD ONE FULL-TIME CAREER SERVICE SUPERVISING ATTORNEY POSITION (CLASS CODE 2700, ACCOUNT 100-41451) TO THE STAFFING PLAN OF THE CRIMINAL DIVISION OF THE ATTORNEY'S OFFICE, DELETING ONE ATTORNEY IV POSITION (Continued from the March 18, 2014 Commission meeting)**

The Board requested that this item be tabled for a vote until after closed meetings.

TABLED FOR FURTHER DISCUSSION

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

- 3. APPROVE PARTIAL RELEASE OF COMPLIANCE AGREEMENT AND BOND FOR OPEN PIT MINING OPERATIONS (AGREEMENT NO. 2012-745) WITH AMES CONSTRUCTION, INC. AND AUTHORIZE THE COMMISSION CHAIR TO SIGN THE RELEASE LETTER FOR RECLAMATION ON PORTIONS OF PARCEL NOS. 28:020:0008 AND 28:020:0009; ORIGINAL SURETY BOND NO. 105798598 AMOUNT OF \$484,268.22 MAY BE REDUCED TO \$42,110.28**

The Board requested that this item be tabled for a vote until after closed meetings.

TABLED FOR FURTHER DISCUSSION

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

- 4. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN A MAINTENANCE AGREEMENT WITH CANON SOLUTIONS AMERICA FOR AN IRADV6075 COPIER, SERIAL NO. HTK10686 LOCATED IN THE RECORDER'S OFFICE**

- 5. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT WITH MARVELLOUS CATERING FOR THE ANNUAL EMPLOYEE APPRECIATION LUNCH TO BE HELD JUNE 5, 2014**

- 6. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN A CASH BOND AGREEMENT IN THE AMOUNT OF \$1,575.00 FOR THE L CARSON SUBDIVISION (Continued from the March 18, 2014 Commission meeting)**

The Board requested that Regular Agenda Item No. 6 be continued to the next meeting of the Board.

CONTINUED TO APRIL 1, 2014

- 7. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO EXECUTE AN AGREEMENT WITH CENTRO HISPANO FOR ITS 2014 FESTIVO LATINO AMERICANO**

- 8. ADOPT A RESOLUTION OF APPOINTMENTS OF JUD HARWARD AND KEN CONDIE TO THE SPRINGVILLE DRAINAGE DISTRICT BOARD OF TRUSTEES**

ACTIONS TAKEN

Consent Agenda Item Nos. 1 through 6 were approved and authorized; No. 7 was tabled for further discussion; Nos. 8, 9 and 11 were approved; No. 10 was adopted; and Nos. 12 and 13 were ratified. Regular Agenda Item Nos. 1, 2 and 3 were tabled for further discussion; Nos. 4, 5 and 7 were approved and authorized; No. 6 was continued to the April 1, 2014 meeting of the Board; and No. 8 was adopted.

AGREEMENT NOS.: 2014-193, 2014-194, 2014-195, 2014-196, 2014-197, 2014-198, 2014-199, 2014-200, 2014-201, 2014-202, 2014-203 and 2014-204

RESOLUTION NOS.: 2014-38 and 2014-39

REGULAR AGENDA

(PULLED FROM CONSENT)

7. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN THE REIMBURSEMENT AND SETTLEMENT OF CLAIMS AGREEMENT WITH MR. KELLY SOBOTKA

Utah County Deputy Attorney Paul Jones summarized Kelly Sobotka had purchased an all-terrain vehicle (ATV) through the county surplus website and spent an additional \$310.00 to repair it. When Commissioner Ellertson asked whether surplus items are sold "as is," Mr. Jones explained that they are, but the county had also made a representation that the ATV was in working condition. Utah County Public Works Director Richard Nielson clarified that the purchase price was \$2,600.00; this reimbursement agreement to Mr. Sobotka is for half the additional repair costs of \$155.00.

Commissioner Witney made the motion to approve the Reimbursement and Settlement of Claims Agreement with Mr. Kelly Sobotka as outlined 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. 2014-205

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

REGULAR AGENDA

13. 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 Witney made the motion to strike Regular Agenda Item No. 13 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 Ellertson and carried with the following vote:

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

STRICKEN

9. 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

10. 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

11. 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 Witney 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 Ellertson 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 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

1. UTAH STATE OFF-HIGHWAY VEHICLE (OHV) PROGRAM UPDATE FROM PROGRAM COORDINATOR CHRIS HALLER OF UTAH STATE PARKS

Utah County Public Works Director Richard Nielson introduced Chris Haller and Jason Allen of Utah State Parks and Recreation. Mr. Allen has been the Park Manager at Utah Lake State Park since June 2013. He spoke about the events conducted at the park, mentioning that there are approximately 280,000 visitors annually that generate \$350,000.00. There are several projects in the works, including parking lot expansion, beach expansion, and an improved concession area.

Commissioner Witney asked about mosquito problems in the area, and Jason Allen commented on the positive working relationship with the Utah County Mosquito Abatement staff. Midge flies are a problem that are being addressed to the best of reasonable ability. Commissioner Witney also asked about the impact of the upcoming Provo River Delta Project; Mr. Allen noted that the favorable dominant choice in flow control would have minimal impact, but there may be an effect on fishing. Commissioner Witney pointed out that housing situated near the Delta Project would not allow spraying for mosquitoes due to concerns over the endangered June Sucker fish. Mr. Allen, and Commissioners Ellertson and Anderson were surprised by this information; Mr. Allen stated he would contact individuals associated with the project for more information. The Board briefly discussed Mr. Allen's predecessor and the boating program.

Chris Haller came forward to thank the commissioners and county personnel. Commissioner Anderson recognized his accent, and Mr. Haller commented on his upbringing in Ohio. Mr. Haller is the Off-Highway Vehicle Coordinator, a strong program working with federal, county, and citizen-based partners to improve land use for all. He spoke about opportunities for economic development, recreation, and charitable events centered around Utah Lake. Commissioner Ellertson expressed appreciation for trail maintenance, and the Board exchanged contact information with the two representatives from Utah State Parks after thanking them for their presentation.

PUBLIC COMMENTS

Utah County resident Larry Ballard came forward to speak. Mr. Ballard spoke of a United States Geological Survey (USGS) study that indicates Phragmites may produce oils that help combat mosquito infestation. He also spoke about the authoritative scope of the Mountainland Association of Governments Metropolitan Planning Organization (MPO), legislative bodies compared to committees, and whether the MPO should be involved in the political arena. Mr. Ballard closed his comments by addressing a recent meeting involving Utah County mayors wherein information was presented and voted upon in the same night. He suggested allowing more time for review in future situations, and the commissioners thanked him for sharing.

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Utah County Public Works Director Richard Nielson showed an award presented to his department from The American Concrete Institute for 2014 Excellence in Concrete - Structures. The handsome plaque will be displayed in the Public Works Building in recognition of their work on the Murdock Canal Trail Project. The commissioners congratulated Mr. Nielson and his staff.

This concluded the public comment portion of the open meeting, and the meeting recessed at 9:35 A.M. to go into closed meetings. The public meeting reconvened at 11:00 A.M., and the commissioners returned to previously tabled Regular Agenda Item Nos. 1, 2 and 3 at this point.

REGULAR AGENDA

- 1. DECLARE AS SURPLUS A GLOCK MODEL17, SERIAL NO. WBW897, WITH AN ESTIMATED VALUE OF \$330.00 TO BE PRESENTED TO DEPUTY TIMOTHY ANDERSON FOR SERVING THE UTAH COUNTY SHERIFF'S OFFICE AND CITIZENS OF UTAH COUNTY**

Commissioner Ellertson made the motion to continue Regular Agenda Item No. 1 regarding the surplus declaration of a Glock to be presented to Deputy Timothy Anderson to the April 1, 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**

CONTINUED TO APRIL 1, 2014

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

- 2. ADD ONE FULL-TIME CAREER SERVICE SUPERVISING ATTORNEY POSITION (CLASS CODE 2700, ACCOUNT 100-41451) TO THE STAFFING PLAN OF THE CRIMINAL DIVISION OF THE ATTORNEY'S OFFICE, DELETING ONE ATTORNEY IV POSITION (*Continued from the March 18, 2014 Commission meeting*)**

Commissioner Witney made the motion to approve the addition of one full-time Career Service Supervising Attorney position and delete one Attorney IV position from the Staffing Plan of the Criminal Division of the Attorney's Office as detailed in Regular Agenda Item No. 2. The motion was seconded by Commissioner Ellertson and carried with the following vote:

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

APPROVED

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- 3. APPROVE PARTIAL RELEASE OF COMPLIANCE AGREEMENT AND BOND FOR OPEN PIT MINING OPERATIONS (AGREEMENT NO. 2012-745) WITH AMES CONSTRUCTION, INC. AND AUTHORIZE THE COMMISSION CHAIR TO SIGN THE RELEASE LETTER FOR RECLAMATION ON PORTIONS OF PARCEL NOS. 28:020:0008 AND 28:020:0009; ORIGINAL SURETY BOND NO. 105798598 AMOUNT OF \$484,268.22 MAY BE REDUCED TO \$42,110.28**

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Commissioner Witney made the motion to continue Regular Agenda Item No. 3 regarding the partial release of a Compliance Agreement and Bond for Open Pit Mining Operations with Ames Construction, Inc. to the April 8, 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 APRIL 8, 2014

*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 March 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 11:01 A.M. The minutes of the March 25, 2014 Commission Meeting were approved as transcribed on April 8, 2014.

GARY J. ANDERSON, Commission Chair

ATTEST:

BRYAN E. THOMPSON
Utah County Clerk/Auditor

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*Regular Agenda Item No. 1:

The commissioners addressed Regular Agenda Item No. 1 regarding the surplus declaration of a Glock to be presented to Deputy Timothy Anderson after the closed session meetings, and unanimously voted to continue discussion to the April 1, 2014 meeting of the Board.

*Regular Agenda Item No. 2:

The commissioners addressed Regular Agenda Item No. 2 regarding an addition to and deletion from the Staffing Plan of the Criminal Division of the Attorney's Office after the closed session meetings, and approved the item by unanimous vote.

*Regular Agenda Item No. 3:

The commissioners addressed Regular Agenda Item No. 3 regarding the partial release of a Compliance Agreement and Bond for Open Pit Mining Operations with Ames Construction, Inc. after the closed session meetings, and unanimously voted to continue discussion to the April 8, 2014 meeting of the Board.