

**BOARD OF UTAH COUNTY COMMISSIONERS, UTAH COUNTY, UTAH
MINUTES**

Tuesday, March 25, 1997

PRESENT: COMMISSIONER DAVID J. GARDNER, CHAIRMAN
COMMISSIONER GARY R. HERBERT, VICE-CHAIRMAN
COMMISSIONER JERRY D. GROVER

OTHERS PRESENT: Arlin V. Kuhni, County Clerk-Auditor
Kent Sundberg, Deputy County Attorney
Don Nay, County Engineer
Jeff Mendenhall, Planning Department
Brenda Cutler, Purchasing
Claude Richards, County Assessor
Randy Covington, County Recorder
Neil Peterson, Data Processing
Susan Shawgo
Valerie Clements
Lloyd W. Hone
Earl Holdaway
Ralph Sawyer, Oracle Corporation
Richard Smith, U.W.S.A.
Matt Brown, Hubble Engineering
Peter Staks, Saratoga Springs
Michael Dortch, Saratoga Springs

The public meeting of the Utah County Commission was called to order by Commissioner David J. Gardner at 9:00 a.m. in room 1400 of the Utah County Administration Building. The following matters were discussed:

**PUBLIC HEARING TO CONSIDER AMENDING AND INCREASING THE BUDGET IN
THE COUNTY'S GENERAL FUND**

There were no public comments. These were funds coming in from outside the county. The motion to close the public hearing was made by Commissioner Grover. It was seconded by Commissioner Herbert and carried by the following vote:

AYE: David J. Gardner
Gary R. Herbert
Jerry D. Grover

NAY: None

Consent Agenda

**1. AUTHORIZE THE PERSONNEL OFFICE'S STAFFING PLAN TO CHANGE BY
INCREASING THE OFFICE SPECIALIST II POSITION (JOB 006301) FROM 3/4 TIME TO
FULL TIME**

2. AUTHORIZE THAT JOB DESCRIPTION 003100, SECURITY ELECTRONICS SPECIALIST, AND JOB DESCRIPTION 003110, COMMUNICATIONS TECHNICIAN I, BE ADDED TO THE OFFICIAL UTAH COUNTY JOB DESCRIPTIONS

3. RATIFY THE COMMISSION CHAIRMAN'S SIGNATURE ON AGREEMENT BETWEEN UTAH COUNTY AND OMEGA INTERNATIONAL, INC.

4. APPROVE AND AUTHORIZE THE COMMISSION CHAIRMAN TO SIGN THE MAINTENANCE AGREEMENT WITH IKON OFFICE SOLUTIONS FOR THE PANASONIC FP252 COPIER LOCATED IN THE AGRICULTURE INSPECTION OFFICE

****Consent agenda item numbers one through four were unanimously approved, authorized and ratified.**

ATTACHED: Job Descriptions
Agreement Nos. 1997-79 and 1997-80

Regular Agenda

1. PRESENTATION BY THE UTAH COUNTY CENTENNIAL COMMITTEE TO UTAH COUNTY REGARDING THE 1996 UTAH STATEHOOD CENTENNIAL CELEBRATION

At the chair's prerogative and at the request of the Centennial Committee, this matter was continued until 11:30 a.m.

2. ADOPT RESOLUTION FOR THE PURPOSE OF INCREASING THE GENERAL FUND OF UTAH COUNTY

Commissioner Gardner listed the budget items which would be adjusted. The motion to adopt the resolution presented was made by Commissioner Herbert. It was seconded by Commissioner Grover and carried by the following vote:

AYE: David J. Gardner
Gary R. Herbert
Jerry D. Grover

NAY: None

ATTACHED: Resolution No. 1997-18

3. ADOPT RESOLUTION INCREASING THE BUDGET APPROPRIATION BALANCE OF SEVERAL DEPARTMENTAL BUDGETARY FUNDS OF UTAH COUNTY

Adjustments to the various funds were listed for those present. Commissioner Grover pointed out that the addition to the UCB budget was for events sponsorship and was not discretionary. Also, the appropriation increases for public works and capital improvements were for completion of the jail and warehouse, and possibly part of the emissions building. The final numbers had not been known until now. The motion to adopt the resolution presented was made by Commissioner Grover. It was seconded by Commissioner Herbert and carried by the following vote:

AYE: David J. Gardner
Gary R. Herbert
Jerry D. Grover

NAY: None

ATTACHED: Resolution No. 1997-19

4. ADOPT RESOLUTION OF APPOINTMENT TO THE UTAH COUNTY WEED CONTROL BOARD

There was discussion on the fact that a large portion of the remaining noxious weed problem was on federal lands and the need for coordination with them. The motion to adopt the resolution of appointment appointing Scott Holbrook to the Utah County Weed Control Board, to a term expiring December 31, 2000 was made by Commissioner Grover. The motion was seconded by Commissioner Herbert and carried by the following vote:

AYE: David J. Gardner

Gary R. Herbert

Jerry D. Grover

NAY: None

ATTACHED: Resolution No. 1997-20

5. APPROVE WORK ORDER AGREEMENT BETWEEN UTAH COUNTY AND FORSGREN ASSOCIATES, INC. AND AUTHORIZE THE COMMISSION CHAIRMAN TO EXECUTE THE SAME

This represented an agreement for preparation of a proposal and preliminary cost estimate for development of the Nordic Sports Park which the county was pursuing as an Olympic venue biathlon site. Commissioner Gardner stated that he felt there would be minimal impact on the canyon and be a great asset to the people of the county. Commissioner Herbert added that this not only provided an opportunity for the county to be involved in the Olympics, but also provided a legacy site and access to the canyons in a "pristine state," taking it out of development. The motion to approve the work order agreement as presented was made by Commissioner Herbert. It was seconded by Commissioner Grover and carried by the following vote:

AYE: David J. Gardner

Gary R. Herbert

Jerry D. Grover

NAY: None

ATTACHED: Agreement No. 1997-81

6. ADOPT RESOLUTION APPOINTING MEMBER TO THE ADVISORY BOARD OF THE UTAH COUNTY CHILDREN'S JUSTICE CENTER

Dr. Julie B. Clark-Sly had been recommended to fill the space left by Dr. Anderson. Commissioner Herbert made the motion to adopt the resolution appointing Dr. Julie B. Clark-Sly as a member of the Advisory Board of the Utah County Children's Justice Center to an unexpired term, with the term expiration date of Dr. Anderson's term to be filled in by Mr. Sundberg. The motion was seconded by Commissioner Grover and carried by the following vote:

AYE: David J. Gardner

Gary R. Herbert

Jerry D. Grover

NAY: None

ATTACHED: Resolution No. 1997-21

7. APPROVE SITE PLAN FOR LOT 402, SARATOGA SPRINGS PUD, SHEET NO. 4, WHICH INCLUDES 72 BUILDING SITES, AND ACCEPT IMPROVEMENT BOND IN THE AMOUNT OF \$407,250.87

8. APPROVE SITE PLAN FOR LOT 403, SARATOGA SPRINGS PUD, SHEET NO. 4, WHICH INCLUDES 43 BUILDING SITES, AND ACCEPT IMPROVEMENT BOND IN THE AMOUNT OF \$269,392.40

Jeff Mendenhall introduced the Saratoga Springs matters, stating that they had met all the requirements of the planning commission. Peter Staks, Saratoga Springs, explained that since these site plans were discussed in work session, there had been two additional meetings, one with Lehi City, in order to "make every effort to meet their technical requirements." Commissioner Gardner read a letter from Matt Brown, Lehi City Office Manager, which itemized the additional changes they required. All drives were to be increased from 20' to 24', area of Units 15 and 16 were to be flattened to a 95' radius curve, private drives of Units 45 and 46 were to extend to provide through access to Units 38 and 48, private drives on Units 63 and 68 were to be modified for large turn-a-round area, private drive near the RV park was to be modified to more clearly indicate a through drive, all utilities were to be put in right-of-way or easements, private drives near Units 1 and 2 were to be extended on Saratoga Drive, construction of lake front town homes was to be modified to comply with Lehi City construction specs, cul-de-sac was to be increased from 50' to 66' diameter, sewer grades were to be modified to at least .4% in grade, water and irrigation lines were to be moved to the same side of the road, existing 18" sewer lines were to be shown on plats, and private drive was to be increased from 20' of asphalt to 26'. Mr. Staks reported that these changes had already been completed and incorporated into the site plans. Board members reviewed the modified plats. It was Mr. Mendenhall's feeling that the changes did not interfere with any county requirements, they simply increased the standards. Commissioner Gardner stated, in fairness to Lehi City who did not have a representative in attendance, their (Lehi City's) last official word had been to ask the county not to approve any changes until the annexation agreement had been completed. Commissioner Grover pointed out that these were site plans, specifying configuration only, and the number of units had already been approved by the board. Also, he agreed that the county was not in the municipal business, and that was why the developers had been asked to seek annexation or incorporation. He stated that there was a special service district which would provide at least a portion of municipal services, and that he was willing to approve these site plans, subject to the open space issue, based on the developers doing "in good faith" what had been asked of them. Commissioner Herbert concurred, saying that in the four years since this had first been brought before the board, there had been little opposition. All objections raised by Lehi City had been answered, and since there had been no others since the last meeting, he was prepared to support the motion to approve. The motion to approve the site plan for Lot 402, Saratoga Springs PUD, Sheet No. 4, including 72 building sites, and accept the improvement bond in the amount of \$407,250.87, subject to noting the common or open space area on the map was made by Commissioner Grover. It was seconded by Commissioner Herbert. After the chair called for additional comment, Mr. Richard Smith asked Commissioner Herbert why he thought it was in the best interest of Lehi to annex this development. Commissioner Herbert answered, saying the area had tremendous residential and commercial development potential, and Lehi City could broaden their tax base and improve opportunities for residential construction. Commissioner Grover also commented, saying that the decision to annex or not was Lehi City's, but the board had attempted to insure compatibility with Lehi's standards should they decide to annex. The area was in their annexation

declaration policy, he added. There was no other discussion. The motion was then carried by the following vote:

AYE: David J. Gardner
Gary R. Herbert
Jerry D. Grover

NAY: None
ATTACHMENT

The motion to approve the site plan for Lot 403, Saratoga Springs PUD, Sheet No. 4, including 43 building sites, and accept the improvement bond in the amount of \$269,392.40, subject to noting the common or open space area on the map was made by Commissioner Herbert. It was seconded by Commissioner Grover and carried by the following vote:

AYE: David J. Gardner
Gary R. Herbert
Jerry D. Grover

NAY: None
ATTACHMENT

9. SET DATE AND TIME FOR A PUBLIC HEARING TO AMEND THE CE-1 ZONE OF THE UTAH COUNTY ZONING ORDINANCE TO ALLOW SKI FACILITIES AS A PERMITTED CONDITIONAL USE

Mr. Mendenhall stated that the planning commission recommended that this amendment be made after several months of receiving public input. This was basically to allow lifts, runs and an operator's "shack" or similar structure, anywhere an existing facility could expand into the CE-1 zone without changing the zone. Mr. Mendenhall told the board that there was a large amount of public input expected so that they could schedule accordingly. Commissioner Herbert made the motion to set Tuesday, April 22, 1997 at 5:30 p.m. as the date and time for the proposed public hearing. An order calling for the special meeting would be prepared by the attorney's office. The motion was seconded by Commissioner Grover. Mr. Mendenhall commented, stating that the planning commission had changed the original application slightly to a permitted conditional use, not just a permitted use. Commissioner Herbert amended his motion to allow consideration or discussion of both uses at the public hearing. Commissioner Grover seconded the amended motion and it carried by the following vote:

AYE: David J. Gardner
Gary R. Herbert
Jerry D. Grover

NAY: None

10. APPROVE AND AUTHORIZE THE COMMISSION CHAIRMAN TO SIGN THE BOND AGREEMENT WITH STAKER PAVING COMPANY

Mr. Mendenhall explained that this was a bond in the amount of \$41,760.00 for a gravel pit operation. Copies of Exhibit A had not been submitted to the board members. The motion to continue the matter to the April 1 regular agenda for further consideration was made by Commissioner Herbert. It was seconded by Commissioner Grover and carried by the following vote:

AYE: David J. Gardner
 Gary R. Herbert
 Jerry D. Grover

NAY: None

After discussion, the chair recommended that this matter be placed on the March 26 evening meeting's consent agenda with submission of Exhibit A. Commissioner Herbert made an amended motion to continue the matter to the March 26 consent agenda as recommended. The amended motion was seconded by Commissioner Grover and carried by the following vote:

AYE: David J. Gardner
 Gary R. Herbert
 Jerry D. Grover

NAY: None

11. APPROVE AND AUTHORIZE THE COMMISSION CHAIRMAN TO SIGN THE CONTRACT WITH ORACLE CORPORATION FOR ACQUISITION OF OPEN SYSTEMS DATABASE SOFTWARE COMPONENTS

Neil Peterson explained that the changes discussed in work session had been made. The effective date (for signing) had been extended through tomorrow, March 26, 1997. Also, as recommended by Commissioner Grover, the technical support portion of the contract had been changed. Previously, the fee was set at \$36,345.00 which represented three quarters of the first year. Thereafter, it would have gone to the annual rate of \$48,460.00 adjusted by whatever market conditions Oracle used. Historically, that had been in the 4% to 7% per year range. Now, however, the contract included a "ramped-up" support designed for customers changing from old technology, ramping the support from a lower rate to a market rate over a period of five years. The buy-in for 1997 would be \$22,000.00 and the prices would be locked in through the year 2001. Based on historical market conditions, this would save the county approximately \$20,000. The motion to approve and authorize the commission chairman to sign the contract as presented was made by Commissioner Grover. It was seconded by Commissioner Herbert and carried by the following vote:

AYE: David J. Gardner
 Gary R. Herbert
 Jerry D. Grover

NAY: None

ATTACHED: Agreement No. 1997-82

12. APPROVE MODIFICATION OF UTAH COUNTY DEPARTMENT OF PUBLIC WORKS LAND USE CONTRACT

David Shawcroft explained that this modification would reduce the listing price from \$399,000 to \$369,000 in an attempt to generate more interest in the property. No offers had been received during the year this property had been on the market. The federal highway officials had approved this dollar amount reduction. Commissioner Herbert asked that Mr. Shawcroft request the realtor or listing agent to meet periodically with the board to update them on any activity in connection with this property. The motion to approve the modification presented was made by Commissioner Herbert. It was seconded by Commissioner Grover and carried by the following vote:

AYE: David J. Gardner
 Gary R. Herbert
 Jerry D. Grover

NAY: None

ATTACHED: Agreement No. 1997-83

13. SET DATE AND TIME FOR A CLOSED MEETING TO DISCUSS PENDING OR REASONABLY IMMINENT LITIGATION

The motion to set Tuesday, March 25, 1997 immediately following the regularly scheduled commission meeting as the date and time for the proposed meeting was made by Commissioner Herbert. It was seconded by Commissioner Grover and carried by the following vote:

AYE: David J. Gardner
 Gary R. Herbert
 Jerry D. Grover

NAY: None

14. AUTHORIZE THE COUNTY CLERK TO SIGN A QUIT CLAIM DEED FROM UTAH COUNTY TO MAURINE D. CHILDS FOR 0.179 ACRE OF PROPERTY LOCATED AT THE CORNER OF 800 NORTH 1600 WEST IN MAPLETON

Clyde Naylor was out of town and had intended that this matter be placed on the April 1 agenda. The motion to continue the matter until the April 1 regular agenda was made by Commissioner Grover. It was seconded by Commissioner Herbert and carried by the following vote:

AYE: David J. Gardner
 Gary R. Herbert
 Jerry D. Grover

NAY: None

15. AUTHORIZE SURPLUS AND RELEASE FOR SALE AT PUBLIC AUCTION OF 1986 BUICK, SERIAL #1G4AH19XXGT44D475, AND 1988 TOYOTA, SERIAL #JT4RN63A3J5D47219

Dr. Miner explained that these vehicles had served their usefulness in monitoring the emissions inspection process. The motion to authorize the surplus and release for sale at public auction of the vehicles presented was made by Commissioner Grover. It was seconded by Commissioner Herbert and carried by the following vote:

AYE: David J. Gardner
 Gary R. Herbert
 Jerry D. Grover

NAY: None

16. APPROVE AND AUTHORIZE DR. MINER TO SIGN THE AGREEMENT WITH THE UNIVERSITY OF UTAH PROVIDING FOR COOPERATION BETWEEN THE COLLEGE OF NURSING AND UCHD TO PROVIDE LEARNING EXPERIENCES FOR STUDENTS OF THE COLLEGE OF NURSING (COMMUNITY HEALTH PROGRAM)

Dr. Miner explained that this program was used by several schools for their students residing within

the county. He told the board that there was no cost or risk to the county. The motion to approve and authorize Dr. Miner to sign the agreement as presented was made by Commissioner Grover. It was seconded by Commissioner Herbert and carried by the following vote:

AYE: David J. Gardner
Gary R. Herbert
Jerry D. Grover

NAY: None
ATTACHED: Agreement No. 1997-84

17. APPROVE AND AUTHORIZE DR. MINER TO SIGN THE AGREEMENT WITH DR. ELISABETH E. ADDERSON, INDEPENDENT CONTRACTOR (LECTURER) FOR MERCK PHARMACEUTICAL COMPANY, FOR EDUCATION LECTURE DURING IMMUNIZATION CONFERENCE

In connection with their annual immunization conference, the County Health Department had made arrangements with Merck Pharmaceutical to have Dr. Adderson speak. Merck had made a donation to the Health Department, a portion of which would be used to compensate Dr. Adderson. Mr. Sundberg asked if the changes noted by Mr. Brady had been made. Dr. Miner indicated that they had. Mr. Sundberg listed them for the board, and Commissioner Gardner noted two other modifications. The motion to approve and authorize Dr. Miner to sign the agreement presented with the referenced changes was made by Commissioner Grover. It was seconded by Commissioner Herbert and carried by the following vote:

AYE: David J. Gardner
Gary R. Herbert
Jerry D. Grover

NAY: None
ATTACHED: Agreement No. 1997-85

18. SET DATE AND TIME FOR A CLOSED MEETING TO DISCUSS THE CHARACTER, PROFESSIONAL COMPETENCE, OR PHYSICAL OR MENTAL HEALTH OF AN INDIVIDUAL OR INDIVIDUALS

The motion to set Tuesday, March 25, 1997 immediately following the already scheduled closed meeting as the date and time for the proposed meeting was made by Commissioner Herbert. It was seconded by Commissioner Grover and carried by the following vote:

AYE: David J. Gardner
Gary R. Herbert
Jerry D. Grover

NAY: None

19. APPROVAL OF PERSONNEL ACTIONS

Roll was called for approval of the Notice of Personnel Actions, originating 3/20/97, which had been reviewed by the board and approved by the following vote:

AYE: David J. Gardner
Gary R. Herbert
Jerry D. Grover

NAY: None

ATTACHED: Notice of Personnel Actions

20. APPROVAL OF CHECK/WARRANT REGISTER

Roll was called for approval of the check/warrant register dated 3/20/97, #032586-#032922, total amount \$282,653.83 which had been reviewed by the board and approved for payment by the following vote:

AYE: David J. Gardner
Gary R. Herbert
Jerry D. Grover

NAY: None

THE MEETING RECESSED TO WORK SESSION TO DISCUSS THE FOLLOWING MATTERS:

1. CONSIDER REQUEST FROM THE UTAH STATE UNIVERSITY EXTENSION OFFICE TO ALLOW THE USE OF THE HISTORIC COUNTY COURTHOUSE ROTUNDA AND BALLROOM ON JUNE 13, 1997 IN CONJUNCTION WITH URBAN CONSERVATION FIELD DAY

Commissioner Gardner recommended acting as a sponsor to this event and waiving rental fees in connection with that. Commissioner Grover asked that special attention be given to preserving the grounds as some damage had occurred last year and also recommended that this be included in the annual extension agreement next year. Kent Sundberg stated that he would prepare the agreement to be signed. The matter was referred to the April 1 regular agenda.

2. APPROVE (OR DENY) ZONE TEXT AMENDMENT TO SECTION 1-6-C TO ALLOW THE EXPANSION OF CHURCHES OR RELIGIOUS STRUCTURES THAT EXIST ON NONCONFORMING LOTS AND SECTION 3-21-D TO EXPAND THE REQUIREMENT FOR REQUIRED PLOT PLANS

Mr. Mendenhall explained that there were several churches in the unincorporated area of the county, many on less ground than the 2 acres required currently. Because some churches were desiring expansion, the planning commission had recommended amendments to the section on non-conforming uses and the section dealing with plot plans. The amendments would allow expansion if fire and other building codes were met, and show landscaping plans as part of the expansion. There was some discussion on the whether the planning commission had intended the original request to be handled as a nonconforming or conditional use. Kent Sundberg advised that the tape for that particular planning commission meeting be checked. The minutes indicated that Mr. Ferguson's motion was for "conditional use" which could not be handled administratively. Mr. Mendenhall agreed to check the tape. The matter was stricken from the agenda. It was to be brought back by Mr. Mendenhall after clarification was made on whether conditional or nonconforming was intended and in a form to set date and time for public hearing.

3. APPROVE (OR DENY) THE DAVIS ACRES SUBDIVISION, PLAT "A" AMENDED, THREE LOTS IN THE A-1 ZONE, NO DEDICATION OF ROADS OR IMPROVEMENT

BOND REQUIRED

Mr. Mendenhall explained that this existing subdivision was originally three lots, and all three lots had homes built on them. Lots two and three were amended to be reduced in area to approximately five acres, maintaining their frontage, and eliminating some of the land to the rear of the lots. The matter was referred to the March 26 regular agenda.

4. APPROVE (OR DENY) THE STAR HAVEN SUBDIVISION, PLAT "A," TWO LOTS IN THE A-1 ZONE, SECTION 15, T5S, R1W, WITH NO ROAD DEDICATION REQUIRED, AND ACCEPTANCE OF AN IMPROVEMENT BOND OF \$956.00

Mr. Mendenhall stated that this two-lot subdivision had been recommended for approval by the planning commission. All conditions had been met with the exception of one signature, which was needed. Commissioner Gardner noted that these residents needed to change greenbelt information immediately in order to maintain that status. The matter was referred to the March 26 regular agenda.

5. CONSIDER REQUEST FOR REFUND OR DEDUCTION OF PROPERTY TAXES ERRONEOUSLY OR ILLEGALLY ASSESSED OR PAID MORE THAN ONCE FOR SUSAN WHEELER SHAWGO (34:046:0010)

Susan Shawgo told the board that she had paid her property taxes on time, but the check had never cleared the bank. The board members had reviewed copies of her check register and concurred that the penalty amount of \$10.41 should be waived. The matter was referred to the March 26 consent agenda with an indication of approval (in part) and waiver the penalty portion.

Ms. Shawgo was referred to Karen Jordan to make payment of the balance.

6. CONSIDER REQUEST FOR SETTLEMENT OR DEFERRAL OF PROPERTY TAXES FOR LLOYD W. HONE (14:053:0020)

Lloyd Hone stated that delinquent personal property taxes, from a business which he had co-owned, had been added to his mother's real property tax. He wanted to have them removed and divided between himself and the other owner's survivors. He explained details of the wood shop business operation, the death of the other owner (his brother) and the ensuing trouble with his sister-in-law which included a court decision. Claude Richards stated that the business (personal) property was located at the real property address which had been attached, and Mr. Hone was listed as an owner of that real property. Mr. Hone said that he became an owner in 1994. Pam Stowe stated that it was attached to the real estate in 1994 with an additional assessment letter mailed out in July of that year stating that it had been done. Mr. Hone felt that it been attached in 1993, and he argued that the personal property was being taxed as a business, even though business ceased in 1989. He said that the court had determined he had ownership of the property, and his sister-in-law had a claim on it. Ms. Stowe verified that personal property affidavits had been received each year but a closing affidavit, which she mailed out, had not been received back from Mr. Hone. Mr. Hone's sister-in-law had signed them in 1994, 1995 and 1996, and Mr. Hone had signed them for 1997 and 1998. Mr. Richards clarified that even if business equipment was not being used in a business, it could still be taxed as such. He said that his office had requested a copy of the judge's decision for this case in an attempt to determine who owned what, but Mr. Hone had not provided that information. Finally, according to code, the property was secured by attachment. Mardene Barker reported that Mr. Hone's sister-in-law had filed and paid personal property taxes in 1995 and 1996 up to the date of the judge's decision. Mr. Hone said that he had paid taxes on the equipment he had. After further discussion, Commissioner Grover felt that more information was needed on the legal issues of whether taxes could still be assessed on property owned by a closed business and also whether Mr. Hone's sister-in-law was liable for property tax when she was exerting control of the property. David Shawcroft advised the board members that he felt the assessor had made a legal attachment and that this was an

issue of ownership, not control of the property. Mr. Richards asked Mr. Hone when the county could expect payment. He explained that if the attachment was removed, the personal property could be seized. Mr. Hone stated that he wanted his attorney to work out the details on this matter. Commissioner Gardner explained details of the closing affidavit form which Mr. Hone would need to complete and the decision process for this agenda request. The matter was referred to the April 1 regular agenda.

7. CONSIDER REQUEST FOR SETTLEMENT OR DEFERRAL OF PROPERTY TAXES FOR MICHAEL, MARGARET ANN, AND EARL G. HOLDAWAY (18:006:0004)

Mr. Earl Holdaway explained that property taxes were included in the mortgage payment when this property (a bowling alley) was purchased. Later, when the mortgage holder came under new ownership, the taxes were not included, although Mr. Holdaway assumed that they were. He had made a \$12,440 payment and was asking for waiver of the interest amount. The board members could find no error on the part of the county. The tax notices, listing delinquencies, had been mailed every year to the address Mrs. Holdaway had specified. When Mr. Holdaway explained that his payment amount had remained the same, Mr. Sundberg advised him to check with the bank to see if his principal amount had been reduced more than he realized or if the taxes were in some type of escrow account. Commissioner Gardner explained that a deferral of the interest amount could be considered if the matter was not resolved at the bank. Karen Jordan said the interest amount outstanding was now \$2,656.60. The matter was referred to the April 1 regular agenda.

8. CONSIDER REQUEST FOR SETTLEMENT OR DEFERRAL OF PROPERTY TAXES FOR MORGAN D. AND MARGENE FORBUSH (27:011:0015)

Valerie Forbush, Mrs. Forbush's daughter, explained that her mother was terminally ill with less than six months to live. Her father was also very ill, and they were on a fixed income. Ms. Forbush was told about the abatement available in situations such as this, and Mr. Shawcroft explained that a deferral needed to be in place before an abatement could be granted. Commissioner Gardner explained that, under a deferral agreement, the Forbush's payment of \$800 would be applied to the amount due, a deferral of the balance would be granted under Section 59-2-1347, and future tax liability would be less, with the abatement in place. The deferred amount would be payable at the time the property was sold or changed hands, and the Forbushs would not have to leave their home. The matter was referred to the April 1 regular agenda.

9. CONSIDER REQUEST FOR SETTLEMENT OR DEFERRAL OF PROPERTY TAXES FOR CARL A. JACOBSON (21:048:0032)

Mr. Jacobson was not in attendance. Randy Covington stated that this property was quit-claimed to Mr. Jacobson on March 12, 1997. He explained that this was a small piece of property which had been left over on a sale. Although it should have been left in the former owner's name, it was inadvertently conveyed to the owner of the larger piece. Consequently, the wrong people were noticed through the years. He recommended waiving the penalty portion since the county was in error in notifying the wrong people of taxes due. The matter was referred to the March 26 regular agenda.

At the chair's prerogative, the meeting moved back into regular session, item number one.

Mr. Val Killian thanked the board for the opportunity the Centennial Committee had been given to make friends, donate hours and contribute "in the way of legacy" to the county. Commissioner Herbert commended and thanked the committee members and the other board members concurred. Commissioner Grover pointed out that the legacy projects represented a good "balance." James Young also expressed thanks for the commission's support. A standing ovation was given to the Centennial Committee after which the meeting recessed to the south entrance of the Utah County

Administration Building for unveiling the plaque presented to Utah County by the Centennial Committee.

PUBLIC COMMENTS

Shirrel Young asked if the Utah County Community Development Department was a department within the county. When told that it was, he asked why it was not listed on business cards as such. He questioned how Shirley Englund could be administrative assistant to Mr. Mendenhall as well as secretary to the Board of Adjustment.

As there were no further matters to be discussed and no other public comments, the meeting was adjourned.

Minutes of the commission meeting held on March 25, 1997 read and approved.

David J. Gardner, Chairman
UTAH COUNTY COMMISSION

ATTEST:
Arlin V. Kuhni
UTAH COUNTY CLERK-AUDITOR

ATTACHMENTS
COPIES AVAILABLE UPON REQUEST
REPORTED BY: Lee Ann Orton