

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

**Tuesday, April 29, 1997**

---

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

OTHERS PRESENT: Arlin V. Kuhni, County Clerk-Auditor  
Kent Sundberg, Deputy County Attorney  
Clyde Naylor, County Engineer  
Jeff Mendenhall, Planning Department  
Brenda Cutler, Purchasing  
David Bateman, County Sheriff  
Francine Christensen, Utah County Fair  
Curtis Beverly  
Mrs. Curtis Beverly  
Kenny Seng, Kenny Seng Construction  
Karen Napier, Kenny Seng Construction  
Bob Pruitt III, Pruitt, Gushee & Bachtell  
Bob Bonar, Snowbird  
Ed Ditmar  
Donald Yarrington  
JoAnn Givan  
Dick Hill  
Robert O. Bills, Snowbird  
Carol Bills, Snowbird  
Maxine Bounous, Snowbird  
Junior Bounous, Snowbird  
Jon Roberts, Lake Mountain Estates  
Matt King, Lake Mountain Estates  
Nancy G. Thaeson, Snowbird  
Josephine Zimmerman, Reporter, The Daily Herald

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:

Commissioner Herbert was excused from the meeting.

**PUBLIC HEARING TO DISCUSS CDBG PROJECT FOR 1997-98**

Commissioner Gardner identified the proposed CDBG project as the purchase and installation of an 800 megahertz repeater system to be installed on Lake Mountain and also the purchase of mobile radios to be used in safety vehicles. The amount of money received was \$25,000. He invited any public comment or question. Being none, the motion to close the public hearing was made by Commissioner Grover. It was seconded by Commissioner Gardner and carried by the following vote:

AYE: David J. Gardner  
Jerry D. Grover

NAY: None

### **Consent Agenda**

**APPROVE BLANEY SHADOW MOUNTAIN ESTATES SUBDIVISION, PLAT "A" AMENDED, WITH NO BOND OR ROAD DEDICATION REQUIRED**

**APPROVE AND AUTHORIZE THE COMMISSION CHAIRMAN TO SIGN AGREEMENT WITH JILL SABIN TO PROVIDE AND CONDUCT PARENT EDUCATION GROUP SESSIONS**

**\*\*Consent agenda item numbers one and two were unanimously approved and authorized.**  
ATTACHED: Agreement No. 1997-129

**1. APPROVE AGREEMENT BETWEEN UTAH COUNTY AND THE UTAH COUNTY JOURNAL, AND AUTHORIZE THE COMMISSION CHAIRMAN TO EXECUTE THE SAME**

**2. ADOPT THE SUBSTANCE ABUSE AREA PLAN FOR 1998**

**APPROVE AND AUTHORIZE THE COMMISSION CHAIRMAN TO SIGN MAINTENANCE AGREEMENTS WITH IKON OFFICE SOLUTIONS FOR CANON FX270 FAX MACHINE IN BOOKING, CANON 3050 COPY MACHINE IN THE ADMINISTRATIVE OFFICES AND CANON 3050 COPY MACHINE IN THE CONTROL ROOM AT THE UTAH COUNTY JAIL**

**7. APPROVE AND AUTHORIZE THE COMMISSION CHAIRMAN TO EXECUTE AN AGREEMENT BETWEEN UTAH COUNTY AND FRANCINE CHRISTENSEN, PAGEANT DIRECTOR, FOR THE SPONSORSHIP OF THE MISS UTAH COUNTY PAGEANT**

**\*\*Regular agenda item numbers one, two, three and seven were also unanimously adopted, approved and authorized by consent.**

**ATTACHED: Agreement Nos. 1997-130 through 1997-134  
Substance Abuse Area Plan for 1998  
Attachment**

### **Regular Agenda**

**APPROVE AND AUTHORIZE THE COMMISSION CHAIRMAN TO SIGN A RENEWAL OF BOND ESCROW AGREEMENT WITH THE REORGANIZED FIVE STAR FINANCIAL COMPANY IN THE AMOUNT OF \$41,653.00**

Tracy McDonald answered Commissioner Gardner's questions, explaining that they (the McDonalds) were now the principal, and Five Star would remain as the issuer of the bond, the bond was intended to cover water lines and roads, and the amount was probably not sufficient to provide the infrastructure it was supposed to cover. Mr. Naylor said that the roads were basically there and some of the water lines were in, although they had not been tested, but it was difficult to determine how much would be needed to complete the improvements. Commissioner Grover stated that, although it

was understood that the McDonalds were not planning to continue with the development as it was currently platted, the plat still existed, was legally binding, and the responsibility to complete the improvements still remained. Mrs. McDonald explained that there were circumstances and negotiations involving Deseret Trust which resulted in the bond amount. Now, she said, she and her husband saw themselves more as property owners than as developers. They understood that they would risk forfeiting the bond if they did not perform, but they were not sure it was feasible to do so because of the "economics of that situation" and the fact that there was no water source. Commissioner Grover said that he was not willing to renew a bond in an insufficient amount. Either the plat would have to be changed to reflect different improvements or the bond amount would have to be increased, based on an analysis of what would be necessary. Mr. Naylor pointed out that the county already had the cash amount for this bond. Mr. McDonald explained that the previous owner had tried to buy all the lots in this subdivision to resolve its many problems, among them the fact that it "did not even close." Under current ordinances, this subdivision could not be developed. Although the McDonalds now owned 27 of the 41 lots, they were faced with a stalemate, as some owners still expected the improvements to be completed. Mr. Naylor listed the original improvements which were intended to be covered by the bond and said that the bond amount was probably sufficient to complete them, although he thought it was "unwise" to do so. Mr. McDonald added that standards, especially for water systems, were more stringent now. Ms. McDonald told the board that they were in the process of platting the ground below "B," and if that works out....it could make economic sense for us to go in and work on Plat "B." After several questions were raised regarding the original approval of this plat and division of responsibilities both initially and currently, the board and the McDonalds agreed that further review of the matter was necessary. Commissioner Grover made the motion to continue the matter for two weeks, to the May 13 regular agenda with the intention of holding a meeting in the interim. Names of attendees for that meeting were McDonalds, the county engineer, any original developers (if they were available,) and representatives from Five Star, Community Development (Mr. Rose's name was recommended) and the County Commission. The motion was seconded by Commissioner Gardner and carried by the following vote:

**AYE: David J. Gardner  
Jerry D. Grover**

**NAY: None**

**APPROVE AND AUTHORIZE THE COMMISSION CHAIRMAN TO SIGN AN AGREEMENT WITH LINDA CLARK TO RECRUIT BUSINESSES' PURCHASING OF BOOTHS IN THE 1997 UTAH COUNTY FAIR FOR THE AMOUNT OF \$6,000.00**

As discussed in work session, this agreement had been redrafted by the attorney's office. The new base amount was listed as \$5,000 with an additional 10% of monies from booth rental and 10% of all cash donations which were directly attributable to the independent contractor. Francine Christensen explained that Ms. Clark did all the advertising as well as many other duties. She felt this amount was "good incentive" but "not exorbitant." The motion to approve and authorize the commission chairman to sign the revised agreement with Linda Clark was made by Commissioner Grover. It was seconded by Commissioner Gardner and carried by the following vote:

**AYE: David J. Gardner  
Jerry D. Grover**

**NAY: None**

**ATTACHED: Agreement No.1997-135**

**APPROVE AND AUTHORIZE THE COMMISSION CHAIRMAN TO SIGN AN AGREEMENT WITH STEVE MONEY TO PROVIDE SET-UP AND TAKE-DOWN OF THE FAIR GROUNDS AND DIRECT THE BUCKAROO RODEO FINALS AT THE 1997 UTAH COUNTY FAIR FOR THE AMOUNT OF \$6,000.00**

Commissioner Gardner reported that he had met with Mr. Money and learned that the Buckaroo Rodeo was not an independent franchised organization. Also, Mr. Sundberg reported that, after checking with the county's insurance broker, a rider would be needed to cover this activity. After discussion regarding set-up and take-down assistance, Mr. Sundberg concurred with the board members that those workers should be seasonal county employees. In reference to "2B," he recommended changing the language to read "...provide two Utah County employees for three weeks, if needed, to assist independent contractor in the set-up and take-down of the county fair. County will not provide additional funds for additional Utah County employees or employees of independent contractor." The motion to approve and authorize the commission chairman to sign the agreement presented, with the modification recommended, was made by Commissioner Grover. It was seconded by Commissioner Gardner and carried by the following vote:

**AYE: David J. Gardner  
Jerry D. Grover**

**NAY: None  
ATTACHED: Agreement No. 1997-136**

**8. APPROVE (OR DENY) AMENDMENT TO LAKE MOUNTAIN ESTATES, PLAT "A"**

Jon Roberts presented a corrected plat map to the board, saying that the engineer had better defined that the easement in question was part of Lot #16. Lot #57 was part of the open area. He stated that those who had prescriptive easement would retain it and lot owners understood that. There was discussion on the addition of stop signs at the intersection of Lake Mountain Drive.

Kenny Seng, Kenny Seng Construction, stated that the current prescriptive easement was in the same basic location as the recorded easement. Two landowners "below" the development used the recorded easement, but above that, he said, was the one which he used in conjunction with Curtis Beverly's gravel pit. He wanted only to retain the right to use the prescriptive easement to that road.

Commissioner Gardner explained that this plat would not affect the road discussion. Mr. Seng stated that his issues had been addressed and reiterated that his main concern was to see that nothing which "had been used over the years" was disapproved. Commissioner Grover made the motion to approve the amendment to Lake Mountain Estates, Plat "A," on the current plat as so shown and with one added condition - that stop signs be placed or traffic control measures be taken at the intersection of Lake Mountain Drive and the easement, at the developer's expense. The motion was seconded by Commissioner Gardner and carried by the following vote:

**AYE: David J. Gardner  
Jerry D. Grover**

**NAY: None  
ATTACHMENT**

**SET DATE AND TIME FOR A PUBLIC HEARING TO AMEND THE UTAH COUNTY ZONING ORDINANCE TO RENAME THE A-1 AGRICULTURAL ZONE TO THE RA-5 RESIDENTIAL AGRICULTURAL ZONE, TO AMEND THE HEIGHT REQUIREMENTS IN THE VARIOUS ZONES, AND TO DEFINE THE TERMS "STRUCTURE OR FACILITY**

**FOR HUMAN OCCUPANCY"**

Jeff Mendenhall stated that the planning commission had recommended these changes for approval. The motion to set May 20, 1997 at 9:00 a.m. as the date and time for the proposed public hearing was made by Commissioner Grover. It was seconded by Commissioner Gardner and carried by the following vote:

**AYE: David J. Gardner  
Jerry D. Grover**

**NAY: None**

**ADOPT ORDINANCE AMENDING THE CE-1 ZONE OF THE UTAH COUNTY ZONING ORDINANCE TO ALLOW SKI FACILITIES AS A PERMITTED CONDITIONAL USE**

Commissioner Gardner stated that, in addition to the comments given at the public hearing, he had received additional written input. Most of the comments, however, did not specifically address the CE-1 zone or the text change but rather the Snowbird facility and personal concerns regarding access to the area. He explained that allowing ski facilities in the CE-1 zone as a permitted conditional use would yield the ability to control and enforce conditions there. Snowbird's proposal was an entirely separate issue. As a matter of public record, he added, comments had been received "at about ten to one" in favor of amending the ordinance.

Commissioner Grover recommended language to clarify "G6" to read "...an itemized analysis of potential liability and exposure of the county for governmental services to be handled by parties other than the county." The premise being addressed was that the county had to evaluate the liability of contracting parties prior to any development being approved. Also, regarding concerns about water quality and watershed, on page two, a finding would be required by the planning commission to insure that no diminishment of water quality would occur. Other changes were minor - mostly wordsmithing. The motion to adopt the ordinance amending the CE-1 zone of the Utah County Zoning Ordinance to allow ski facilities as a permitted conditional use was made by Commissioner Grover. It was seconded by Commissioner Gardner and carried by the following vote:

**AYE: David J. Gardner  
Jerry D. Grover**

**NAY: None**

**ATTACHED: Ordinance No. 1997-10**

Commissioner Gardner commented again, saying that this process had gone well, he was pleased with the amount of input, and no rash decisions had been made. He felt there were as many assurances as possible that Mineral Basin would not be opened to major development, and many more benefits than negatives existed.

**APPROVE AGREEMENT BETWEEN UTAH COUNTY AND PROVO FREEDOM FESTIVAL, AND AUTHORIZE THE COMMISSION CHAIRMAN TO EXECUTE THE SAME**

Commissioner Gardner explained that, in this agreement, Utah County would provide \$40,000 for advertising and attracting tourism. This was funded through TRT monies. Commissioner Grover expressed concern as to whether there would be enough money to cover this. The festival was requesting more this year, as some sponsors had withdrawn support. He recommended that items B, C, E, F, G, L, M, V and W be stricken from the body of the contract, that "Utah's highest rated television station," under "B," be stricken, and that numbers 2 and 3, under recitals, be stricken. The

motion to continue the matter to the May 6 regular agenda for further review was made by Commissioner Grover. It was seconded by Commissioner Gardner and carried by the following vote:

**AYE: David J. Gardner  
Jerry D. Grover**

**NAY: None**

**ADOPT RESOLUTION APPROVING AND AUTHORIZING THE EXECUTION OF AN AMENDED INTERLOCAL COOPERATION AGREEMENT WITH OTHER MEMBERS OF UTAH ASSOCIATION OF COUNTIES INSURANCE MUTUAL RELATING TO THE ESTABLISHMENT, FUNDING, AND OPERATION OF UTAH ASSOCIATION OF COUNTIES INSURANCE MUTUAL**

Mr. Sundberg explained that this would separate the interlocal agreement which established the Mutual from its by-laws to allow for better functioning of the organization. The motion to adopt the resolution approving and authorizing the execution of an amended interlocal cooperation agreement as presented was made by Commissioner Grover. It was seconded by Commissioner Gardner and carried by the following vote:

**AYE: David J. Gardner  
Jerry D. Grover**

**NAY: None**

**ATTACHED: Resolution No. 1997-24  
Agreement No. 1997-137**

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

The motion to set Tuesday, April 29, 1997 immediately following the regularly scheduled commission meeting as the date and time for the proposed meeting was made by Commissioner Grover. It was seconded by Commissioner Gardner and carried by the following vote:

**AYE: David J. Gardner  
Jerry D. Grover**

**NAY: None**

**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, April 29, 1997 immediately following the first closed meeting as the date and time for the proposed meeting was made by Commissioner Grover. It was seconded by Commissioner Gardner and carried by the following vote:

**AYE: David J. Gardner  
Jerry D. Grover**

**NAY: None**

**APPROVAL OF PERSONNEL ACTIONS**

Commissioner Grover verified with Mr. Naylor that the change for Mr. Christensen was due to an

error in number of years of service, and no change to the survey. Roll was called for approval of the Notice of Personnel Actions, originating 4/24/97, which had been reviewed by the board and approved by the following vote:

**AYE: David J. Gardner  
Jerry D. Grover**

**NAY: None**

**ATTACHED: Notice of Personnel Actions**

**APPROVAL OF CHECK/WARRANT REGISTERS**

Roll was called for approval of the check/warrant registers dated 4/22/97, #034635-#034927, total amount \$116,101.02, dated 4/23/97, #033653-#033720, total amount \$6,668.34, and dated 4/24/97, #034928-#035045, total amount \$562,840.45 which had been reviewed by the board and approved for payment by the following vote:

**AYE: David J. Gardner  
Jerry D. Grover**

**NAY: None**

**THE MEETING ADJOURNED TO WORK SESSION TO DISCUSS THE FOLLOWING MATTERS:**

**AMEND THE OFFICIAL MAP ORDINANCE OF UTAH COUNTY, PART A, BY DELETING THE FOLLOWING ROADS THEREFROM:**

- \* 16800 West Street north of 8000 North 16000 West Street south of Highway 73 at 7400 North
- \* 10000 North Street west of city at 9200 West 6150 West Street south of city at 7300 North
- + 8400 South Street west of 6000 West
- + Tickville Gulch Rd. west of 14400 West Street
- + Manning Canyon Rd. north of crossroads at 3700 North
- + Ten Mile Pass Rd. west of 18150 West
- \*+ 4000 West Street north of 5200 South
- \*+ 2000 West Street north of 4000 South
- + 1150 West Street north of 5000 South
- + 5400 South Street east of city at 1100 East
- \* 3000 West Street south of 6400 South
- + Anderson Road north of 7300 South
- \*+ Hide and Tallow Rd. north of 7200 South 2900 West Street north of 8000 South
- \*+ Swenson Lane south of Bottoms Rd. at 7700 South
- \*+ 800 East Street south of Bottoms Rd. at 8000 South
- \* 2000 West Street between 8400 South and I-15
- \*+ 6000 West Street north of city at 13600 South
- \* 13100 South Street between 6000 West and 6300 West
- \*+ 5950 West Street north of city at 13600 South
- + Hancock Ranch Road south of Tunnel Rd. At 19500 South
- + N. Goshen Bay Rd. North of 1400 South
- + 16400 South Street between Goshen Canyon Road and 10000 West
- + 10000 West Street south of 16400 South
- + 14000 South Street west of city at 6000 West

- + **14400 South Street west of 6600 West**
- + **S. Santaquin Frontage Rd. east of I-15 at 15400 South**

**\*Was to have been evaluated by the Public Works Department**  
**+Did not meet criteria, but other issues might be mitigating (except promises of deeds)**

Mr. Naylor said that, as part of the department's research, these roads had been divided into categories. They were 1)Roads OK to Delete - 3000 West was one of these, and it was the road which started this process, 2)Received Deeds - only one for 8400 South had been received, 3)Access to Other Facilities - some, like the south Santaquin frontage road and 5950 West, were important to the county for access and railroad crossing, 4)Surveys Ordered and Completed - these were in the process of having documents prepared and deeds and signatures obtained, 5)Surveys Ordered but Not Completed, and 6)Roads Which Should Not Be On the List - three roads had been found which were chip-sealed. Commissioner Grover's recommendation was to move Category 1 roads onto regular agenda, with the exception of 3000 West, to move Categories 4 and 5 roads onto regular agenda with the premise that they would be continued until a deed to the county was recorded, and to not delete the remainder of the roads. If there was any request for survey during the week, that road could be taken off the list for deletion. The matter was referred to the May 6 regular agenda as recommended.

## **PUBLIC COMMENTS**

Mr. Greenhalgh, representing property owners on 14000 South and 600 West, asked the status of that road. Commissioner Grover explained that because that road gave access to other facilities, it would not be deleted. Mr. Sundberg advised that no action would need to be taken for roads which were already on the county system and would not be deleted. Mr. Greenhalgh was told that this road would not appear on the agenda next week.

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 April 29, 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