BOARD OF COUNTY COMMISSIONERS, UTAH COUNTY, UTAH
MINUTES OF PUBLIC MEETING
COMMISSION CHAMBERS, ROOM 1400
OF THE UTAH COUNTY ADMINISTRATION BUILDING
October 4, 2011 - 9:00 A.M.

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

ALSO PRESENT:
David Shawcroft, Deputy Attorney
Robert J. Moore, Deputy Attorney
Cort Griffin, Deputy Attorney
Bryan E. Thompson, Utah County Clerk/Auditor
Cary McConnell, Clerk/Auditor's Office - Tax Admin.
Kris Poulson, Utah County Assessor
Jeff Mendenhall, Community Development Director
Dr. Joseph K. Miner, Health Dept. Exec. Director
Jan Rogers, Utah County Health Department
Clark Merkley, Assistant Personnel Director
Jane Ivie, Personnel Office
Jeff Smith, Utah County Recorder
Robyn Jacob, Utah County Recorder's Office
James O. Tracy, Utah County Sheriff
Stephen Amos, Utah County Sheriff's Office
Dale Bench, Utah County Sheriff's Office
Darin Durfey, Utah County Sheriff's Office
Mike Forshee, Utah County Sheriff's Office
Dalene Higgins, Utah County Sheriff's Office
Nancy Killian, Utah County Sheriff's Office
Jerry Monson, Utah County Sheriff's Office
Karen Jordan, Utah County Treasurer's Office
Dave Fields, Snowbird Ski Resort
M. Banks, Snowbird Ski Resort
Donald W. Meyers, The Salt Lake Tribune
Renée Huggins-Caron, Clerk/Auditor Admin. Assist.

Commissioner Anderson called the meeting to order at 9:07 A.M. and welcomed those present. The following matters were discussed:

PRAYER/READING/THOUGHT: Larry A. Ellertson, Utah County Commissioner
PLEDGE OF ALLEGIANCE: Doug Witney, Utah County Commissioner

CONSENT AGENDA

1. DECLARE SPECIFIED VEHICLES AND EQUIPMENT AS SURPLUS AND AUTHORIZE THE DISPOSITION THEREOF THROUGH PUBLIC AUCTION

2. APPROVE TAX CREDITS AND REFUNDS RECOMMENDED BY THE COUNTY ASSESSOR'S OFFICE IN CANCELLATION AND CORRECTION LETTER NO. 60248, DATED SEPTEMBER 29, 2011

Commission Anderson noted that Property Serial/Parcel No. 14:073:0131 would not be approved as part of Cancellation and Correction Letter No. 60248, but the remainder of the letter would be approved as recommended.

3. APPROVE THE ABATEMENT OF THE PERSONAL PROPERTY ACCOUNTS SPECIFIED FOR THE TAX YEARS INDICATED, HAVING BEEN IDENTIFIED AS OUT OF BUSINESS AND UNCOLLECTIBLE (AMOUNTING $26,765.11)

4. APPROVE REDUCING THE PENALTY IN THE AMOUNTS LISTED FOR THE ATTACHED PERSONAL PROPERTY ACCOUNTS HAVING BEEN IDENTIFIED AS MEETING THE QUALIFICATIONS UNDER ORDINANCE NO. 2010-4 AND RESOLUTION NO. 2011-64 OF THE UTAH COUNTY CODE

5. APPROVE AND AUTHORIZE A SETTLEMENT AGREEMENT BETWEEN UTAH COUNTY AND GSBS, P.C.

6. ADOPT A RESOLUTION APPROVING VOLUNTEERS WHO WISH TO DONATE THEIR SERVICES TO THE CHILDREN'S JUSTICE CENTER AND THE UTAH COUNTY HEALTH DEPARTMENT

7. APPROVE THE MINUTES OF THE SEPTEMBER 27, 2011 COMMISSION MEETING

8. RATIFICATION OF WARRANT REGISTER SUMMARY

Register No. 665	**September 26, 2011**	**Check Nos. 153088-153105**	**Total:**	**$ 11,577.00**
Register No. 666	**September 27, 2011**	**Direct Deposit:12529-12531**	**Total:**	**$ 206.40**
Register No. 667	**September 27, 2011**	**Check Nos. 153106-153148**	**Total:**	**$ 116,492.85**
Register No. 668	**September 27, 2011**	**Check Nos. 153149-153185**	**Total:**	**$ 13,430.76**
Register No. 669	**September 27, 2011**	**Check Nos. 153186-153186**	**Total:**	**$ 558.00**
Register No. 670	**September 28, 2011**	**Check Nos. 153187-153194**	**Total:**	**$ 57,434.40**
Register No. 671	**September 29, 2011**	**Check Nos. 153195-153236**	**Total:**	**$1,474,148.08**
Register No. 672	**September 30, 2011**	**Direct Deposit:12532-12584**	**Total:**	**$ 99,997.30**
Register No. 673	**September 30, 2011**	**Check Nos. 153237-153271**	**Total:**	**$ 27,727.93**
Register No. 674	**September 30, 2011**	**Direct Deposit:12585-12585**	**Total:**	**$ 90.04**
Register No. 675	**September 30, 2011**	**Check Nos. 153272-153278**	**Total:**	**$ 19,583.34**
Register No. 676	**September 30, 2011**	**Check Nos. 153279-153343**	**Total:**	**$3,212,950.83**
			Total:	**$5,034,196.93**

Consent Agenda Item Nos. 1 through 8 were approved as written, with the changes noted to Consent Agenda Item No. 2. Commissioner Anderson recommended the following Regular Agenda items be moved to Consent:

2. APPROVE PERSONNEL ACTIONS ORIGINATING SEPTEMBER 30, 2011

3. SELECT A PROVIDER FOR RETIREMENT PLAN ADMINISTRATION AND INVESTMENT SERVICES FOR DEFINED CONTRIBUTION RETIREMENT PLANS TO BE EFFECTIVE JANUARY 1, 2011 FOR UTAH COUNTY

Regular Agenda Item No. 3 will be continued to the next meeting of the Board of Commissioners.
CONTINUED TO OCTOBER 11, 2011

6. APPROVE AN ADDENDUM TO AGREEMENT NO. 2011-484 BETWEEN UTAH COUNTY AND PICTOMETRY INTERNATIONAL CORPORATION

Utah County Assessor Kris Poulson mentioned from the audience that a city had requested this amendment and would be reimbursing the costs to Utah County.

9. RATIFY THE SIGNATURE OF THE COMMISSION CHAIR ON THE 2011 BEER TAX REPORT FOR JULY 1, 2010 TO JUNE 30, 2011

10. ADOPT AN ORDINANCE AMENDING SECTION 10-2-4(B) OF THE UTAH COUNTY CODE BY REMOVING SUBSTANCE ABUSE COUNSELORS FROM THE OVERSIGHT OF THE LOCAL HEALTH OFFICER *(Continued from the September 27, 2011 Commission meeting)*

Regular Agenda Item No. 10 will be continued to the next meeting of the Board of Commissioners.
CONTINUED TO OCTOBER 11, 2011

12. ADOPT A RESOLUTION APPOINTING JACOB JENSEN AND SAM BANKS AS UTAH COUNTY BAIL COMMISSIONERS

13. ADOPT A RESOLUTION OF APPOINTMENT TO THE UTAH COUNTY WORKERS' COMPENSATION ACCIDENT REVIEW BOARD

ACTIONS TAKEN

Consent Agenda Item No. 1 was declared as surplus; Nos. 2, 3, 4, 5 and 7 were approved and authorized; No. 6 was adopted; and No. 8 was ratified. Regular Agenda Item Nos. 2 and 6 were approved; Nos. 3 and 10 were continued to the October 11, 2011 Commission Meeting Agenda; No. 9 was ratified; and Nos. 12 and 13 were adopted.

AGREEMENT NOS.: 2011-646, 2011-647, 2011-648, 2011-649, 2011-650, 2011-651 and 2011-652
RESOLUTION NOS.: 2011-107, 2011-108 and 2011-109

REGULAR AGENDA

1. RECOGNITION OF THE UTAH COUNTY EMPLOYEE OF THE MONTH FOR OCTOBER 2011
Pele Lavemai was recognized as the Utah County Employee of the Month for October 2011.

Regular Agenda Item No. 5 was addressed before discussion of Regular Agenda Item No. 4.

5. APPROVE OR DENY THE PROPOSED LAND USE ORDINANCE TEXT AMENDMENT, AND IF APPROVED, ADOPT AN ORDINANCE AMENDING THE UTAH COUNTY LAND USE ORDINANCE SECTION 3-47: ACCESSORY SKI LIFTS AND ASSOCIATED FACILITIES IN THE CE-1 ZONE
Utah County Community Development Director Jeff Mendenhall explained that this is an application by Snowbird Resort to amend Section 3-47 of the Utah County Land Use Ordinance, which was created to allow resorts to expand into Utah County. There is an opportunity to have ski lifts in the mineral basin area of Utah County. Commissioner Anderson noted that while the commissioners are very excited to have Snowbird come into Utah County, this text amendment seems onerous to Snowbird. Representatives of Snowbird in the audience expressed that they are comfortable with the changes.

Commissioner Witney had questions regarding Section C of the proposed text amendment, and Utah County Deputy Attorney David Shawcroft clarified which portions of the text would be deleted from the ordinance. Commissioner Witney also asked about "pertinent land," and Mr. Shawcroft explained that the ski resort itself has to be under the same ownership as the adjacent land within the CE-1 Zone for an associated facility. Commissioner Ellertson asked whether Snowbird Resort currently owns the land in question, and Mr. Shawcroft replied that it is a patented ownership.

Commissioner Witney asked about the involvement of the Utah County Board of Adjustment, and David Shawcroft stated that the Board of Adjustment has always had to approve conditional use terms. Commissioner Ellertson mentioned that pre-cooked food and beverages would be allowed, but the lodging and food preparation facilities have been removed. Commissioner Ellertson also mentioned snowmobiles upon designated trails; Mr. Shawcroft noted that it would be at the discretion of Snowbird Resort.

Commissioner Anderson noted his desire to allow as much flexibility as possible for the Board of Adjustment. There was some discussion regarding parking requirements. Commissioner Anderson joked that Salt Lake County should disconnect the canyon, thereby disconnecting Snowbird Resort, allowing Utah County to annex it. Commissioner Ellertson clarified for the record that the access to the lifts will be from the existing Snowbird facilities in Little Cottonwood Canyon. Commissioner Anderson expressed his confidence that this process would enhance the mountain, rather than detracting from it. Jeff Mendenhall mentioned that the county boundaries had been amended several years ago with this potential change in mind.

Commissioner Ellertson made the motion to approve the proposed Land Use Ordinance text amendment, and adopt the ordinance amending the Utah County Land User Ordinance Section 3-47, as defined in Regular Agenda Item No. 5.

The motion was seconded by Commissioner Witney and carried with the following vote:

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

ORDINANCE NO. 2011-37

The commissioners returned to previously tabled Regular Agenda Item No. 4 at this point.

4. APPROVE OR DENY THE PROPOSED LAND USE ORDINANCE TEXT AMENDMENT, AND IF APPROVED, ADOPT AN ORDINANCE AMENDING THE UTAH COUNTY LAND USE ORDINANCE SECTION 3-24-C: OPEN PIT EXTRACTION OF EARTH PRODUCTS, CONDITIONS

Utah County Community Development Director Jeff Mendenhall explained that there are going to be more restrictions applied to open pit mining. He stated that the Utah Division of Oil, Gas and Mining (DOGM) has control over the bonding and reclamation for larger mines. Occasionally, Utah County receives applicants claiming that their projects are only gravel and hence do not need to be involved with DOGM. Without the expertise, Utah County Community Development has no way of confirming those claims; the proposed text amendment would require the applicant to receive clearance from DOGM. Commissioner Ellertson asked which current projects this new requirement would affect, and Mr. Mendenhall stated at least half of them are already involved with DOGM. Commissioner Anderson expressed that he would like to study the proposed changes in further detail before making a decision.

Commissioner Witney made the motion to continue Regular Agenda Item No. 4 to the October 11, 2011 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 OCTOBER 11, 2011

7. APPROVE AND AUTHORIZE AN AGREEMENT WITH WELLSONE COMMERCIAL CARD TO IMPLEMENT A PURCHASING CARD PROGRAM FOR UTAH COUNTY

Commissioner Anderson noted that the commissioners all have questions regarding this agreement with WellsOne for a purchasing card program for Utah County. Utah County Clerk/Auditor Bryan E. Thompson advised moving forward with the approval of this agreement, especially taking into consideration the amount of time it has taken to work through the details so far; Commissioner Anderson implied that changes could be approved for the contract further down the road. Mr. Thompson mentioned working with Utah County Deputy Attorney Kent O. Willis, and his understanding that E. Kent Sundberg and Dianne Orcutt of the Utah County Attorney's Office have been tasked with putting together a policy for the program.

Commissioner Witney referenced previous discussions where the commissioners were told that there would be an immediate debit for any card used; then, they were told that time period would wait until the next billing cycle. The current agreement indicates that the withdrawal will occur on the fourteenth business day of the calendar year. Commissioner Witney asked if that means the deduction would happen on the fourteenth for a bill from the thirteenth, and Commissioner Ellertson stated that it would not be deducted until the following fourteenth business day. Bryan E. Thompson confirmed, stating that there is a waiting period.

Commissioner Witney also spoke of the limitations on transactions with prior approval by Wells Fargo. Bryan E. Thompson noted the generous credit line of $1,500,000, compared to the current travel card limitation of $250,000. Commissioner Ellertson mentioned that the credit line amount should be included in the attachment. Mr. Thompson explained that the county will be able to see transactions on a daily basis, all through the click of a button online. Wells Fargo also has a system of checks and balances to prevent fraudulent charges.

Commissioner Ellertson mentioned clarifying the permitted uses of the card and services offered by Wells Fargo. Bryan E. Thompson stated that the language of the contract was approved by Kent O. Willis of the Utah County Attorney's Office.

Commissioner Ellertson made the motion to approve and authorize the agreement with WellsOne Commercial Card to implement a purchasing card program for Utah County as discussed in Regular Agenda Item No. 7, with the understanding that the details of the use are yet to be worked out by the county in terms of what we will authorize, and the policy procedure regarding our use of it. 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. 2011-653
*Please refer to the final page of these minutes for additional notations.

8. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN THE UTAH DEPARTMENT OF TRANSPORTATION (UDOT) LOCAL GOVERNMENT AGREEMENT CONTRACT WITH HATCH MOTT MAC DONALD LLC FOR PUBLIC INVOLVEMENT FOR THE MURDOCK CANAL TRAIL IN THE AMOUNT OF $24,990.20

Commissioner Ellertson noted that the first line of the contract indicates the agreement is for bridge design, which he believed to be incorrect.

Commissioner Ellertson made the motion to approve and authorize the Utah Department of Transportation (UDOT) local government agreement with Hatch Mott MacDonald LLC for public involvement for the Murdock Canal trail as defined in Regular Agenda Item No. 8. 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. 2011-654

11. ADOPT A RESOLUTION OF THE LEGISLATIVE BODY OF UTAH COUNTY APPROVING AND AUTHORIZING THE EXECUTION OF AN INTERLOCAL COOPERATION AGREEMENT BETWEEN UTAH COUNTY AND WASATCH MENTAL HEALTH SERVICES SPECIAL SERVICE DISTRICT FOR A JAIL THERAPIST

Darin Durfey of the Utah County Sheriff's Office came forward to explain that payments from the county to Wasatch Mental Health Services Special Service District have been placed on hold because the former contract has expired. There is currently a Request for Proposals, or RFP, in place for Jail Therapist services; the problem is that the day-to-day services have been separated from the main part of the RFP. The Sheriff's Office would like to keep it all together, but the bills need to be paid while the RFP is in process. Utah County Deputy Attorney Cort Griffin stated that this is for

payment of last year; Utah County was billed at the end of July, which is the end of the fiscal year for Wasatch Mental Health Services Special Service District. Commissioner Anderson asked Mr. Durfey, Mr. Griffin and Utah County Clerk/Auditor Bryan E. Thompson to meet in order to form a solution to the problem.

Commissioner Witney made the motion to adopt the resolution approving and authorizing the execution of an interlocal cooperation agreement between Utah County and Wasatch Mental Health Services Special Service District for a Jail Therapist as discussed in Regular Agenda Item No. 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

RESOLUTION NO. 2011-110
AGREEMENT NO. 2011-655

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

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

18. 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 Nos. 17 and 18 to set dates, times and locations for closed meetings for a strategy session to discuss the sale 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

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

Commissioner Ellertson made the motion to set a date, time and location for a closed meeting to discuss the character, professional competence, or physical or mental health of an individual or individuals to immediately follow today's public meeting in Room 1400 of the County Administration Building. The motion was seconded by Commissioner Witney and carried with the following vote:

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

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

Commissioner Ellertson made the motion to set a date, time and location for a closed meeting for a strategy session to discuss pending or reasonably imminent litigation to immediately follow the previously scheduled closed meeting in Room 1400 of the County Administration Building. The motion was seconded by Commissioner Witney and carried with the following vote:

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

16. SET A DATE, TIME AND LOCATION FOR A CLOSED MEETING FOR A STRATEGY SESSION TO DISCUSS THE PURCHASE, EXCHANGE, OR LEASE OF REAL PROPERTY

Commissioner Ellertson made the motion to set a date, time and location for a closed meeting for a strategy session to discuss the purchase, exchange, or lease of real property to immediately follow the previously scheduled closed meetings in Room 1400 of the County Administration Building. The motion was seconded by Commissioner Witney and carried with the following vote:

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

WORK SESSION

1. REPORT ON THE SHAKE OUT - TAKE OUT EARTHQUAKE HOSPITAL EVACUATION EXERCISE CONDUCTED SEPTEMBER 10, 2011, AND PRESENTATION ON GUIDELINES FOR LOCAL LEADERS TEMPLATE

Utah County Health Department Executive Director Dr. Joseph K. Miner introduced Jan Rogers, noting the importance of disaster response as part of public health. Ms. Rogers is the coordinator for many of the emergency response services in Utah County. Ms. Rogers explained that there was an exercise on September 10, 2011 regarding earthquakes, complete with a drill in medical response. She handed out brochures to the commissioners.

Jan Rogers mentioned that the September event was larger than any similar one ever conducted by Salt Lake County, and second only to a drill in Lindon City with full community participation. The focus on hospital evacuation at Timpanogos Hospital led to 300 patient volunteers participating, when they had originally expected approximately 150 mock patients. All seven hospitals in Utah County participated, as well as the Medical Reserve Corps for Wasatch County and Utah County. Ms. Rogers also noted the participation of many high school students involved with Health Occupations Students Association (HOSA). AmeriTech, Brigham Young University, Utah Valley University, Salt Lake Community College, Provo College, and the Utah Transit Authority were all involved in the evacuation exercise; Payson Mayor Rick Moore and his family also volunteered to be victims.

Jan Rogers continued to credit Provo City, Orem City, the Utah County Health Department, the Utah County Sheriff's Office, and United Way for their involvement in the evacuation exercise. She noted the outstanding example of collaboration between the different entities in the county to pull together for the sake of safety.

Commissioner Witney asked what was learned from the drill, and Jan Rogers reiterated that working together ahead of time is very important; community partners allowed success. She spoke of the upcoming event to be held on Tuesday, April 17, 2012, and asked the commissioners to participate by signing up online at http://www.shakeout.org/utah/. Ms. Rogers mentioned the importance of "Drop, Cover, and Hold On!," and the Utah County Disaster Response booklet for local leaders. Commissioner Witney mentioned that Ms. Rogers gave a wonderful presentation to the mayors of Utah County at a previous meeting, and asked her to speak with the Council of Governments.

Commissioner Ellertson asked what could be done to prepare employees for an earthquake, and Jan Rogers noted that hazard assessment is important. Commissioner Ellertson suggested coordinating the distribution of information with Utah County Assistant Personnel Director Clark Merkley. Dr. Joseph K. Miner mentioned that there is an upcoming representative group meeting on earthquake preparedness and response. Commissioner Anderson asked for suggestions, and Ms. Rogers suggested seminars or emails with tips. She emphasized the importance of individual preparedness at home and at work. She mentioned that the Private Sector Homeland Security Council does not currently have any Utah County representation, and Commissioner Anderson suggested sending a letter to them to request representatives.

The commissioners thanked Jan Rogers and Dr. Joseph K. Miner for the presentation, and Dr. Miner concluded with the information that the shakeout to be held on April 17, 2012 will be a statewide event.

PUBLIC COMMENTS

There were no public comments and the meeting recessed at 10:00 A.M. to go into closed meetings. The public meeting reconvened at 10:43 A.M.

Commissioner Witney made the motion to adjourn the October 4, 2011 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

There being no further business nor public comment, the meeting adjourned at 10:43 A.M. The minutes of the October 4, 2011 Commission Meeting were approved as transcribed on October 18, 2011.

GARY J. ANDERSON, Commission Chair

ATTEST:

BRYAN E. THOMPSON
Utah County Clerk/Auditor

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

*Regular Agenda Item No. 7:
Please follow up regarding the terms of use of the WellsOne Commercial Card agreement.