BOARD OF UTAH COUNTY COMMISSIONERS, UTAH COUNTY, UTAH
MINUTES

Tuesday, April 22, 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
Clyde Naylor, County Engineer
Jeff Mendenhall, Planning Department
Brenda Cutler, Purchasing
Ralph Clegg, County Health Department
Patrick Fleming, Human Services
Francine Christensen, Utah County Fair
Sheila Hanson, Commission Office
Geneel Scott, Auditor's Office
Dick Casto, Sheriff's Office
Josephine Zimmerman, Reporter, The Daily Herald Nathan Herbert
Dwight Hooker
Bert Thomas, North Fork Fire Department
Lynn Johnson, BYU Timpanogos Lodge
Mark Longhurst, BYU Aspen Grove
Robert F. Bennion
Jack Hopkinson, North Fork Fire Department
Mike Washburn, Sundance
Corry R. Child, Sundance
John Roberts, Lake Mountain Estates
Betty McElroy, Sundance
Kathy Hammons, Sundance
Georgene Burton, Sundance
Julie Mack, Sundance
Geraldine L. Wilson
Eleanor S. Olsen, Sundance
Sue Urie, Sundance
Don Dallin, Sundance
Robert P. Burton, Sundance
Dale Gerstman, Sundance
Stephen Minton, Sundance
Dwight Hoover, Sundance
Kenny Seng, Kenny Seng Construction
Karen Napier, Kenny Seng Construction
Carol Beverly
Curtis Beverly
David
Marie Cook, Cedar Valley

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 SECTION 1-6-C, TO ALLOW THE EXPANSION OF NONCONFORMING CHURCHES OR RELIGIOUS STRUCTURES, AND SECTION 3-21-D, TO EXPAND THE REQUIREMENTS FOR REQUIRED PLOT PLANS
Robert Bennion stated that he had a concern about modifying the zoning ordinance for one particular type of occupation rather that reconsidering it in the general plan. He felt that other businesses or land uses should be considered also.

Jeff Mendenhall said that many churches had been constructed on less than the currently required 2 acres. Any expansion of those facilities would require amending these ordinances. They would still be required to meet all building codes, fire codes, parking and landscaping requirements.

Commissioner Herbert agreed that this would allow the ability to address any unique situations created by approval of smaller lots under the old ordinance. As there were no other public comments, he made the motion to close the public hearing. 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

Consent Agenda

SET DATE AND TIME FOR SECOND CDBG PUBLIC HEARING FOR APRIL 29, 1997 AT 9:00 A.M.

RATIFY STANDARD USE AGREEMENTS FOR RENTAL OF THE HISTORIC COURTHOUSE AS FOLLOWS:

***Geri Lamoreaux 3/21/97 Rotunda/Ballroom $750.00**
***Mary Fillmore 3/26/97 Rotunda/Ballroom $750.00**
***Laureen Peterson 4/05/97 Rotunda/Ballroom $750.00**
***Clayton Wright 4/10/97 Rotunda/Ballroom $750.00**
***Bonnie Kemp 4/19/97 Rotunda/Ballroom $750.00**
***David Chamberlain 4/23/97 Rotunda/Ballroom $750.00**
***Dee Magleby 4/24/97 Rotunda/Ballroom $750.00**
***Dru Smith 4/25/97 Rotunda/Ballroom $750.00**
***Timpview High School 4/26/97 Rotunda/Ballroom $750.00 Randy Merrill, Principal**
***Emily Winkel 5/03/97 Rotunda/Ballroom $750.00**

APPROVE AND AUTHORIZE THE COMMISSION CHAIRMAN TO SIGN AN AGREEMENT WITH BAMBERGER EXPRESS, TO PROVIDE ENTERTAINMENT AT THE 1997 UTAH COUNTY FAIR FOR THE AMOUNT OF $200.00

AUTHORIZE THE COMMISSION CHAIRMAN TO SIGN AN AGREEMENT WITH BEN ASHBY, TO PROVIDE ENTERTAINMENT AT THE 1997 UTAH COUNTY FAIR FOR THE AMOUNT OF $200.00

APPROVE AND AUTHORIZE THE COMMISSION CHAIRMAN TO SIGN AN AGREEMENT WITH CHAD HULET D.B.A. CHAD HULET & CO., TO PROVIDE ENTERTAINMENT AT THE 1997 UTAH COUNTY FAIR FOR THE AMOUNT OF $200.00

APPROVE AND AUTHORIZE THE COMMISSION CHAIRMAN TO SIGN AN AGREEMENT WITH DAVE HESLINGTON D.B.A. DAVE & ERIC, TO PROVIDE ENTERTAINMENT AT THE 1997 UTAH COUNTY FAIR FOR THE AMOUNT OF $500.00

APPROVE AND AUTHORIZE THE COMMISSION CHAIRMAN TO SIGN AN AGREEMENT WITH JACK DONALDSON D.B.A. GRAIN, TO PROVIDE ENTERTAINMENT AT THE 1997 UTAH COUNTY FAIR FOR THE AMOUNT OF $500.00

APPROVE AND AUTHORIZE THE COMMISSION CHAIRMAN TO SIGN AN AGREEMENT WITH JUSTIN REED D.B.A. JUSTIN REED & ROLLING THUNDER, TO PROVIDE ENTERTAINMENT AT THE 1997 UTAH COUNTY FAIR FOR THE AMOUNT OF $1,000.00

APPROVE AND AUTHORIZE THE COMMISSION CHAIRMAN TO SIGN AN AGREEMENT WITH OZ-STATIC, TO PROVIDE ENTERTAINMENT AT THE 1997 UTAH COUNTY FAIR FOR THE AMOUNT OF $1,000.00
****Consent agenda item numbers one, and three through ten were unanimously set, ratified, approved and authorized.**

ATTACHED: Agreement Nos. 1997-109 through 1997-115

5. APPROVE AND AUTHORIZE THE COMMISSION CHAIRMAN TO SIGN THE MAINTENANCE AGREEMENTS WITH IKON OFFICE SOLUTIONS FOR CANON COPIER 6030 (ID#B5689) IN VITAL RECORDS, AND CANON COPIER 6652 (ID#1190) IN NURSING

APPROVE AND AUTHORIZE THE COMMISSION CHAIRMAN TO SIGN A COOPERATIVE AGREEMENT MODIFICATION FOR THE TRAINING SCHOOL ROAD TO PROVIDE FOR THE CONSTRUCTION AND CONSTRUCTION ENGINEERING ON PHASE 2 AND AUTHORIZE ISSUING A CHECK IN THE AMOUNT OF $151,727.00 AS THE LOCAL MATCH

8. APPROVE AND AUTHORIZE THE COMMISSION CHAIRMAN TO SIGN THE CONTRACT MODIFICATION WITH THE STATE OF UTAH TO PROVIDE FOR CONSTRUCTION ENGINEERING WITH RB&G ENGINEERING, INC., FOR THE TRAINING SCHOOL ROAD IN THE AMOUNT OF $149,368.43

AUTHORIZE THE COUNTY CLERK-AUDITOR TO SIGN A QUIT CLAIM DEED

TO MISSION DEVELOPMENT, LLC, TO ELIMINATE A 60 YEAR OLD RIGHT-OF-WAY WITHIN PROVO CITY AND THE ROCK CANYON AREA

12. AUTHORIZE THE COMMISSION CHAIRMAN TO SIGN AN AGREEMENT WITH MICHELE NUNLEY D.B.A. SALIVA SISTERS, TO PROVIDE ENTERTAINMENT AT THE 1997 UTAH COUNTY FAIR FOR THE AMOUNT OF $1,900.00

APPROVE AND AUTHORIZE THE COMMISSION CHAIRMAN TO SIGN AN AGREEMENT WITH PAUL OVERSON D.B.A. ONYX SOUND, TO PROVIDE MICROPHONES, AMPLIFICATION, SPEAKERS, AND OTHER NECESSARY SOUND EQUIPMENT AT THE 1997 UTAH COUNTY FAIR FOR THE AMOUNT OF $2,000.00

APPROVE AND AUTHORIZE THE COMMISSION CHAIRMAN TO SIGN AN AGREEMENT WITH WENDI CORDON D.B.A. PARTY TIMES, TO PROVIDE THE INCREDIBLE GIANT SLIDE, GLADIATOR JOUST, AND OTHER ITEMS LISTED IN AGREEMENT AT THE 1997 UTAH COUNTY FAIR FOR THE AMOUNT OF $1,100.00

16. RATIFY SIGNATURE OF THE COMMISSION CHAIRMAN ON THE FY 1997/98 VOCA GRANT APPLICATION FOR CONTINUED FUNDING OF THE CHILDREN'S JUSTICE CENTER VICTIM/WITNESS COORDINATOR POSITION

****Regular agenda item numbers 5, 7, 8, 10, 12, 13, 15 and 16 were also unanimously approved and authorized by consent.**
ATTACHED: Agreement Nos. 1997-119 through 1997-122 and 1997-124 through 1997-128
Deed

Regular Agenda

Consent agenda item number two was placed on regular agenda.

ENACT ORDINANCE AMENDING CHAPTER 9 OF THE UTAH COUNTY CODE TO ADOPT THE 1994 EDITION OF THE UNIFORM FIRE CODE AND ESTABLISH VARIOUS PROVISIONS FOR THE ADMINISTRATION OF SAID CODE IN UTAH COUNTY
Commissioner Grover stated that after evaluation of the fire contracts, it had been determined that 2,000 gallons of water per response was needed. Using that number with the NFPA-1231 water supply firefighting standard, he made the recommendation to include the following insertion under Section 9-1-4-a3, "under 6,000 square feet of floor area, as defined by the Uniform Fire Code." The motion to enact the ordinance presented with the changes noted 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: Ordinance No. 1997-08

PRESENT RESEARCH PROJECT WITH RECOMMENDATIONS AND CONCLUSIONS TO THE UTAH COUNTY COMMISSION
Nathan Herbert stated that he had completed his research on how to handle growth in Utah County. With the county's population and growth rate, many questions were raised in terms of zoning policy. He had focused on the five-acre requirement for building in the unincorporated areas. After extensive research and talking to Realtors, developers, planners and citizens, Mr. Herbert had made conclusions

and recommendations which were compiled and presented to the board for their review. Some of the problems associated with the five-acre rule, he said, included efficiency in providing sewer, water, roads, fire and police protection, and afford ability of housing. Safety issues, pertaining to the saturation point of septic tanks and wells, were also present. In his paper, he had also discussed urban growth, boundaries and containment, cluster zoning, and solutions which other communities were using.

At the chair's prerogative and for convenience to the public, the meeting moved to regular agenda item number 22.

ADOPT RESOLUTION APPROVING AND AUTHORIZING THE EXECUTION OF AN AMENDED INTERLOCAL COOPERATION AGREEMENT BETWEEN UTAH COUNTY AND THE NORTH FORK SPECIAL SERVICE DISTRICT FOR PROVISION OF FIRE PROTECTION SERVICES

Kent Sundberg stated that Mr. Willis and Lt. Casto had made changes to this agreement. These consisted mainly of format modifications and the addition of definitions. Lt. Casto explained that the hazardous material response portion had been deleted since North Fork was not a responder unit for this, only a standby. Also, the wildland fire and special requested fire resources were tied to the state rate plan for reimbursement, which was established by the state each year, and standard throughout Utah. Commissioner Gardner stated that the main area of contention on this matter seemed to be the one-time compensation amount of $26,000 which Mr. Thomas had indicated should be an annual amount. Commissioner Grover pointed out that addition of "or by fixed water system" should be added to the section on waterflow which read, "North Fork agrees to respond to all residential structural calls for service with not less than 2,000 gallons of water (total combined in all responding vehicles)" so that hydrants would be included in total capacity. He agreed that the other issue was the budget. There had been a certain amount budgeted for Provo, and presumably, this would now divide Provo's responsibility. He asked if there would be money for both Provo and North Fork in the budget, since they were linked to the Special Service District. Mr. Thomas said that he felt these should be treated differently - Chief Jones had his own concerns as did they. After looking at the areas of service, North Fork had been designated as back-up for parts of Provo and Orem and as primarily responsible for the area from North Fork to Cascade Springs. Commissioner Gardner said that there would need to be memorandums of understanding done for the remainder of this year, as the allocation had already been made, and this would be a reduction to it. Commissioner Grover said that the other alternative would be an increase in the mill levy for certain areas. Geneel Scott felt that North Fork should actually contract with Provo, unless the area for both was modified, or this would be a duplication. The general feeling was that both Provo's and North Fork's contracts should be handled in conjunction with each other, although it was not known immediately where Provo was in the contract modification process.

Bert Thomas, Fire Chief for North Fork, speaking on behalf of the volunteer firefighters and the residents of Sundance, said that after the formation of the North Fork Special Service District, the residents formed a fire department because the response time from Provo or Orem was 20 minutes plus. The building, equipment and training was all purchased with North Fork District dollars and donations from homeowners. As the area has grown, so had the tax base, he stated, and the tax dollars had been spread over the valley. Hydrants had been put in at all required intervals and this year alone, $400,000 had been spent to satisfy current federal, state and county codes. Additional money was spent to upgrade and meet certification requirements.

Currently, they were attempting to separate water and fire dollars. The Special Service District had requested reimbursement of money which had been spent from water tank funds. In order to pay back

this money, residents were being assessed a $15 per month. Unlike city fire departments, no other compensation had been received. In fact, North Fork's tax dollars helped to fund these other cities' departments, he said. He felt that in order to keep up with standards, North Fork was entitled to at least 50% of the $50,000 collected annually, on an annual basis, to pay for past and future expenditures to keep this fire department in place. Commissioner Grover asked if North Fork had the same capabilities as Provo did on first response. Mr. Thomas said that they did not have ariel trucks, but there was no need for them, as they were an urban interface department. Their equipment was designed more for making the grades in the area, however, which Provo's equipment could not make.

Corry Child said that of the 33 calls which North Fork had last year, only three calls for mutual aid were made to Provo and Orem, depending on the size and type of fire. Provo's trucks were larger but they did not have four-wheel drives so there was "give and take." Mr. Thomas clarified that Provo and Orem only responded if North Fork requested them to do so, therefore tax dollars were being saved. In the past, these cities had to send an engine immediately. He reiterated that, based on the improvements they had made, their request was "quite minimal and well deserved."

Betty McElroy, Sundance homeowner, stated that she found the discussion on Provo's needs somewhat "distasteful" given that Sundance provided so much tax revenue. She said that if Sundance was lost to fire, the county would not only lose a great asset, but also quite a lot of tax dollars. Asking for not quite half of tax money generated, she said, was not too much to keep us "beautiful, safe and generous."

Commissioner Grover commented, at this point, that a twenty minute response time in the unincorporated areas was not atypical and should be expected. He added that if the county offered faster response time to all the unincorporated areas, the mill levy would probably be tripled. Lt. Casto stated that, from the public safety perspective, North Fork not only met the standards required of other departments, but they had been found to be "at or above" any department in the valley and above the majority "in natural performance." He added that although Provo's Fire Department met the needs of a "downtown city,... highly congested community," they were not a "viable" department in the canyon. He reminded the board that this was an interface area, which was unique to the county.

Georgene Burton said that one scenario that might be faced was a fire in Wildwood. Provo would not be able to reach them at all.

Kathy Hammons stated that every time the North Fork Fire Department went down to service, residents of the canyon were left without protection

Steve Minton, Sundance homeowner and President of the Sundance/Cascade Property Owners Association representing the 86 families in that association, stated that without four-wheel drive equipment they would have no protection. Also, he called attention to the high taxes, even "double taxes" which the residents paid, saying that if they were not going to get that back in the form of adequate fire protection then they had "grave concerns" where their tax money was going and would like a "reevaluation of what their tax dollars are actually doing." He explained that they needed a fire service which responded quickly, efficiently and took care of their needs, mainly quick response time. Twenty minutes was too long for their area because of the "woods."

Mike Washburn, Sundance CFO representing both Sundance and Robert Redford, said that it seemed Provo had enjoyed a "free ride for awhile." They had been called on only three times (out of 33) last year to back up the North Fork Fire Department. He felt that North Fork was meeting the expectations of the homeowners but not getting the "dollars allocated to them to help support that." He pointed out

that land had been contributed by Mr. Redford, and residents had been taxed and double taxed (with the additional $15 fee) to create and maintain the fire district. He felt that at least half of tax dollars paid for fire protection should go to the fire department "doing the work up there." Commissioner Gardner stated that all of the tax dollars did not go to Provo but rather to the budget for Special Service Areas #7 and #9 which included all unincorporated areas. Then it was reallocated for fire fighting in each unincorporated area. Ms. McElroy commented that the reallocation did not include money for equipment. Commissioner Gardner agreed, saying that the upgrading of equipment and special training was the "crux" of the matter. Mr. Washburn stated that they were "respecting the...larger picture there, and we're only asking for 50% of that money to come back to that specific area." There was discussion on the amount of money which actually came from the North Fork area. Mr. Child said that according to his research, the amount was $48,940 for last year. Commissioner Grover asked if Brookerhaven had been approached as to their opinion of the county contracting with North Fork. Mr. Thomas answered that Brookerhaven paid into Service Areas #7 and #9 for fire, but they were not part of the Special Service District for water which had funded much of the building of the department. Effectively, they were getting a "pretty good deal," he said. There was also discussion with the board members regarding the standard 20 minute response time. Mr. Thomas told them that was too long for any fire, and Commissioner Grover responded that he understood, but any decrease in response time would require increased costs and that same standard would have to be applied in all the service areas.

There was discussion on the two different taxing structures - the Special Service Districts and the Service Areas. Ms. McElroy said that their equipment was so old that they could not get parts for it. There were lots of other problems, she added, "and some of it...looks like fraud." They were asking for only slightly more, for one year, than the County Fair contracts listed on the agenda that day.

Commissioner Grover stated that capitalization for equipment would need to be built into the annual fee for service. His recommendations were to change the "one time compensation" in Section 5a to "annual," and to insert the language, "As a fire response entity located entirely in unincorporated area and whose primary responsibility is to respond to fires in the unincorporated area, the county shall pay to North Fork the minimum annual sum of $20,000 to be paid on or before December 31 of each year. The $20,000 payment will be reduced by the amount compensated by the county to North Fork under Sections 5b and c on an annual basis." He also recommended cutting the term of the contract to December 31, 1998 to revisit it and determine if any increases or adjustments could be made. Part of his concern, was uncertainty as to the status of the Provo contract. Commissioner Gardner pointed out that the fee structure was based on the assumption that training and capital investments were built into the fire response amount, and explained how that process would work. Mr. Thomas said that $20,000 basically covered truck payments for a year with no opportunity for expansion. Two more trucks were needed now. The fee per call schedule would generate money some years, but not others he added. Mr. Child said that last year's expenditures were $45,000 to $50,000. He felt that the fire department could operate within the $20,000 annual amount plus any amount generated by the fee per call schedule.

Jack Hopkinson, Sundance property owner, stated that although they paid some of the highest taxes in the state, they had their own water system, private roads and used Utah Power and Light. They had no curb and gutter, sidewalks, city parks or anything else that the county serviced. He felt that $20,000 was very little when the only service they were getting was help with their fire department.

Mr. Washburn said that his concern with Commissioner Grover's proposal was that it provided no opportunity for net gain. He requested a $25,000 to $26,000 base amount and an additional amount

per call. In response to Commissioner Grover's question, Mr. Washburn said that last year North Fork had received $13,000 for the Redford fire and $4,000 for the administration building fire.

Lynn Johnson, Timp Lodge Administration, stated that the North Fork area consisted, not only of homeowners, but included many visitors year-round as well. They generated a great deal of revenue for the county and he felt their safety and well-being should be taken into account. He added that, last year, Timp Lodge had spent over $50,000 upgrading their sprinkling system and clearing brush from the property. BYU, he stated, was very impressed with what North Fork had done.

Robert Bennion said that the North Fork Fire Department was started as a requirement for the bonding of the Special Service District providing water and that he objected to what the District had done in regard to the Fire Department. He said that there had been total mismanagement of funds "in order that they can be big boys and play with their fire trucks." He said that they (the District) had also allowed developments to take place that did not meet the zoning ordinance or the fire codes. He did not think the District should be allowed to manage any county funds, that if the fire district was to run the water district, it should be in the code, that funds for the districts be separate and specific and that taxes be raised to support each district separately.

Commissioner Herbert clarified that because of the ad valorem system, the Sundance area might pay more property taxes based on the value of their homes, but they were not taxed higher than other areas. Also, the money which came from service areas and special service districts were two different taxing entities, and that added more to taxes. He said that services provided by the county to all county citizens included those of the county attorney, the recorder, planning and on down the line. He reviewed the four basic concerns he had heard which included 1)capitalization of equipment to allow for net gain, 2)clearer definition of the North Fork Fire Department and the Special Service District to avoid "overlap", 3)the Provo contract and 4)the budget needed to provide a net increase which, he added, he supported but wanted to make sure was handled appropriately.

Commissioner Grover said that there was a certain amount budgeted, an existing contract with Provo which had not been canceled and which the county was still obligated to, and any action was tied to that. He was willing to provide more money to North Fork if, after going through the (budget) process, there was money available to do so. He wanted to avoid obligating the county above what was available and thereby increasing the mill levy next year.

Commissioner Gardner called this an "extremely unique situation which requires a unique solution." He said that Mr. Bennion was correct in that there needed to be a clear distinction between the water monies and fire monies. His recommendations were that under Section 5, the annual compensation by the county be "$25,000," that the length of the contract be shortened to "December 31, 1998." This amount would be in addition to the fee per call. He said that first, however, we would need to see that there are funds available. An amendment or memorandum of understanding would be needed to prevent overlapping and double taxation.

Kent Sundberg advised that both would be needed - an amendment to Provo's contract and an agreement as to what the coverage area for North Fork and Provo would be. Commissioner Grover questioned why Provo was no longer involved in these negotiations. Commissioner Gardner recommended that Mr. Thomas and his board look at the compensation schedule and allow for capital improvements and training to be included in the per call fee. He also recommended that Mr. Thomas, Chief Jones, and whoever else needed to be involved, meet with him (within the next few days) for clarification, and those answers be brought back to this body in two weeks.

Geneel Scott asked what the purpose of the $25,000 amount was if the fee per call included a base for depreciation, manpower and that kind of thing. Commissioner Gardner reiterated that this was a unique situation and that North Fork was acting as first responder in a highly volatile area with no additional tax base or mechanism to generate other funds. This was a way to make an investment on behalf of Utah County. If North Fork Fire Department had to disband, he said, the county could not staff and provide the training, building and cost of the infrastructure as economically as North Fork was doing. Commissioner Herbert stated that there appeared to be some deferred maintenance that had not been reimbursed in the past. At least initially, the annual payment would help bring things "back to level." Ms. Scott said that, as a point of clarification, she was not opposed to a standard which set what it took to maintain a fire department, but with the per call schedule, they should be paid for actual expenditures, not the additional administrative overhead. Lt. Casto said that when the fee per call amount was arrived at, there might have been some depreciation included, but no capitalization was built into those figures. An amount for capitalization would have to be revisited, adjusted or assumed to be part of the annual payment.

The motion to continue the matter to the May 13 regular agenda for adoption of the resolution 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

2. APPROVE AND AUTHORIZE DR. MINER TO SIGN THE PHARMACEUTICAL SERVICES AGREEMENT BETWEEN UCHD AND ALBERTSON'S, INC. (PHARMACY)
Ralph Clegg explained that this agreement was the same as the agreements which had recently been approved for Allen's Super Save and BYU Health Center pharmacies for dispensing tuberculosis medications. The motion to approve and authorize Dr. Miner to sign the agreement 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. 1997-116

APPROVE AND AUTHORIZE DR. MINER TO SIGN THE COST-REIMBURSEMENT CONTRACT WITH UTAH STATE DEPARTMENT OF HUMAN SERVICES (DHS) PROVIDING FOR A REGISTERED NURSE TO DO HOME VISITATION, CASE MANAGEMENT, EDUCATION, ASSESSMENT AND REFERRALS
The motion to approve and authorize Dr. Miner to sign the cost-reimbursement contract 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. 1997-117

APPROVE AND AUTHORIZE DR. MINER TO SIGN AMENDMENT #2 OF THE HIV/AIDS HEALTH EDUCATION/RISK REDUCTION, COUNSELING AND TESTING SITES, AND TB ELIMINATION: PREVENTION/EDUCATION SERVICES BETWEEN UCHD AND UTAH DEPARTMENT OF HEALTH/EPIDEMIOLOGY AND LABORATORY SERVICE
This agreement was in conjunction with the pharmacy agreements. The motion to approve and authorize Dr. Miner to sign Amendment #2 of the contract 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. 1997-118

6. 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
At the request of the owner, Mr. Naylor recommended continuing this matter. The motion to continue discussion on the renewal of the bond escrow agreement with the reorganized Five Star Financial Company to the April 29 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

APPROVE AND AUTHORIZE THE COMMISSION CHAIRMAN TO SIGN THE BOND ESCROW AGREEMENT WITH NEAL B. EVANS AND THE BANK OF AMERICAN FORK IN THE AMOUNT OF $106,748.00 FOR WEST LAKE ESTATES, PLAT B
The motion to approve and authorize the commission chairman to sign the bond escrow agreement presented was made by Commissioner Herbert. Commissioner Grover seconded the motion after clarifying with Mr. Mendenhall that this bond was for Plat B where there had been an amendment to the lot line, and that it included all changes. The motion was carried by the following vote:

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

NAY: None
ATTACHED: Agreement No. 1997-123

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
Francine Christensen explained that this agreement stated that Ms. Clark would not only serve as an assistant to Ms. Christensen, but would also recruit businesses to rent booths which paid for the fair. Commissioner Grover began discussion, saying that last year Ms. Clark had been paid per booth. He questioned whether Ms. Clark would guarantee that all booths would be filled, and Ms. Christensen answered that she would. She was "half way there" right now. There had been 135 booths inside the building and 35 to 40 outside last year, although the outdoor capacity was "limitless." Ms. Clark had been paid a flat fee of $3200.00 for the last month preceding last year's fair plus $25.00 per booth. The board felt that a minimum performance standard was needed. Board members recommended to Mr. Sundberg that the contract be rewritten with changes to include a salary base to meet last year's standard and a per booth incentive for anything above that. The motion to continue the matter to the April 29 regular agenda 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. 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
Mr. Sundberg stated that insurance issues for the Buckaroo Rodeo needed to be reviewed. He asked who owned the rights to this rodeo. He felt that the language indicating that Mr. Money directed the rodeo should be modified and that a separate agreement with Little Buckaroo was needed to clarify insurance questions. Ms. Christensen stated that she would look into the matter. The motion to continue the matter to the April 29 regular agenda 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

17. TAKE ACTION ON THE PUBLIC HEARING TO CONSIDER AMENDING SECTION 1-6-C, TO ALLOW THE EXPANSION OF NONCONFORMING CHURCHES OR RELIGIOUS STRUCTURES, AND SECTION 3-21-D, TO EXPAND THE REQUIREMENTS FOR REQUIRED PLOT PLANS
As discussed in work session, adoption of these amendments would allow churches which were on less than 2 acres to expand if they met all building, fire, parking and landscaping requirements. After receiving an application to reduce the lot size to two acres, Community Development had recommended three options to the planning commission - 1)no change, 2)that churches on lots smaller than 2 acres be allowed to expand as nonconforming, and 3)that the lot size be reduced from 2 to 2 acres. The planning commission had recommended number two. The motion to take action on the

public hearing and amend the Sections as presented. The motion was seconded by Commissioner Grover.

Robert Bennion commented, saying that he had a concern about parking requirements based on the area of the main meeting hall being the basis for those. Most churches had other rooms in operation at the same time the main hall was in use, and he asked that there be some other consideration for parking requirements.

Mr. Mendenhall stated that parking, in general, might have to be looked at, but current parking requirements would have to be met by any church undergoing expansion.

The motion was carried by the following vote:

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

NAY: None
ATTACHED: Ordinance No. 1997-09

SET DATE AND TIME FOR A PUBLIC HEARING TO CONSIDER ADOPTION OF AN ORDINANCE AMENDING SECTION 3-10 OF THE UTAH COUNTY ZONING ORDINANCE TO ESTABLISH STANDARDS FOR ROAD FRONTAGE
Commissioner Grover explained that there had been additional changes to the proposed document which included more limited right-of-ways and clarification of grandfather issues. The motion to set Tuesday, May 13, 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 Herbert and carried by the following vote:

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

NAY: None

SET DATES AND TIMES FOR TWO PUBLIC HEARINGS TO ADOPT 1/4% COUNTY SALES TAX AND REDUCE PROPERTY TAX BY EQUIVALENT AMOUNT
A display ad was required for these hearings, and they needed to be held in geographically diverse locations. After discussion, Commissioner Grover made the motion to set Tuesday, June 17, 1996 at 6:00 p.m. at the Spanish Fork Library, Wednesday, June 18, 1997 at 6:00 p.m. at the Lehi City Council Chambers, and Wednesday, June 25,1997 at 5:30 p.m. at the Utah County Administration Building in Provo as the dates, times and places for the proposed public hearings, subject to availability of the buildings. 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

ADOPT RESOLUTION OF APPOINTMENT TO THE UTAH COUNTY HISTORIC PRESERVATION COMMISSION
The motion to adopt the resolution of appointment, appointing Joel Janetski to the Utah County Historic Preservation Commission, to a term expiring March 1, 1999 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. 1997-23

AUTHORIZE THE COMMISSION CHAIRMAN TO SIGN THE "NOTICE OF VACANCY ON THE CEMETERY MAINTENANCE BOARD OF THE BENJAMIN CEMETERY MAINTENANCE DISTRICT" AND TO AUTHORIZE THE POSTING AND PUBLICATION OF THE NOTICE PURSUANT TO STATE LAW
Michael Hansen had indicated that, due to other responsibilities, he was unable to serve any longer. Commissioner Grover made the motion to authorize the commission chairman to sign the "Notice of Vacancy on the Cemetery Maintenance Board of the Benjamin Cemetery Maintenance District" and to authorize the posting and publication of the notice pursuant to state law. 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: Notice of Vacancy

23. SET DATE AND TIME FOR A CLOSED MEETING TO DISCUSS PENDING OR REASONABLY IMMINENT LITIGATION
As recommended by Mr. Shawcroft, Commissioner Herbert made the motion to set Tuesday, April 22, 1997 immediately following the regularly scheduled commission meeting as the date and time for the proposed meeting. 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

APPROVAL OF MINUTES OF COMMISSION MEETINGS HELD ON JUNE 4, 11, 18, 25, AUGUST 20, 27 AND 29, 1996 AND MARCH 11,18,25,26, APRIL 1, 8 AND 15, 1997 AND CLOSED COMMISSION MEETINGS HELD ON MARCH 11, 18, 25, APRIL 8 AND 15, 1997
The motion to approve the minutes presented with the corrections referenced by Commissioner Gardner 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

APPROVAL OF PERSONNEL ACTIONS
Commissioner Gardner pointed out that Mr. Luce's action was actually a resignation and requested that it be changed on the Notice. Merritt Fullmer said that, regarding Mr. Kester's action, he had understood that he would be paid at a higher rate. It was thought that the misunderstanding was due to a breakdown in internal communication. Sheriff Bateman had requested this action. Commissioner Gardner instructed Ms. Fullmer to contact the sheriff, telling him that Mr. Kester's action would need to be reevaluated and the policy for new hires would need to be reviewed. Roll was called for approval of the Notice of Personnel Actions, with one modification and one exception, 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

APPROVAL OF CHECK/WARRANT REGISTERS
Roll was called for approval of the check/warrant registers dated 4/15/97, #034189-#034502, total amount $1,328,755.88 and dated 4/17/97, #034503-#034634, total amount $138,767.29 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 ADJOURNED TO WORK SESSION TO DISCUSS THE FOLLOWING MATTERS:

CONSIDER ADOPTION OF THE SUBSTANCE ABUSE AREA PLAN FOR 1998
Commissioner Grover explained that due to a deadline, this item was being approved under "our Substance Abuse Authority hat." Patrick Fleming listed the areas of focus for 1998 as development of the "gatekeeper function," or working to move clients through the system, justification of risk and preventative factors and certification of program evaluation outcome. He saw the plan as having the same format as last year's with more emphasis on the "quality assurance aspect." The matter was referred to the April 29 regular agenda.

2. APPROVE AND AUTHORIZE THE COMMISSION CHAIRMAN TO SIGN AGREEMENT WITH JILL SABIN TO PROVIDE AND CONDUCT PARENT EDUCATION GROUP SESSIONS
Laura Blanchard stated that this provider was a licensed clinical social worker, had worked with Wasatch Mental Health, and had considerable experience in educating parents of very young children

with sexually reactive behavior. This training enabled parents to better respond to the needs of their child, helping them to heal and move on to more appropriate behavior. The curriculum had been developed by representatives of multiple agencies and would be tested by these first six sessions. The full cost of the contract was $900.00. The matter was referred to the April 29 consent agenda.

VACATE THE PORTION OF PLATTED STREET IN FAIRFIELD TOWNSITE LYING SOUTH OF LOT 1, BLOCK 8, FAIRFIELD TOWNSITE SURVEY AND NORTH OF LOTS 6 AND 7, BLOCK 4, FAIRFIELD TOWNSITE SURVEY
Mr. Wilson, who had requested this action, was not in attendance. Commissioner Grover explained that the deed for this matter was being held in trust by a probate judge. He brought up two issues - 1) based on court rulings, he felt that the county had no authority or ability to do vacation, and 2) although all the parties involved were interested in vacation and there was no overriding public use for the roads, there was no mechanism found to alleviate the problem. He said that Section 57-7-19 of the state statute discussed townsites, specifically, an adverse possession scenario, where possession of ten years entitled conveyance. This was based on paying taxes, however, and since no taxes were assessed for probate property, a change in state statute was required. Commissioner Grover stated that he recommended, and was willing to initiate, drafting of language to submit to legislators from the county. He pointed out that this occurrence was due to the fact that Fairfield had never properly formed, and the county's only involvement in this process was that it received money from whatever the court sold. The matter was stricken from the agenda as no action, other than Commissioner Grover's recommendation could be taken at this time.

APPROVE (OR DENY) THE BLANEY SHADOW MOUNTAIN ESTATES SUBDIVISION, PLAT "A" AMENDED, WITH NO BOND OR ROAD DEDICATION REQUIRED
Mr. Mendenhall said that this was a two-lot subdivision in the A-1 zone which had previously been approved and recorded, and then they were reconfigured. In response to questions from the board members, Mr. Mendenhall stated that well permits would remain with the parcels and the Health Department had reviewed the sites. The matter was referred to the April 29 consent agenda.

5. APPROVE (OR DENY) AMENDMENT TO LAKE MOUNTAIN ESTATES, PLAT "A"
The planning commission had originally recommended disapproval of this amendment, based on the fact that four additional lots should go through the same approval process as the original plat. Therefore, the only amendment being considered was a lot line adjustment for Lot No. 16. There was some disagreement between Mr. John Roberts and Mr. Kenny Seng as to whether this affected the road. Mr. Seng asked for clarification on whether the intent was to use the road with its prescriptive easement or its recorded easement and what access wold be provided from the west side of Lake Mountain Drive up to the property corner to the west. Mr. Roberts answered that, as it existed, the road was a 40' easement for ingress and egress, and they had no intention of building a county road. Commissioner Grover explained that a court would have to decide the issue of right to use, that the proposal was to adjust a lot line so that the road did not go through a lot, and the plat had only to recognize existing easements. Mr. Roberts then said that in the CC&R's, the plan was to dedicate the easement to the homeowners for open part - equestrian trails, etc. Mr. Seng expressed concern about his trucks hauling gravel in that situation and about recent trenches which had been dug in the road with no notice given to him and no regard for his employees or the public. Mr. Roberts said that construction was going on and there was still trenching to be done. It was for irrigation related to a pond in the development. Mr. Shawcroft and Mr. Mendenhall discussed the implications of this, as Lake Mountain Drive crossed the existing easement. The matter was referred to the April 29 regular agenda for further review.

6. DISCUSS PROPOSAL FOR A COUNTY RDA POLICY
Commissioner Grover explained that this involved UVEDA's desire for a general policy statement from the board regarding any RDA's created and the county's involvement. The matter was for discussion purposes only and was not referred further. Any recommendations would be brought back at a later time.

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 22, 1997 read and approved.

David J. Gardner, Chairman
UTAH COUNTY COMMISSION

ATTEST:
Arlin V. Kuhni
UTAH COUNTY CLERK-AUDITOR

ATTACHMENTS
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REPORTED BY: Lee Ann Orton