

BOARD OF COUNTY COMMISSIONERS, UTAH COUNTY, UTAH
MINUTES OF PUBLIC MEETING
COMMISSION CHAMBERS, ROOM 1400
OF THE UTAH COUNTY ADMINISTRATION BUILDING
May 14, 2013 - 9:00 A.M.

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

ALSO PRESENT:

David Shawcroft, Utah County Deputy Attorney
Robert J. Moore, Utah County Deputy Attorney
Paul Jones, Utah County Deputy Attorney
Bryan E. Thompson, Utah County Clerk/Auditor
Scott C. Hogensen, Chief Deputy Clerk/Auditor
Julie Rollins, Utah County Purchasing Agent
Brandon Larsen, Community Development
Dr. Joseph K. Miner, Health Department Exec. Director
Mark Baker, Utah County Health Department
Lana Jensen, Utah County Personnel Director
Jane Ivie, Personnel Office

Richard Nielson, Utah County Public Works Director
Don Nay, Utah County Public Works Assoc. Director
Andrea Allen, Utah County Recorder's Office
James O. Tracy, Utah County Sheriff
Darin Durfey Utah County Sheriff's Office
Mike Forshee, Utah County Sheriff's Office
Cary McConnell, Utah County Treasurer's Office
Mike Stansfield, Fairways Media
Clinton Stephens, -No further information given-
Kathleen Stephens, -No further information given-
Craig Waymen, -No further information given-
Renée Huggins-Caron, Clerk/Auditor Admin. Assist.

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

PRAYER/READING/THOUGHT: Andrea Allen, Utah County Recorder's Office

PLEDGE OF ALLEGIANCE: Don Nay, Utah County Public Works Associate Director

CONSENT AGENDA

- 1. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN A NON-DISCLOSURE AGREEMENT WITH MARSHALL & SWIFT IN ORDER TO ALLOW THE INFORMATION SYSTEMS DEPARTMENT TO EVALUATE PROPERTY VALUATION SOFTWARE**
- 2. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN CHANGE ORDER NO. 10 TO AGREEMENT NO. 2012-389 WITH CK CONSTRUCTION FOR THE MOSQUITO ABATEMENT FACILITY PROJECT**
- 3. ABATE PERSONAL PROPERTY ACCOUNTS ATTACHED FOR THE YEARS INDICATED, HAVING BEEN IDENTIFIED AS UNCOLLECTIBLE; THERE ARE NO ASSETS AVAILABLE**
- 4. ADOPT A RESOLUTION APPROVING VOLUNTEERS WHO WISH TO DONATE THEIR SERVICES TO THE CHILDREN'S JUSTICE CENTER AND THE UTAH COUNTY HEALTH DEPARTMENT**
- 5. APPROVE THE MINUTES OF THE MAY 7, 2013 COMMISSION MEETING**

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6. RATIFICATION OF WARRANT REGISTER SUMMARY

Register No. 462	May 03, 2013	Purchasing Cards 318-319	Total: \$	810.21
Register No. 463	May 03, 2013	Check Nos. 179948-179994	Total: \$	78,840.01
Register No. 464	May 03, 2013	Direct Deposit:16852-16856	Total: \$	28,805.12
Register No. 465	May 03, 2013	Check Nos. 179995-180016	Total: \$	40,665.57
Register No. 466	May 06, 2013	Purchasing Cards 320-321	Total: \$	19,600.00
Register No. 467	May 06, 2013	Check Nos. 180017-180034	Total: \$	70,699.45
Register No. 468	May 07, 2013	Direct Deposit:16857-16859	Total: \$	1,930.47
Register No. 469	May 07, 2013	Check Nos. 180035-180065	Total: \$	22,015.32
Register No. 470	May 07, 2013	Bond Wires:145-152	Total:	\$4,218,762.07
Register No. 471	May 07, 2013	Check Nos. 180066-180096	Total: \$	124,088.86
Register No. 472	May 08, 2013	Check Nos. 180097-180109	Total: \$	6,708.85
Register No. 473	May 08, 2013	Direct Deposit:16860-16863	Total: \$	473.25
Register No. 474	May 08, 2013	Check Nos. 180110-180159	Total: \$	164,969.95
Register No. 475	May 09, 2013	Check Nos. 180160-180189	Total: \$	49,721.15
Register No. 476	May 09, 2013	Direct Deposit:16864-16868	Total: \$	1,048.84
Register No. 477	May 09, 2013	Purchasing Cards 322-322	Total: \$	99.00
Register No. 478	May 09, 2013	Direct Deposit:16869-16869	Total: \$	59,081.78
Register No. 479	May 09, 2013	Check Nos. 180190-180196	Total: \$	3,065.00
Register No. 480	May 09, 2013	Check Nos. 180197-180221	Total: \$	48,639.15
Register No. 481	May 10, 2013	Purchasing Cards 323-325	Total: \$	64,154.24
Register No. 482	May 10, 2013	Direct Deposit:16870-16871	Total: \$	296.95
Register No. 483	May 10, 2013	Check Nos. 180222-180247	Total: \$	24,392.98
Register No. 484	May 10, 2013	Purchasing Cards 326-333	Total: \$	2,684.60
			Total:	<u>\$5,031,552.82</u>

Consent Agenda Item Nos. 1 through 6 were approved as written. Commissioner Witney recommended the following Regular Agenda items be moved to Consent:

1. **APPROVE PERSONNEL ACTIONS ORIGINATING MAY 9, 2013**
2. **APPROVE EMPLOYEE DONATION OF LEAVE TIME WITHIN THE ASSESSOR'S OFFICE**
3. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN A LETTER TO JOHNSON CONTROLS, INC. REGARDING "NOTICE OF BREACH OF SERVICE AGREEMENT, INTENT TO TERMINATE"**

Commissioner Witney requested that discussion and action on Regular Agenda Item No. 3 follow the closed sessions.
 TABLED

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

4. **AUTHORIZE THE UTAH COUNTY CLERK/AUDITOR TO ISSUE A QUIT CLAIM DEED TO NATHEN M. AND CHARLENE J. HARRIS FOR THE PURCHASE OF PROPERTY LOCATED IN EAGLE MOUNTAIN**
5. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN THE MURDOCK TRAIL LICENSE AGREEMENT WITH PROVO RIVER WATER USERS ASSOCIATION**

ACTIONS TAKEN

Consent Agenda Item Nos. 1 and 2 were approved and authorized; No. 3 was abated; No. 4 was adopted; No. 5 was approved; and No. 6 was ratified. Regular Agenda Item Nos. 1 and 2 were approved; No. 3 was tabled for further discussion; No. 4 was authorized; and No. 5 was approved and authorized.

AGREEMENT NOS.: 2013-345, 2013-346, 2013-347, 2013-348, and 2013-349

RESOLUTION NO.: 2013-55

REGULAR AGENDA

10. 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 Anderson made the motion to strike Regular Agenda Item No. 10 to set a date, time and location for a closed meeting to discuss commercial information as defined in Section 59-1-404, U.C.A., as amended. The motion was seconded by Commissioner Ellertson and carried with the following vote:

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

STRICKEN

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

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

SET

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

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

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

SET

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

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

SET

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

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

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

SET

WORK SESSION

NO WORK SESSION ITEMS WERE SUBMITTED

PUBLIC COMMENTS

There were no public comments and the meeting recessed at 9:12 A.M. to go into closed meetings. The public meeting reconvened at 10:32 A.M., and the commissioners returned to previously tabled Regular Agenda Item No. 3 at this point.

3. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN A LETTER TO JOHNSON CONTROLS, INC. REGARDING "NOTICE OF BREACH OF SERVICE AGREEMENT, INTENT TO TERMINATE"

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Commissioner Ellertson made the motion to approve and authorize the letter to Johnson Controls, Inc. regarding "Notice of Breach of Service Agreement, Intent to Terminate" as defined in Regular Agenda Item No. 3. The motion was seconded by Commissioner Anderson and carried with the following vote:

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

AGREEMENT NO. 2013-350

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

This concluded the open meeting.

Commissioner Anderson made the motion to adjourn the May 14, 2013 meeting of the Utah County Board of Commissioners. The motion was seconded by Commissioner Ellertson and carried with the following vote:

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

There being no further business nor public comment, the meeting adjourned at 10:32 A.M. The minutes of the May 14, 2013 Commission Meeting were approved as transcribed on May 21, 2013.

DOUG WITNEY, Commission Chair

ATTEST:

BRYAN E. THOMPSON
Utah County Clerk/Auditor

*Regular Agenda Item No. 3:

The commissioners addressed Regular Agenda Item No. 3 following the closed session meetings, and approved the letter to Johnson Controls, Inc. by unanimous vote.

