BOAR D OF COM MISSIONERS OF UTAH COUNTY, UTAH
MINUTES OF PUBLIC MEETING
COMMISSION CHAMBERS, ROOM 1400
OF THE UTAH COUNTY ADMINISTRATION BUILDING
December 30, 2008 - 9:00 A.M.

PRESENT: COMMISSIONER GARY J. ANDERSON, CHAIR
COMMISSIONER LARRY A. ELLERTSON, VICE-CHAIR
COMMISSIONER STEVE WHITE

ALSO PRESENT:

Kent Sundberg, Attorney/Civil Division Chief
Bryan Thompson, Utah County Clerk/Auditor
James Tracy, Utah County Sheriff
Mike Forshee, Sheriff’s Office
Dalene Higgins, Sheriff’s Office
Dennis Harris, Sheriff’s Office
Robert Kirk, Utah County Treasurer
Andrea Allen, Recorder’s Office
Richard Nielsen, Public Works Director/County Eng.
Peggy Kelsey, Community Development
Jeff Mendenhall, Community Development
Anthony Fernlund, Utah County Constable
Lana Jensen, Personnel Director
Jane Ivie, Personnel
Merritt Fullmer, Personnel
Jeff Buhman, Utah County Attorney

Commissioner Anderson called the meeting to order at 9:02 A.M. and welcomed those present. The following matters were discussed.

PUBLIC HEARING

PUBLIC HEARING TO CONSIDER THE RECOMMENDED AGRICULTURE PROTECTION AREAS FOR MELVIN V. FRANDSEN, SECTION 26, T5S, R1E, IN THE RA-5 ZONE, 136 ACRES, AMERICAN FORK CITY AREA (Public Hearing set December 9, 2008)

Jeff Mendenhall said this matter went before the Agricultural Protection Agency and the Planning Commission. Both entities recommended approval and there have been no protests. Commissioner Ellertson noted there was a difference in the acreage requested and the acreage approved. Mr. Mendenhall explained the original request had been for 174.10 acres; however, Mr. Frandsen reduced that amount to 136 acres at the Planning Commission’s recommendation because Lehi City planned to annex part of the property into the city.

Commissioner White made the motion to close the public hearing to consider the recommended agriculture protection areas for Melvin V. Frandsen, Section 26, T5S, R1E, in the RA-5 Zone, 136 acres, American Fork City area. The motion was seconded by Commissioner Ellertson and carried with the following vote:

AYE: Gary J. Anderson
Larry A. Ellertson
Steve White

NAY: None
CONSENT

1. APPROVE AND RATIFY THE CHAIR’S SIGNATURE ON THE HISTORIC COUNTY COURTHOUSE LEASE AGREEMENT WITH CHELSEA JOHNS FOR A WEDDING RECEPTION TO BE HELD ON JANUARY 2, 2009

2. ADOPT A RESOLUTION APPROVING VOLUNTEERS WHO WISH TO DONATE THEIR SERVICES TO UTAH COUNTY

3. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN TWO TERMINATION AGREEMENTS AND GENERAL RELEASE (SEVERANCE PAYMENT OPTION) WITH TWO COUNTY EMPLOYEES (Continued from the December 23, 2008 meeting)

4. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN NINE TERMINATION AGREEMENTS AND GENERAL RELEASE (SEVERANCE PAYMENT OPTION) WITH NINE COUNTY EMPLOYEES

6. REFER TO THE UTAH COUNTY PLANNING COMMISSION AND THE AGRICULTURAL ADVISORY BOARD THE PROPOSED AGRICULTURAL PROTECTION AREA SUBMITTED BY SAUNDERS LIVESTOCK CORPORATION, LOCATED IN SECTION 30, TOWNSHIP 9 SOUTH, RANGE 2 EAST, SOUTH OF PAYSON CITY, 92.13 AREAS

7. APPROVE PROPERTY TAX ACTIONS CONTAINED IN RECOMMENDATION LETTER NO. 2008-28

8. APPROVE TAX CREDITS AND REFUNDS RECOMMENDED BY THE COUNTY TREASURER’S OFFICE IN CANCELLATION AND CORRECTION LETTER NO. 09-397, DATED DECEMBER 30, 2008

9. APPROVE THE MINUTES OF THE UTAH COUNTY BOARD OF COMMISSIONERS’ DECEMBER 23, 2008 MEETING

10. RATIFICATION OF WARRANT REGISTER SUMMARY

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Consent Agenda Item No. 5 was moved to the Regular Agenda for discussion. Consent Agenda Item No. 9 was continued to the January 6, 2009 meeting. The remaining Consent Agenda items were approved. The following Regular Agenda items were moved to Consent:

1. APPROVE PERSONNEL ACTIONS ORIGINATING DECEMBER 23, 2008

2. APPROVE DONATION OF LEAVE TIME WITHIN THE ASSESSOR’S OFFICE

3. ANNOUNCE THE FOLLOWING REDUCTIONS TO THE ASSESSOR STAFFING PLAN (ACCOUNT
4. ANNOUNCE THE FOLLOWING CHANGES TO THE ATTORNEY STAFFING PLAN (ACCOUNT NO. 100-41450)
   - Delete (1) Full-Time Career Service Polygraph Examiner Position No. 3960-48-1
   - Delete (1) Half-Time Career Service Victim/Witness Coordinator Position No. 5006-25-1
   - Delete (1) Full-Time Career Service Legal Assistant III Position No. 6703-27-1
   - Add Full-Time Career Service Sergeant - Investigations Position (Class Code 3904)

5. ANNOUNCE THE FOLLOWING REDUCTIONS TO THE JUSTICE COURT DEPARTMENT (ACCOUNT NO. 100-41220)
   - (1) Full-Time Career Service Justice Court Clerk I Position No. 6150-40-1
   - (2) Full-Time Career Service Justice Court Clerk II Position Nos. 6151-11-1 and 6151-12-1

7. ANNOUNCE THE FOLLOWING REDUCTIONS TO THE RECORDER STAFFING PLAN (ACCOUNT NO. 100-41440)
   - Delete (5) Full-Time Career Service Cadastral Mapper II Position Nos. 3061-3-1; 3061-11-1; 3061-12-1; 3061-36-1; and 3061-37-1
   - Delete (1) Full-Time Career Service Cadastral Mapper III Position No. 3062-5-1
   - Delete (3) Full-Time Career Service Customer Service Specialist II Position Nos. 6561-27-1; 6561-28-1 and 6561-34-1
   - Delete (2) Full-Time Career Service Lands Records Data II Position Nos. 6564-22-1 and 6564-30-1
   - Delete (1) Full-Time Career Service Recording Clerk III Position No. 6569-20-1
   - Reduce (1) Full-Time Career Service Customer Service II Position No. 6561-25-1 to (1) half-time Career Service Specialist II Position

12. APPROVE A CORRECTION ON THE AWARD AMOUNT FOR THE POLLUTION PREVENTION GRANT
14. APPROVE AND AUTHORIZE THE UTAH COUNTY CLERK/AUDITOR TO SIGN A QUIT CLAIM DEED TO ABANDON EASEMENT OF APPROXIMATELY 1650 EAST SLATE CANYON DRIVE IN PROVO
15. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT WITH MARRIOTT SCHOOL OF MANAGEMENT FOR A STORM WATER STUDY
16. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN THE FY 2008-2009 CONTRACT WITH THE UTAH ATTORNEY GENERAL'S OFFICE FOR THE UTAH COUNTY CHILDREN'S JUSTICE CENTER PROGRAM
17. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO EXECUTE AN AGREEMENT WITH JOEL WRIGHT FOR THE PURPOSE OF INSPECTING ALL BEEHIVES IN UTAH COUNTY ACCORDING TO THE UTAH BEE INSPECTION ACT, 4-11-1 et seq., U..A., 1953, for the Year 2008
18. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO EXECUTE AN AGREEMENT WITH JOEL WRIGHT FOR THE PURPOSE OF INSPECTING ALL BEEHIVES IN UTAH COUNTY ACCORDING TO THE UTAH BEE INSPECTION ACT, 4-11-1 et seq., U.A., 1953, for the Year 2009

22. ADOPT A RESOLUTION APPROVING RECOMMENDATIONS OF THE COUNTY CONSTABLE NOMINATING COMMISSION AND APPOINTING COUNTY CONSTABLES

23. ADOPT A RESOLUTION APPOINTING MEMBERS TO THE ADMINISTRATIVE CONTROL BOARD OF THE UTAH VALLEY DISPATCH SPECIAL SERVICE DISTRICT

ACTIONS TAKEN

Consent Agenda Item Nos. 1, 3, 4, 7 and 8 were approved; No. 2 was adopted; No. 5 was moved to the Regular Agenda for discussion; No. 9 was continued to the January 6, 2008 meeting; and No. 10 was ratified. Regular Agenda Item Nos. 1, 2, 12, 14, 15, 16, 17 and 18 were approved; Nos. 3, 4, 5, and 6 were announced; and Nos. 22 and 23 were adopted.


RESOLUTION NOS. 2008-201, 2008-202 and 2008-203

REGULAR

Consent Agenda Item No. 5

5. RESCIND COOPERATIVE AGREEMENT NO. 2008-314 WITH UTAH STATE UNIVERSITY EXTENSION, DATED MAY 13, 2008

Commissioner White made the motion to rescind Cooperative Agreement No. 2008-314 with Utah State University Extension, dated May 13, 2008. The motion was seconded by Commissioner Ellertson with the understanding that communication with Utah State University had taken place.

AYE: Gary J. Anderson
Larry A. Ellertson
Steve White

NAY: None

6. ANNOUNCE THE FOLLOWING CHANGES TO INFORMATION SYSTEMS STAFFING PLANS (ACCOUNT NO. 670-41671)
   • Add (1) Full-Time Career Service Switchboard Operator Position (Class Code 6877) to the Information Systems - Support Staffing Plan (Account No. 670-41670)
   • Delete (1) Full-Time Career Service GIS Systems Analyst Position No. 2043-13-1
   • Delete (1) Full-Time Career Service Analyst/Programmer I Position No. 3027-16-1

   - Lana Jensen, Personnel Director -

Bryan Thompson noted the Switchboard Operator position had been moved from Public Works to Information Systems; however, there had been no information regarding this deletion in the Public Works staffing plan. Lana Jensen said this matter would be on the next agenda.

Commissioner Ellertson made the motion to accept the following changes to the Information Systems Staffing Plans (Account No. 670-41671). The motion was seconded by Commissioner White and carried with the following vote:

AYE: Gary J. Anderson
Larry A. Ellertson
Steve White

NAY: None
8. AUTHORIZE THE ADDITION OF (1) FULL-TIME CAREER SERVICE ARCHIVIST II POSITION (CLASS CODE 3066) TO THE RECORDER - RECORDS MANAGEMENT STAFFING PLAN (ACCOUNT NO. 100-41370)

Bryan Thompson said there was nothing in the budget that addressed the addition of a full-time career service Archivist II position to the Records Management Staffing Plan and wondered where the funds would be coming from. Commissioner White explained an employee in that department was on family leave without pay for an indefinite period of time and those funds from that position would be used to pay for the additional employee.

Commissioner White made the motion to authorize the addition of (1) full-time career service Archivist II Position to the Recorder - Records Management Staffing Plan. The motion was seconded by Commissioner Ellertson and carried with the following vote:

AYE: Gary J. Anderson
      Larry A. Ellertson
      Steve White

NAY: None

9. APPROVE OR DENY A LATE INDIGENT ABATEMENT APPLICATION FOR DARLENE POTRUDE ON SN 08:146:0006

Commissioner Ellertson made the motion to approve a late indigent abatement application for Darlene Potrude on SN 08:146:0006, based on the information provided, with a finding of good cause. The motion was seconded by Commissioner White and carried with the following vote:

AYE: Gary J. Anderson
      Larry A. Ellertson
      Steve White

NAY: None

10. APPROVE OR DENY A LATE VETERAN ABATEMENT APPLICATION FOR TERRY CHANG ON SN 46:013:0054

Commissioner White made the motion to approve a late Veteran Abatement Application for Terry Chang on SN: 46:013:0054 with a finding that failure to approve would be against fair equity and good conscience. The motion was seconded by Commissioner Ellertson and carried with the following vote:

AYE: Gary J. Anderson
      Larry A. Ellertson
      Steve White

NAY: None

11. APPROVE OR DENY A LATE BLIND ABATEMENT APPLICATION FOR EARL K. BATES ON SN 47:156:0028

Commissioner Ellertson made the motion to approve a late Blind Abatement Application for Earl K. Bates on Sn 47:156:0028 with a finding of good cause. The motion was seconded by Commissioner White and carried with the following vote:

AYE: Gary J. Anderson
      Larry A. Ellertson
      Steve White

NAY: None

13. APPROVE OR DENY THE RECOMMENDED AGRICULTURAL PROTECTION AREA FOR MELVIN V. FRANDSEN, SECTION 26, T5S, R1E, IN THE RA-5 ZONE, 136 ACRES IN THE AMERICAN FORK CITY AREA

Commissioner White made the motion to approve the recommended Agricultural Protection Area for Melvin V. Frandsen, on Section 26, T5S, R1E, in the RA-5 Zone, 136 acres in the American Fork City area. The motion was seconded by Commissioner Ellertson and carried with the following vote:

Commissioner White made the motion to elect Larry E. Ellertson as Chair, and Steve White as Vice-Chair of the Board of Commissioners of Utah County, Utah, for the Year 2009, pursuant to Section 17-53-203, Utah Code Annotated, 1953 as amended. The motion was seconded by Commissioner Ellertson and carried with the following vote:

AYE: Gary J. Anderson
Larry A. Ellertson
Steve White

NAY: None

20. APPROVE THE 2009 PORTFOLIO ASSIGNMENTS FOR THE UTAH COUNTY COMMISSIONERS

Commissioner White made the motion to continue Agenda Item No. 20 to approve the 2009 Portfolio assignments for the Utah County Commissioners to the next meeting. The motion was seconded by Commissioner Ellertson and carried with the following vote:

AYE: Gary J. Anderson
Larry A. Ellertson
Steve White

NAY: None

21. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AMENDMENT NO. 3 TO AGREEMENT NO. 2004-589 WITH THE STATE OF UTAH, DEPARTMENT OF COMMERCE TO PROVIDE THE PAWNSHOP CENTRAL DATABASE

Commissioner Ellertson said there was some confusion in the amendment in that it states: “you will return to me”. Kent Sundberg said the agreement should state “the contractor will return to the state”.

Commissioner Ellertson made the motion to approve Amendment No. 3 to Agreement No. 2004-589 with the State of Utah, Department of Commerce, to provide the Pawnshop Central Database, subject to the discussed correction being made. The motion was seconded by Commissioner White and carried with the following vote:

AYE: Gary J. Anderson
Larry A. Ellertson
Steve White

NAY: None

AGREEMENT NO. 2008-839

24. ADOPT A RESOLUTION ESTABLISHING THE UTAH COUNTY TOURISM TAX ADVISORY BOARD AND APPOINTING MEMBERS THERETO (Continued from the December 9 and 23, 2008 meetings)

Commissioner Anderson asked that this agenda item be continued for two weeks.

Commissioner Ellertson made the motion to continue Agenda Item No. 24 regarding the adoption of a resolution establishing the Utah County Tourism Tax Advisory Board and appointing members thereto to the January 13, 2009 meeting. The motion was seconded by Commissioner White and carried with the following vote:

AYE: Gary J. Anderson
Larry A. Ellertson
Steve White

NAY: None
27. SET A DATE, TIME AND LOCATION FOR A CLOSED MEETING FOR A STRATEGY SESSION TO DISCUSS THE PURCHASE, EXCHANGE, OR LEASE OF REAL PROPERTY

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

29. SET A DATE, TIME AND LOCATION FOR A CLOSED MEETING TO DISCUSS COMMERCIAL INFORMATION AS DEFINED IN SECTION 59-1-404, U.C.A., 1953 AS AMENDED

Commissioner White made the motion to strike Agenda Item Nos. 27, 28 and 29 to set dates, times and locations for closed meetings for strategy sessions to discuss the purchase, exchange, or lease of real property; the sale of real property; and commercial information as defined in Section 59-1-404, U.C.A., 1953 as amended. The motion was seconded by Commissioner Ellertson and carried with the following vote:

AYE: Gary J. Anderson
     Larry A. Ellertson
     Steve White

NAY: None

25. 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 White 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 Ellertson and carried with the following vote:

AYE: Gary J. Anderson
     Larry A. Ellertson
     Steve White

NAY: None

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

Commissioner White made the motion to set a date, time and location 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 Ellertson and carried with the following vote:

AYE: Gary J. Anderson
     Larry A. Ellertson
     Steve White

NAY: None

WORK SESSION

1. DISCUSSION OF REQUEST FROM THE SPRINGVILLE MUSEUM OF ART FOR FINANCIAL SUPPORT OF THE STEWART SCULPTURE GARDEN

Discussion on this matter was postponed until the representatives arrived.

PUBLIC COMMENTS

Eldon Neves said he represents a group called The Citizens for Rural Utah, which intends to become a force for good in
the less populated areas of the county. Mr. Neves repeated his remarks of the December 23rd meeting during which time he stressed the fact that they had been unaware that action would be taken to adopt an ordinance adding a new Public Facilities Zone (PF) during the December 9, 2008 meeting although this matter had been continued from the November 25th and December 2nd meeting. Commissioner Anderson said previous senator Eldon Money should have understood the meaning of a continued item. Commissioner White noted that Mr. Money had expressed the belief to him that he thought he was going to have a private meeting with the Board. He, Commissioner White, stated that would have been illegal as the Board is prohibited from having private discussions regarding items that are on the agenda. Attorney Kent Sundberg concurred with that statement. Commissioner Anderson stated Wayne Anderson had reported having a meeting with the citizens and expressed the belief that the questions had been resolved. Mr. Neves said Wayne Anderson had told them at the meeting the zoning was correct so they didn’t think there would be a change the next day. Commissioner Anderson stated the action has been taken, but it can be undone if the Board finds a reason to take that action. However, he continued, it made sense to him to have the transfer station in the new location because it would be adjacent to land that the South Utah Valley Solid Waste District (SUWSWD) already owns for a sewage treatment plant. He added, the county had no say in that land use. Commissioner Ellertson said the idea was to have a buffer that would protect the surrounding areas, plus a road. Mr. Neves said there were many issues involved, including the road and the wetlands areas and wondered if the group would be wasting their time pursuing this matter. The Board said this matter was not an agenda item at this time and it would be illegal for Mr. Neves coordinate a meeting with the citizens, the people from the Waste Treatment Plant, SUWSWD and the Board of Commissioners, and asked him how much time would be needed. Mr. Neves said he would need two months and the Board said the meeting should take place after the legislative session in March and Mr. Neves agreed. He will contact Commissioner Ellertson’s assistant to set up a time.

At this time the Board returned to the work session item.

1. **DISCUSSION OF REQUEST FROM THE SPRINGVILLE MUSEUM OF ART FOR FINANCIAL SUPPORT OF THE STEWART SCULPTURE GARDEN**

Dave Cook and Vern Swanson were present to represent the Springville Museum of Art. Mr. Cook indicated they had been working on the Stewart Sculpture Garden project for several years and one of the first donations came from the county. They are now at the end of the project and are short of funds to finish. Mr. Swanson noted this would be a pleasurable, educational and recreational location for both local citizens and tourists where admission would not be charged. Commissioner White said Salt Lake County has a ZAP tax to cover this type of financing; however, Utah County gives grant money back to the cities. He noted Springville City could request grant money to go toward this project for the next three years. Mr. Cook said the city has already given a substantial amount and a lot of the money goes to the Arts Council capital improvements. Kent Sundberg asked who owned the Springville Art Museum and the answer was that it is owned by Springville City. Commissioner Ellertson said the county is trying to find a way to help, but the Board can’t speak for the cities. He suggested that Mr. Cook and Mr. Swanson approach the city to see what was possible. Commissioner Anderson said he would call Troy Fitzgerald later in the afternoon to discuss the matter.

There being no further business nor public comment, the meeting adjourned at 9:50 A.M. The minutes of the December 30, 2008 Utah County Board of Commissioners meeting were approved as transcribed on January 5, 2008

**ATTEST:**

GARY J. ANDERSON, CHAIR

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BRYAN E. THOMPSON
Utah County Clerk-Auditor

Copies Available upon Request or on the County Web Site at [www.utahcountyonline.org](http://www.utahcountyonline.org)

Recorded by: Linda Strickland, Commission Clerk