

**BOARD OF COUNTY COMMISSIONERS, UTAH COUNTY, UTAH**  
**MINUTES OF PUBLIC METING**  
**COMMISSION CHAMBERS, ROOM 1400**  
**OF THE UTAH COUNTY ADMINISTRATION BUILDING**  
**November 16, 2010 - 9:00 A.M.**

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

ALSO PRESENT:

Kent Sundberg, Civil Division Chief Attorney	Lana Jensen, Personnel Director
David Shawcroft, Deputy Attorney	Jane Ivie, Personnel Department
Danene Jackson, Clerk/Auditor's Office - Finance	Andrea Allen, Utah County Recorder's Office
Cary McConnell, Clerk/Auditor's Office	James O. Tracy, Utah County Sheriff
Kris Poulson, Utah County Assessor	Mike Forshee, Utah County Sheriff's Office
Jeff Mendenhall, Community Development Director	Dalene Higgins, Utah County Sheriff's Office
Peggy Kelsey, Community Development	Robert Kirk, Utah County Treasurer
Dr. Joseph K. Miner, Health Dept. Exec. Director	Joel Racker, Utah Valley Convention & Visitor's Bureau
Ralph Clegg, Utah County Health Department	Charlene Christensen, U.V. Convention & Visitor's Bureau
Lynn Flinders, Utah County Health Department	Doug Whitney, County Commissioner Elect
Neil Peterson, Information Systems	Joe Pyrah, <u>The Daily Herald</u>
Richard Nielson, Public Works Director	Renée Huggins-Caron, Clerk/Auditor Admin. Assistant

Commissioner White called the meeting to order at 9:19 A.M. and welcomed those present. The following matters were discussed:

**PUBLIC HEARING**

**PUBLIC HEARING TO DISCUSS, CONSIDER, AND RECEIVE PUBLIC COMMENTS  
CONCERNING THE YEAR 2011 BUDGETS FOR THE GENERAL FUND AND OTHER  
BUDGETARY FUNDS OF UTAH COUNTY, UTAH (*Public Hearing set on October 26, 2010*)**

Utah County Clerk/Auditor Bryan Thompson requested that the Public Hearing to discuss the year 2011 budgets for the general fund be continued to December 7, 2010, because of additional information and efforts to be made. Commissioner White asked whether there were any members of the public present regarding this hearing, and no one came forward. Commissioner White explained that there have been a series of meetings with department heads who were given an initial budget proposal; the county is still currently approximately \$2,000,000 from having a balanced budget without using reserves.

**Commissioner Ellertson made the motion to continue the public hearing to discuss, consider, and receive public comments concerning the year 2011 budgets for the general fund and other budgetary funds of Utah County, Utah to Tuesday, December 7, 2010 at 9:00 A.M. The motion was seconded by Commissioner Anderson and carried with the following vote:**

**AYE: Steve White  
Gary J. Anderson  
Larry A. Ellertson**  
**NAY: None**

**CONSENT AGENDA**

- 1. DECLARE ATTACHED LIST OF COMPUTER EQUIPMENT AS SURPLUS AND ALLOW THE DISPOSITION THEREOF BY PUBLIC AUCTION**

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**2. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN THE MAINTENANCE AGREEMENT WITH ORACLE FOR THE SUN V-880 CENTRAL SITE SPILLMAN SERVER**

Utah County Clerk/Auditor Bryan Thompson noted a correction to be made to the agreement regarding the billing to and ship to address lines.

**3. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN THE SMARTNET MAINTENANCE AND SUPPORT AGREEMENT FOR CISCO NETWORK EQUIPMENT**

Utah County Clerk/Auditor suggested Consent Agenda Item No. 3 be moved to the Regular Agenda for discussion.

**4. APPROVE TAX CREDITS AND REFUNDS RECOMMENDED BY THE COUNTY ASSESSOR'S OFFICE IN CANCELLATION AND CORRECTION LETTER NO. 60220, DATED NOVEMBER 10, 2010**

**5. ACCEPT THE VALUES APPROVED BY THE LOCAL BOARD OF EQUALIZATION AND BY THE COUNTY ASSESSOR PER ACCEPT APR REPORT DATED NOVEMBER 12, 2010**

**6. APPROVE PROPERTY TAX ACTIONS CONTAINED IN RECOMMENDATION LETTER NO. 2010-31**

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

**8. APPROVE THE MINUTES OF THE NOVEMBER 9, 2010 COMMISSION MEETING**

**9. RATIFICATION OF WARRANT REGISTER SUMMARY**

Register No. 778	Nov 08, 2010	Direct Deposit: 9839-9840	Total: \$	1,903.00
Register No. 779	Nov 08, 2010	Check Nos. 138204-138224	Total: \$	21,302.74
Register No. 780	Nov 08, 2010	Direct Deposit: 9841-9854	Total: \$	4,555.78
Register No. 781	Nov 08, 2010	Check Nos. 138225-138251	Total: \$	7,184.73
Register No. 782	Nov 08, 2010	Check Nos. 138252-138302	Total: \$	35,767.07
Register No. 783	Nov 09, 2010	Direct Deposit: 9855-9876	Total: \$	2,849.96
Register No. 784	Nov 09, 2010	Direct Deposit: 9877-9877	Total: \$	42.65
Register No. 785	Nov 09, 2010	Check Nos. 138303-138350	Total: \$	62,220.02
Register No. 786	Nov 09, 2010	Direct Deposit: 9878-9890	Total: \$	5,889.00
Register No. 787	Nov 09, 2010	Check Nos. 138351-138359	Total: \$	4,104.00
Register No. 788	Nov 09, 2010	Direct Deposit: 9891-9911	Total: \$	4,609.05
Register No. 789	Nov 09, 2010	Check Nos. 138360-138412	Total: \$	12,597.72
Register No. 790	Nov 09, 2010	Direct Deposit: 9912-9921	Total: \$	2,912.66
Register No. 791	Nov 10, 2010	Check Nos. 138413-138439	Total: \$	67,746.12
Register No. 792	Nov 10, 2010	Direct Deposit: 9922-9923	Total: \$	426,818.80
Register No. 793	Nov 10, 2010	Check Nos. 138440-138478	Total: \$	444,330.14
Register No. 794	Nov 10, 2010	Direct Deposit: 9924-9928	Total: \$	23,055.76
Register No. 795	Nov 12, 2010	Check Nos. 138479-138520	Total: \$	210,779.74
			<b>Total:</b>	<b><u>\$1,338,668.94</u></b>

Consent Agenda Item Nos. 1, 2, 4, 6, 7, 8 and 9 were approved as written. Consent Agenda Item No. 3 was moved to the Regular Agenda for further discussion. Consent Agenda Item No. 5 was stricken from the agenda. Commissioner White recommended the following Regular Agenda items be moved to Consent:

**1. APPROVE PERSONNEL ACTIONS ORIGINATING NOVEMBER 11, 2010**

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5. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN A UTAH DEPARTMENT OF TRANSPORTATION LOCAL GOVERNMENT CONTRACT WITH JUB ENGINEERS FOR THE MURDOCK CANAL TRAIL CONSTRUCTION ENGINEERING MANAGEMENT IN THE AMOUNT OF \$464,383.37**

Utah County Clerk/Auditor Bryan Thompson asked whether this contract needs to be bid, and Commissioner Ellertson explained that it does not need to be bid because it comes from the selected vendors for the Utah Department of Transportation and it falls below their bid requirements.

6. **APPROVE AN AMENDMENT TO AGREEMENT NO. 2010-364 BETWEEN UTAH COUNTY AND THE UTAH DEPARTMENT OF CORRECTION TO PROVIDE AN EXTENSION OF TIME TO REIMBURSE UTAH COUNTY**

7. **RATIFY THE SIGNATURE OF THE COMMISSION CHAIR ON AN INTERLOCAL COOPERATION AGREEMENT ESTABLISHING THE JORDAN RIVER COMMISSION**

Utah County Civil Division Chief Attorney Kent Sundberg explained that because this item involves an interlocal agreement, a resolution should be adopted by the Board of Commissioners. There was some clarification between the attorney and the commissioners regarding the necessity of a resolution, and it was ultimately decided that this item would be stricken from the agenda and presented again with the correct documentation at a later date.

8. **APPROVE OR DENY THE 2011 BUSINESS AND MARKETING PLAN FOR THE UTAH VALLEY CONVENTION AND VISITORS BUREAU**

9. **APPROVE A UTAH COUNTY HEALTH DEPARTMENT EMPLOYEE IMMUNIZATION POLICY**  
Utah County Health Department Executive Director Dr. Joseph K. Miner requested this item be continued for one week.

10. **ADOPT A RESOLUTION APPROVING THE 2011 BUDGETS FOR THE GENERAL FUND AND OTHER BUDGETARY FUNDS OF UTAH COUNTY, UTAH**

11. **ADOPT A RESOLUTION APPROVING AND AUTHORIZING THE EXECUTION OF AN INTERLOCAL COOPERATION AGREEMENT WITH MAPLETON CITY REGARDING LIBRARY SERVICES**

**ACTIONS TAKEN**

Consent Agenda Item No. 1 was declared as surplus; Nos. 2, 4, 6 and 8 were approved and authorized; No. 3 was tabled for further discussion; No. 5 was stricken from the agenda; No. 7 was adopted; and No. 9 was ratified. Regular Agenda Item Nos. 1, 5 and 6 were approved and authorized; No. 7 was stricken from the agenda; Nos. 8 and 10 were continued to the December 7, 2010 Commission Meeting Agenda; No. 9 was continued to the November 23, 2010 Commission Meeting Agenda; and No. 11 was adopted.

AGREEMENT NOS.: 2010-828, 2010-829, 2010-830, 2010-831, 2010-832, 2010-833 and 2010-834  
RESOLUTION NOS.: 2010-160 and 2010-161

**REGULAR AGENDA**

**(PULLED FROM CONSENT)**

3. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN THE SMARTNET MAINTENANCE AND SUPPORT AGREEMENT FOR CISCO NETWORK EQUIPMENT**

Commissioner Ellertson asked whether this agreement is simply to change vendors for the maintenance, and Computer Department representative Neil Peterson confirmed from the audience. The County Clerk/Auditor questioned Mr. Peterson as well regarding the pricing, and he was able to respond to their inquiries.

**Commissioner Ellertson made the motion to approve and authorize the SmartNet agreement as specified in Consent Agenda Item No. 3, pulled to Regular Agenda for discussion. The motion was seconded by Commissioner Anderson and carried with the following vote:**

**AYE: Steve White  
Gary J. Anderson  
Larry A. Ellertson  
NAY: None**

AGREEMENT NO. 2010-835

### **REGULAR AGENDA**

**2. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN A PROCLAMATION DECLARING NOVEMBER 18, 2010 AS FEED AMERICA DAY (*Continued from the October 26, 2010 meeting*)**

Commissioner Ellertson noted that this proclamation was provided by Myla Dutton of Community Action. He then proceeded to read the following proclamation on behalf of Utah County:

- ▶ *WHEREAS Thanksgiving Day celebrates the spirit of selfless giving and an appreciation for family and friends; and*
- ▶ *WHEREAS the spirit of Thanksgiving Day is a virtue upon which our nation is founded; and*
- ▶ *WHEREAS great numbers of Americans are suffering from hunger and other privations for a number of reasons, and the local need for assistance has increased significantly; and*
- ▶ *WHEREAS selfless sacrifice breeds a genuine spirit of Thanksgiving, both affirming and restoring fundamental principles in our society;*
- ▶ *NOW, THEREFORE, We, the Board of Utah County Commissioners, do hereby declare Thursday, November 18, 2010, one week before the traditional Thanksgiving as **Feed America Day** and call upon the people of Utah County to sacrifice or fast for two meals and to donate the generous equivalent in money or food to a charitable or religious organization of their choice for the purpose of feeding the hungry. (Proclaimed this 16<sup>th</sup> day of November, 2010.)*

**Commissioner Ellertson made the motion to approve and authorize the proclamation declaring November 18, 2010 as Feed America Day as specified in Regular Agenda Item No. 2. The motion was seconded by Commissioner Anderson and carried with the following vote:**

**AYE: Steve White  
Gary J. Anderson  
Larry A. Ellertson  
NAY: None**

PROCLAMATION NO. 2010-8

Commissioner White noted for the record that many of the local grocery stores have made arrangements with the food banks for consumers to be able to purchase a turkey or other items at the store, and they will be distributed to those in need.

**3. APPROVE THE CELLULAR PHONE POLICY AND PROPOSED ALLOWANCE AMOUNTS FOR THE HEALTH DEPARTMENT**

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Utah County Health Department Executive Director Dr. Joseph K. Miner came forward, explaining the request for a cellular phone policy and allowance for the Health Department. Dr. Miner noted that many of the employees are already using their personal cell phones for work; this allowance will save the county money by offering the option to strictly use personal phones as work phones (depleting the need for county-paid cellular phones) with an allowance provided during each pay period for that usage. Dr. Miner explained that \$1,800 will be saved if fifty percent of the Health Department employees take advantage of this option. Dr. Miner suggested that eventually all employees will take that option. Commissioner White commented on the taxable income factor of the allowance, and the overall savings to the county. There was some discussion regarding Internal Revenue Service (IRS) requirements and tax purposes.

Commissioner Ellertson noted that part of the proposed cellular phone policy states that new employees would only have the option of taking an allowance for using personal phones as work phones. Commissioner Ellertson questioned whether that could potentially violate employment laws, as it in effect makes owning a cellular phone a condition of employment. Attorney Kent Sundberg noted that it should not be an issue. Dr. Miner mentioned that the policy would be similar to employees required to have access to automobiles for work. Utah County Personnel Director Lana Jensen commented from the audience that she would like to see an option for new employees that do not wish to or are unable to use their personal cell phones for work purposes in exchange for an allowance. Commissioner Ellertson suggested further work on the proposed policy before approval.

**Commissioner Ellertson made the motion to continue Regular Agenda Item No. 3 regarding a cellular phone policy and allowance amounts to the November 23, 2010 meeting of the Utah County Board of Commissioners. The motion was seconded by Commissioner Anderson and carried with the following vote:**

**AYE: Steve White  
Gary J. Anderson  
Larry A. Ellertson  
NAY: None**

**4. APPROVE AND AUTHORIZE THE AGREEMENT TO PROVIDE SENIOR COMPANIONS TO ROSESTONE MANOR RETIREMENT COMMUNITY**

Commissioner Ellertson noted a confusing section in the agreement regarding the provision of senior companions and compensation. Health Department Director Dr. Joseph K. Miner acknowledged that the referenced text could be clarified before approval by the commissioners.

**Commissioner Anderson made the motion to continue Regular Agenda Item No. 4 regarding an agreement to provide senior companions to Rosestone Manor Retirement Community to the November 23, 2010 meeting of the Utah County Board of Commissioners. The motion was seconded by Commissioner Ellertson and carried with the following vote:**

**AYE: Steve White  
Gary J. Anderson  
Larry A. Ellertson  
NAY: None**

**12. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO EXECUTE AN AGREEMENT FOR 2010 BETWEEN UTAH COUNTY AND THE PROVO/OREM CHAMBER OF COMMERCE FOR ANNUAL MEMBERSHIP**

Commissioner Ellertson noted that the Provo/Orem Chamber of Commerce had officially changed their name to the Utah Valley Chamber of Commerce.

**Commissioner Ellertson made the motion to approve the agreement for annual membership with the Provo/Orem Chamber of Commerce, with the correction of the name for that organization as the Utah Valley Chamber of Commerce as defined in Regular Agenda Item No. 12. The motion was seconded by Commissioner Anderson and carried with the following vote:**

**AYE: Steve White  
Gary J. Anderson  
Larry A. Ellertson**  
**NAY: None**

After the motion and vote had taken place, Attorney Kent Sundberg brought to the attention of the commissioners an outdated paragraph within the contract, referencing a name used by the organization even before they were called the Provo/Orem Chamber of Commerce. Commissioner Anderson suggested striking that paragraph from the finalized approved agreement, and subsequent changes due to that removal throughout the agreement.

**Commissioner Anderson made the motion to approve the agreement for annual membership with the Utah Valley Chamber of Commerce, contingent upon the corrections identified during discussion of Regular Agenda Item No. 12. The motion was seconded by Commissioner Ellertson and carried with the following vote:**

**AYE: Steve White  
Gary J. Anderson  
Larry A. Ellertson**  
**NAY: None**

AGREEMENT NO. 2010-836

**13. ADOPT A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF UTAH COUNTY, UTAH, AUTHORIZING THE ISSUANCE AND SALE OF NOT MORE THAN \$1,000,000 AGGREGATE PRINCIPAL AMOUNT OF ITS TAXABLE FACILITY REVENUE BONDS, SERIES 2010 (THANKSGIVING POINT - U.S.D. LLC THEATER PROJECT) TO BE ISSUED IN CONJUNCTION WITH THE COUNTY'S NOT TO EXCEED \$15,000,000 RECOVERY ZONE FACILITY REVENUE BONDS, SERIES 2010 (THANKSGIVING POINT - U.S.D. LLC THEATER PROJECT), AND RELATED MATTERS**

Utah County Civil Division Chief Attorney Kent Sundberg explained that this resolution is in conjunction with the \$15,000,000 in Recovery Zone Facility Bonds that were previously allocated to Thanksgiving Point - U.S.D. LLC Theater Project, which is a remodel and expansion of the theaters at Thanksgiving Point. They have asked the county to include a taxable \$1,000,000 conduit bond. The process has begun for the Recovery Zone Bonds; this is to follow. Commissioner Anderson noted that he would like it to be clear that the funds in question are not county monies; Utah County only serves as a repository for the applications. He went on to explain that it is not county or state money, but all private funds, using the example that the amount could not potentially be used to by vehicles for the Sheriff's Department or other county items. Commissioner White asked whether this resolution would define the parameters, and Mr. Sundberg replied that this is an inducement resolution; it is similar to a parameters resolution.

**Commissioner Ellertson made the motion to adopt the resolution authorizing the issuance and sale of Taxable Facility Revenue Bonds as defined in Regular Agenda Item No. 13. The motion was seconded by Commissioner Anderson and carried with the following vote:**

**AYE: Steve White  
Gary J. Anderson  
Larry A. Ellertson**  
**NAY: None**

RESOLUTION NO. 2010-162

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

**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 Anderson made the motion to strike Regular Agenda Item No. 18 to set a date, time and location for a closed meeting for a strategy session 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: Steve White  
Gary J. Anderson  
Larry A. Ellertson  
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 Anderson and carried with the following vote:

AYE: Steve White  
Gary J. Anderson  
Larry A. Ellertson  
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 Anderson and carried with the following vote:

AYE: Steve White  
Gary J. Anderson  
Larry A. Ellertson  
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 Anderson and carried with the following vote:

AYE: Steve White  
Gary J. Anderson  
Larry A. Ellertson  
NAY: None

**17. SET A DATE, TIME AND LOCATION FOR A CLOSED MEETING FOR A STRATEGY SESSION TO DISCUSS THE SALE 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 sale 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 Anderson and carried with the following vote:

**AYE: Steve White  
Gary J. Anderson  
Larry A. Ellertson**  
**NAY: None**

**WORK SESSION**

NO WORK SESSION ITEMS WERE SUBMITTED

**PUBLIC COMMENTS**

There were no public comments and the meeting recessed at 9:45 A.M. to go into closed meetings. The public meeting reconvened at 10:50 A.M.

**Commissioner Ellertson made the motion to adjourn the November 16, 2010 Commission Meeting of the Utah County Board of Commissioners. The motion was seconded by Commissioner Anderson and carried with the following vote:**

**AYE: Steve White  
Gary J. Anderson  
Larry A. Ellertson**  
**NAY: None**

There being no further business nor public comment, the meeting adjourned at 10:50 A.M. The minutes of the November 16, 2010 Commission Meeting were approved as transcribed on November 23, 2010.

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STEVE WHITE, Commission Chair

ATTEST:

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BRYAN E. THOMPSON  
Utah County Clerk/Auditor

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