

## COMMISSION MEETING MINUTES

August 4, 2009

The Board of Davis County Commissioners met in room 236 of the Davis County Courthouse, Farmington, Utah on August 4, 2009 at 10:00 a.m. Members present were Chairman P. Bret Millburn, Commissioner John Petroff Jr., Commissioner Louenda H. Downs, Clerk/Auditor Steve S. Rawlings, Deputy Civil Attorney Craig Bott, and Deputy Clerk/Auditor Linda May.

Troy Rawlings, Davis County Attorney, led the Pledge of Allegiance. All were invited to stand and join in.

Chairman Millburn gave the following announcements:

Summerfest 2009 will be held at August 5 – 8. It is held at the Bountiful City Park 200 West 400 North. The admission is free.

A presentation “Pet Awareness in a Disaster Situation” will be presented at Noon to 1:00 p.m. in room 230. The Disaster Animal Response Trailer will be on display in the parking lot.

Troy Rawlings, Davis County Attorney, had members of his staff come to commission meeting today to recognize them for their role in the Ed Owens case. Troy stated that they were a stellar team and were critical in the conviction. They exhibited great wisdom, interest, solid support, and team effort. The individuals deserve recognition not just for this case but for their whole careers some of whom have a long-term. The following individuals were asked to come forward:

Bill McGuire (29 years): who has been a stalwart and put together many pieces of the cases. Troy stated that one really smart thing he did was to have Bill do the opening statement for the case.

Ranae Hart: victim advocate who spent many hours over a few years assisting family members by providing information, keeping them update, expressing their question/concerns to the attorneys, answering questions, arranging meetings, assisting with correlating travel and accommodations, and providing general comfort and assurance.

Jolene Neese: the supervisor of our secretaries/ (legal techs) who handled this case personally. Jolene had to correlate calendars for all hearings and keep us on time with motions, subpoenas, obtaining and disseminating to all discover (police reports/lab or expert reports/photographs/criminal histories...), + keeping the files organized and manageable, set appointments and communicate with all of the many non-victim witnesses.

Todd Beatse: paralegal who joined us in time to give significant assistance with the preparation and presentation of this case. Assisted or investigator in putting together all of our trial exhibits (60+) which included an extensive PowerPoint presentation for the court and jury to help them understand things such as the DNA evidence, the important photographs, significant documents and recordings;...and assisted with the strategic presentation of the case. Todd sat in court and worked the laptop computer to immediately pull up the required item and show it on the screen for the court and jury...

Craig Webb: our internal office investigator who came to us from Woods Cross and had a fantastic working knowledge of the case from his days there. Craig was able to make substantial contributions to the prosecution of this case including interviewing and dealing with our “jailhouse snitch” witness and understanding the significance and credibility of what he said in contest of the crime scene photographs, listening to hours and hours of jail phone calls between Ed Owens and wife (paid off huge at trial); analyzing crime scene photos and assisting in putting the pieces of the puzzle together to show physically what happened to Karin Strom on the morning of June 6, 1980 (how she was killed and positioning of hands on neck), tracking down and interviewing witnesses related to what was happening during trial, coming in weekends to work and provide encouragement and support...

Troy thanked the commissioners for the opportunity to present and recognize these individuals.

Chairman Millburn stated that the commissioners want to recognize the individuals by presenting to each one a Davis County Coin of Recognition for Outstanding Service. Their level of service throughout any case is commendable. Commissioner Petroff stated they he attended on some days of the trial and it appeared to be seamless. Commissioner Downs expressed appreciation for professionalism and passion. It is not just being done just for the pay. There was a great effort to bring justice.

Davis County  
Walks 5K  
Walk/Run on  
August 15

Chairman Millburn said that the diversity of the issues the County deals with is shown as we move to our next item the Davis County Walks 5K Walk/Run. Organizer, Jessica Hardcastle was asked to come forward and present additional information. We encourage participants to pre-register for the event by Friday, August 7<sup>th</sup>, for only \$15.00. Registration the day of the event costs \$20.00. It is free for those 60 and older. This year's Davis County Walks event kicks off at 7:30 a.m. on Saturday, August 15<sup>th</sup>, with a 5K Walk/Run at the Legacy Events Center. The Davis County Walks wellness program encourages Davis County residents of all ages to become more physically active. The commissioners thanked Jennifer for her efforts.

Chairman Millburn gave the following announcements:

Congratulations to the proud father Brad Stone, Davis County Davis Park Pro, whose daughter Natalie Stone recently won the Utah State Women's Amateur Golf Tournament.

Richard Maughan, Davis County Recorder, was recently appointed to the National Board for County Recorders. It is a three-year term.

Property valuation notices have all been mailed. Anyone individuals with questions or concerns are encouraged to come to the office of the new Tax Administration for assistance.

Approval of  
Unincorporated  
Polling  
Locations for  
Davis School  
District Bond  
Election

Pat Beckstead, Davis County Election Coordinator, Clerk/Auditor's Office, presented the Davis School District Bond Election November 3, 2009, Unincorporated Polling Locations for approval. The recommendation for combining precincts and designating polling locations is as follows:

<u>Precincts (Unincorporated Portions)</u>	<u>Polling Location</u>
Consolidated #1 FA01, FA10, FA11, KA08, KA09, KA11 KA14, KA16, WB01, WB03, WX05	Davis County Courthouse 28 East State Street Farmington, UT
Consolidated #2 LA), LA03, LA09, LA30, LA31, LA36 LA39, SW02	Davis County Courthouse 28 East State Street Farmington, UT
Consolidated #3 CF11, HA01, SY02, SY11, WP02, WP05	Davis County Courthouse 28 East State Street Farmington, UT
NS07	Adelaide Elementary 731 West 3600 South Bountiful, UT
<u>Early Voting</u>	
All precincts with unincorporated voters	Davis County Courthouse 28 East State Street Farmington, UT

The consolidation brings cost effectiveness. Regulations allow for consolidation for precincts of less than 500 register voters. There are 1759 voters total in the unincorporated with 670 in North Salt Lake 7. Early voting at the courthouse location will be during the 10 days prior to the election. Commissioner Downs made a motion to approve. Commissioner Petroff seconded the motion. All voted aye.

Agreement  
#2009-241  
Blaylock &  
Partners as  
Architect for  
Headquarters  
Library

Barry Burton, Davis County Planning Director, presented agreement #2009-241 with Blaylock and Partners. A committee was formed to review the proposals submitted by architectural firms for the new headquarters library. After careful review the firm of Blaylock and Partners was selected. The building has been designated as the Headquarters Library and Clerk/Auditor Building. Barry Burton is serving as Davis County's project manager. The contract will run through August 2011 for a minimum of \$260,000.00 not to exceed \$278,000.00. Commissioner Downs expressed appreciation to Chris Sanford, Davis County Library Director, for keeping the Library Board members informed as this process has been underway. Commissioner Downs made a motion to approve. Commissioner Petroff seconded the motion. All voted aye. Document on file in the office of the Davis County Clerk/Auditor. Steve Rawlings, Davis County Clerk/Auditor stated he has a gleam in his eye and is happy with the new location. Chris Sanford stated that we did not get here ourselves and we need to thank Barry Burton, Davis County Planning Director; Craig Bott, Davis County Attorney's Office; and Pat Beckstead, Davis County Election Coordinator, for their efforts.

Agreement  
#2009-242 CT  
Rodeo as Stock  
Contractor for  
Junior Rodeo

Dave Hansen, Davis County Legacy Events Center Director, presented agreement #2009-242 with CT Rodeo. This is the stock contractor for the Junior Rodeo held each year at the county Fair. He brings all of the animals needed for the Junior Rodeo. It is a payable of \$1,700.00. The "mutton busting" is always a favorite event. Commissioner Petroff made a motion to approve. Commissioner Downs seconded the motion. All voted aye. Document on file in the office of the Davis County Clerk/Auditor. Dave reminded everyone it is best to get tickets in advance. This year tickets can be brought on line.

Agreement  
#2009-243  
Farmington  
City for  
Hights Creek  
Culvert Repair

Kirk Schmalz, Davis County Public Works Director, presented agreement #2009-243 with Farmington City. The Hights Creek culvert collapsed near the Oakridge Farms Subdivision and Silver Ridge development. Utilities run through the area. Farmington City moved ahead to resolve the issue. The amount payable to Farmington City by Davis County is \$5,987.00. The amount to Farmington City will fund engineering to design the repair of the Hights Creek culvert and develop a construction cost estimate. Commissioner Petroff made a motion to approve. Commissioner Downs seconded the motion. All voted aye. Document on file in the office of the Davis County Clerk/Auditor.

Agreement  
#2009-244  
Stark Brothers,  
Inc. for 2600  
So. Storm  
Drain  
Improvements

Kirk Schmalz presented agreement #2009-244 and Notice to Proceed for Stark Brothers, Inc. This agreement had been delayed following the award of bid while Davis County waited to receive the needed stream alteration permit from the State. The permit has now been granted by the State. It is for the 2600 South storm drain improvements – sediment basin, North Canyon drainage in Bountiful. It is a payable of \$77,131.00. Commissioner Petroff made a motion to approve. Commissioner Downs seconded the motion. All voted aye. Document on file in the office of the Davis County Clerk/Auditor.

Agreement  
#2009-245 UT  
Dept of  
Corrections for  
Phone Services  
to Adult  
Probation &  
Parole

Janette Price, Davis County Information Systems, presented agreement #2009-245 with the Utah Department of Corrections. It is an intergovernmental agreement to provide telephone services and equipment to the Adult Probation & Parole office located on the 2<sup>nd</sup> floor of the Work Center building. It is a receivable of \$135,000.00. Commissioner Downs made a motion to approve. Commissioner Petroff seconded the motion. All voted aye. Document on file in the office of the Davis County Clerk/Auditor.

Agreement  
#2009-246 Paul  
Justin  
Manning,  
DVM for  
Veterinary  
Services

Keith Major, Davis County Sheriff's Office, presented agreement #2009-246 with Paul Justin Manning, DVM. He will provide the on-site veterinary services for animals impounded at the Davis County Animal Shelter. He will do spay/neutering of the animals before adoption and check the canine units. It is a payable annually of \$30,000.00. Commissioner Petroff made a motion to approve. Commissioner Downs seconded the motion. All voted aye. Document on file in the office of the Davis County Clerk/Auditor.

Grant  
#2009-253  
Petsmart  
Charities for  
Funding

Keith Major presented grant #2009-253 with Petsmart Charities. The funds will be used to purchase an autoclave for use in the new shelter surgical unit to allow for pre-adoption spay/neuter of shelter animals. It is a receivable of \$2,500.00. Keith stated that he will send through a budget change at a later date along with other items relating to the new surgical unit. Commissioner Downs made a motion to approve. Commissioner Petroff seconded the motion. All voted aye. Document on file in the office of the Davis County Clerk/Auditor.

Agreement  
#2009-247  
Layton City for  
Animal Control  
Services

Keith Major presented agreement #2009-247 with Layton City. It is for Davis County Sheriff's Office to provide animal control services for Layton City. It is a receivable of \$133,592.05. Commissioner Downs made a motion to approve. Commissioner Petroff seconded the motion. All voted aye. Document on file in the office of the Davis County Clerk/Auditor.

Amendment  
#2008-1B  
Second District  
Court for  
Security &  
Bailiff Services  
by Sheriff's  
Office

Keith Major presented amendment #2008-1B with Second District Court. The Davis County Sheriff's Office will provide security and bailiff services for the court. It is a receivable of \$274,000.00 for bailiff services and \$440,000.00 for security services. Commissioner Petroff made a motion to approve. Commissioner Downs seconded the motion. All voted aye. Document on file in the office of the Davis County Clerk/Auditor.

Ordinance  
#2-2009  
Amending  
Section  
2.48.080 for  
Fee Schedule

Keith Major presented ordinance #2-2009 amending section 2.48.080 of the Davis County Code providing for fees of the Davis County Sheriff's Office. The fee schedule changes are: \$15.00 per test for urinalysis testing; medical request form request \$1.00 per form; bond fee \$5.00 per bonds; and ETG's (alcohol testing) \$20.00 per test. Commissioner Downs made a motion to approve. Commissioner Petroff seconded the motion. All voted aye. Document on file in the office of the Davis County Clerk/Auditor.

Alcohol Funds  
Annual Report  
#2009-248

Keith Major presented the Utah State FY 2009 Alcohol Funds Annual Report #2009-248. The state allocation to Davis County is \$190,728.46. Authorized expense for prosecution/court cases for alcohol-related cases is \$50,000 and for confinements of alcohol law offenders \$140,728.46. The completed report is sent to the Utah Commission on Criminal and Juvenile Justice. Commissioner Petroff made a motion to approve the report. Commissioner Downs seconded the motion. All voted aye. Document on file in the office of the Davis County Clerk/Auditor.

Agreement  
#2009-249 UT  
Dept of Comm.  
& Culture for  
Weatherization

Lewis Garrett, Davis County Health Director, presented agreement #2009-249 with the Utah Department of Community and Culture. It is the annual renewal of Department of Energy contract to provide weatherization services. It is a receivable of \$447,201.00. These are not stimulus funds. It is approximately a \$100,000 increase over last year which shows the emphasis being placed on this program. Commissioner Downs made a motion to approve. Commissioner Petroff seconded the motion. All voted aye. Document on file in the office of the Davis County Clerk/Auditor.

Agreement  
#2009-250 UT  
Dept of Human  
Services for  
Funding of  
In-Homes  
Services

Lewis Garrett presented agreement #2009-250 with the Utah Department of Human Services. It is to provide in-home services in accordance with the requirements of the Home and Community-based Medicaid Aging Waiver Program to Medicaid-eligible clients who require the level of care provided in a hospital or nursing facility but who choose to continue residing in their own homes. It is a receivable of \$26,000.00. Commissioner Petroff made a motion to approve. Commissioner Downs seconded the motion. All voted aye. Document on file in the office of the Davis County Clerk/Auditor.

Agreement  
#2009-251  
Weber-Morgan  
Health Dept  
Support of  
Medical Surge  
Planning &  
Budget Change

Lewis Garrett presented agreement #2009-251 with the Weber-Morgan Health Department. It is for funding to support the medical surge planning for the northern region. Each county has the need for public health medical surge capacity and capability planning. The planning will address integration of medical and health resources during an emergency. Davis County will be the lead agency. It is a receivable of \$20,000.00

from the Weber-Morgan Health Department. A budget change to increase line item 15-3690-000 Sundry Revenue by \$20,000.00 and increase line item 15-4311-610 Miscellaneous Expenses by \$20,000.00 was also presented. Commissioner Downs made a motion to approve the agreement and the budget change.

Commissioner Petroff seconded the motion. All voted aye. Documents are on file in the office of the Davis County Clerk/Auditor.

Amendment  
#2008-105A  
Clearfield City  
to Change  
Oversite of  
Cooper Roberts  
Sorenson  
Architects, Inc.  
for Health  
Building to  
Davis County

Lewis Garrett presented amendment #2008-105A with Clearfield City Corporation. It is to amend the professional services agreement between Clearfield City and Cooper Roberts Sorenson Architects, Inc. (CRSA) for the Davis County Health Department building. Services performed by CRSA and additional services are being transferred to Davis County as the Owner of the project. It is a payable of \$179,863.80. A pre-bid meeting will be held on August 21 with an anticipated bid opening September 15. Thanks to Barry Burton, Davis County Planning Director for his input with the project. Commissioner Downs made a motion to approve. Commissioner Petroff seconded the motion. All voted aye. Document on file in the office of the Davis County Clerk/Auditor.

Approval of  
Personnel  
Policy  
Revisions

Mel Miles, Davis County Personnel Director, presented a request for approval of four policies for revisions. Policy #300 – Harassment and Policy #355 - Preventing Workplace Violence will now have as a condition of employment, all new employees must now complete the training within six months of hire. Policy #300 – Harassment will require as a condition of employment all employees must now repeat the training every three years. Policy #350 - Drug Free Workplace 6.4 Post-Accident Testing will require an employee be drug tested following a work-related accident when property damage reasonably appears to be in excess of \$1,000 or physical injury results in restricted or lost work time. Policy #210 - Transportation, Sections 8 through 10, require employees and volunteers who are expected to drive on County business to complete the County's Driver Training Course within six months of their hire/appointment date. The use of cell phones, computers, PDA's or other similar devices is prohibited while operating a vehicle on County business. Commissioner Petroff made a motion to approve the policy revision. Commissioner Downs seconded the motion. All voted aye. Document on file in the office of the Davis County Clerk/Auditor.

Agreement  
#2009-252  
Fruit Heights  
City for Davis  
County to  
Provide Justice  
Court Services

Agreement #2009-252 with Fruit Heights City was presented. The city desires to have Davis County's Justice Court provide services for their jurisdiction. The period of contract is August 1, 2009 not to exceed 50 years or termination by mutual consent. The revenue is a split between City and County. Commissioner Petroff made a motion to approve. Commissioner Downs seconded the motion. All voted aye. Document on file in the office of the Davis County Clerk/Auditor.

Settlement  
Offer from  
Utahns for  
Better Dental  
Health Tabled

Chairman Millburn stated that a settlement offer has been received from Utahns for Better Dental Health. In order to fully complete our due diligence regarding this matter, which includes reviewing additional information that has become available, and exploring various forms of resolution (i.e. mediation, binding arbitration, etc.) which could be submitted in the form of a counter offer, I make a motion to recommend the item lists on the agenda be table. Commissioner Petroff seconded the motion. All voted aye.

Budget Change

Steve Rawlings, Davis County Clerk/Auditor, presented a budget change for the Davis County Sheriff's Office. It is to increase line item 10-3870-000 Contributions-Private by \$1,250 and increase line item K9 Expenses 10-4210-614 K9 Expenses by \$1,250.00. The budget change is necessary to increase budget for the K-9 program. This will fund part of the supplies, food, and other items needed for the three dogs. Commissioner Petroff made a motion to approve. Commissioner Downs seconded the motion. All voted aye. Document on file in the office of the Davis County Clerk/Auditor.

Commissioner Petroff made a motion to convene as the Board of Equalization. Commissioner Downs seconded the motion. All voted aye.

Property Tax  
Register  
Approved

Ross Bartholomew, Tax Administration Director, presented the property tax register that reflects Auditor's Corrections for three tax abatements and nine approvals for property tax appeals for 2008, one Assessor's adjustment, and 500 corrections for 2009. Commissioner Downs stated the accommodation for change to have a Tax Administration has been a good move for taxpayers and she commended Ross for his hard work. Ross thanked all the departments especially the Clerk/Auditor's office for assistance with the change. Commissioner Petroff made a motion to approve the register. Commissioner Downs seconded the motion. All voted aye.

Commissioner Petroff made a motion to reconvene the regular commission meeting. Commissioner Downs seconded the motion. All voted aye.

Commission  
Minutes  
Approved

Commissioner Downs made a motion to approve the commission meeting minutes of July 14, 2009. Commissioner Petroff seconded the motion. All voted aye.

Check  
Registers  
Approved

Check registers as prepared by the Davis County Clerk/Auditor's Office were presented. Commissioner Petroff made a motion to approve. Commissioner Downs seconded the motion. All voted aye. Documents on file in the office of the Davis County Clerk/Auditor.

Commission Comments:

Commissioner Downs stated the NACO conference was a valuable opportunity to meet people from across the United States. New ideas and ways of thinking contribute greatly. States fiscal security was discussed. There is great value in being together.

Commissioner Petroff said that there is a shift in attitude. Those attending the March NACO conference were like cheerleading the new administration. At this conference people are really assessing what is going on. People want to get their voices heard. Utah had a high representation.

Commissioner Millburn echoed the other two commissioners' comments. It is good to be able to learn new things and gain confirmation. In the area of assessments, it is challenging and fluctuates. In Davis County we are striving to be diligent.

Meeting adjourned.