

COMMISSION MEETING MINUTES  
August 15, 2017

The Board of Davis County Commissioners met on August 15, 2017 at 10:00 AM in room 303 of the Davis County Administration Building, 61 South Main Street, Farmington, Utah. Members present were: Commissioner James E. Smith - Chair, Commissioner P. Bret Millburn, Commissioner Randy B. Elliott, Clerk/Auditor Curtis Koch, Chief Civil Deputy County Attorney Neal Geddes and Deputy Clerk/Auditor Janet Hanson.

Agenda as posted

Agenda as posted:

PUBLIC NOTICE is hereby given that the Board of Davis County Commissioners, Farmington, Utah, will hold a Commission Meeting at the Davis County Administration Building, 61 South Main Street, Suite 303, Farmington, Utah, commencing at **10:00 AM on Tuesday, August 15, 2017.**

**OPENING:**

Pledge of Allegiance – By Invitation

**RECOGNITIONS, PRESENTATIONS AND INFORMATIONAL ITEMS:**

**BUSINESS/ACTION:**

***Josh Johnson, Davis County Library Deputy Director:***

Agreement with Booksite – access to Booksite toolkit, online database & email services (BookLetters) (payable)

***Mark Altom, Davis County Treasurer, presenting:***

Authorization Certificate with Wells Fargo Bank, NA authorizing County employees on accounts (n/a)

Government Customer Certification as a government entity authorizing County employees on accounts (n/a)

***Tony Thompson, Davis County Property Manager, presenting:***

Resolution approving an interlocal agreement between Davis County and Centerville City for the transfer and development of real property Tax ID 02-104-0100 (641 East 200 South) (n/a)

Interlocal agreement with Centerville City for the transfer and development of real property Tax ID 02-104-0100 (641 East 200 South) (n/a)

***Brooks Burr, Davis County Fair Coordinator, presenting:***

Agreement with Mosquito Squad – sponsor of 2017 Davis County Fair (receivable)

Agreement with SeaQuest Interactive Aquarium – provide reptile & bird attraction at the 2017 Davis County Fair (payable)

Summary list of 2017 Davis County Fair vendors (food – 16; vendors 85; 101 total) (receivables)

***Brian Hatch, Davis County Health Department, presenting:***

Amendment with Utah Department of Health – renewed funding for Arthritis Program (receivable)

***Chief Deputy Kevin Fielding, Davis County Sheriff's Office, presenting:***

Agreement with Fountain View – conference center rental and food for DCSO Leadership Conference (payable)

Amendment with United States Marshals Service, Prisoner Operations Division, Office of Detention Services – modification to intergovernmental agreement to remove the Period of Performance in its entirety and make perpetual (receivable)

Resolution approving interlocal agreement between Salt Lake County and Davis County to house inmates at the Davis County Jail

Ratify interlocal agreement between Salt Lake County and Davis County to house inmates at the Davis County Jail (receivable)

***Neal Geddes, Chief Civil Deputy County Attorney, presenting:***

Resolution approving interlocal agreement between Layton City and Davis County for distribution of 2017 Edward Byrne Memorial Joint Justice Assistance grant funds

Interlocal agreement between Layton City and Davis County for distribution of 2017 Edward Byrne Memorial Joint Justice Assistance grant funds (receivable)

***Commissioner Smith presenting:***

Request re-appointment of Larry Millward to the Davis County Senior Services Advisory Board

Request re-appointment of Sue Stevenson to the Board of Commissioners for the Davis Community Housing Authority

**BOARD OF EQUALIZATION:**

Property Tax Register

**CONSENT ITEMS:**

Check Registers

Indigent Hardship Abatement Register

**COMMISSIONER COMMENTS**

**PUBLIC COMMENTS** (3 Minutes per Person)

**CLOSED SESSION:** UCA 52-4-205(1)(a) for the discussion of the character, professional competence, or physical or mental health of an individual

Action Taken Regarding Matters Discussed in Closed Session

Pledge of Allegiance

Josh Johnson, Davis County Library Deputy Director, led the Pledge of Allegiance. All in attendance were invited to stand and join in.

Agreement #2017-348 Booksite's toolkit and BookLetters online database & email services

Josh Johnson, Davis County Library Deputy Director, presented agreement #2017-348 with Booksite to access the Booksite toolkit and their BookLetters online database and email services. This allows library patrons to sign up for books and be notified of their availability. There were over 43,000 notifications sent out in 2016. The period of the contract is August 1, 2017 through July 30, 2018. The payable contract amount is \$5,700.00.

Commissioner Elliott made a motion to approve. Commissioner Millburn seconded the motion. All voted aye. The document is on file in the office of the Davis County Clerk/Auditor.

Correcting Davis County's name and replacing the Authorization Certificate and Government Customer Certification documents

Mark Altom, Davis County Treasurer, indicated that the Authorization Certificate and Government Customer Certification documents which were recently approved on June 27, 2017 (#2017-248 & #2017-249) needed a name correction from Davis County Politic to Davis County Government to match W-9 records with the Internal Revenue Service for tax purposes.

Authorization Certificate #2017-349 with Wells Fargo Bank, N.A.

Mark presented the following:

Authorization Certificate #2017-349 with Wells Fargo Bank, N.A. certifying Curtis Koch, Davis County Clerk/Auditor and Mark Altom, Davis County Treasurer, are authorized to sign on accounts.

Commissioner Millburn made a motion to approve. Commissioner Elliott seconded the motion. All voted aye. The document is on file in the office of the Davis County Clerk/Auditor.

Government Customer Certification #2017-350 to Wells Fargo Bank, N.A.

Government Customer Certification #2017-350 to Wells Fargo Bank, N.A., that Davis County Government is a government entity authorizing County employees, Curtis Koch & Mark Altom jointly, on the accounts.

Commissioner Millburn made a motion to approve. Commissioner Elliott seconded the motion. All voted aye. The document is on file in the office of the Davis County Clerk/Auditor.

Commissioner Millburn confirmed with Mark that these 2 documents are to replace the previous documents (6/27/17). Mark agreed.

Resolution #2017-351 approving interlocal agreement with Centerville City for transfer & development of real property Tax ID 02-104-0100 (Deuel Creek Detention Basin)

Tony Thompson, Davis County Property Manager, presented the following:

Resolution #2017-351 approving an interlocal agreement between Davis County and Centerville City for the transfer and development of real property Tax ID 02-104-0100 (aka Deuel Creek Detention Basin) located at approximately 641 East 200 South.

Tony explained that due to installation of the Centerville Debris Basin the detention basin is now obsolete. Utah State Dam Safety has removed it from their inventory. FEMA has removed the flood zone and the property has been released for development.

Tony requested upon the finalization of the interlocal agreement, approval be given today to have the associated documents (i.e. easement and Quit Claim Deed, etc.) signed in this regard.

Commissioner Millburn provided the background on the property. Previously, Centerville City had a long term lease from the County which they utilized the property as green space/park. Upon the expiration of the lease the County installed a fence, for liability purposes, which cut off access to the citizens.

Tony gave the following detail of the property: it is 2.0115 acres of property. The County will be deeding the North half (1.384 acres) of the property to Centerville City. Centerville can then open up the access and put in a pedestrian pathway. Centerville will be deeding back an easement to the County to maintain flood control access to maintain the stream channel. In exchange for that property, Centerville is

waiving some of the development fees to go through the rezoning and the engineering review which they estimate to be \$34,804.00 and the engineering deposit of \$5,000.00. This will allow the County to develop the 3 lots.

Commissioner Millburn made a motion to approve. Commissioner Elliott seconded the motion. All voted aye. The document is on file in the office of the Davis County Clerk/Auditor.

Interlocal agreement #2017-351 with Centerville City for transfer & development of real property Tax ID 02-104-0100 (Deuel Creek Detention Basin)

Interlocal agreement #2017-351 with Centerville City for the transfer and development of real property Tax ID 02-104-0100 (aka Deuel Creek Detention Basin) located at approximately 641 East 200 South. Centerville City will utilize a portion for a neighborhood park with an easement to Davis County for flood control. Davis County will develop 3 residential, 1/3 acre lots.

Commissioner Millburn made a motion to approve the interlocal agreement and the associated documents needed to make that transaction possible. Commissioner Elliott seconded the motion. All voted aye. The document is on file in the office of the Davis County Clerk/Auditor.

Brooks Burr, Davis County Fair Coordinator, presented the following:

Agreement #2017-352 Mosquito Squad to sponsor 2017 DC Fair

Agreement #2017-352 with Mosquito Squad to be a sponsor of the 2017 Davis County Fair and permission to allow their mascot on the grounds of the Fair. The period of contract is August 16, 2017 through August 19, 2017. The receivable amount of the contract is \$550.00.

Commissioner Elliott made a motion to approve. Commissioner Millburn seconded the motion. All voted aye. The document is on file in the office of the Davis County Clerk/Auditor.

Agreement #2017-353 SeaQuest Interactive Aquarium as an attraction at the 2017 DC Fair

Agreement #2017-353 with SeaQuest Interactive Aquarium to provide a reptile and bird attraction at the 2017 Davis County Fair. Brooks explained the other reptile exhibit (Kim's Cold Blooded Creatures #2017-65) had to cancel due to unexpected surgery and SeaQuest was nice enough to sign on at the last minute. Curtis Koch asked that the previous contract be rescinded. The contract period is August 9-21, 2017. The payable contract amount is \$2,250.00.

Commissioner Millburn made a motion to approve. Commissioner Elliott seconded the motion. All voted aye. The document is on file in the office of the Davis County Clerk/Auditor.

Summary list #2017-354 of 2017 DC Fair vendors

Summary list #2017-354 of 2017 Davis County Fair vendors (101 total: food-16; vendors-85). They are receivables. Brooks noted that the vendors signed up on-line.

Commissioner Millburn made a motion to approve. Commissioner Elliott seconded the motion. All voted aye. The documents are on file in the office of the Davis County Clerk/Auditor's Office.

Amendment #2016-8D UT Dept. of Health to increase funding for Arthritis program

Brian Hatch, Davis County Health Department Director, presented amendment #2016-8D with the Utah Department of Health to increase funding to the Arthritis program and to include the termination date. Janet Hanson explained that this replaces the previous amendment (#2016-8C on July 25, 2017) which did not specify a termination date and has been voided by the State. The period of contract is July 1, 2017 through June 30, 2018. The additional receivable amount is \$11,000.00.

Commissioner Millburn made a motion to approve. Commissioner Elliott seconded the motion. All voted aye. The document is on file in the office of the Davis County Clerk/Auditor.

Chief Deputy Kevin Fielding, Davis County Sheriff's Office, presented the following:

Agreement #2017-355 Fountain View - SO Leadership Conference

Agreement #2017-355 with Fountain View for conference center rental and food for the Sheriff's Office Leadership Conference. The period of contract is October 18, 2017. The payable amount is \$2,816.53.

Commissioner Elliott made a motion to approve. Commissioner Millburn seconded the motion. All voted aye. The document is on file in the office of the Davis County Clerk/Auditor.

Amendment  
#2008-157A  
US Marshals  
Service, Prisoner  
Operations Div.,  
Office of  
Detention  
Services

Amendment #2008-157A with the United States Marshals Service, Prisoner Operations Division, Office of Detention Services to remove the Period of Performance in its entirety and make the agreement perpetual and to change from a termination clause of 120 days down to 100 days.

Curtis Koch explained that his office was recently made aware of an IRS audit that was conducted in another county in the State of Utah regarding federal prisoners being held in that jail. The way the IRS views federal inmates is that it is private enterprise. It is a potential issue for Davis County as we have tax exempt bonds. If we have private enterprise taking place in a facility with tax exempt bonds, our tax exempt status could be challenged. In consultation with our financial advisor and bond counsel, they recommended we be extremely proactive in this situation. Curtis believes we are protected because the bonds that are tax exempt, that were issued for an expansion, means we own equity in roughly 40-45% of the facility. When it comes to tax exempt bonds it is taken seriously. Under IRS rules, there is a provision that allows us, if the termination is 100 days or less, to not consider the activity as private activity. There is a short term lease escape clause. Therefore, in an abundance of caution, we asked the US Marshals to provide this amendment. Upon its approval, a memo notating our abundance of caution, will stay on file so if the IRS does choose to review/audit the bonds, we can both feel good out it. The period of contract is August 15, 2017 and is perpetual. The receivable contract amount is \$70.00 per-diem rate / \$32.11 guard/transportation hourly rate.

Commissioner Millburn made a motion to approve. Commissioner Elliott seconded the motion. All voted aye. The document is on file in the office of the Davis County Clerk/Auditor.

Resolution  
#2017-356  
approving  
interlocal  
agreement with  
SLCounty to  
house inmates

Resolution #2017-356 of Davis County approving the interlocal agreement between Salt Lake County and Davis County to house inmates at the Davis County Jail. Chief Fielding explained Salt Lake County needed to free up beds in their jail in anticipation of yesterday's "Operation Rio Grande" and came with a specific proposal. The Sheriff's Office agreed to take 80 male prisoners who are participating in their CATS program, which is their version of our Residential Substance Abuse Treatment (RSAT) program. Salt Lake County will send their treatment providers in an effort to keep the continuity of their program.

Commissioner Millburn made a motion to approve. Commissioner Elliott seconded the motion. All voted aye. The document is on file in the office of the Davis County Clerk/Auditor.

Interlocal  
agreement  
#2017-356  
with SLCounty to  
house inmates

Ratify interlocal agreement #2017-356 between Salt Lake County and Davis County to house inmates at the jail. This is in response to "Operation Rio Grande" that began August 14, 2017. The period of contract is August 10, 2017 through August 10, 2027.

Commissioner Millburn made a motion to ratify the interlocal agreement that was signed last week (8/8/17). Commissioner Elliott seconded the motion. All voted aye. The document is on file in the office of the Davis County Clerk/Auditor.

Neal Geddes, Chief Civil Deputy County Attorney, presented the following:

Resolution  
#2017-357  
approving  
interlocal  
cooperation  
agreement with  
Layton City for  
distribution of  
2017 Edward  
Byrne Memorial  
Jt. Justice Asst.  
Grant Funds

Resolution #2017-357 of Davis County approving the interlocal cooperation agreement between Layton City and Davis County for distribution (to share) of the 2017 Edward Byrne Memorial Joint Justice Assistance Grant Funds. Neal explained that the grant was applied for jointly. Layton City receives a larger share. Davis County's share is utilized by the Attorney's Office for court cases (computers, etc.).

Commissioner Elliott made a motion to approve. Commissioner Millburn seconded the motion. All voted aye. The document is on file in the office of the Davis County Clerk/Auditor.

Interlocal  
agreement  
#2017-357 with  
Layton City for  
distribution of  
2017 Edward  
Byrne Memorial

Interlocal cooperation agreement #2017-357 between Layton City and Davis County for distribution of 2017 Edward Byrne Memorial Joint Justice Assistance Grant funds. The period of contract is October 1, 2016 through September 30, 2018. Davis County's receivable portion is \$2,300.00.

Jt. Justice Asst.  
Grant Funds

Commissioner Elliott made a motion to approve. Commissioner Millburn seconded the motion. All voted aye. The document is on file in the office of the Davis County Clerk/Auditor.

Commissioner Smith presented the following:

Reappointment  
of Larry  
Millward to DC  
Senior Services  
Advisory Board

Request re-appointment of Larry Millward to the Davis County Senior Services Advisory Board for an additional three-year term through July 1, 2020.

Commissioner Millburn made a motion to approve. Commissioner Elliott seconded the motion. All voted aye.

Reappointment  
of Sue Stevenson  
to the Board of  
Commissioners  
for the Davis  
Community  
Housing  
Authority

Request re-appointment of Sue Stevenson to the Board of Commissioners for the Davis Community Housing Authority for an additional four-year term through September 30, 2021.

Commissioner Elliott made a motion to approve. Commissioner Millburn seconded the motion. All voted aye.

BOE

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

Property Tax  
Register  
approved

Curtis Koch presented the Property Tax Register which reflected 4 veteran tax abatements, zero Treasurer's adjustments and various Assessor initiated corrections.

Commissioner Elliott made a motion to approve. Commissioner Millburn seconded the motion. All voted aye. The document is on file in the office of the Davis County Clerk/Auditor.

Commission  
Meeting  
reconvened

Commissioner Elliott made a motion to reconvene Commission Meeting. Commissioner Millburn seconded the motion. All voted aye.

Check registers  
approved

Check registers as prepared by the Davis County Clerk/Auditor's Office were approved with a motion by Commissioner Elliott. Commissioner Millburn seconded the motion. All voted aye. The documents are on file in the office of the Davis County Clerk/Auditor.

Indigent  
Hardship  
Abatement  
Register  
approved

Commissioner Elliott made a motion to approve the following Indigent Hardship Abatement Register listing the following applicants: Preston Alvey, Stanford Petersen, Cheryl R. Stong, Alan L. Millard and Sheila Green. Commissioner Millburn seconded the motion. All voted aye. The document is on file in the office of the Davis County Clerk/Auditor.

Commissioner  
comments

Commissioner comments:

Commissioner Smith gave a reminder for citizens to vote in today's primary election. He voted by-mail last week. He encouraged citizens to be involved and vote, as this is what our country is all about.

Commissioner Elliott attended the "We Stand United" at the State Capitol along with many other elected officials throughout the state to show support that we love and appreciate every citizen in America. Everyone has the right of freedom of speech. We will stand by and fight for the freedoms that everyone has a right for freedom in America.

Curtis Koch encouraged everyone to vote who should be voting today. There are 7 of the 15 municipalities with primary elections. Generally, they would see a 5%-10% turnout for a primary election. With vote-by-mail, as of yesterday, turnout was 20%. It is anticipated it will be upwards to 25%. He agreed with Commissioner Elliott that standing up for the rights of an individual is important. The way that can be done is voicing your views and opinions through the electoral process. His department is excited to see the increase in voter turnout. They are disheartened that upwards to 75%-80% of registered voters don't take the opportunity to exercise that right that people have fought for and given the ultimate sacrifice for. We encourage folks to get out to vote. They're encouraged by what they see in election administration and

hopefully making voting easier, more accessible and more responsible through education that comes with vote-by-mail. We hope that movement continues strong in the State of Utah as a whole.

Public comments

Public comments:

Rhonda Perks, representing Congressman Stewart's Office, gave an update on the congressman's recent district activities. He has been on one intelligence trip. He'll be in southern Utah this coming week and be back North to visit with constituents next week. Rhonda had the opportunity to be in Washington D.C. during appropriations week which was eye opening, exciting and very educational. They worked on an amendment under labor called the "The Outdoors Outfitters Act." The fair labor laws from 1938 needed to be tweaked specifically for outfitters who work on federal land during the summer months making their livelihood. Another amendment is in regard to the wild horse problems that they continue to deal with in southern Utah which was presented and passed by the Appropriations Committee and is gaining traction. They are wrapping up their successful "Refugee Back to School Drive" which will be held annually. Congressman Stewart will be delivering those school supplies to the Refugee Service Center. Teachers in that area have expressed their appreciation for this effort.

Closed session

Commissioner Elliott made a motion to move to a closed session per UCA 52-4-205(1)(a) for the discussion of the character, professional competence, or physical or mental health of an individual. Commissioner Millburn seconded the motion. All voted aye.

No action

No action was taken regarding matters discussed in Closed Session.

Adjourned

Meeting adjourned.

---

Clerk/Auditor

---

Chair