

## COMMISSION MEETING MINUTES

November 28, 2017

The Board of Davis County Commissioners met at 10 AM on November 28, 2017 in room 303 of the Davis County Administration Building, 61 South Main Street, Farmington, Utah. Members present were: Commissioner Jim Smith - Chair, Commissioner Bret Millburn, Commissioner Randy Elliott, Clerk/Auditor Curtis Koch, Chief Deputy Civil County Attorney Neal Geddes and Deputy Clerk/Auditor Shauna Brady.

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, November 28, 2017.**

### OPENING:

Pledge of Allegiance – By Invitation

### RECOGNITIONS, PRESENTATIONS AND INFORMATIONAL ITEMS:

- Davis County Financial Update 2017 Third Quarter – Curtis Koch, Davis County Clerk/Auditor

### BUSINESS/ACTION:

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

Receive public comment on proposed disposition of declared surplus parcel of land Tax ID 11-111-0072 (926 E 200 N, Kaysville)

#### **Brandon Hatch, Davis Behavioral Health CEO, presenting:**

Agreement with Utah Dept. of Human Services, Div. of Substance Abuse & Mental Health – State Youth Treatment Implementation Grant (SYT-I) funding to implement evidenced-based screening, assessment, treatment and recovery support services (receivable/pass through to DBH)

Amendment with Utah Dept. of Human Services, Div. of Substance Abuse & Mental Health – to include funding for (BJA) Adult Drug Court - SFY18 Substance Abuse (receivable/pass through to DBH)

#### **Richard Maughan, Davis County Recorder, presenting:**

Agreement with CoreLogic Solutions – provide ownership plats on CD for use on commercial website (receivable)

#### **Tony Zambrana, Davis County Grant Auditor, presenting:**

Agreement with U.S. Dept. of Housing and Urban Development (HUD) – approval of FY2017-18 Community Development Block Grant funding to benefit LMI residents (receivable)

#### **Shawn Beus, Davis County Community & Economic Development Manager, presenting:**

Memo of Understanding with Redevelopment Agency of Layton City – contribute funds to locate a new R.C. Willey Home Furnishings store (payable)

#### **Brian McKenzie, Davis County Chief Deputy Clerk, presenting:**

Ordinance amending sections 2.72.020, 2.72.030 and 2.72.050 of the Davis County Code related to campaign finance disclosure requirements for candidates for county office and local school board office.

### BOARD OF EQUALIZATION:

Property Tax Register

### COMMISSIONER COMMENTS

PUBLIC COMMENTS (3 Minutes per Person)

### CONSENT ITEMS:

- Check Registers
- Indigent Abatement Register

**CLOSED SESSION:** UCA 52-4-205(1)(e) strategy session to discuss the sale of real property

**Action taken, if any, regarding matters discussed in closed session**

Shawn Beus, Davis County Community & Economic Development Manager, led the Pledge of Allegiance. All in attendance were invited to stand and join in.

Curtis Koch, Davis County Clerk/Auditor, in accordance with State Statute 17-36-36, reported the Davis County Financial Update for the third quarter 2017 to the Board of Commissioners. A report was available to those in attendance that includes the cash position of the County government and all of its funds, the revenues, expenditures and change in fund balance of the General Fund, as well as the enterprise funds.

Curtis addressed the year-over-year comparison of the General Fund for September 30, 2017 / September 2016. There is a significant difference in the negative cash balance of roughly \$7 million that is attributed to the fact that last year we did not do Tax Anticipation Notes (TANS). This year with TANS, we are still at -\$4 million in our cash position. We use our alternate liquidity of our other funds, which is roughly \$19 million, to offset the negative.

Moving forward, Curtis anticipates the quarterly reviews will be presented in the monthly budget meeting, which is open to the public and will include the quarterly reports. The reports will be available to view in the Clerk/Auditor's office.

Open Public Meeting

Tony Thompson said that on October 31, 2017, there was a notice of sale for property (Tax ID 11-111-0072 located at 926 East 200 North in Kaysville) declared surplus on October 10 and today's date was given to receive public comment. The county received the property from a tax sale in 1992 for delinquent taxes. An addition to the surplus property, recorded on the property on November 13, 2017 is a notice of prescriptive easement from Haight's Creek Irrigation Company. Defining those easements, we took into account the easements by inspection of the property and established a value of \$64,243.00. This is the first notice of easements. There were no easements ever recorded pursuant to an agreement with Kaysville City. Neal said they would look at the prescriptive easements to insure legal standards have been met. [Prescriptive easement meaning the pipe has been in place for more than 20 years.]

Commissioner Millburn made a motion to open the public comment period regarding the proposed disposition of declared surplus parcel of land Tax ID 11-111-0072. Commissioner Elliott seconded the motion. All voted aye.

Public comment was received from the following:

Dan Robinson, Haight's Creek Irrigation Company (HCIC), 820 East 200 North in Kaysville. Mr. Robinson distributed a reference map to those seated at the dais. He stated he is here today to make public notice of the prescriptive easement which has been referenced. The property is on the northeast corner of their current reservoir. The easement by Haight's Creek covers drains, clean outs, ingress and egress utilized by HCIC and Kaysville City. He gave a description of the easement, a history of the property and area, and the current use of the property and its natural water channel.

Norm Whitaker, HCIC Board President, posed the following questions: If usage of the property changes, where will the water from the Davis County Animal Care and Control and Public Works buildings flow? HCIC takes in Highway 89, 200 North and the Park & Ride. Where will that water flow? Where will the water from the Brook Haven development flow? The whole community benefits from the water flow through this property and the implications of changing the use of the property are huge.

Commissioner Millburn inquired about the possibility of a developer moving the pipe. Mr. Robinson explained why that would be a huge undertaking because of the large amounts of water retained from the pipe and, unfortunately, the pipe runs diagonally through the middle of the property.

Close Public Meeting

Commissioner Millburn made a motion to close the public meeting. Commissioner Elliott seconded the motion. All voted aye.

Tony was invited to review the next steps in the process. He said the prescriptive easement needs to be studied. The current pricing is for an undevelopable lot with need for improvements to qualify for a buildable lot. The day of bidding is noticed for next week.

Brandon Hatch, Davis Behavioral Health CEO, presented the following:

Agreement #2017-492 with Utah DHS for SYT-I

Agreement #2017-492 with the Utah Department of Human Services, Division of Substance Abuse & Mental Health for State Youth Treatment Implementation Grant (SYT-I) funding to implement evidenced-based screening, assessment, treatment and recovery support services for youth ages 12-18 with substance use disorders. The receivable contract amount is \$419,600.00 over 4 years. It is a pass through to DBH. The contract period is November 1, 2011 through September 30, 2021.

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 #2015-327N with Utah DHS for BJA Adult Drug Court funding

Amendment #2015-327N with the Utah Department of Human Services, Division of Substance Abuse & Mental Health to include funding for the Bureau of Justice Assistance (BJA) Adult Drug Court funding for SFY Substance Abuse. The receivable contract amount is \$57,908.00 making the total \$5,475,704.00. It is a pass through to DBH. The contract period is July 1, 2017 through June 30, 2018.

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.

Agreement #2017-493 with CoreLogic Solutions

Richard Maughan, Davis County Recorder, presented agreement #2017-493 with CoreLogic Solutions to provide ownership plats on CD from us on their internet website. The receivable amount \$2,000.00. The contract begins December 1, 2017.

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 #2017-336B with HUD for CDBG funding

Tony Zambrana, Davis County Grant Auditor, presented agreement #2017-336B with the U.S. Department of Housing and Urban Development (HUD) executing the agreement between HUD and Davis County to accept \$814,707.00 for FY2017-18 in Community Development Block Grant funds to benefit LMI residents of Davis County. Tony said it is connected to the application and certifications adopted by the Commission on September 19, 2017 (#2017-336A) and the adoption of the action plan on August 8, 2017.

The receivable contract amount is \$814,707.00. The contract period is July 1, 2017 through June 30, 2018.

Tony explained the process of CDBG funding.

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.

TABLED

Commissioner Millburn made a motion to table a memorandum of understanding with the Redevelopment Agency of Layton City to contribute funds to locate a new R.C. Willey Home Furnishings store in Layton pending further discussion. Commissioner Elliott seconded the motion. All voted aye.

Ordinance #6-2017 amending sections relating to campaign finance disclosure

Brian McKenzie, Davis County Chief Deputy Clerk, presented ordinance #6-2017 amending sections 2.72.020, 2.72.030 and 2.72.050 of the Davis County Code related to campaign finance disclosure requirements for county office candidates and local school board candidates. Brian provided highlights of the amendments. Curtis assured the commissioners that the Clerk's elections office will always do everything possible to contact candidates regarding any changes to campaign rules. Brian expressed appreciation for Michael Kendall, attorney, for his assistance in creating the ordinance amendments.

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.

BOE

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

Property Tax Register Approved

Curtis Koch presented the Property Tax Register which reflected:

Auditor: various attached appeals, various abatements filed after September 1, 2017, 4 VA exemptions, 2 entities abatement due to exempt from taxes

Assessor: various Assessor-initiated corrections

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

Reconvene

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

Check registers approved

Check registers as prepared by the Davis County Clerk/Auditor 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 Abatement Register

Commissioner Elliott made a motion to approve the indigent hardship abatement for Rudy Bergen. Commissioner Millburn seconded the motion. All voted aye.

Commissioner comments

Commissioner Smith said he has yet to have a boring day as a commissioner. He appreciates the discussion regarding the real property. Very intricate issues that come to the commission and it is enjoyable to be able to learn. "Hopefully, we make the right decision based on the information we get." He hopes everyone had a great Thanksgiving and took an extra day off.

Commissioner Millburn stressed the importance of accurate recordkeeping and the challenges created when things are done with a handshake or are not written down. It may not seem to be a big deal at the time, but regarding the property discussed today, it now requires research. "Keep records. Document. Document. Document."

Commissioner Smith's fear is that in 30 years people will wonder what things they should have done differently.

Public Comment

No public comments.

Move to closed session

Commissioner Millburn made a motion to move into closed session per UCA 52-4-205(1)(e) for a strategy session to discuss the sale of real property. Commissioner Elliott seconded the motion. All voted aye.

Meeting adjourned

Meeting adjourned.

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Clerk/Auditor

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Chair