

COMMISSION MEETING MINUTES  
September 8, 2009

The Board of Davis County Commissioners met in room 236 of the Davis County Courthouse, Farmington, Utah on September 8, 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, Chief Deputy Civil Attorney Gerald E. Hess, and Deputy Clerk/Auditor Linda May.

Commissioner John Petroff led the Pledge of Allegiance. All were invited to stand and join in.

Chairman Millburn gave the following announcements for upcoming events:

A special commission meeting will be held on September 10, 2009, 3:00 p.m. in the Commission Chambers for consideration of the adoption of a resolution for Sales Tax Revenue Bonds.

This Thursday, September 10 will be the Davis County Gala. The theme is "Dream" with dinner to be served and a performance by *The Nylons*.

On September 11 at 6:30 a.m. a 9/11 Sunrise Memorial Service will be held at the Utah Botanical Center. There will be a short program to honor those who died on September 11, 2001 from Utah and also the soldiers from Utah who have been killed since then.

Ron Burris, Davis County Family Health & Senior Services Division, Senior Employment Specialist, spoke about the 55-Plus Job Fair & Community Resource Expo to be held September 16, 2009. The fair will be from 9:00 a.m. – 1:00 p.m. at the Legacy Events Center, 151 North 1100 West, Farmington, Utah. More than 40 employers and organizations are scheduled to participate. It has been a little harder to find employers this year to participate who are hiring. Employers are looking to the older workers as role models and older individuals are part of the fastest-growing age group in America. The Community Resources Section is being expanded this year. Also come to enjoy the "Dress for Success" fashion show. The Commissioners will participate at the show.

Pat Beckstead, Davis County Election Director, Clerk/Auditor's Office, stated that she came to Commission Meeting in August for the purpose of getting approval of the precincts (unincorporated portions) polling location as required by law 90 days in advance. Pat stated the law allows 60 days in advance to designate by-mail unincorporated voting precincts. The three consolidated precincts each have fewer than 500 voters each: Consolidated #1 has 434 voters, Consolidated #2 has 318, and Consolidated #3 has 332. North Salt Lake 7 will still vote at Adelaide Elementary. Commissioner Downs made a motion to approve the by-mail precincts. Commissioner Petroff seconded the motion. All voted aye.

Chris Sanford, Davis County Library Director, presented agreement #2009-280 with Random House. The company requires the Library to not display, loan or in any manner allow "The Lost Symbol" to be read prior to September 15, 2009. The library has ordered 50 copies of the book and signed the same stipulation earlier this year. 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.

Mark Langston, Davis Information Systems Director, presented amendment #2007-138B with Qwest Communications. This amendment lowers the monthly cost for the Ethernet IQ portion from \$782.00 to \$509.00 per month. The State of Utah does the negotiations with Qwest and Davis County Libraries are able to take advantage of the rate reduction. Commissioner Petroff made a motion to approve. Commissioner

Announce Up  
Coming Events

55-Plus Job  
Fair &  
Community  
Resource Expo  
Sept. 16

Approval of By  
Mail Voting  
Precincts for  
Unincorporated  
Area

Agreement  
#2009-280  
Random House

Amendment  
#2007-138B  
Qwest Comm.  
For Monthly  
Rate Reduction

Downs seconded the motion. All voted aye. Document on file in the office of the Davis County Clerk/Auditor.

Agreement  
#2009-281  
Kaysville City  
for Animal  
Control  
Services

Keith Major, Davis County Sheriff's Office presented agreement #2009-281 with Kaysville City. Davis County Sheriff's Office will provide animal control services for Kaysville City. It is a receivable yearly of \$50,581.76. 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  
#2009-282 UT  
Dept. of  
Correction for  
Funding of  
Utah State  
Prison Inmates

Keith Major presented agreement #2009-282 with the Utah Department of Correction. It is a receivable of \$1,681,920.00 (maximum) per Utah State fiscal year for the housing of Utah State Prison inmates as accepted by the Davis County Sheriff's Office. There are typically 70 – 80 inmates accepted at a rate of \$45.00 daily but the rate could go down with the State's financial woes. 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.

Budget Change  
for Surgical  
Room at  
Animal Control

Steve Rawlings, Davis County Clerk/Auditor, stated that the Davis County Sheriff's Office also has a budget change. Keith Major stated it is necessary to increase budget for establishment of the surgical room at Animal Control. This operating room will be used by the contract veterinarian to spay and neuter dogs & cats prior to adoption and to meet the other mission requirements of Animal Control and include care of the Sheriff's Office K-9 dogs. The budget change will decrease line item 10-3455-100 Spay & Neuter Fund by \$38,272.09, increase line item 10-4253-610 Misc. Supplies by \$7,761.86, increase line item 10-4253-690 Equipment by \$24,600.00 and increase line item 10-4253-720 by \$5,910.23. 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.

Notice of  
Award to  
American  
Fence  
Company for  
Mutton Hollow  
Regional  
Detention  
Basin Fencing

Kirk Schmalz, Davis County Public Works Director, stated he is requesting approval of the Notice of Award be given to American Fence Company for the Mutton Hollow Regional Detention Basin Fencing. Their bid has been reviewed and is consistent with the bid specifications. Chairman Millburn asked Tony Thompson, Davis County Planning Office, if he would review the timeline of events relating to the fencing project.

Tony reviewed the following chronology: On November 20, 2008 the residents abutting the Mutton Hollow Regional Detention Basin were delivered a notification of Davis County Public Works intent to install a six foot chain link fence around the County-owned basin. At commission meeting on November 25 several individuals spoke during the public comment period expressing concern and requested a delay of the project until their input could be heard. A resolution prepared by the Country Creek Subdivision Homeowners was discussed. The resolution requested a delay of four months before work commence on the fencing project in order for the homeowners to organize and have time to find a workable solution for all parties. The resolution was tabled until the Commission Meeting on December 9<sup>th</sup> 2008. Kirk Schmalz proceeded to work with Custom Fence who had previously been awarded the contract. Matt Hickman was designated as the spokesperson for the citizens. At the December 9<sup>th</sup> meeting the agreement with Custom Fence was switched to the 200 South drainage channel near Syracuse/West Point border. On May 26, 2009 at Fairfield Junior High a public meeting was held about fencing the basin. Citizens, a state regulatory agency, Layton City, Army Corp of Engineers, Davis County Attorney's Office and Public Works have all weighed in concerning the project. Following meetings with regulatory agencies Davis County has been advised and instructed to protect the nature preserve, conservation easements and wetlands, and also to retain all of the property within the basin. Davis County has concluded the best way to comply with these instructions and preserve the basin

is to install a 6 foot high chain link fence as close to the property boundary lines as feasible. Robert Smith, Davis County Public Works, will make himself available to meet with citizens tonight and tomorrow night.

Chairman Millburn said, "There has been extensive dialogue." Commissioner Petroff stated that he has been very involved this year and appreciates all that Robert Smith has done in dealing with the citizens individually. Commissioner Downs said, "We could have just moved ahead, but we listened, explored, refined and did our due diligence. Options were explored and the law was upheld as we listened to agencies. As commissioners we have walked the ground and feel comfortable." Kirk Schmalz stated there has been a process followed. Commissioner Petroff made a motion to approve the Notice of Award to American Fence Company in the amount of the bid of \$53,685.00. Commissioner Downs seconded the motion. All voted aye.

Change Order  
#2009-244A  
Stark Brothers  
Inc. for 2600  
So. Storm  
Drain Project

Kirk Schmalz presented change order #2009-244A for Stark Brothers Inc. It is to replace a 48" CMP on the 2600 South Storm Drain Improvements Project. It is a payable of \$2,500.00. 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.

Change Order  
#2009-82B  
Kilgore Paving  
& Maintenance  
for 3600 So.  
Project

Kirk Schmalz presented change order #2009-82B for Kilgore Paving & Maintenance. It is a payable of \$2,509.20 for extra road base for the project at 3600 South. 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  
#2009-283  
Silvia  
Stevenson &  
Gloria  
Armstrong  
Rental of  
Legacy Arena

Curtis Koch, Davis County Legacy Events Center Assistant Director, presented agreement #2009-283 with Silvia Stevenson and Gloria Armstrong. It is for rental of two hours weekly riding time in the Legacy arena. It is a receivable of \$3,200.00. The contract period is September 3 through July 29, 2010. Commissioner Down 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.

#2009-284  
Conwest Inc.  
for Roofing  
Services at  
Legacy Events  
Center Campus

Marshall Scott, Davis County Facilities Management Director, presented agreement #2009-284 for Conwest Incorporated. The company will provide the roofing services at the Legacy Events Center Campus. The sites are Building One, The Bunny Barn, and the Hen House. It is a payable of \$12,667.00. 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.

Approval of  
Recommended  
Funding for  
SSBG Funds

Scott Hess, Davis County Planning Office, stated the Social Services Block Grant Committee meet on September 1 to review the applications for the grant funds. Davis County is being awarded \$112,980.87 for the 2009-2010 funding year. Davis County Planning Department will use \$10,000 for administration of the program, leaving a total of \$102,980.87 for approved grant recipients. Davis Behavioral Health did not spend down their 2008-2009 allotment totaling nearly \$20,000.00. This money may potentially be applied to the Davis County total giving \$122,980.87 total funding. There were 14 total applicants with a total request of \$318,477.60. The recommended funding is as follows:

Safe Harbor	\$25,000
Family Connection Center	\$26,170
Davis Behavioral Health	\$19,990
Utah Legal Services	\$10,500
Davis Community Learning Center	\$10,000
PARC	Balance of funding

The committee felt that it was important to fund the applicants recommended at the full amount. This way the service providers can make the best use of the money, and complete their submitted programs. PARC will be contacted to see if partial funding keeps their program viable. Commissioner Petroff made a motion to approve the funding as presented. Commissioner Downs seconded the motion. All voted aye.

Agreement  
#2009-285  
Zions Bank  
Public Finance  
for Financial  
Advisory  
Services

Steve Rawlings, Davis County Clerk/Auditor, presented agreement #2009-285 with Zions Bank Public Finance. The purposes of the agreement is for Zions to provided financial advisory services to assist with the financing of any and all new or refunded projects where Davis County is the issuer of debt. The agreement will be retroactive to March 1, 2009 and is a five year agreement. The work on the STRB's began back in March. A fee schedule is included in the agreement. 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.

Amendment  
#2007-310F  
UT Div. of  
Substance &  
Mental Health  
for Standards  
Compliance

Chairman Millburn presented amendment #2007-310F with the Utah Division of Substance and Mental Health. It is to amend Part II, Section 7(d) & (e), "Data Collection & Submission Requirements" for contractor to meet monthly with AP&P representatives to review, match and correct data. AP&P to make corrections in their database. TEDS data information submitted monthly. 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.

Approval of  
Property Tax  
Register

Ross Bartholomew, Davis County Tax Administration Director, presented the property tax register for approval. There are 137 property appeals for approval, 17 denials, 28 Assessor Corrections, and 8 Auditor Corrections. Commissioner Downs made a motion to approve. Commissioner Petroff seconded the motion. All voted aye. Ross reminded everyone that September 15 is the deadline to file property tax appeals.

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

Approval of  
Check  
Registers

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

No Commission Comments.

Public Comments:

Greg Smith, Layton City resident, spoke about his property tax appeals and the process with the County.

Commissioner Petroff stated that he will work with Mr. Smith and Ross Bartholomew, Davis County Tax Administration Director.

Meeting adjourned.