

# COMMISSIONERS' MINUTES – DAVIS COUNTY

## COMMISSION MEETING MINUTES FEBRUARY 5, 2019

The Board of Davis County Commissioners met for their regularly scheduled meeting at 10 a.m. on February 5, 2019, in room 303 of the Davis County Administration Building, 61 South Main Street, Farmington, Utah. Appropriate legal notice of this meeting was given.

Present on the dais were: Commissioner Randy B. Elliott, Chair; Commissioner Lorene Miner Kamalu, Vice-Chair; Curtis Koch, Davis County Clerk/Auditor; and Neal Geddes, Chief Civil Deputy County Attorney.

Excused: Commissioner Bob J Stevenson.

All documents from this meeting are on file in the Davis County Clerk/Auditor's Office.

### OPENING

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The meeting convened at 10 a.m. and Neal Geddes led the Pledge of Allegiance.

### Recognitions, Presentations & Informational Items

#### **Notice of Termination of Exclusive Engagement Agreement with Legacy Development Group, LLC — Presented by Mack McDonald, Davis County Facilities Director**

Davis County entered into an exclusive engagement agreement with Legacy Development Group, LLC on Dec. 11, 2018. The agreement gave Legacy Development Group a 90-day period to work with the County and flesh out a proposal they had in mind for the Legacy Events Center property. Their concept was developed in another part of the county and Legacy Development Group was on a tight timeline with other agencies or entities they want to lease to, which put them on a fast-track to get things done. The County's desire to thoroughly explore opportunities and vet the proposal would take more time so Legacy Development Group asked the County to terminate the agreement to allow them work on their other project. The termination request, which came on Jan. 24, 2019, was brought to this public meeting to make everyone aware that the agreement has been terminated. Farmington citizens will also be notified.

### PUBLIC COMMENTS

Commissioner Elliott invited members of the public to address the Commission. No comments were made.

Commissioner Kamalu made a motion to open the Public Hearing. Commissioner Elliott seconded the motion. All voted Aye.

*See Attachment B.*

### PUBLIC HEARING

#### **Consideration of approval, by resolution, for additional 2019 Budget appropriation requests. Budget increases will be funded by new revenues and/or monies unspent in the prior year – Presented by Heidi Voordeckers, Davis County Chief Deputy Clerk/Auditor**

A series of budget requests submitted by departments was presented. The first budget hearing of every budget year usually includes a lot of rollover funding for projects that were in process at the close of the prior year, moving those funds for use into a new year to close out those projects. The requests were read line-by-line.

*See Attachments C1-C3 for line item details.*

By way of explanation, Heidi said the project to replace GPS equipment in Animal Control trucks was started in 2018 and needs to be completed.

The Health Department received several new grants. The department's request recognizes revenue and associated expenditures.

The Fund 33 request is a clean-up related to the Sales Tax refunding. It is proposed that the County move \$502,370 out of interest in the 2009B Bond that is now defeased and recognize that expense under the new

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2019A refunding bond. There's an additional \$3,000 in administrative banking fees associated with that new annual debt service fund.

The Fund 45 Capital Projects requests include four items related to the Memorial Courthouse Project. At the time the budget was being prepared, it was unclear how fast the project was going to move and how soon offices would need to be relocated to new facilities. The expenses listed are related to those relocations.

Commissioners commended Heidi and her staff for their work with the budget. The Facilities Department was also recognized for saving taxpayers' money by taking care of a lot of the Human Resources construction project themselves.

[Total increase of Expenses: \$2,951,425. Total Increase of Revenue: \$193,035.]

There was no public comment on the additional 2019 budget appropriation requests.

Commissioner Kamalu made a motion to close the Public Hearing. Commissioner Elliott seconded the motion. All voted Aye.

Motion to Approve the additional 2019 Budget appropriation requests: Com. Kamalu  
Seconded: Com. Elliott  
All voted Aye

## **BUSINESS/ ACTION**

Appointment #2019-056 of Jeff Oyler, Davis County Planning Manager, as Davis County's proxy to vote at Haight's Creek Irrigation Company's annual Meeting of Stockholders

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**Appointment #2019-056 of Jeff Oyler, Davis County Planning Manager, as Davis County's proxy to vote at Haight's Creek Irrigation Company's annual Meeting of Stockholders to be held Feb. 9, 2019 — Presented by Commissioner Elliott**

[The appointment term is 02/05/2019 to 02/09/2019.]

Motion to Approve: Com. Elliott  
Seconded: Com. Kamalu  
All voted Aye

Following the vote on Agenda Item A, Commissioner Elliott remembered the new Commission Meeting procedure is to hear all Business/Action presentations before entertaining a motion. Agenda Items B through T were then presented in that manner.

Request Approval #2019-057 of revised Davis County Personnel Policy & Procedure #140 Leave Benefits

**Request Approval #2019-057 of revised Davis County Personnel Policy & Procedure #140 Leave Benefits — Presented by Deb Alexander, Davis County Human Resources Director**

Deb Alexander presented four revisions to policy. The revisions are not a shift in policy except where legally required. Policy revisions are being done as an objective with the LEAD (Leadership Education and Development) supervisor series so training is done with updated policies. An effort was made to make policies easier to read and more user-friendly.

The "Leave Benefits" policy was originally called "Leaves of Absence." The title was changed for clarity. Other revisions include moving FML (Family & Medical Leave) out of Leave Benefits and into its own policy, adding a table of contents, and adding definitions. Contradictory policies have been fixed and provisions have been clarified regarding people returning from military service. A section was added discussing what paid administrative leave is and under what conditions it is to be used. Policy effective beginning 02/05/2019.

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Request Approval #2019-058 of revised Davis County Personnel Policy & Procedure #145 Employment Modifications & Accommodations

## **Request Approval #2019-058 of revised Davis County Personnel Policy & Procedure #145 Employment Modifications & Accommodations** — *Presented by Deb Alexander, Davis County Human Resources Director*

In the revised “Modifications & Accommodations” policy, the term “restricted duty” has been changed to “modified duty” to align with current provisions and terms of the Americans with Disabilities Act (ADA) and Workers Compensation. Definitions have been added to the policy. The distinction between a business adjustment, modified duty, and an ADA accommodation, has been clarified. Employment modifications have been added for pregnancy and pregnancy related conditions, as required under State law, the ADA, and the Fair Labor Standards Act (FLSA.) Policy effective beginning 02/05/2019.

Request Approval #2019-059 of revised Davis County Personnel Policy & Procedure #155 Family & Medical Leave

## **Request Approval #2019-059 of revised Davis County Personnel Policy & Procedure #155 Family & Medical Leave** — *Presented by Deb Alexander, Davis County Human Resources Director*

“Family & Medical Leave” was previously under “Leaves of Absence” but has now been broken out into its own policy. Definitions have been added about who is a covered family member based on updates to federal law and requirements of the Family and Medical Leave Act (FMLA). The policy defines the FMLA year and offers guidance for employees and employers about what to do when an employee may have qualifying medical condition under the FMLA. Specifics regarding people who qualify under military provisions are also included. Policy effective beginning 02/05/2019.

Request Approval #2019-060 of revised Davis County Personnel Policy & Procedure #220 Time & Attendance

## **Request Approval #2019-060 of revised Davis County Personnel Policy & Procedure #220 Time & Attendance** — *Presented by Deb Alexander, Davis County Human Resources Director*

“Time and Attendance” is the new name of the policy that was formerly titled “Attendance.” Revisions provide supervisors with better guidance. Definitions have been added to the policy, as well as clarification on the workweek and examples of what would be considered a violation. Policy effective beginning 02/05/2019.

Agreement #2019-061 with Pembridge Heathrow Holdings, LLC for payment of fees in lieu of storm water detention

## **Agreement #2019-061 with Pembridge Heathrow Holdings, LLC for payment of fees in lieu of storm water detention** — *Presented by Adam Wright, Davis County Public Works Director*

Commissioner Elliott recommended that Item F be postponed until Adam Wright could arrive at the meeting. Adam presented the agreement with Pembridge Heathrow Holdings, LLC, after Item J.

Adam explained that ordinance allows the County, in the rare instance that a developer is unable to detain storm water or it makes sense not to detain, to take a fee in lieu of detention to be used for something that better the community as a whole. In this case, in West Bountiful, there’s a high water table and many times these basins end up with pumps in them and they’re high maintenance. As a result, the City’s asked the County to work with this developer and do an ‘in lieu of’ situation. There are two upcoming projects in the County’s five-year plan to which Pembridge Heathrow Holdings, LLC could contribute, so the process to value the detention basin size was completed and an agreement put together to have them contribute to those future projects in lieu of detention on site. The contract period is 01/29/2019 to 01/29/2020. The receivable amount is \$17,500.

Memo of Understanding #2019-062 Brian Hatch with Utah Dept. of Agriculture and Food to define and describe responsibilities

## **Memo of Understanding #2019-062 with Utah Dept. of Agriculture and Food to memorialize, clarify, define and describe the responsibilities of these agencies relating to food establishment and food service establishment inspections** — *Presented by Brian Hatch, Davis County Health Department Director*

Over the past few years, the [Utah] State Legislature has made changes related to food and responsibilities. This Memo of Understanding between the Utah Department of Agriculture and Food and local health departments is to memorialize, clarify, define, and describe the responsibilities of these agencies relating to food establishment and food service establishment inspections. The contract period begins 01/22/2019 and is in effect until changed.

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Agreement #2019-063 with Utah Clean Air Partnership for a grant supporting the Vehicle Repair Assistance Program (RAP)

## **Agreement #2019-063 with Utah Clean Air Partnership for a grant supporting the Vehicle Repair Assistance Program (RAP) — Presented by Brian Hatch, Davis County Health Department Director**

Davis County applied for a grant to support its vehicle replacement and repair program last year. This agreement is for a continuation of that grant. The contract period is 1/1/19 to 10/31/19. The receivable contract amount is \$20,000 with a matching piece that is currently budgeted.

Agreement #2019-064 with Intermountain Lacrosse for space rental for tournaments and games for the 2019 season

## **Agreement #2019-064 with Intermountain Lacrosse for space rental for tournaments and games for the 2019 season — Presented by Mike Moake, Davis County Legacy Events Center Marketing**

This contract with Intermountain Lacrosse is for lacrosse tournaments and games for the 2019 season to be held at the Legacy Events Center. An average of 1,500 people come to watch and participate in the games and approximately 85 percent of those people are from outside of Davis County. The contract period is 04/27/2019 to 10/26/2019. The receivable amount is \$4,260.

Summary List #2019-065 of agreements (19) for space rentals at the Legacy Events Center

## **Summary List #2019-065 of agreements (19) for space rentals at the Legacy Events Center — Presented by Dave Hanson, Davis County Legacy Events Center Director**

A Summary List of 19 low-risk, low-dollar contracts for the Legacy Events Center was presented. Most of the agreements are for rental space to hold sporting events but there are also a few rentals of RV spots and meeting spaces. The lowest individual contract amount at \$55 and the highest at \$845. The contract period is 01/08/2019 to 09/29/2019. The total receivable amount for all contracts is \$7,366.

Tabled Agreement with Centurylink Communications for Metro Ethernet line for 36 N Main Street, Farmington

## **Tabled Agreement with Centurylink Communications for Metro Ethernet line for 36 N Main Street, Farmington - Presented by Mark Langston, Davis County Information Systems Director**

Mark Langston asked Commissioners to table Item K on the agenda. Information Systems is trying to create communications lines for occupants of the Memorial Courthouse who are being moved to other locations because of the remodeling project. The best cost is with CenturyLink through the State contract. It is a five-year contract but the County only needs a two-year agreement. Mark was told the County could back out at any time and he asked CenturyLink to put it in writing. He has not yet received that written confirmation and doesn't want to sign the agreement until he has it.

Agreement 2019-066 with Comcast Business for covert line 25mmps at Tech Center, Kaysville

## **Agreement #2019-066 with Comcast Business for covert line 25mmps at Tech Center, Kaysville — Presented by Mark Langston, Davis County Information Systems Director**

Two agreements were presented for Comcast to install communication lines at Davis County's Tech Center when the County's Attorney Investigators move there. This agreement is for a covert line. The contract period is 02/06/2019 to 02/06/2021. The payable amount is \$86.90 per month.

Agreement #2019-067 with Comcast Business for business internet – COAX

## **Agreement #2019-067 with Comcast Business for business internet – COAX — Presented by Mark Langston, Davis County Information Systems Director**

This agreement with Comcast, the second of two presented in this meeting, is for an administration line for the Attorney Investigators at the Tech Center. The contract period is 02/06/2019 to 02/06/2021. The payable amount is \$86.90 per month.

Agreement #2019-068 with Swank Motion Pictures, Inc. for video licensing to show DVD's/videos to jail inmates

## **Agreement #2019-068 with Swank Motion Pictures, Inc. for video licensing to show DVD's/videos to jail inmates — Presented by Chief Deputy Butcher, Davis County Sheriff's Office**

This agreement with Swank Motion Pictures, Inc. allows the Davis County Sheriff's Office to show videos once a week in the jail. The contract is necessary due to copyrights associated with videos, and the fact that videos are shown to multitudes of people, so the County won't be in violation of copyright laws. The contract period is 11/01/2018 to 10/31/2019. The payable amount is \$1,896.20.

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Agreement #2019-069 with the Utah Dept. of Health for FY2019 per capita annual EMS grant award

**Agreement #2019-069 with the Utah Dept. of Health for FY2019 per capita annual EMS grant award — Presented by Chief Deputy Susan Poulsen, Davis County Sheriff's Office**

An agreement with the Utah Department of Health was presented. The agreement is for a FY2019 per capita annual Emergency Medical Services (EMS) grant award for medical equipment related to the employment of Emergency Medical Technicians (EMTs), paramedics, and medical dispatchers. The contract period is 07/01/2018 to 05/15/2019. The receivable amount is \$8,940.

Agreement #2019-070 with Utah State Library Division for Community Library Enhancement Funds (CLEF)

**Agreement #2019-070 with the Utah State Library Division for Community Library Enhancement Funds (CLEF) — Presented by Chris Sanford, Davis County Library Director**

An agreement with the Utah State Library Division for Community Library Enhancement Funds (CLEF) was presented. This is an annual grant that comes to the Davis County Library. The grant is anticipated in the budget but the amount is always fluid. A second grant will come to the County later this year and if necessary a budget adjustment will be done at that time. At this point in time, the Library's collections of OverDrive and RBdigital are at 22,571 items. In 2018 the circulation of those items was 368,144, so it's a very robust service for the community. The CLEF grant allows the Library to expend to keep purchases in line with public demand. The Library Director reminded Commissioners that a downloadable audio book is about twice the cost of a hardback book. Most downloadable audio books are metered with a certain number of checkouts available after which they have to be repurchased. The number of uses available for a downloadable audio book is anywhere from 12 or 13 to 26 a year. The contract period is 07/01/2018 to 06/30/2019. The receivable amount is \$36,100.

Resolution #2019-071 of Davis County, Utah, soliciting applications from CDBG eligible entities or agencies for CDBG eligible activities

**Resolution #2019-071 of Davis County, Utah, soliciting applications from CDBG eligible entities or agencies for CDBG eligible activities — Presented by Stephen Lyon, Davis County Grants Administrator**

The County has extra monies that have to be expended before May to meet spend down requirements for the Community Development Block Grant (CDBG). In order to move from the current level of 2.8 percent to the required 1.5 percent of total spend down, the County will have to spend \$235,000 in the community. A resolution was presented soliciting applications from eligible entities or agencies for CDBG eligible activities. The solicitation period begins 02/05/2019 and applications will be accepted until 03/07/2019.

Agreement #2019-072 with Syracuse City for CDBG FY2017-2018 funding

**Agreement #2019-072 with Syracuse City for CDBG FY2017-2018 funding for the Marilyn Acres Phase 4 infrastructure improvements — Presented by Stephen Lyon, Davis County Grants Administrator**

A subgrantee agreement with Syracuse City for CDBG FY 2017-18 funding was presented. The agreement for Marilyn Acres Phase 4 infrastructure improvements is for a water line. The contract period is 07/01/2018 to 06/30/2019. The payable amount is \$55,000.

Agreement #2019-073 with Davis Behavioral Health for SSBG FY 2018-2019 funding

**Agreement #2019-073 with Davis Behavioral Health for SSBG FY2018-2019 funding for the Latch Key/Youth of Utah program — Presented by Stephen Lyon, Davis County Grants Administrator,**

The contract period is 07/01/2018 to 06/30/2019. The payable amount is \$11,208.

Agreement #2019-074 with ZoomGrants for Software as a Service (SaaS) Grants Life-Cycle Management Solution

**Agreement #2019-074 with ZoomGrants for Software as a Service (SaaS) grants life-cycle management solution — Presented by Stephen Lyon, Davis County Grants Administrator**

An agreement with ZoomGrants was presented for Software as a Service (SaaS) for a grants life-cycle management solution. Moving to a digital format will allow better documentation of the County's grants programs. The software will help improve efficiencies, clarify outcomes and goals with subgrantees, and improve program management. It is expected to help with documentation for HUD, which has been an issue in the past. The amount of paperwork needing to be maintained for grants will be reduced because documents can come in and be reviewed digitally. Payments can also be processed digitally. The contract period is 01/01/2019 to 12/31/2019. The payable amount is \$5,000.

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**A motion was made to approve Agenda Items B through T, with the tabling of Agenda Item K.**

Motion to Approve: Com. Elliott  
Seconded: Com. Kamalu  
All voted Aye

Commissioner Kamalu moved to recess to Board of Equalization. Commissioner Elliott seconded the motion. All voted Aye.

## BOARD OF EQUALIZATION

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Property Tax  
Register

Property Tax Register matters were presented by Curtis Koch, Davis County Clerk/Auditor as follows:

Under Auditor's Adjustments, Commissioners were asked to consider a recommendation of a report with various appeals approved and a report with recommendations for various no change in values. Under Corrections there were eight veterans' exemptions and one exemption based upon the sale of property to a tax-exempt entity.

Under Treasurer's Adjustments the Clerk/Auditor called attention to a change from the paperwork presented to Commissioners and recommended that they hold the "Borich, Joe M & Kathleen" abatement as it is not an abatement so there is no need to reduce the taxes for any reason. There will be future meetings on that item. Also under Treasurer's Adjustments there were two small adjustments for Joseph F Hill & Rozanna S Hill Family Lmtd.

Under Assessor's Adjustments there was a report with Assessor-initiated corrections.

Motion to Approve as presented, including the tabling of one item: Com. Kamalu  
Seconded: Com. Elliott  
All voted Aye

Commissioner Kamalu moved to reconvene Commission Meeting. Commissioner Elliott seconded the motion. All voted Aye.

## CONSENT ITEMS

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Check Registers

### **Check Registers**

Check Registers were approved.

Motion to Approve: Com. Elliott  
Seconded: Com. Kamalu  
All voted Aye

Commission  
Meeting  
Minutes

### **Meeting Minutes**

Meeting Minutes for Amended January 2, 2019 and January 15 and 22, 2019 were presented for approval.

Motion to Approve: Com. Kamalu  
Seconded: Com. Elliott  
All voted Aye

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## COMMISSION COMMENTS

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**Commissioner Elliott** noted that the Utah State Legislature is in session and there are a lot of different ideas from legislators on how a county should function and run.

“In Davis County we’re doing pretty good,” he said, adding, “I think we’re a smooth-running ship.”

Commissioner Elliott expressed appreciation for the team at Davis County, from Libraries and Facilities to everyone in Public Works. He thanked Stephen Lyon for taking the helm of the grants program and working hard. He also thanked the Sheriff and his new team for the headway they’re making, and the Clerk/Auditor’s department for their work behind the scenes. After Commissioner Kamalu’s comments, he thanked Neal Geddes and his staff at the Attorney’s Office for their work reviewing contracts, and Davis County Attorney Troy Rawlings and his staff for the work they do.

**Commissioner Kamalu** agreed with Commissioner Elliott. She added that she had an opportunity to attend part of an all-day in-service training of the Health Department last week. She noted that they are a happy bunch in spite of dealing with difficult things. They work hard together and give each other great training in the different aspects of Davis County Health. She is grateful for the staff and leadership of that department.

Commissioner Kamalu also attended a State-sponsored FEMA training and recognized Clearfield City for its great showing at the event.

“We believe in prevention as a County, and we believe in being prepared as a County, so two of our leadership from the Sheriff’s agency were also in that meeting taking time out of their very busy schedules,” she said. “It was an important meeting and I’m glad to understand a lot more about what will go on in the event of catastrophes that we hope that we do not have.”

## MEETING ADJOURNED

Commission meeting was adjourned at 10:48 a.m.

All publicly distributed materials associated with this meeting are noted as follows:

- A1-A2. Agenda
- B. Notice of Public Hearing
- C1-C3. 2019 Budget Amendments

Minutes prepared by:

Becky R. Wright

Deputy Clerk/Auditor

Minutes approved on:

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Curtis Koch  
Clerk/Auditor

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Randy B. Elliott  
Commission Chair