

# COMMISSIONERS' MINUTES – DAVIS COUNTY

## COMMISSION MEETING MINUTES

February 19, 2019

The Board of Davis County Commissioners met for their regularly scheduled meeting at 10 a.m. on February 19, 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; Commissioner Bob J Stevenson; Curtis Koch, Davis County Clerk/Auditor; and Neal Geddes, Chief Civil Deputy County Attorney.

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 10:01 a.m. and Commissioner Elliott led the Pledge of Allegiance.

Recognitions,  
Presentations &  
Informational  
Items

#### **Presentation of PILT (payment in lieu of taxes) check — Presented by Justin Dolling, Utah Division of Wildlife Resources**

A Payment in Lieu of Taxes (PILT) check from the Utah Division of Wildlife Resources, in the amount of \$489.19 for tax year 2018, was presented in relation to approximately 980 acres owned by the Utah Division of Wildlife Resources in Davis County. The property is adjacent to Farmington Bay and Howard Slough. DWR's [Eccles Wildlife] Education Center at Farmington Bay is open with a beautiful facility and grounds. More than 3,000 visitors attended the recent Bald Eagle Day event. Justin Dolling said the County was instrumental in getting the center accomplished and expressed his thanks.

Commissioners said the facility is beautiful and thanked the DWR for working to keep phragmites down in the area.

#### **Awards from the Utah Association of Fairs & Events: 1) Best Event Photo, and 2) Best Designed Program Poster — Presented by Dave Hansen, Davis County Legacy Events Center Director**

Dave invited Stephanie Davis, Davis County Event Coordinator, to join him for this presentation. The Utah Association of Fairs and Events has a convention every January. Stephanie entered Davis County in several competitions there which resulted in awards for the Best Designed Program Cover or Poster and Best Event Photo. The winning photo of the BMX stunt show was taken by Doug Sims, head of the Davis County Fair photo exhibits. The program cover was designed by Ben [Borchert] at the Mighty Clever ad agency.

*See Attachments B and C.*

#### **Certificate of Achievement for Excellence in Financial Reporting for the Comprehensive Annual Financial Report for Fiscal Year Ended December 31, 2017 — Presented by Doug Stone, Davis County Lead Reporting Auditor**

Doug Stone presented a Certificate of Achievement for Excellence in Financial Reporting for Davis County's Comprehensive Annual Financial Report (CAFR) for Fiscal Year Ended December 31, 2017. He read a letter from the Government Finance Officers Association (GFOA) explaining that this is the highest form of recognition in governmental accounting and financial reporting. It is the 25th consecutive year Davis County has received this award. These awards are earned by the cumulative efforts of the team in the Auditor's Office. Only one comment was made for improvement on this year's CAFR.

Clerk/Auditor Curtis Koch thanked his staff, and those who came before, for the tireless work to earn this achievement every year. He also thanked Doug for his leadership in putting the report together.

In the spirit of being transparent and open to the general citizen, the County will also be putting out a Popular Annual Financial Report (PAFR) that will condense this 150-page document down to approximately 12 pages. The full detailed report is available for all, but the PAFR will provide meaningful information for those who are not government accountants.

The Clerk/Auditor clarified that this award is for the 2017 CAFR. The CAFR is done in June and then submitted to GFOA which takes about six months to review all CAFRs submitted.

*See Attachment D.*

# COMMISSIONERS' MINUTES – DAVIS COUNTY

**Financial Report 2018 - Year End (preliminary unaudited)** — Presented by Doug Stone, Davis County Lead Reporting Auditor

Financial Reports are presented to the Commission quarterly and represent the numbers at the time presented. Reports dated Dec. 31 are pre-audit; the final numbers won't be available until the CAFR is submitted at the end of June.

Pages 1-2 represent the months of October and November and give cash flow in individual funds. There's a number on the far right column that compares cash numbers to the previous year. The significant swing in cash balance in the General Fund is the result of a number not seen on the report. That number, called Taxes Receivable, represents taxes collected as of year-end that have not been distributed out of the collector's account. In 2017, the number for the General Fund was \$9.9 million. For the same period, year-end 2018, that number is \$2.5 million. Once that number is added in, the total cash balance is going to show on the year-end balance sheets as a little above \$22.8 million compared to \$20.7 million for 2017. The theorized reason for the swing is due to the way the County is distributing those tax dollars directly to the other funds.

Curtis Koch emphasized that the presentation is of unaudited numbers, compared to 2017 audited numbers. These are being reported quarterly following State statute understanding that it may not be as clear as if they were audited figures. There is some growth which is attributed to the tax increase. Once numbers are audited it will be much closer.

Doug Stone said pages 4-5 show a preliminary schedule of revenues, expenditures, and changes of fund balance and compares them to the actual numbers of 2017. Tax revenues appear to be down but again that's a difference between how the County used to distribute property taxes directly to the General Fund and then transfer them. This year they've been allocated directly to the other funds.

Clerk/Auditor Koch further explained that in the summer of 2018 the County broke out individual tax rates for both the Health Department and Public Works, and that's the difference being seen.

In Expenditures, all but one department is within budget. Legal Defenders was \$21,000 over budget, so a comment will be written for the audit.

Pages 6-7 present an analysis of the Golf Fund and Commissary Enterprise Fund. Golf Course revenues are close to the previous year, and expenses are a little less than in 2017. The Commissary Fund shows sales up with a total change in net position of about \$800,000 compared to \$300,000 for the previous year. The final page is a graph comparing the two years and shows that how money flows out is very similar.

Commissioners questioned why the Commissary Enterprise Fund is up. Curtis explained, without having done a detailed analysis, that expenses are exceeding revenues – people are buying more and the money is not being put back in. There will be an opportunity for that shortly as medical issues are discussed.

*See Attachments E1 through E9.*

Members of the public were invited to make comments to the Commission.

## PUBLIC COMMENTS

Lorna Rosenstein, a private citizen who runs Waterwatch of Utah from her home at 1421 E. 300 North in Layton, read a statement in response to the recent water contamination issue in Sandy, Utah. It summarized which chemicals are used for water fluoridation and failures of fluoridation systems in Utah. She asked for a moratorium on injecting fluoridation chemicals at wellheads until the County is certain the infrastructure is safe and in compliance with all laws related to water fluoridation.

Commissioners thanked Ms. Rosenstein for the information and said good information has also been received from the Health Department and that the Davis County Attorney is watchful as well.

*See Attachments F1-F2.*

## BUSINESS/ ACTION

Agreement #2019-097 with Secure Instant Payments, LLC

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**Agreement #2019-097 with Secure Instant Payments, LLC for processing of credit cards** — Presented by Jennifer Nicholas, Davis County Justice Court Administrative Assistant, in place of Judge Ynchausti

# COMMISSIONERS' MINUTES – DAVIS COUNTY

for processing  
of credit cards

An agreement was presented to replace the Davis County Justice Court's current credit card processing provider for online payments as well as in-house court fine payments. The new provider is Secure Instant Payments, LLC. The contract period is 02/19/2019 to 02/18/2024. The payable amount for credit cards is 2.5 percent with a \$2.50 minimum. There will be a \$25 credit card chargeback on non-payment which can be enforced with a warrant for arrest, if necessary.

Agreement  
#2019-098 with  
Utah  
Administrative  
Office of the  
Courts (AOC)  
regarding web  
services to  
access data

**Agreement #2019-098 with the Utah Administrative Office of the Courts (AOC) defining terms and conditions regarding web services to access data within CORIS and other databases maintained by the AOC** — *Presented by Jennifer Nicholas, Davis County Justice Court Administrative Assistant, in place of Judge Ynchausti*

An agreement was presented to allow for a software link between Secure Instant Payments and the Utah Administrative Office of the Courts management program called CORIS. The link will make payments live and integrated as soon as they are completed. The contract is neither payable nor receivable.

Termination  
Notice  
#2010-161-A  
and 2010-162-A  
of contracts  
with  
NetDeposit,  
Orion Payment  
Systems and/or  
Modern  
Payments

**Termination Notice #2010-161-A and 2010-162-A of contracts with NetDeposit, Orion Payment Systems and/or Modern Payments** — *Presented by Jennifer Nicholas, Davis County Justice Court Administrative Assistant, in place of Judge Ynchaust*

A Notice to Terminate was presented to inform the Justice Court's current credit card processing provider that their services are no longer needed.

Motion to Approve Items as Presented: Com. Kamalu  
Seconded: Com. Stevenson  
All voted Aye

Summary List  
#2019-099 of  
January 2019  
animal adoption  
agreements

**Summary List #2019-099 of January 2019 animal adoption agreements** — *Presented by Rhett Nicks, Davis County Animal Care & Control Director*

A summary of agreements for animal adoptions in January of 2019 was presented. There were a total of 81 adoptions: 2 chickens, 33 cats, 40 dogs, 4 rabbits, and 2 hamsters. Animal Care & Control received 53 hamsters at one time and most were moved to a rescue. The contract period is 01/01/2019 to 01/31/2019.

Motion to Approve Item as Presented: Com. Kamalu  
Seconded: Com. Stevenson  
All voted Aye

Agreement  
#2019-100 with  
Utah State  
University for  
use of north  
outdoor arena  
and Exhibit  
Building #2 for  
4-H Leadermete

**Agreement #2019-100 with Utah State University for use of the north outdoor arena and Exhibit Building #2 for 4-H Leadermete** — *Presented by Dave Hansen, Davis County Legacy Events Center Director*

An agreement was presented for use of the Legacy Events Center's north outdoor arena and Exhibit Building #2 for a competition between 4-H leaders from across the state. The contract period is 03/14/2019 to 03/15/2019. The contract is neither payable nor receivable.

Agreement  
#2019-101 with  
Utah State  
University for  
use of exhibit  
buildings for  
their annual  
4-H Water Fair

**Agreement #2019-101 with Utah State University for use of exhibit buildings for their annual 4-H Water Fair** — *Presented by Dave Hansen, Davis County Legacy Events Center Director*

An agreement with Utah State University for use of the Legacy Events Center's exhibit buildings to host the annual 4-H Water Fair was presented. Elementary school children are bused to the event to learn about the wise use of water. The contract period is 04/16/2019 to 04/17/2019. This contract is neither payable nor receivable.

# COMMISSIONERS' MINUTES – DAVIS COUNTY

Motion to Approve Items as Presented: Com. Kamalu  
Seconded: Com. Stevenson  
All voted Aye

Agreement  
#2019-102 with  
Unite Spirit  
Association for  
space rental for  
a state cheer  
competition

**Agreement #2019-102 with Unite Spirit Association for space rental for a state cheer competition —**  
*Presented by Mike Moake, Davis County Legacy Events Center Marketing*

A contract with Unite Spirit Association for a state cheer competition was presented. The company running the event is from California. After the first event they hosted at the Legacy Events Center brought in about 10,000 people on a Saturday, they wanted to rebook. The contract period is 03/05/2020 to 03/07/2020. The receivable amount is \$3,605.

Agreement  
#2019-103 with  
USA Wrestling  
Utah for space  
rental for a  
week long  
wrestling camp

**Agreement #2019-103 with USA Wrestling Utah for space rental for a week-long wrestling camp —**  
*Presented by Mike Moake, Davis County Legacy Events Center Marketing*

A contract with USA Wrestling Utah for a wrestling camp for kids was presented. The contract period is 06/10/2019 to 06/15/2019. The receivable amount is \$3,060.

Motion to Approve items as Presented: Com. Kamalu  
Seconded: Com. Stevenson  
All voted Aye

Agreement  
#2019-104 with  
Ivie Acres Farm  
and Petting Zoo  
DBA Utah Pony  
Party to provide  
free petting zoo  
and pony rides  
at the 2019  
Davis County  
Fair

**Agreement #2019-104 with Ivie Acres Farm and Petting Zoo DBA Utah Pony Party to provide free petting zoo and pony rides at the 2019 Davis County Fair —** *Presented by Stephanie Davis, Davis County Event Coordinator*

Ivie Acres Farm and Petting Zoo, doing business as Utah Pony Party, has provided pony rides and a petting zoo at the Davis County Fair for the past couple of years. Last year they brought a zebra, a “unicorn,” and some camels. They will be returning for the 2019 fair, and more good animals are expected. The contract period is 08/11/2019 to 08/19/2019. The payable amount is \$7,000.

Motion to Approve item as Presented: Com. Kamalu  
Seconded: Com. Stevenson  
All voted Aye

Amendment  
#2019-085-A of  
dates on the  
Notice of Sale  
to be published  
for Davis  
County surplus  
real property  
identified as  
part of Tax ID  
09-060-0046,  
known as the  
Tax Sale Road  
Property  
remainder

**Amendment #2019-085-A the dates on the Notice of Sale to be published for Davis County surplus real property identified as part of Tax ID 09-060-0046, known as the Tax Sale Road Property remainder —**  
*Presented by Tony Thompson, Davis County Property Manager*

This amendment is the first of three discussed in this meeting related to the Notice of Sale to be published for Davis County surplus real property in East Layton identified as part of Tax ID 09-060-0046.

Three Notice of Sale documents were approved during last week’s Commission Meeting. Tony said he was unaware, at the time, that the March 5, 2019 Commission Meeting would be cancelled. He presented amendments to those three documents changing the date for Public Comment from March 5 to March 12, 2019, and setting March 19, 2019 as the actual date the sale will be conducted. It was noted that these are preferred sales. There will be no additional costs for the change of publication. Publishing costs will be about \$250 each.

# COMMISSIONERS' MINUTES – DAVIS COUNTY

Amendment #2019-086-A of dates on the Notice of Sale to be published for Davis County surplus real property identified as part of Tax ID 09-060-0046, known as the East Road Property

**Amendment #2019-086-A of the dates on the Notice of Sale to be published for Davis County surplus real property identified as part of Tax ID 09-060-0046, known as the East Road Property - Presented by Tony Thompson, Davis County Property Manager**

This amendment is the second of the three discussed in this meeting related to the Notice of Sale to be published for Davis County surplus real property identified as part of Tax ID 09-060-0046. See Amendment #2019-085-A.

Amendment 2019-087-A of dates on the Notice of Sale to be published for Davis County surplus real property identified as part of Tax ID 09-060-0046, known as the UDOT Property

**Amendment #2019-087-A of the dates on the Notice of Sale to be published for Davis County surplus real property identified as part of Tax ID 09-060-0046, known as the UDOT Property — Presented by Tony Thompson, Davis County Property Manager**

This amendment is the third of the three discussed in this meeting related to the Notice of Sale to be published for Davis County surplus real property identified as part of Tax ID 09-060-0046. See Amendment #2019-085-A.

Motion to Approve Amendments as Presented: Com. Kamalu  
Seconded: Com. Stevenson  
All voted Aye

Amendment #2019-062-A to Memo of Understanding with Utah Dept. Of Agriculture and Food to change the title wording

**Amendment #2019-062-A to Memo of Understanding with the Utah Dept. Of Agriculture and Food to change the title's wording from 'local health departments' to 'Davis County, through the Davis County Health Department — Presented by Brian Hatch, Davis County Health Department Director**

This was an amendment to a Memo of Understanding with the Utah Dept. of Agriculture and Food which was approved on Feb. 5, 2019. It changes the wording in the MOU title from "local health departments" to specifically "Davis County, through the Davis County Health Department" in accordance with how the County writes contracts. [The contract beginning date is 01/22/19. There is no dollar amount associated with this amendment.]

Tabled amendment authorizing the Director of the Davis County Health Department to approve and sign certain agreements

**Tabled amendment authorizing the Director of the Davis County Health Department to approve and sign certain agreements — Presented by Brian Hatch, Davis County Health Department Director**

A request was made that this amendment be tabled as work on the language is still ongoing to clarify the health director's authority to sign certain types of agreements.

Motion to Approve Items as Presented: Com. Kamalu  
Seconded: Com. Stevenson  
All voted Aye

Change Order #2018-546-C with R&O Construction Company for various changes

**Change Order #2018-546-C with R&O Construction Company for various changes — Presented by Mack McDonald, Davis County Facilities Director**

A Change Order for the Contract with R&O Construction Company for the Syracuse Library Remodel and

# COMMISSIONERS' MINUTES – DAVIS COUNTY

Expansion project was presented. It is the first change order for that project and encompasses several changes. During demolition, a header and beams in the existing building had to be adjusted for ductwork. Instead of 4-inch-wide ductwork, it was decided to go with 6-inch ductwork for proper airflow. Furnaces were upgraded from single-stage to double-stage furnaces; this change will be paid back through efficiencies over time but the decision was more about the comfort level for patrons. Another change was made in regards to commercial flooring. The County requested walk-off carpet for vestibule areas, but the spec writer had anticipated this was a rug the County would provide; it is carpet itself and not a rug. Insulation needs to be added above the sprinkler heads in the ceiling to keep them from freezing. There will be a labor charge in the future for adding that insulation.

Commissioners were reminded that R&O Construction Company's bid was \$4,636,444. Value engineering meetings with the contractor resulted in the County being able to reduce some items out of construction drawings. The next month there was an amendment to the project reducing total costs by \$156,892. As change orders come back, they eat into those savings. A decision was made to pull that \$156,892 back through amendment, rather than to leave it as retainage or contingency in the construction company's budget, so the County could safeguard it by going through this process on change orders. Mack pointed out that the contract permits him to sign this first change order only. His ability to sign future change orders, or to bring them back to the Commission, still needs to be worked out. Several changes are pending under architectural and general contractor review. Those presented in this meeting were the most critical to keep work going at this time. The contract period is 11/13/2018 to 12/30/2020. The amount of this change order is \$26,776.89. [The total adjusted contract is \$4,506,328.89.]

Motion to Approve Change Order as Presented: Com. Kamalu  
Seconded: Com. Stevenson  
All voted Aye

Agreement  
#2019-105 with  
Physio Control,  
Inc. for LIFEPAK  
15 Service for  
three-year  
onsite  
comprehensive  
coverage

**Agreement #2019-105 with Physio Control, Inc. for LIFEPAK 15 Service for three-year onsite comprehensive coverage** — *Presented by Chief Deputy Poulsen, Davis County Sheriff's Office*

A renewal for a service agreement for 20 cardiac monitors was presented. This contract with Physio Control, Inc. is for onsite service, battery change-out, and other issues monitors may have. The contract period is 01/01/2019 to 12/31/2021. The payable amount is \$91,022.40.

Motion to Approve Item as Presented: Com. Stevenson  
Seconded: Com. Kamalu  
All voted Aye

Request  
Approval  
#2019-106 for  
cancellation of  
the March 5,  
2019 Davis  
County  
Commission  
Meeting

**Request Approval #2019-106 for cancellation of the March 5, 2019, Davis County Commission Meeting** — *Presented by Commissioner Elliot*

A request was made to cancel the March 5, 2019, Davis County Commission Meeting. All of the Commissioners will be in Washington, D.C. for a national conference. Clerk/Auditor Curtis Koch will also be there in his role as the Utah Association of Counties (UAC) Secretary.

Motion to Approve Request as Presented: Com. Stevenson  
Seconded: Com. Kamalu  
All voted Aye

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

# COMMISSIONERS' MINUTES – DAVIS COUNTY

## 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 one request for an approved appeal. There were also five corrections under Abated Taxes for veterans in the year 2018.

Motion to Approve Items as Presented: Com. Kamalu  
Seconded: Com. Stevenson  
All voted Aye

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

## CONSENT ITEMS

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Check Registers  
and  
Commission  
Meeting  
Minutes

### **Check Registers and Meeting Minutes**

A motion was made to approve the Check Registers and the Commission Meeting Minutes of Jan. 29, 2019 and Feb. 5, 2019.

Motion to Approve Items: Com. Kamalu  
Seconded: Com. Stevenson  
All voted Aye

## COMMISSION COMMENTS

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**Commissioner Kamalu** reported that she recently toured the Pioneer Adult Rehab Center (PARC) facility in downtown Clearfield. PARC is currently part of Davis School District but looking to divest this year. They are also looking to change the name and are open to ideas. PARC has been around for decades. They provide work for mentally handicapped, special needs individuals who are older than school age. These individuals can come to the facility and be trained to be able to contribute to the workforce and earn money for their work. It is this group that handles all cleaning of the Hill Air Force Base facilities. They do a lot of other things, too, but that one contract keeps them running.

"It's pretty incredible because there's all kinds of special needs that these individuals have and they are happy. They have a place to go. They have friends. They are working. They have learned some skills. They are earning money. And their families are very, very grateful because these individuals otherwise would not probably be able to do much outside of their homes to contribute," she said.

There are similar facilities throughout the U.S., and they often start in school districts and then become independent from school districts.

Commissioner Kamalu said PARC is a jewel in Davis County.

Commissioner Elliott invited other comments from the dais; there were none.

## MEETING ADJOURNED

Commission meeting was adjourned at 10:59 a.m.

# COMMISSIONERS' MINUTES – DAVIS COUNTY

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

- A1-A2. Agenda
- B. Best Event Photo
- C. Davis County Fair Flyer
- D. Certificate of Achievement in Financial Reporting
- E1-E9. 2018 Financial Report
- F1-F2. Waterwatch of Utah

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