

# COMMISSIONERS' MINUTES – DAVIS COUNTY

## WORK SESSION MINUTES

May 18, 2021

The Board of Davis County Commissioners met for a Work Session at 2:45 p.m. on May 18, 2021, in room 306 of the Davis County Administration Building, 61 South Main Street, Farmington, Utah. Notice of this meeting was given under the requirements of UCA § 52-4-202.

**ATTENDEES** Davis County Commissioners in attendance: Bob J Stevenson, Chair; and Lorene Miner Kamalu. Randy B. Elliott, Vice-Chair, was excused.

Davis County Staff in attendance: Shauna Brady, Commission Office; Sheriff Kelly Sparks; Chris Bone, HR Director; Mitch Matern, Sheriff's Office; Mike Kendall, Attorney's Office; Curtis Koch, Clerk/Auditor; Shairise Bills, Deputy Clerk/Auditor; Lane Rose Facilities Director; Dave Hanson, Legacy Events Center Director; and Kent Andersen, Community and Economic Development Director.

Members of the public in attendance: Rachel Kohn, Intern, and Jerry Goodspeed, both from the Botanical Center.

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**AGENDA AS POSTED**

**2:45 p.m. Mitch Matern, Buildings & Grounds West Maintenance Manager presenting: Cell Tower Update**

**3:15 p.m. Kent Andersen, Community and Economic Development Director, presenting:  
Agricultural Heritage Center Ground Lease  
Lease and Management Agreement with USU**

**3:40 p.m. Closed Session for reasons permitted under UCA§52-4-205(1)c for strategy session to discuss pending or reasonably imminent litigation**

**DISCLAIMER** The meeting was an open dialogue. Critical points in the discussion have only been briefly summarized. The reader may refer to the audio recording and the publicly distributed materials for further clarification of content. Timestamps have been noted in the minutes to aid in locating points of discussion in the audio record. The audio recording for this meeting is available based upon the County's current retention schedule.

All documents from this meeting are on file in the Davis County (DC) Clerk/Auditor's office.

The meeting commenced at 2:46 p.m.

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**WORK SESSION DISCUSSION** **Cell Tower Update**—Presented by Mitch Matern, Buildings & Grounds West Maintenance Manager (Minute 01:03)

Mitch gave an update on the 120-foot cell tower. He said they weren't initially built to be cell towers, but in 1996, they agreed with Sprint and T-Mobile to add on to the tower and have been on ever since. In 2016, Utah Communications Authority (UCA) added equipment to the tower, and with the booming industry, more has been added, causing many growing pains. In 2018, there was a request to add more antennas to the tower and do an engineering study. The study reported that the tower was not built to withstand all of the add-ons and needed to be structurally reinforced. The County permitted the reinforcement and was then found to be structurally sound. In February of 2020, UCA requested an upgrade of their equipment and did a structural analysis to see if the proposed additions could be supported. They found the tower itself passed, but the foundation failed. In July of 2020, T-Mobile requested a massive upgrade on the tower, including leaving 32 pieces of equipment, removing nine, and adding 22 additional pieces.

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The County is concerned about the structural soundness of the tower and its ability to withstand intense bursts of wind. Mitch asked if the County wants to continue using the tower as a cell tower. The county receives \$2,500 per month between Sprint and T-Mobile for the space lease, and they are billed for the metered usage. Essentially, the County gets \$60,000 annually for the space lease and the pad plus some utility reimbursement.

There is an option to build a new tower in another location designed explicitly for cell use and keep the existing one for its intended use for UCA equipment. The UCA is responsible for all of the public safety radio networks across the state. The County would bear the cost of the new tower, estimated at \$200,000. This discussion is continued.

## **Agricultural Heritage Center Ground Lease and Lease and Management Agreement with Utah State University (USU)— Presented by Kent Andersen, Community and Economic Development Director (Minute 26:25)**

Kent Andersen showed a concept map detailing the Utah State University (USU) Botanical Center property area. With the change of use of the Legacy Events Center, the equestrian and traditional agricultural communities needed a new gathering place. The Botanical Center has offered the county a location to create such a facility and manage it once it is built. The ground is located along the I-15 corridor on the northwest corner of the Wetland Discovery Point of the USU facility. The site plan consists of an improved parking area, a relocation of the existing outdoor arena and stall barns to USU, and the construction of a new indoor arena. The agreement includes easement access to the bridge for property access. All of these will eventually require Commission action after the ground lease and lease management agreements are approved. Both the Ground Lease and Management Agreements are on the agenda for consideration in the Commission meeting following this work session.

Kent briefly summarized the terms of the Ground Lease. The lease term of 15 years at zero rent will commence today if approved. The design and construction will be the County's responsibility in cooperation with USU's building teams. Kent explained the terms of the Lease and Management Agreement. The County agrees to lease the facility to USU, and they will manage it. USU will use the Center for purposes consistent with its mission for educational, research, and community outreach activities. The lease term will begin upon construction completion and will conclude on May 18, 2036. The utilities will be paid for, and the facility will be maintained by USU, including the landscaping. They will manage the day-to-day maintenance, but the County will manage any significant repairs or servicing that require a professional. The County will provide a one-time payment of \$16,000.00 for the purchase of equipment and supplies for the Center and an annual Operations and Maintenance (O&M) payment of \$65,000.00 for the first two years. After two years, the parties will review the actual O&M costs and adjust the annual amount based on those costs. The County will make a yearly capital reserve payment of \$11,500.00 to a Quasi-Endowment interest-bearing account for capital improvements. There is a gap in the projected O&M costs and will be covered by USU up to \$113,000.00, and the parties will split any overages. This provides an incentive to USU to lease their facility. (See Attachment A)

**Closed Session** for reasons permitted under UCA §52-4-205(1)(c) for strategy sessions to discuss pending or reasonably imminent litigation

Commissioner Stevenson motioned to closed session, Commissioner Kamalu seconded the motion, and all voted aye.

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### MEETING ADJOURNED

No action was taken during closed session. Commissioner Stevenson moved to adjourn the meeting, Commissioner Kamalu seconded the motion, and all voted aye. The meeting adjourned at 4:02 p.m.

### MATERIALS PRESENTED

All publicly distributed materials associated with this meeting are noted as the following attachments:

A AG Heritage Center Site Plan Map

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Minutes prepared by:  
Shairise Bills  
Deputy Clerk/Auditor

Minutes approved on: 07/20/2021

/s/ Curtis Koch  
Curtis Koch  
Davis County Clerk/Auditor

/s/ Bob Jo Stevenson  
Bob J Stevenson  
Commission Chair