

**MINUTES**  
**OF THE REGULAR MEETING OF THE**  
**TOOELE COUNTY BOARD OF COMMISSIONERS**  
**HELD MAY 20, 2014**

Chairman Clegg called the meeting to order at 7:00 p.m. The time, place and agenda of the meeting had been provided to the Tooele Transcript Bulletin and to each member of the governing body by delivering copies of the notice and agenda at least two days before to each of them.

1. PLEDGE OF ALLEGIANCE The Pledge of Allegiance was offered by Toby Lee.

2. ROLL CALL. The Clerk called the roll which showed Commissioners Bruce Clegg, Chairperson, Jerry Hurst and Shawn Milne present. Also present were Doug Hogan, Attorney and Marilyn Gillette, Clerk.

3. MINUTES. Commissioner Hurst moved to approve the minutes of the Commission Meeting held May 6, 2014, as amended. Commissioner Milne seconded the motion. All concurred.

4. CONSENT AGENDA. Commissioner Milne moved to approve the consent agenda as presented, with the exception of the deferral request for Mr. Sid Spencer. He wanted to review that request. Commissioner Hurst seconded the motion. All concurred. Mr. Spencer has agreed to pay \$100 per month, beginning in June, 2014, until the balance of \$3,914.26 is paid in full. Commissioner Milne suggested the minimum payment should be \$200 or \$250 per month which would pay it off in 2 years. Commissioner Hurst agreed with the suggestion. Commissioner Milne made a motion that the monthly payments for Mr. Sid Spencer be increased to \$200 per month. Commissioner Hurst seconded the motion. All concurred.

Tax Adjustment Settlement or Deferral Applications. A) Joseph Cavez and Kory H. Chavez, Parcel #01-109-0-0006. Total amount owed, \$2,039.53. They will pay \$150 per month until the bill is paid in full; B) Chad Caldwell, Parcel #01-047-0-0010. Total amount due, \$3,560.23. He will pay \$100 in May and June and \$500 beginning in July until it is paid off; C) Justen Wolter, Parcel #8-34-57. Total amount owing \$5,882.93. He will pay \$200 per month beginning in June until it is paid in full. D) Lewis Properties & Development LLC, Serial #01-071-0-0048. This property was set up in error as a remainder. After further research by the Recorder's Office, it was determined that the 0.088 acre does not exist because of physical ties to adjoining properties. Relief amount \$181.23; E) Utah Department of Transportation, Serial #02-143-0-00054. Properties were acquired for the construction of SR-36. These properties are EX status. Adjusted amount \$52.01; F) Utah Department of Transportation, Serial #02-143-0-00055. Properties were acquired for the construction of SR-36. These properties are EX status. Adjusted amount \$79.88.

Invoices. A) Warrants issued on March 13, 2014 in the amount of \$488,097.51, Check #144771 thru #144864; B) Warrants issued on April 30, 2014 in the amount of \$291,062.25. Direct Deposit #99980 - #100249, Check #6629 - #6638. Transmittal Checks in the amount of \$226,382.34, Check #6639 - #6651, C) Warrants issued on May 8, 2014 in the amount of \$318,448.53, Check #144865 thru #144968.

5. SPECIAL RECOGNITIONS Marilyn Gillette, Tooele County Clerk, thanked the students from Stansbury High School's Job Shadow program. They have helped the County Offices with scanning, filing, vacuuming, trash collecting, etc. Their help has

been invaluable to the offices. She then gave Certificates of Appreciation to each of the students: Dallas Balfour, Andrew Butler, Trenton Erichsen, Jaymz Fox, Lindsey Norvell, Aubrey Sargent, Maxwell Stephenson, Brennan Wozab, Jake Brannon, Monica Equihua, Steven Estrada, Matthew Painter, Jerry Speck, Jordan Stewart, Thomas Griffith, Joshua Marshall, Noah Sloan, Chaunacy Davis and their teacher Scott Weber.

Commissioner Milne also gave out Certificates of Appreciation Kara and John Riddle and the 6th grade class at Stansbury Elementary. They held a clothing drive, including drinks and a number of items for the Children's Justice Center. In fact, they gathered so many items that they filled a trailer. Makayla Bowden, Tommy Christopherson, Emalie Critchlow, Chalice Fawson, Devan Grimshaw, Lucas Gwynn, Andrew Hanson, Tavin Horrocks, Olivia Howell, Jenna Lewis, Lauren Linan, Benjamin Lindsay, Emma Lizana, Kyler Maier, Dalila Mandujano, Larry Martin, Edgar Martinez, Kelsey Parkinson, Alyssa Peralta, Carter Philpot, Stone Pollock, Jack Powell, Marina Riddle, Meghan Saunders, Ashton Shepherd, Elsa Simmons, Bryan Trinidad, Isabelle Veach and William Winters.

6. **DESERET PEAK AQUATIC CENTER NAMING RIGHTS PRESENTATION**

James Miller, Vice President and General Manager of the EnergySolutions Chive Facility; Joyce Hogan, Community Relations for EnergySolutions; and Isaac Astill, Facilities management Director of Tooele County, presented the narrative for this item. Tooele County approached local businesses asking for sponsorship of the Deseret Peak pool. EnergySolutions accepted the challenge and agreed to pay \$35,000/year for the next three years in exchange for naming rights of the pool area. The County Commission noted their appreciation for EnergySolutions' many sponsorships within the community. Since 1988, they have been a big contributor towards community events in Tooele County. James and Joyce, on behalf of EnergySolutions employees, are excited to be a part of the reopening of the pool. They presented Tooele County with the first of three \$35,000 per year checks for the naming rights – to be called the EnergySolutions Aquatic Center.

7. **APPROVAL OF NAMING RIGHTS AGREEMENT FOR AQUATIC CENTER AT DESERET PEAK.**

Commissioner Hurst stated, as was mentioned, we have a contract with EnergySolutions for the naming rights of the pool Deseret Peak Complex. The contract is for 3 years, for \$35,000 each year. He moved to approve the naming rights agreement for the next 3 years. Commissioner Milne seconded the motion. All concurred.

8. **SECOND PUBLIC HEARING FOR COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FOR ACQUISITION OF A DOMESTIC VIOLENCE SHELTER BY VALLEY BEHAVIOR HEALTH.**

Jerry Houghton, Recorder; Ron Lewellyn, Shelter Supervisor; and LaniNiece Davenport, Wasatch Front Regional Council in charge of CDBG projects, discussed this with the Commission. Ron thanked the Commission and the community for their support. The Domestic Violence Shelter was awarded \$230,000, which will aid in the purchase of the shelter, plus \$20,000 to do some needed upgrades. LaniNiece discussed the process projects must go through to receive the funds. Commissioner Hurst moved to open the public hearing. Commissioner Clegg seconded the motion. All concurred. Those in attendance were: Austin Sargent, Thomas Griffith, Jon Griffith, Paul Wimmer, Scott Degelbeck, Brent Marshall, Wade Biner, Alisi Keiaho, Brandon Shepherd, Brandon Bender, Dallas Balfour, Jeremiah Tangreen, Shannon Tangreen, Curtis Beckstrom, Joe Stevenson, Erik Gumbrecht, Karen Beals, Gordon Beals, Sean McClatchey, Douglas Kinsman, Joseph White, Renee Milne, Jason Memmott, Tim Suten, Ron Llewelyn, Raymond Dixon, Kathy Butler, Noah Sloan, Caunacey Davis, Diane Burgener, Robert Warner, Tom Poyner, Michelle Brazier, Nate Brazier, Isabelle Veach, Maddie Sargent, Aubrey Sargent, Dean Johnson and Toby Lee. There was no public comment. Commissioner Milne moved to close the public hearing. Commissioner Hurst seconded the motion. All concurred.

9. **AMENDMENT #4 TO STATE OF UTAH CONTRACT #102637 BETWEEN THE ADMINISTRATIVE OFFICE OF THE COURTS AND THE TOOELE COUNTY SHERIFF**

Commissioner Hurst moved to table this item as the Sheriff was unable to get

a hold of the people he needed for this contract and asked that it be tabled. Commissioner Milne seconded the motion. All concurred.

10. **CONTRACT TO SEAL CRACK, REPAIR ASPHALT, AND REPLACE DRAIN GRATES IN COUNTY PARKING LOTS.** Isaac Astill, Facilities Manager, discussed the parking lots at County buildings that need repair. Several of the parking lots have safety issues. Rather than go out for a new bid, he used the bid the Roads Department has for the same procedure and supplies. Commissioner Hurst asked Isaac to discuss the different projects. Commissioner Milne moved to approve the bid from Ridge Rock, not to exceed \$25,000. Commissioner Hurst seconded the motion. All concurred.

11. **ORDINANCE 2014-04 - AMENDING THE OFFICIAL ZONING MAP OF TOOELE COUNTY; REZONING APPROXIMATELY 174 ACRES OF LAND IN ERDA, EAST OF DROUBAY ROAD, FROM A-20 TO RR-5.** Blaine Gehring, Planner, discussed this with the Commission. The request is to rezone 174 acres from A-20 to RR5. The railroad splits the property into two townships, Erda and Pine Canyon. The property is surrounded by property that is zoned RR5, so this request would bring this property into line with the rest of the surrounding property. The Planning Commission approved the rezone with a 4 to 1 vote. Commissioner Milne moved to approve Ordinance 2014-04. Commissioner Hurst seconded the motion. All concurred.

12. **ORDINANCE 2014-05 - AMENDING THE OFFICIAL ZONING MAP OF TOOELE COUNTY; REZONING APPROXIMATELY 40 ACRES OF LAND IN ERDA, EAST OF RABBIT LANE, FROM RR-5 TO RR-1.** Blaine Gehring, Planner, stated Craig and Tyler Vorwaller would like to rezone approximately 40 acres from RR5 to RR1. The Planning Commission voted 5 to 1 for approval. Commissioner Clegg asked what the public opposition was. There were a couple of people concerned that Erda is changing it's character from larger lots to smaller ones, however, you can see there are a number of lots surrounding this that are RR1 already. It is also close to Stansbury Park. Commissioner Hurst moved to approve Ordinance 2014-05. Commissioner Milne seconded the motion. All concurred.

13. **END OF FISCAL YEAR BUDGET PRESENTATION.** Mike Jensen, Auditor, at the request of the Budget Advisory Committee, reviewed the unaudited end of year and adjusted numbers of 2013. (See attachment #1). Clerk Marilyn Gillette explained her budget shows over by \$6,550.25 because the revenue brought in from running the Municipal Elections (\$34,663.79) was not credited to her budget due to the rules of government accounting. In reality she was \$28,113.54 under budget.

Eric Gumbrecht asked that each department explain why they were under or over.

Treasurer Jeremy Walker stated his wages and benefits were over because of the year-end retention incentive that was given to the employee's. Recorder Jerry Houghton stated in the Recording Department the incentive also affected his bottom line, however, the Engineering and GIS Departments were under budget. They were originally budgeted to bring in \$335,000 thru the Building Department and instead brought in \$694,000+. The Commission stated it was salaries and wages that caused them to go over budget. They had to pay out leave time for a prior administrative assistant combined with a couple of end of year retention incentives as well.

Attorney Doug Hogan stated the District, Juvenile and Public Defender items are funds appropriated to handle prosecution matters in all of those courts. He chose not to spend the money to replace equipment that ideally should have been replaced. Surveyor Doug Kinsman paid for the South Mountain Road out of his budget or he would have been another \$34,000 under budget. Rod Thompson, Roads Department, stated the \$42,500 is the money the County would give the Road Department from the general fund. The B & C Road Tax Money had \$128,000 left over. Road excavation permits were budgeted for \$28,000, but they brought in \$70,000. Attorney Hogan stated the Children's Justice Center paid out the leave for the former director. The state would not allow the hours of

leave to come out of the state funds.

Tom Poyner asked about the transfer to the Desert Peak Complex, the restricted fund accounts of the municipal services, room tax, health department and the roads. What is the remainder of that debt? Auditor Jensen stated it is between \$4 and \$4.5 million

Myron Bateman, Health Department, stated because of the contracts they have they received more money than they could spend. They did not replace people or equipment. Robert Warner, Landfill, stated he under budgeted for depreciation. Isaac Astill stated he began in November so Mark McKendrick was a one man crew for most of the year and he did a good job. To increase the operating revenue they allowed people to pay to use some of the facility whenever they could. Jim Petersen, Wendover Airport stated the bulk of the airport budget had to do with planning the federal grants. Trying to plan how much work they got done is a guess because it is spread over two years. The other factor in budgeting for the airport is the cost of fuel.

14. QUARTERLY UPDATE OF THE FINANCIAL RECOVERY PLAN Jeremy

Walker, Treasurer, reviewed the year end Financial Recovery Plan. See attachment #2. With the changes that have been made, our bond rating has improved from A to A+ stable.

Sam Woodruff would like to see a 5 year long term projection of the budget once the bills are paid off. Tom Poyner asked if the employment incentive payout is still in this projected budget somewhere? Don't stop what they're doing to improve the County's financial position.

Jeremy felt everyone would agree that the County has learned a lot in the past 2 years in processing improvement and how the budget relates to running each department. The questions the Zions Bank Public Finance people asked in regards to the Municipal Services Fund Study helped us see where we can improve, how our processes are affected and we will continue to use that information to improve the offices.

15. PRESENTATION BY BUDGET ADVISORY BOARD CHAIRMAN, LARRY

SHUMWAY. Toby Lee, member of the Budget Advisory Board, presented for Larry Shumway. The committee has been meeting regularly on the 2<sup>nd</sup> Thursday of the month. They have four things they would recommend. He recognized the Commission's effort on the recommendations thus far.

1. Financial policies and procedures. Policies need to be put into place and those policies need to be put into the county code. Offices should be trained on these policies.
2. Internal financial and performance audits. Frequent, rotational internal audits of financial and performance. Checks and balances to make sure policies are being followed.
3. Multi-year budget. This will help the County to be able to put money aside for capital projects and an opportunity to look back and forward 5- 10 years - it is a fluid document that provides a vision.
4. Commission needs to pass the Municipal Services Tax. Zions has done a good job. They have heard the voice of the people. You are able to see the difference in the initial presentation and the final presentation. It is important that this be passed and the tax be implemented for those living outside the incorporated areas.

Commissioner Clegg thanked Mr. Lee for the group's work.

16. TOURISM TAX ADVISORY BOARD - PRESENTATION AND

RECOMMENDATIONS. John Cluff, Chairman, listed the other members of the board:

Denise McArthur, Vice Chairman representing hotels; Chad Fullmer, representing restaurants; Vicki Griffith representing conventions; Chris Ivester representing recreation; and Shawn Milne, representing the County Commission's appointee for tourism. Chairman Cluff also represents museums. Another member, yet to be appointed, shall represent cultural attractions. Tourism funds are to be used solely to increase or promote

tourism in Tooele County. They discussed the criteria and established policies. Examples of some policies was the decision not to fund expenses for upgrades to city parks or fireworks shows. Also rodeo, barrel racing, and sheep sheering weren't fully funded because the submitted applications for these types of events weren't likely to increase tourism. Funding for advertising of Deseret Peak Complex was also excluded. The board recommended that funding for that be through the County's own budget.

They are asking that the recipients provide a written narrative of how they used the funds and a financial report of the money granted to them. Also set in place the procedure to document the number of out of County people and how many used local hotels and restaurants. Commissioner Milne felt the group handled themselves with great decorum. He made a motion to proceed with the recommendations as they are and to move forward from there. Commissioner Hurst seconded the motion. All concurred. See attached report #3.

17. BOARD OPENINGS A) Senior Council on Aging - 1 Position - Open until May 27, 2014.

18. BOARD APPOINTMENTS A) Cultural Attraction on the Tourism Board. Commissioner Milne moved to appoint Wade Hadlock. Commission Hurst seconded the motion. All concurred. B) Lake Point Cemetery and Park District. Commissioner Hurst moved to appoint William Sackett. Commissioner Milne seconded the motion. All concurred.

19. PUBLIC CONCERNS Anita Dalymple agreed with a number of the recommendations on the Budget Advisory Committee's presentation. She discussed having a Quality Management System, rather than reinventing the wheel and take a look at that document. Resource Accountability. What proof do we have that this continuous residential development will not affect our water and resources; our infrastructure? Hopefully they are looking at long-term resource allocation.

Erik Gumbrecht referred to the presentation from the Tourism Tax Advisory Board. One of the recommendations would be easy to implement as far as tracking how much business each of the functions brings in to the businesses. In Tooele County there seems to be a little more consistency with government people staying in hotels. It makes sense to have an actual audit. It would be fairly easy to have a year-over-year increase in revenues based on the same day of the week. Each hotel could report that, as well as the restaurants. It wouldn't be an exact science, but an easy way to implement that.

Gordon Beals thanked EnergySolutions for what they have done for the County. He really appreciates it. That was an extremely refreshing report that John Cluff gave for the TRT. He had a concern that years ago we had people running the landfill and they ran the equipment into the ground. They have equipment that should have been retired. He has seen equipment in a museum that is the same as what is being used at the Landfill. We need to be ready for what new equipment is going to cost. We need a plan. We needed one a few years ago. How many people on the Finance Committee are from the unincorporated area's. Three out of the seven. He appreciated the presentation that Mike made. If what he is telling us is true, the Commissioners have truly done a good job this year. Some of the decisions have been hard and they have been criticized. Thank you!

Raymond Dixon echoed what Ms. Dalymple said. He grew up in Pine Canyon, he remembers going without water for days. We need to look at our natural resources, in particular water.

Doug Hogan stated, in the last meeting when Clerk Gillette presented the Lake Point Incorporation Feasibility Petition and certified it to the Commission, it would have been good to have a resolution prepared to memorialize the action. He will prepare a resolution for the next meeting, which will show the date of the previous Commission Meeting, to formally document this and create a paper trail.

Tom Poyner commented on the minute entry that stated that Sage Grouse raised in captivity, when turned loose do not survive well. It is hard for him to fathom that the Sage Grouse is going to become the Spotted Owl for Utah. Indiginous species are hard to get. For them to say the odds are very low in raising captive birds, he would be happy if it were one in 10. He asked for a point of contact to discuss the Sage Grouse situation. Commissioner Hurst suggested he contact Tom Becker.

20. ADJOURNMENT. Commissioner Milne moved to adjourn the meeting at 9:22 pm. Commissioner Hurst seconded the motion. All concurred.

THE FOREGOING MINUTES ARE HEREBY APPROVED:

BY:   
J. BRUCE CLEGG, CHAIRMAN

ATTEST:

BY:   
MARILYN K. GILLETTE, CLERK

