MINUTES
OF THE REGULAR MEETING OF THE
TOOELE COUNTY BOARD OF COMMISSIONERS
HELD OCTOBER 20, 2015

Chairman Bitner 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 Chris Sloan.

2. **ROLL CALL.** The Clerk called the roll which showed Commissioners Wade Bitner, Chairperson, Shawn Milne and Myron Bateman present. Also present were Gary Searle, Deputy Attorney and Marilyn Gillette, Clerk/Auditor. Scott Broadhead, Attorney was excused.

3. **MINUTES.** Commissioner Milne moved to approve the minutes of the Commission Meeting held October 13, 2015 as presented. Commissioner Bateman seconded the motion. All concurred.

4. **CONSENT AGENDA.** Commissioner Milne moved to approve the Consent Agenda as presented. Commissioner Bateman seconded the motion. All concurred.

   Invoices. A) Warrants issued September 3, 2015 in the amount of $397,649.00, Check #153178 thru #153287; B) Warrants issued September 10, 2015 in the amount of $221,261.59. Check #153218 thru #153401. Checks #153402, #153403, #153404, #153405, #153406 Voided; C) Warrants issued September 16, 2015 in the amount of $341,915.34. Direct Deposit #091615001 - #091615306. Payroll Check #7549 - #7557. Transmittal Checks in the amount of $248,383.07, Check #7558 - #7569; D) Warrants issued September 17, 2015 in the amount of $420,568.87, Check #153407 thru #153520; E) Warrants issued September 24, 2015 in the amount of $337,621.36, Check #153521 thru #153666; F) Warrants issued October 8, 2015 in the amount of $370,659.34, Check #153799 thru #153925.

   Tax Adjustments. A) Christina Ann Shinton and Matthew Tyler Shinton, Parcel #02-062-0-0007. The 2014 value was appealed and went to the Tax Commission who ruled in favor of the appellant. The value was lowered to $138,000. Relief amount -$130.82; B) A Better Pallet Company, Account #BU-22-0085. Remove balance - attached to real property - business is now closed. Adjustment: $-1,174.45; C) Mining Construction Services, Account #BU-22-0186. Business personal property. Adjustment: $-672.06; D) CK Management, Account #BU-02-0002. Write off 2010 and 2011 taxes. Equipment was paid with new owner American Burgers. Adjustment: 2010: $-1,027.66, 2011: $-1,001.70; E) Aaron Nelson, Account #BU-01-0107. Remove $100.00 penalty; F) National Entertainment Network, Inc., Account #BU-01-1786. Write off balance owing for 2013 - business closed. Adjustment: $-63.24; G) Cintas, Account #BU-01-1495. Create levy. Adjustment $392.84; H) Cricket Phone Store, BU-01-1522. Write off balance owing-paid in old system. Adjustment: $-170.67; I) Key Bank Tax Services, Account #BU-02-0039. Create levy for 2014. Adjustment: $156.98; J) Scott & Amanda Edwards, Parcel ID #05-020-0-0014. An appraiser called and said that not only were our measurements off, but we had the wrong house assigned to this parcel. An investigation and re-measurement of the subject property by the Assessor's Office shoed this info to be true. The property info for this parcel has now been corrected. Relief amount for 2014 - $-785.92, 2013 - $-412.12; K) Lift Right

Concrete, Account #BU-02-0608. Create levy for 2014. Adjustment: $161.44; L) Raymond Leasing Corporation, Account #BU-01-1586. Create levy for 2014. Adjustment: $335.75; M) All-Tech Electric Inc., Account #BU-22-0163. Create levy for 2014. Adjustment: $1,418.69; N) Great America Financial Services, Account #BU-01-1294. Create levy for 2014. Adjusted tax for District #1 - $47.27, District #2 - $62.27, District E10 - $714.20; O) Mountain America Credit Union, Account #BU-01-1606. Create levy for 2014. Adjusted Tax: $1,784.37; P) BEVCO, Account #BU-01-1500. Write off balance owing for 2004, paid in the old system and business is now closed. Adjustment -$1,996.16; Q) Remax Platinum, Account #BU-01-1517. Write off balance owing for 2013 - business closed. Adjustment -$49.68; R) KSL Television, Bonneville Int. Corp, Account #BU-19-0027. Create levy for 2013. Adjusted Tax: $21,344.08; S) Soelberg's Thriftway, Account #BU-02-0043. Create levy for 2014. Adjusted Tax for 2013 - $3,222.17, 2014 -$3,549.86; T) Denise T. Bunyard, Parcel #16-058-0-0002. The incorrect acreage was entered into the units and valued higher than what it should have been. Relief amount for tax year 2010 - $-73.38, 2011 - $-72.50, 2012 - $-83.14, 2013 - $-85.38, 2014 - $-84.13; U) Patch Investments LLC, Serial #02-127-0-0044. Parcel should have been state exempt. Adjusted Tax $(10.00); V) Zebulon & Sarah Hansen, Parcel # 02-053-0-0004. During an appeal of this property during BOE 2015, we realized that we had the residential land (LR01) overvalued and has been for several years. We are bringing the land in line with other similar properties in the neighborhood and are requesting a commission adjustment for taxes that were paid which should not have been. Relief amount for tax year 2013 - $-275.86, 2014 - $-270.11; W) Rachel McKinlay, Account #HT-02-0226. Current owner is up to date on taxes due. 2009 and 2012 taxes were not collected when mobile home was sold and need to be abated. Adjustment ($159.81).

Ratifications. A) Appraisal Services Agreement with J Philip Cook for MMP; B) Village Blvd. Extension Project; C) Wendover Airport - Airport Improvements #3-49-0046-028; D) Purchase-Bids of Tractor-Trailer for Solid Waste hauling of garbage to MBI.

Contract Review. A) 14-10-03 - Dispatch Service Agreement Between Tooele County; PDF Document; B) 12-10-07 - Tooele County - Christensen & Griffith, EOC Communications Towers Hold Harmless Agreement; C) Contract Review - 12-10-01 - Fist American Payment System - ATM Owner Processing Agreement - Deseret Peak; D) 11-10-09 - Lexipol Service Agreement with Tooele County Sheriff's Office; E) 11-10-08 - Merchant Application & Agreement Between Chase Paymentech and Tooele County; F) 11-09-06 - Master Participating Agreement Between Tooele County and the USDA, Forest Service Uinta-Wasatch-Cache National Forest; G) 11-09-04 - Protection Mutual Aid Agreement Between Tooele County and U.S. Army Garrison Dugway Proving Ground; H) 11-10-04-U.S. Dept. of Agriculture Forest Service Special Use Permit - Tooele County EOC use of National Forest Systems Lands in Uinta-Wasatch-Cache National Forest; I) 10-10-03-Amendment #2, Contract #101600, Between Tooele County & Utah Dept. of Human Services, Div. of Substance Abuse and Mental Health; J) 05-05-08 - Memorandum of Understanding - Confederate Tribes of The Goshute Reservation and Tooele County.

5. **AGENDA CHANGE.** Commissioner Bitner stated they were going to move Item #13 to #5.

6. **RESOLUTION 2015-13 - REMOVING 4.00 ACRES FROM AN AGRICULTURE PROTECTION AREA IN ERDA AS PETITIONED BY ROSELANE GAE WRATHALL.** Blaine Gehring, Planner, discussed this resolution with the Commission. Commissioner Bateman moved to approve Resolution 2015-13. Commissioner Milne seconded the motion. All concurred.

7. **RESOLUTION 2015-09 - ADOPTING THE TENTATIVE BUDGET FOR FISCAL YEAR 2016 AND ESTABLISHING THE TIME AND PLACE OF A PUBLIC HEARING TO CONSIDER ADOPTION OF THE FINAL BUDGET.** Tenille

Tingey, Accountant/Financial Analyst, reviewed the tentative budget with the Commission. Commissioner Bateman moved to approve the Tentative Budget. Commissioner Milne seconded the motion. All concurred.

8. **PUBLIC HEARING REGARDS THE ADOPTION OF PROPOSED IMPACT FEE FACILITIES PLANS, PROPOSEDIMPACT FEE ANALYSES, AND PROPOSED IMPACT FEE ENACTMENT ORDINANCES.** Tenille Tingey, Accountant/Financial Analyst, discussed the Adoption of Impact Fee's with the Commission.

Commissioner Bitner asked for a motion to open the Public Hearing. Commissioner Milne moved to open the public hearing. Commissioner Bateman seconded the motion. All concurred. Those in attendance were: Isaac Astill, Randall Jones, Wade Hadlock, Bill Hogan, Raymond Dixon, Leland Hogan, Crystal Hovey, Rod Thompson, Paul Wimmer, Brian White, Chris Slone, Mike Berry, Jerry Caldwell, Linden Greenhalgh, Mark B. Nelsen, Stacey Mayhew, Mark McKendrick, Bray Gillie, Jeff Coombs, Jami McCart, Wendy Shubert, Jerry Houghton, and Tim Gillie.

Wade Hadlock, Stansbury Park, commented on the impact fee being charged only on the unincorporated residents. He doesn't feel the DPC is being used only by unincorporated residents. He reminded them that there was a State Auditor's report where the county was spending money from restricted funds on the DPC. Those funds cannot be used, those funds should be charged to all of the residents. They are walking into the same trap that the previous Commissioners stepped into. DPC should be funded by all of the residents of the county because it is being used by all of the residents of the county.

Leland Hogan, South Rim, echoed what Wade said. He knows that sitting in those chairs is difficult and the things you must think about are not only current situations but also down the road. How things are going to change as time moved forward and they have an impact on things that you decide now. One thing that came out of the budget crisis is that Stansbury Park may incorporate. That is a couple of years out. If they incorporate, the large area is going to be removed which drops a higher burden on the rest of the unincorporated county. I know a lot of work went into the numbers you came up with. He can attest to the fact that he has lived in Tooele County for decades. The number of times he has called the Sheriff's office to have them respond can be counted on one hand. A lot of the response that the Sheriff's office does and other people do in the county are not for the resident of the unincorporated residents. He felt they are jumping the gun putting the impact fee on the unincorporated residents of the county.

Randall Jones, Stansbury Park, echoed what has been said by both people before. Everyone in this county lives in this county and is served by the county. You are going to be taxing 30% of the county for the use of 100% of the county. The largest constituency that will be using the DPC, trails, etc. will be by the residents of the incorporated areas. This is an unfair tax, using all of Tooele County to come up with the numbers you need to justify this impact fee, but you are only taxing a small portion of them. He believes in impact fees and feels the new residents should pay for these services, but all of the citizens are going to be using these services. The new growth impact is not in rodeo facilities. That's not the demographic that is moving into this county. A large portion of this tax would go towards a rodeo ground. He asked that they rethink this impact fee.

Tenille clarified the county does have the ability to access within the cities, however, because we do not access their building permits, it would be contingent on an agreement with the cities. It would be an interlocal agreement. The proposed fee is split proportionally so it is only on the proportionate share of the unincorporated residents. These are restricted fees and must go into their own account and be used only on impact fee qualified expenses. It helps reduce the burden on DPC and other budgets by allowing this money to come in and can change some of our parks and infrastructure.

Wade Hadlock, one flaw, double counting unincorporated calls. The Sheriff makes calls

to the cities and unincorporated. The general fund covers calls that goes to the cities. The Sheriff is making calls in the cities and in the unincorporated cities for general purposes that aren't related to police protection. You are charging an impact fee to unincorporated residents but not to incorporated residents. You have to break down the services.

Bill Hogan, South Rim, starting in January, what would be the impact fee for a building permit, the total amount. Also you said there was $21 million used for trails and parks in the county. He doesn't know where they come up with that number. As far as trails go, that is something local people are going to use some. Those are going to be used more by people that just travel into the county and leave. The trail facilities, which bring revenue in from tourism. He'is having a hard time with this impact thing. It's a good idea if it's really thought through. People moving in need to pay for the impact they are going to have but some of these seem a little excessive.

Tenille - these are only calls to land uses, there still is the benefit that is happening for general patrol which is still funded thru the split between municipal services and general fund. There are still Sheriff duties that are not being reflected, there are dual and multiple services going on that this doesn't include. Calls to homes would be counted, tickets given for speeding for auto accidents are not included in the calculations. The impact fee would be $312 for public safety plus $1,126 for parks per home.

Commissioner Milne stated other incorporated area's include impact fees, he paid them when he moved in. He feels this is far easier to impose than a tax increase. While he feels the impact fee is appropriate, he doesn't want to rush into anything. Tonight's discussion has raised some questions in his mind.

Raymond Dixon, Tooele City, agree's with Commissioner Milne, he feels this is a good idea. This is only on new construction, you that have made comments are already here. I believe that people moving into this county, if they want to enjoy the lifestyle we have, should be willing to pay a little extra for it. If we don't do something this valley will look like the other valley. We have water problems, there is only so much to go around. This could improve our water system and bring more water in to the valley. He is in favor of it.

Commissioner Bateman moved to close the public hearing. Commissioner Milne seconded the motion. All concurred.

9. **ORDINANCE 2015-17 - ADOPTING AN IMPACT FEE FACILITIES PLAN AND IMPACT FEE ANALYSIS FOR TOOELE COUNTY PARKS, RECREATION AND TRAILS; ENACTING IMPACT FEES FOR SAID FACILITIES; ESTABLISHING CERTAIN POLICIES RELATED TO IMPACT FEES; ESTABLISHING THE SERVICE AREA; AND OTHER RELATED MATTERS.** Commissioner Bateman disagreed with Commissioner Milne concerning postponing the adoption of this ordinance. People in the other valley are paying $6-$7,000 for impact fee's. We have talked about this since February. He moved to pass this Ordinance 2015-17 tonight. Commissioner Milne moved to table the motion. Commissioner Bitner seconded the motion. Commissioner Bateman and Bitner voted yes. Commissioner Milne voted no. The motion carried. Commissioner Milne withdrew his motion to table.

10. **ORDINANCE 2015-18 - ADOPTING AN IMPACT FEE FACILITIES PLAN AND IMPACT FEE ANALYSIS FOR TOOELE COUNTY PUBLIC SAFETY; ENACTING IMPACAT FEES FOR SAID FACILITIES; ESTABLISHING CERTAIN POLICIES RELATED TO IMPACT FEES; ESTABLISHING THE SERVICE AREA; AND OTHER RELATED MATTERS.** Commissioner Bateman made a motion to approve. Commissioner Bitner seconded the motion. Commissioners Bateman and Bitner voted yes. Commissioner Milne voted no. The motion carried.

Commissioner Milne asked if the cities of Grantsville and Tooele were to enter into an agreement, would the cost per capita fall? Tenille - no, the cost per capita would not change. You would be assessing it to more people. Commissioner Bateman - so you would be asking the cities to add the county impact fee onto their already existing impact fees. Tenille - The public safety calls are calculated on the unincorporated area only. The parks portion includes everyone.

11. **RESOLUTION 2015-10 - PROVIDING NOTICE OF TOOELE COUNTY'S INTENT TO RAISE TAXES; THE COUNTY GENERAL LEVY WOULD BE INCREASED BY 7%, GENERATING $333,142 IN ADDITIONAL REVENUE WHICH WILL BE USED TO PAY FOR INCREASED HEALTH CARE EXPENSES, RETIREMENT EXPENSES, AND OVERALL INFLATION.** Tenille Tingey, Accountant/Financial Advisor, gave a presentation on the proposed tax increase. Attorney Searle stated that this needs to be passed tonight in order to go forward next year. Clerk/Auditor Gillette stated the public hearing will be held November 17th.

Commissioner Bateman stated, we have worked with the Budget Committee to get off PILT and mitigation fees. In order to not get into the same position we were in two years ago, we need to look at these increases to cover our costs without using our reserves. He moved to approve Resolution 2015 - 10.

Commissioner Milne stated that last year the Commission considered a max of 5% on each of the general services and the municipal fund. The general concept was after the large increase after 27 years being initiated with the property tax in 2013, there was, however, a lack of political will to raise taxes again. In keeping with the financial analysis done by Mrs. Tingey when she was with another employer, keeping with the study, this kind of increase is definitely warranted. He seconded the motion. All concurred.

12. **RESOLUTION 2015-11 - PROVIDING NOTICE OF TOOELE COUNTY'S INTENT TO RAISE TAXES; THE MUNICIPAL SERVICES LEVY FOR UNINCORPORATED TOOELE COUNTY WOULD BE INCREASED BY 7%, GENERATING $110,344 IN ADDITIONAL REVENUE WHICH WILL BE USED TO PAY FOR INCREASED HEALTH CARE EXPENSES, RETIREMENT EXPENSES AND OVERALL INFLATION.** Commissioner Bateman moved to approve Resolution 2015-11. Commissioner Milne seconded the motion. All concurred.

13. **RESOLUTION 2015-12 - ADOPTING THE 2016 HEALTH AND SENIOR SERVICES MILL LEVY RATE AND BUDGET FOR TOOELE COUNTY.** Commissioner Batemen stated this resolution will allow the Health Department to use the mill levy that they are authorized to use rather than using PILT money. The Commissioners have been told by their legislators in Washington to get off the PILT money within 3 years. He moved to approve Resolution 2015-12. Commissioner Milne seconded the motion. He felt they are wise to get the county off of the PILT and mitigation funds. All concurred.

14. **LOCAL OPTION SALES TAX PUBLIC MEETING.** Clerk/Auditor Gillette stated this item is on the ballot for the 2015 General Election. Commissioner Bateman stated Tooele County will receive a little less than $500,000 for roads. He reviewed some of the road work that is being done in the county at the present time and future plans. We are behind on road maintenance in the county.

Commissioner Bitner stated that if you can maintain roads you can get it done for considerably less money than making new roads. Commissioner Milne stated it took the State Legislature, UAC and ULCT together to get this legislation passed. While he doesn't agree with the percentage of the tax that goes to UTA, overall it is a good tax because it would help Tooele County maintain our roads.

15. **FOUNTAIN SALES AGREEMENT BETWEEN BOTTLING GROUP, LLC/PEPSI BEVERAGES COMPANY AND THE DESERET PEAK COMPLEX.** Mark McKendrick, DPC, this is a renewal (5 year agreement). The county will receive a $500 signing bonus. Also the incentive has been $.50 cents per gallon, will go to a $1.00 per gallon. They will also provide additional advertising funds annually and the maintenance and equipment will be provided by Pepsi. Commissioner Bateman moved to approve the agreement with Pepsi Cola. Commissioner Milne didn't think $100 for exclusive rights is a good deal. He would like to see Pepsi make more of an investment. Commissioner Bateman agreed, however, the cost of the equipment to put in and maintain is quite expensive. He asked Mark if there is a chance to increase the funds? Mark stated, the more we sell the more we make. Isaac gave a little more background. Coke was the previous provider and after several years they came to us and said this isn't worth it to us, we're not offering anything. It would have been full cost to us. When Pepsi came in they gave a smaller amount than what they are offering now. We have 7 Pepsi machines that dispense the different products and then 11 soda machines throughout the county. None of those pieces of equipment belong to us. That's about $25,000 worth of equipment that we aren't having to pay for. This provides something better than any other option we had. Mark - we either pay for the equipment or go this route and they provide and maintain it for us. Commissioner Milne - it would cost $25,000 to purchase, how much would it be to maintain the equipment? An exclusive deal for how much exposure they get is worth more than they are offering. Commissioner Bateman made a motion to approve the contract. Commissioner Bitner seconded the motion. Commissioners Bateman and Bitner moved to approve. Commissioner Milne voted no. The motion carried.

16. **APPROVAL OF ELECTION WORKERS AND POLLING LOCAGTIONS FOR 2015 GENERAL ELECTION.** Clerk/Auditor Gillette asked the Commissioners to approve the list of election workers and polling locations for the 2015 General Election. Commissioner Milne moved to approve. Commissioner Bateman seconded the motion. All concurred.

17. **BOARD OPENINGS**. A) Lake Point Cemetery & Park District - 3 positions - Open until filled.

18. **BOARD APPOINTMENTS.** Commissioner Milne moved to approve appoint Scott Jacobs to the Lake Point Cemetery District. Commissioner Bateman seconded the motion. All concurred.

19. **PUBLIC CONCERNS.** Bill Hogan - Impact Fee, he thought they had the meeting tonight with the Public Hearing for public comment. The Commissioners said they had worked with people since January on this. He suggests that they need to have some input earlier so the citizens can at least feel like they are being listened to. Because the Commission has been working on it so long, the citizens need more time to respond. On the tax increases. He was against the MST for the incorporated area and when it was put in his understanding was that they are now putting in their share in the unincorporated area which is not really a lot of Tooele County. He thought they were even with the first MST, now the Commission is proposing a General Tax increase of 7% and a Municipal Tax increase of 7%. Why does he have to pay 14% and people in the incorporated area's only 7%?

Leland Hogan, South Rim, he agrees with what Bill said. The other thing is about PILT, he appreciated what they said about PILT. What it does is emphasizes the fact that the BLM and Forest Service land needs to be under the jurisdiction of the State of Utah and not under the Federal Government. It would pay the county and the state more if it were. People think they would lose their ability to go on public lands. The land would only be taken out of public domain as the population see's it necessary to take it out of public domain and the advantage to the State of Utah would be enormous. They have had to attach PILT to bills that the rest of Congress could not turn down, so that is the only reason you received PILT. He asked that they take the time to study what would happen

if the land that is under federal control came under state control. While Tooele County depends on PILT, there are other counties in the State of Utah that PILT is 90% of their budget. In those counties it would be more advantageous than here if the land were to become the states. The Utah Farm Bureau and has been an ardent supporter of the TPO - transfer of public lands.
Chris Sloan - Trustee on the UTA - the board has remained fairly quiet concerning the Local Option Sales Tax. They are, however, able to educate and inform. There was a letter to the editor that encouraged people to vote again the bill. No matter where you fall on this issue, making your decision on good information is important. #1- UTA does not provide service out here with the level of tax increment they receive. Since 2001 Tooele County has provided $24 million in tax to UTA. In that same time they have received $33 million worth of services. #2 - The money that will be raised in Tooele County for this proposition will not be used to provide service in the Wasatch front. A resolution passed by the Trustee's states any tax money raised within the county will be kept in that county. I will cost $480,000 to implement the changes proposed in Tooele County. UTA will receive only $420-$440,000 from Tooele County

20. **ADJOURNMENT.** Commissioner Milne moved to adjourn the meeting at 8:42 pm. Commissioner Bateman seconded the motion. All concurred.

THE FOREGOING MINUTES ARE HEREBY APPROVED:

BY: Wade B. Bitner
WADE B. BITNER, CHAIRMAN

ATTEST:
BY: Marilyn K. Gillette
MARILYN K. GILLETTE, CLERK/AUDITOR

COUNTY OF TOOELE
COUNTY CLERK/AUDITOR
STATE OF UTAH