COMMISSIONERS' MINUTES – DAVIS COUNTY

COMMISSION MEETING MINUTES
August 10, 2021

The Board of Davis County Commissioners met for their regularly scheduled meeting at 10:00 a.m. on August 10, 2021, in room 303 of the Davis County Administration Building, 61 South Main Street, Farmington, Utah. Required legal notice of this meeting was given.

Present on the dais were: Commissioner Bob J Stevenson, Chair; Commissioner Randy B. Elliott, Vice-Chair; Commissioner Lorene Miner Kamalu; 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. The agenda for this meeting is incorporated into the minutes as item headers.

OPENING

The meeting convened at 10:00 a.m. and Ashleigh Young, Interim Director of Davis County Animal Care, led the Pledge of Allegiance.

Recognitions, Presentations & Informational Items

Notice of Intent #2021-360 to engage in contract negotiations for the LEC Architectural & Design Services RFP — *Presented by Clerk/Auditor Curtis Koch*

A Notice of Intent to engage in contract negotiations with Method Studio, Inc., for the Legacy Events Center Architectural & Design Services, was presented. The RFP (Request for Proposals) has been reviewed, and a recommendation has been made to go into negotiations with Method Studio, Inc.; a contract is anticipated in the coming weeks.

PUBLIC COMMENTS

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

Travis Campbell, from Congressman Blake Moore's Office, said the Congressman will be in town for the month of August. He'll be holding public Town Halls during the next couple of weeks, and Davis County's Town Hall will be held at 6 p.m. on Tuesday, August 17, in the Kaysville City Council Chambers. The congressman will provide an update on what he has been working on during his first few months in office and answer questions from the audience.

Lorna Rosenstein, of Waterwatch of Utah, read a document she had prepared recommending that the County Health Department issue an Emergency and Temporary Cease and Desist regarding fluoridation of water. The purpose of temporarily ceasing fluoridation would be to evaluate system safety, emergency response protocols, and review existing policy and procedure and compliance with laws, rules and regulations. We are in a severe drought and cannot afford to divert water to flush a fluoride spill.
See Attachment A, "Waterwatch of Utah" for the complete document.

Dr. Lyle Mason, who introduced himself as an orthopedic surgeon who practiced in Davis County for 40 years, spoke on the issue of masking due to the COVID-19 pandemic. He said that COVID-19 is basically a coronavirus, which is the same type of virus as a cold or flu virus and the same size.

"To my knowledge, we've never recommended masking during cold and flu season here because we knew it wouldn't work, but now we're being asked to believe that we can use masks to stop the spread of the same type of virus and that's really something that I think is impossible," Dr. Mason said, adding that because of the size of the virus, a typical surgical mask does not stop or impede the ingress or egress of the COVID-19 virus; N95 masks have a marginal effect but have to be changed daily and are more expensive.

Dr. Mason said statistics show there have been 350 COVID deaths in the pediatric group in the United States, which is one in a million, and that a review by Johns Hopkins showed that the preponderance of those children had leukemia. He also stated that there had been no spike in pediatric deaths due to the delta variant, and that a study in JAMA (Journal of the American Medical Association) said that after three minutes a child wearing a mask showed significant hypercapnia (increased levels of CO2), which causes

dizziness, lightheadedness, headaches, and loss of concentration.

Dr. Mason said what does work is a vaccine. He is vaccinated, because he's in a vulnerable group, but children are not in a vulnerable group. COVID-19 is here to stay, he said, and we've got to learn to live with it without taking extraordinary steps that really won't do anything.

Commissioner Stevenson said there have been no recommendations [regarding masks] from the Davis County Health Department. If there is a change the public will be informed, but as of now the Commission is taking no action.

Nicole Mason, of Bountiful, said she has five children age 12 and under, so the discussion of universally masking children in schools who are 12 and under disproportionately affects her family.

Ms. Mason said she believes in personal responsibility, and thinks that every person and every family needs to be able to make those decisions for themselves. She asked that, if a directive comes to them, Commissioners default to the Constitution. The Constitution is meant to protect against government overreach, Ms. Mason said, and we shouldn't be using blanket mandates upon society when the statistics are one in a million that her child would be impacted by COVID. She stated that she is willing to take that risk for them to be able to lead a normal life.

Ms. Mason said she is the president of Utah Parents United, which has 15,000 people signed up throughout the State of Utah including 2,000 in Davis County. Because other people are asking for mask mandates, her group issued a petition over the weekend asking that families' choices be respected and for protection from government overreach rather than from a virus.

Commissioner Kamalu said that, at the very beginning of this pandemic, she researched where the authority is for public health. In the Constitution, any responsibility not given to the federal government is given to the states. The responsibility for public health generally resides in the states, and there is state law regarding public health. People who would like to investigate that further, and read the law that exists in Utah, can easily do that in Title 26 of the State Code.

Neal Geddes, Davis County's Chief Civil Deputy, said the Legislature enacted [COVID-related] laws in this past session – some of which are arguably subject to some constitutional challenges. He explained that the Health Department is given some broad discretion, but they would have to declare a Public Health Emergency and do so in conjunction with this legislative body.

BUSINESS/ ACTION

Agreement #2021-361 with Blaze Pizza to hold an adoption event on 8/18/2021.

1. Agreement #2021-361 with Blaze Pizza to hold an adoption event on 8/18/2021 — *Presented by Interim Director Ashleigh Young*

The adoption event will be held from 5 p.m. to 9 p.m. on August 18.

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

Resolution #2021-362 of the Board of Davis County Commissioners approving the filing of cross-appeals to the 2021 appeals filed by taxpayers subject to central assessment.

2. Resolution #2021-362 of the Board of Davis County Commissioners approving the filing of cross-appeals to the 2021 appeals filed by taxpayers subject to central assessment — *Presented by Chief Deputy County Attorney Neal Geddes*

A resolution to approve or authorize the filing of cross-appeals by the Davis County Attorney's Office, relevant to centrally-assessed appeals, was presented. Certain taxpayers are centrally-assessed, meaning their property taxes are assessed by the State and not by the Davis County Assessor. If the taxpayers file an appeal to the Tax Division, and if the County wants to participate in that appeal, the County has to file a cross-appeal. State statute requires that the Commission authorize the Attorney's Office to participate. This is something that has been done in the past, and there are a number of big entities that typically file appeals. Terms: Beginning 8/10/2021.

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

Summary List #2021-363 of agreements for the 2021 Antelope by Moonlight Bike Ride

3. Summary List #2021-363 of receivable agreements for the 2021 Antelope by Moonlight Bike Ride — *Presented by Community and Economic Director Kent Andersen*

Terms: Receivable in the amount of $3,000, for the one-day event held on 6/25/2021.

Amendment #2021-129-A to Contract with Resource Consultants, LLC to extend the contract to September 30

4. Amendment #2021-129-A to a Contract with Resource Consultants, LLC to extend the contract to September 30 — *Presented by Community and Economic Development Director Kent Andersen*

Extension of the contract allows the County's consultant to complete the analysis of impediments for fair housing for the Community Development Block Grant 2021-2025 Consolidated Action Plan. Terms: Payable in the amount of $43,350, beginning 3/1/2021 to 9/30/2021.

Agreement #2021-364 with Davis School District-Davis Community Learning Center

5. Agreement #2021-364 with Davis School District-Davis Community Learning Center for Community Development Block Grant (CDBG) funding for the Family Services Support Program Activities (2021-2022) — *Presented by Community and Economic Development Director Kent Andersen*

Terms: Payable in the amount of $30,407, beginning 7/1/2021 to 6/30/2022.

Agreement #2021-365 with Davis Concerned Citizens Against Violence (dba Safe Harbor) for CDBG funding

6. Agreement #2021-365 with Davis Concerned Citizens Against Violence (dba Safe Harbor) for Community Development Block Grant (CDBG) program funding for Domestic Violence Support Services — *Presented by Community and Economic Development Director Kent Andersen*

Terms: Payable in the amount of $50,000, beginning 7/1/2021 to 6/30/2022.

Amendment #2020-654-Bto Real Estate Purchase Contract with IGOG L.L.C., a Utah limited liability company for land

7. Ratification of Amendment #2020-654-B to Real Estate Purchase Contract with IGOG L.L.C., a Utah limited liability company for land — *Presented by Property Manager Tony Thompson*

An amendment to a Real Estate Purchase Contract with IGOG L.L.C., a Utah limited liability company for land, was ratified. The contract is for the purchase of property adjacent to the Conference Center, and the amendment was requested by the seller to accommodate additional subdivision processes that they are working through with Layton City. The amendment is extending the due diligence to September 1 and the closing date to September 22, 2021.

Motion to Approve Items 3-7: Com. Kamalu
Seconded: Com. Elliott
All voted Aye

Agreement #2021-366 with Utah Department of Health for COVID-19 Testing activities in K-12 schools

8. Agreement #2021-366 with Utah Department of Health for COVID-19 Testing activities in K-12 schools — *Presented by Commissioner Kamalu*

Commissioner Kamalu explained that the Utah State Legislature passed a law in March that has a "Test to Stay" component. This contract, from the Davis County Health Department's Epidemiology division, is to prepare for that program. The way the "Test to Stay" program works is that when there are positive tests for COVID showing a 2 percent outbreak within any given school's population, then there is a requirement for the entire population of that school to have testing so that they can identify who is currently carrying disease and make sure that those people are not continuing to come to class to expose others. This is nothing new as they have had testing all along. It was noted that there were two questions that came into

the Commission Office regarding this agenda item, and the first person who asked a question was able to speak directly with the Health Officer. Terms: Receivable in the amount of $996,000, beginning 7/1/2021 to 7/31/2022.

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

Outside Engineering Services Reimbursement Agreement #2021-367 with UDOT for the West Davis Corridor Project

9. Outside Engineering Services Reimbursement Agreement #2021-367 with UDOT for the West Davis Corridor Project — *Presented by Public Works Director Adam Wright*

This is one of two items presented involving the West Davis Corridor. With large projects, UDOT allows for the County to contract with an engineering service to do construction oversight and management, and they will reimburse the County for those costs. The Public Works Director was able to find a company doing inspections for the cities in the area and get a bid. UDOT has approved the bid obtained by the County, and it is for 100 percent reimbursement. Terms: Pass through amount to be determined; beginning 8/10/2021 to 8/10/2024.

Agreement #2021-368 with ESI Engineering, Inc. for construction management over the West Davis Corridor Project for UDOT.

10. Agreement #2021-368 with ESI Engineering, Inc. for construction management over the West Davis Corridor Project for UDOT — *Presented by Public Works Director Adam Wright*

An agreement with ESI, to do construction inspection and construction oversight, was presented. This project involves 11 new creek crossings and 10 ½ miles of new trail that the County will be taking over, so there's quite a lot of infrastructure going in that the County will be responsible for at the end of the project. ESI will help make sure everything is put in appropriately and meets the County's standards. Terms: Pass through beginning 8/10/2021 to 12/31/2024. The dollar amount is $791,561 dollars, and that is over three years of construction.

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

Discussion of emergency storm response

Adam Wright was asked about the response to a heavy rainstorm that recently hit Davis County. He said it was a big event, with more than two-and-a-half inches of rain in an hour. The Mill Creek drainage affected Mill Creek and Barton [Creek] the most. There was flooding and damage to some channels. There was reported flooding of one Bountiful-area home, which has been flooded three times in the past. The amount of water received was more than the 1 percent standard the system is designed for. Considering the amount of rain, the system did very well throughout the County. Water was contained except for Barton Creek and Mill Creek. The flooding in Mill Creek was limited; there is some infrastructure that is a little undersized, but it didn't affect any homes, wash the roads out, or harm any County infrastructure. Mill Creek did top the road, and was more than a foot deep. On Barton Creek there were sections that were 3 to 4 four feet deep over the top of the road, which was a dangerous situation. There was also some flooding in the northern part of the County on the Syracuse drain due to temporary construction crossings that were in place and picked up some debris; it was minor and didn't affect any structures. The County's Public Works Department was able to respond and get everything cleaned up, but overall the system worked well. Employees have been out for over a week cleaning up firewood, chairs, tables, and other items from yards, that got collected in the system — this may inspire a public information program to talk to people about the impact that they have on these channels, and the impact debris has on these channels when water comes up. Summer thunder bumpers are the events that cause flooding, so for the next month Public Works employees will be paying close attention and making sure equipment and employees are ready.

Commissioner Stevenson said Wright was in contact with him close to midnight Sunday, when Public Works employees were out working. He expressed his appreciation for everything they do.

Wright mentioned that cities, including Syracuse, also responded with hard-working crews. Bountiful City was out with cleaning debris with heavy machinery and helped with County channels and basins. He was impressed. It was noted that the County's Emergency Manager, Chad Monroe, was involved in relaying

information to the County from the emergency managers of various cities. It was such a fast event that by the time the County arrived in some areas the floods were gone, but it was good to have someone else keeping an eye out and communicating what the cities were seeing and what they needed.

Amendment #2019-488-C to Agreement with West Point City for law enforcement services.

11. Amendment #2019-488-C to Agreement with West Point City for law enforcement services — *Presented by Chief Deputy Susan Poulsen*

An amendment was introduced to a contract with West Point City for law enforcement services within the boundaries of West Point. Terms: Receivable in the amount of $135,342 for remainder of 2021 and $278,808 for 2022, beginning 7/1/2021 to 12/31/2022.

Agreement #2021-369 with Holbrook Service to replace a 1.5 ton ductless split

12. Agreement #2021-369 with Holbrook Service to replace a 1.5 ton ductless split, removing the old condenser and evaporator and installing a new unit — *Presented by Chief Deputy Susan Poulsen*

Terms: Payable in the amount of $5,822.48.

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

Master Banking Services Agreement #2021-370 with Wells Fargo Bank, N.A.

13. Master Banking Services Agreement #2021-370 with Wells Fargo Bank, N.A. — *Presented by Treasurer Mark Altom*

A Master Banking Services Agreement with Wells Fargo Bank was presented. The County went through a multi-month RFP process to select a service provider, including having an independent committee representing the Clerk/Auditor's and Treasurer's offices and Information Systems, that reviewed the proposals received. The committee recommended that the County continue the contract with Wells Fargo Bank. The pricing is estimated, based on an average of service fees for the last 12 months, with a small reduction because the pricing from Wells Fargo is a little bit less than what they have been charging. It also is completely dependent on the balances. There are offsetting balance provisions where, if the County keeps larger balances with them, there's an earnings credit. When interest rates were a little bit higher than they are right now, the County paid zero because we've been able to maintain larger balances and that offsets any service fees. We're in a low interest rate environment right now, so the fees are a little higher than they've been historically over the last five years. This is a five-year agreement, with a provision to do a one- or two-year renewal before another RFP. To change from one financial institution would be extremely complicated, and a little bit costly, because of the interface between what our computer systems do versus what they would do with another financial institutions' requirements for interfacing. Reprogramming is one of the big considerations of an agreement. An RFP is encouraged by many government agencies for transparency; however, because of the cost of banking services, often those agreements go for a longer period of time than other contracts. Terms: Payable in the estimated amount of $2,500 per month, beginning 8/10/2021 to 8/9/2026.

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

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

BOARD OF EQUALIZATION

Property Tax Register

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

Auditor's Adjustments

Abatements

- A report with two abatements, with a recommendation to deny

Corrections

- Seven Veteran Exemption Tax Abatements for the year 2020

Assessor's Adjustments

Assessor-initiated Corrections

- A report with five various Differences in Taxable Value attached to the report

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

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

COMMISSION COMMENTS

Commissioner Stevenson invited comments from the dais.

Clerk/Auditor

Clerk/Auditor Koch said Municipal Elections are being held today. As of this morning, there had been a 22 percent turnout This is in contrast to the General Election of 2020, in which Davis County had a 90 percent turnout – so issues and candidates do drive turnout. He encouraged people to cast their ballot, but not to mail it today as the postmark will be too late and the ballot will be rejected. The County has drop boxes in all 15 cities, and there are in-person polling places in the 12 cities that have elections today for those who need assistance or prefer to vote in-person. Tonight at 8 p.m, when the polls close, the County will release the first round of data from ballots that have been tabulated over the last three weeks. The Clerk/Auditor encouraged folks to get involved on a local level because, while national issues certainly drive a lot of attention, your day-to-day life is impacted greatly by who sits in the offices in your local city.

Commissioner Kamalu

Commissioner Kamalu thanked people for their input. Commissioners have received a fair number of emails with both opinions on the mask issue. It is expected that if Commissioners have received a certain number of comments, you can multiply that by hundreds and that would be the number received by the Health Department and the schools. This is something that people are watching in the state and locally.

Commissioner Kamalu explained that there is a Board of Health, which is a legislative body that exists in every Health District. There are 13 Health Districts throughout the State and there are, by law, various disciplines represented in that group. The Board of Health, as well as medical professionals and hospital administrators throughout this County, have been in collaboration during the entire pandemic. They have been following not only the state of the science but also the local data, and that is very important to our Health Officer, Brian Hatch, who is highly respected throughout the State and beyond. As a County, with his leadership, we have navigated this as well as a community possibly could with something very new, she said, and the data proves that out.

Commissioner Kamalu again mentioned the "test to stay" program, now in the law, which requires that everyone in the school will test to be able to attend if an outbreak reaches 2 percent. There is really good news about the uptake of vaccination, she said. We believe in the value of the vaccinations that are available to 12 and older, and at this point 55 [percent] of school-age children who are 12 and older have had at least one dose and 45 percent are fully vaccinated. The community, which has had a longer time to receive the vaccination, has very much embraced it. Of the entire Davis County population eligible for vaccination, 63 percent are vaccinated, and emails asking for consideration of a mask mandate in the elementary schools are primarily coming from that group.

Masks are just one part of all of this, Commissioner Kamalu said. Her family's traditional reunion, usually held in August, had to be cancelled because of COVID-19. The Commissioner said she has heard of other current and former county government leaders whose large family reunions ended up with people testing positive for COVID. It is mostly due to the Delta variant being more contagious – it has been likened by

epidemiologists to chickenpox, because you can just be in the room with somebody who has chickenpox and pick that up. One of Commissioner Kamalu's sister's children, who had been vaccinated, developed a breakthrough case after traveling, and several of her sister's other children are too young to be vaccinated.

Commissioner Kamalu said 15 percent of people who have been vaccinated have breakthrough cases, according to the current data. However, 95 percent of people who are hospitalized with COVID have not had the vaccine, so the vaccine is quite protective in terms of the severity of the disease. In Davis County, throughout the entire pandemic, there have been 20 children hospitalized under the age of 18; 10 of those 20 have developed MIS-C [Multisystem Inflammatory Syndrome in Children], which is associated with the long-term problems.

Davis County's Health Officer, this entire time, has commended the community of Davis County. We tend to be pretty family oriented, we tend to be pretty educated, we tend to have resources; however, there are pockets of vulnerable populations and concerns. We continue to rely on the personal responsibility of people paying attention to symptoms and staying home. Honestly, there are probably many who feel like that's the way we should have always lived our lives. There are a lot of other protections that have been, and still are part of, the response. There's been a big focus on the schools and a big focus on the masks – perhaps disproportionately so because there are so many aspects to this illness and what is known to date. There has always been, and there continues to be, one of the very best epidemiologists on this for Davis County, with a team of epidemiologists following the data. The data is available to everyone on the dashboard. The intent is to consider policy based on data and experts. We continue to follow the data and trust the conversations happening at the School District and Health Department, and at this point we are not doing anything different than State law that is in place for public health.

Commissioner Elliott

Commissioner Elliott thanked Lorna Rosenstein and the public who commented about masks. He said the Commissioners look at the data and what's going on in this community, but they are not taking any action related to masks at this time. He has four daughters in elementary school and will give the question serious consideration.

Commissioner Elliott serves on the Weber Basin Water Board, and they have concerns regarding what is happening this year. Secondary water systems will be shut off in the middle of September this year to try to conserve enough water. If we have the same kind of winter as we had last year, we'll just have enough for drinking and will not be turning on any secondary systems next year. Those are the dire straits we've got coming. We love lawns, but is it more important to brush your teeth or water your lawn? We'd better have some water for our showers and drinking, he said. He's hoping for an extremely bad winter, but the Farmer's Almanac said it's going to be a flip-flop winter, which means it's going to be warm.

Commissioner Elliott said there is going to be a high amount of turnover for mayors and city councils, and recommended that members of the public go and vote because municipalities are where there is a lot of urban planning and development that impacts your neighborhood.

Commissioner Stevenson

Commissioner Stevenson said Commissioners understand and know that mask/no mask and testing/no testing is a very controversial issue. Hopefully, when school starts, there will be very, very few children who get sick, whether it's the common cold, RSV, or COVID. They hope that this year turns out to be an absolutely wonderful, productive year – but if it doesn't and they see problems, and if the Health Department presents something to them, Commissioners will have to make a decision one way or the other for a 30-day period of time. He asked that if people return to comment about the topic in another meeting, that they have one spokesperson for the group who will be allowed plenty of time.

Commissioner Stevenson commented on the Clerk/Auditor's statement that only 22 percent of the people had voted already. He said Commissioners wish everybody had the enthusiasm and the involvement that the people who came to comment in Commission Meeting had. Part of what makes this County, this State, this Country great is when people are involved. It's also great that we have a government that can make decisions and people can accept them and move on to the next issue.

MEETING ADJOURNED

Commission meeting was adjourned at 10:53 a.m.

COMMISSIONERS' MINUTES – DAVIS COUNTY

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

A. Waterwatch of Utah

Minutes prepared by:
Becky R. Wright
Deputy Clerk/Auditor

Minutes approved on: 9/7/2021

/s/ Curtis Koch
Curtis Koch
Clerk/Auditor

/s/ Bob J Stevenson
Bob J Stevenson
Commission Chair