COMMISSIONERS' MINUTES – DAVIS COUNTY

COMMISSION MEETING MINUTES
November 8, 2022

The Board of Davis County Commissioners met for their regularly scheduled meeting at 10:00 a.m. on November 8, 2022, 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 Randy B. Elliott, Chair; Commissioner Lorene Miner Kamalu, Vice-Chair; Curtis Koch, Clerk/Auditor; and Neal Geddes, Chief Civil Deputy County Attorney.

Excused: Commissioner Bob J Stevenson who was attending meetings with the Civic Leader Program.

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 Chief Civil Deputy County Attorney Neal Geddes led the Pledge of Allegiance.

Recognitions, Presentations & Informational Items

Informational update on the agreement between the Utah Department of Workforce Services and Davis County for the Emergency Rental Assistance (ERA) II program — *Presented by Community and Economic Development Deputy Director Chanel Flores*

This Agreement was originally approved by the Commission on July 22, 2022. It was later discovered that the final contract sent by the Department of Workforce Services that was signed into agreement had an additional attachment, Attachment B Data Transmission. No further changes were made to the contract and no action is required. CED wanted to set the records straight and adequately report their records.

PUBLIC COMMENTS

The public was invited to make comments to the Commission.

Rhonda Perkes from Congressman Stewart's Office introduced the Congressman's Office's new intern, Tate Warren from Weber State University. Rhonda stated that the last month has been quiet in Washington, D.C., particularly for the House as most are working on their campaigns. She stated that next week, Work Sessions will be held in Washington next week regarding large bills that the Congressman has been working on, and said she should be able to provide the Commission with updates on those bills in the next few weeks. Rhonda said the Congressman has been doing visits throughout Davis County with small businesses, big businesses, as well as Defense businesses. Rhonda stated that the Congressman asked that she express his gratitude to the Commission for their support.

PUBLIC HEARING

Clerk/Auditor

1. Opening

Com. Elliott made a motion to open the Public Hearing. Com. Kamalu seconded. All voted aye

2. A Public Hearing for consideration of additional 2022 budget appropriation requests — *Presented by Clerk Auditor Curtis Koch*

Clerk/Auditor Curtis Koch presented a Resolution and Budget Opening, verbally listing each requested item.

See Attachment A, "November 8, 2022, Resolution & Budget Opening Items."

3. Public Comments

Commissioner Elliott invited members of the public to make comments about the additional budget appropriations requests.

No comment was made.

4. Closing

Com. Elliott made a motion to close the Public Hearing. Com. Kamalu seconded. All voted aye.

PUBLIC HEARING ACTION ITEM

Additional 2022 budget appropriation requests and adjustments to revenues

#2022-629

Com. Kamalu made a motion to approve the additional 2022 budget appropriation requests. Com. Elliott seconded. All present voted aye

BUSINESS/ ACTION

Animal Care

#2022-630

1. Memorandum of Understanding with Backyard Dog Care and Boarding for the preparation for and response to disasters in Davis County at all levels — *Presented by Animal Care Director Ashleigh Young*

It was explained that Animal Care is continuing to work on their Emergency Action Plan.
Commissioner Kamalu asked where Backyard Dog Care and Boarding is located.
Ashleigh advised they are located in North Salt Lake and are a relatively new boarding facility in the area. She said Animal Care has hosted a few low-cost vaccine clinics at their facility and they are willing to help Animal Care in the event of a disaster, which is great. The agreement period is 10/25/2022 to 10/25/2023.

Com. Kamalu moved to approve. Com. Elliott seconded. All present voted aye.

Commission

#7-2022

2. Ordinance to establish salary provisions for Davis County elected officials — *Presented by Chief Deputy Attorney David Cole*

Attorney David Cole stated that the staff is recommending this Ordinance for two reasons.
Reason one is that, at the local level, Davis County Elections are essentially job interviews as the elected officials are people who do all day, every day work for Davis County. He stated that the best possible people are wanted for those particular positions. When there are needs for those salaries to match those that are in the private sector, it is important that those serving in the public sector are compensated fairly so that they will be willing to run for office.
The second reason is that, on a practical level, transparency will be increased for some of the salaries that were handled informally in the past. He stated that since his tenure at Davis County, beginning in 1995, the Commission has consistently received informal requests for salary increases for public officials whose salaries have fallen below their deputies and employees. The Commission has considered each of those in the past budgets.
It was explained that, if approved, this Ordinance would require a formal request be made and a public meeting would be noticed for that request. The official requesting the salary increase would then have the opportunity to explain to the public why the increase should be approved. It was noted that this will be opt-in and no changes would be made today as no current requests are pending. It was reiterated that this is a staff request that would increase the transparency as well as transfer the responsibility to the elected official to make the salary increase requests.
Commissioner Kamalu mentioned that his item had been on the agenda last week. A reporter from the Standard-Examiner called in, and it was recommended that the call go to David Cole. She stated there was a news story on the item that did service to this proposed Ordinance. The item was tabled during last week's meeting in order for one more discussion to be held with elected officials. That discussion was held and great feedback was received.
Commissioner Elliott referred members of the public to the minutes of the Work Session which was held last week to receive further information on this Ordinance. He explained that the Commissioners do make adjustments to salaries, however, this Ordinance will put the burden on those officials elected by the citizens of Davis County to justify the request for an increase in their salary to the public.

Com. Kamalu moved to approve. Com. Elliott seconded. All present voted aye.

CED

#2022-631

3. Real Estate Purchase Agreement with Christopher C. Howick and Elizabeth B. Howick for Surplus Real Property obtained by Davis County and known as part of Tax ID No. 08-042-0083 — *Presented by Community and Economic Development Director Kent Andersen*

The CED Director explained that items 3-6 are all consistent as they are all properties located along Shepherd Creek in Farmington and were all requests made by the homeowners to purchase additional property in their backyards. It was noted that Public Works has reviewed the agreements and made amendments to the original requests. He stated that Davis County would be attaining flood access through easements to the properties. The receivable amount is $8,332.50.

#2022-632

4. Real Estate Purchase Agreement with Jeffrey D Johnson and Cheryl L Johnson Family Revocable Trust dated the 23rd day of July 2007 for Surplus Real Property obtained by Davis County and known as part of Tax ID No. 08-042-0083 — *Presented by Community and Economic Development Director Kent Andersen*

The receivable amount is $6,467.50.

#2022-633

5. Real Estate Purchase Agreement with Douglas Aird Macdonald and Vickie Lindsay Macdonald for Surplus Real Property obtained by Davis County and known as part of Tax ID No. 08-042-0083 — *Presented by Community and Economic Development Director Kent Andersen*

The receivable amount is $7,000.

#2022-634

6. Real Estate Purchase Agreement with The Susan Kunz Martell Living Trust, dated the 6th day of January 2012, for Surplus Real Property obtained by Davis County and known as part of Tax ID No. 08-042-0083 — *Presented by Community and Economic Development Director Kent Andersen*

The receivable amount is $5,787.50.

#2022-635

7. Final Plat for the Vallee-Villa Subdivision 1st Amendment — *Presented by Community and Economic Development Director Kent Andersen*

It was explained that this item is coming from the Mutton Hollow Township Planning Commission, who met on November 2, 2022, and voted in favor of forwarding the approval of the Final Plat for the Vallee-Villa Subdivision. A staff report is included with one recommended change to the staff recommendations. On the second page, Item 2, it states an Improvement Agreement will need to be signed to secure future curb, gutter, sidewalk, and street improvements. Kent advised the Commission that they have the authority to put together an Improvement Agreement which may be something that will be requested in the future. He noted that as the improvements in the unincorporated areas of Davis County have been discussed, the staff feels it is important that the full cost is taken on at the time of subdivision. Therefore, the staff recommendation is to change that agreement and to require the installation of the sidewalk on 50 East prior to receiving occupancy. Currently, sidewalks and other improvements are existing with exception of the sidewalk on 50 East.

#2022-636

8. Community Development Block Grant sub-recipient agreement with Woods Cross City to fund a home rehabilitation project — *Presented by Community and Economic Development Director Kent Andersen*

The agreement period is 10/01/2022 to 09/30/2023. The payable amount is $75,000.

#2022-637

9. Contract with Great Basin Fiber Arts Fair for fabric and textile classes, demonstrations, and trade show — *Presented by Community and Economic Development Director Kent Andersen*

The agreement period is 04/27/2023 to 04/29/2023. The receivable amount is $3,448.31.

Com. Kamalu moved to approve Items 3-9. Com. Elliott seconded. All present voted aye.

Facilities

#2022-170-A

10. Agreement with Layton Construction Company, LLC for the Event Center Redevelopment Construction Project — *Presented by Facilities Director Lane Rose*

The Facilities Director took the opportunity to thank the Davis County Purchasing Department for their work on this significant contract as well as Civil Attorney Mike Kendall, as many hours have been put into this contract.
The agreement period is 11/08/2022 to 12/31/2024. The payable amount is $50,000,000 FLCC.
Lane Rose explained that FLCC is the Fixed Limit Construction Cost, which means not to exceed. He stated that as the bids come in for this project, the County will sign a Guaranteed Maximum Price (GMP) for the project.
Commissioner Kamalu thanked Lane Rose and commented on the amount of work that has gone into this project from all the different departments in Davis County. She stated that this has been in discussion since before she and Commissioner Stevenson took office.
Lane Rose stated that with the signing of this contract, a contract with the steel building manufacturer will be obtained and steel can be ordered. The steel is expected to be delivered in 3-4 months, once the order is placed, as the project is still in the design stage.
The number of public meetings held over the years regarding this project was also mentioned.

Com. Kamalu moved to approve. Com. Elliott seconded. All present voted aye.

IS

11. Ordinance updating Section 2.48.140 Fees of The Davis County Information Systems Department — *Presented by Information Systems Director Mark Langston*

The Information Systems Director stated that in preparation for a new year, fees have been requested to be reviewed. Mark advised that two small adjustments are being made to the IS fee schedule.
There is an increase from $20.00 to $100.00 on delinquent parcel records to match the cost charged by the Treasurer and Recorder's Office as they charge $100.00 for the same report.
The other change is being made to Item D as data is provided on Google Drive.
Commissioner Kamalu mentioned that the State has requested that all of the governmental entities go through and update their fees.
[This item was later discovered to be missing the enacting language, therefore, it was resubmitted and passed as an official Oridinace on November 22,2022.]

Com. Kamalu moved to approve. Com. Elliott seconded. All present voted aye.

Library

#2022-638

12. Donation Agreement with Noelle Pease to purchase a plaque and tree for the Bountiful Branch Library — *Presented by Library Deputy Director Matt Goff*

Matt stated this donation was made in Memory of Eric Donavan, who was a voracious reader and prolific writer. His love of books was evident to all.
Commissioner Kamalu commented on how neat this donation is and asked that Matt Goff get the Commission the donator's information so that something can be sent to say thank you.
She noted the price of trees and what a substantial donation this was.
Commissioner Elliott asked if the tree is going to be placed in a location where it will not be torn up. Matt advised they have discussed the placement of the tree with the Facilitates Department and the tree will be placed in an area where if it needs to be moved, it can be.
Commissioner Kamalu commented that Maple trees do not do well in Utah as they are prone to Iron Chlorosis and suggested a Zelcova and said that they are trees that do well in Utah, even in drought conditions.
The donation was made on 10/31/2022. The receivable amount is $400.

13. Ordinance updating Section 2.48.100 Fees of the Davis County Library — *Presented by Library Deputy Director Matt Goff*

It was explained that the Interlibrary Loan will be increased from $1.00 to $3.00 in the event that the requested book on the loan is not picked up.

The telescopes available to patrons to check out will now have a service fee of $50.00 in order to replace damaged or lost telescopes.
[This item was later discovered to be missing the enacting language, therefore, it was resubmitted and passed as an official Oridinace on November 22,2022.]

#2022-639

14. License Agreement with ProQuest for the genealogy database — *Presented by Library Deputy Director Ellen Peterson*

It was explained that this will be one of two genealogy databases the library carries. This is a three-year contract and will be paid annually. The agreement period is 10/01/2022 to 09/30/2025. The payable amount is $14,945.74.

Com. Kamalu moved to approve Items 12-14. Com. Elliott seconded. All present voted aye.

Sheriff

#2022-640

15. Donation Agreement with Animal Park Marketplace for the donation of dog food for the Davis County Sheriff's K9 working dogs — *Presented by Sheriff's Office Chief Deputy Susan Poulsen*

The donation was made on 12/31/2022. The receivable amount is $2,782.33.
Commissioner Kamalu commented on the significant amount of the donation.
Chief Poulsen agreed and stated how grateful the Sheriff's Office is for the citizens and businesses in the community who see the value in the canines and the services they provide. She stated donations like this are such a huge help.
Commissioner Elliott asked if the dog food will be donated all at once.
Chief Poulsen explained that it is, and they keep the food in a cool, dry area where mice cannot get to it. Deputies can go and grab a bag of food as needed.
Commissioner Kamalu asked that the contact information for the donator be sent to the Commission Office so that a letter of gratitude can be sent.

#2022-641 - 2022-644

16. Release of Liability, Waiver of Rights, and Participation Agreement for the Secure Continuous Remote Alcohol Monitoring (SCRAM) program — *Presented by Sheriff's Office Chief Deputy Susan Poulsen*

2022-641 ● Participant 1
2022-642 ● Participant 2
2022-643 ● Participant 3
2022-644 ● Participant 4

The Release of Liability, Waiver of Rights, and Participation Agreement for each participant begins upon final signature and runs until the participant is no longer under court order to participate in the program. The receivable amount varies based on tests used and monitoring fees.

17. Ordinance updating Section 2.48.080 Fees of the Davis County Sheriff's Office — *Presented by Sheriff's Office Chief Deputy Susan Poulsen*

A list of the updated fees was not readily available.
[This item was later discovered to be missing the enacting language, therefore, it was resubmitted and passed as an official Oridinace on November 22,2022.]

Com. Kamalu moved to approve Items 15-17. Com. Elliott seconded. All present voted aye.

Treasurer

18. Ordinance updating the Fees of the Davis County Treasurer's Office — *Presented by Treasurer Mark Altom*

The Treasurer explained that they are requesting a fee be added for returned checks and ACH transactions for when property taxes are paid and the payments are returned for insufficient funds or other reasons.
Commissioner Kamalu mentioned that Banks charge those fees to their members.
[This item was later discovered to be missing the enacting language, therefore, it was resubmitted and passed as an official Oridinace on November 22,2022.]

CONSENT ITEMS

Indigent Hardship Abatement Register

Indigent Hardship Register

Com. Elliott moved to approve the names that were both approved and denied during the November 3, 2022 hearing. Com. Kamalu seconded. All present voted aye.

Commission Meeting Minute

Meeting Minutes

Regular Commission Meeting Minutes for October 11, 2022, and October 25, 2022, were presented for approval.

Com. Kamalu moved to approve. Com. Elliott seconded. All present voted aye.

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

BOARD OF EQUALIZATION

Property Tax Register

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

Auditor Adjustments:
Appeals:
- Various Appeals recommended for approval, totaling $1,355,385
- No Change in Value Report for various properties
- Various Hearing Finding Reports, totaling $140,809

Abatements:
- Various Late Abatements recommended for approval, totaling $19,019.26
- Various Abatements recommended for denial

Corrections:
- Exempt Entity purchase in 2022 with Woods Cross for $4,906.81
- Veteran Tax Abatement request for 2021
- Three Exempt Entity for immediate occupancy in 2021
- Low Income Tax Abatement with a computation error

Corrections totaling $7,704.84

Treasurer's Adjustments:
- Various Small Balance Write-Offs of (-$3.84)

Assessor Adjustments:
Corrections:
- Various Assessor Corrections, totaling (-$9,880,148)

Com. Kamalu moved to approve. Com. Elliott seconded. All present voted aye

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

COMMISSION COMMENTS

Commissioner Elliott invited comments from the dais.

Curtis Koch encouraged people to get out and vote if they had not already. He stated that as of that morning, they had a 44% turnout and they have seen consistent traffic at the ballot drop boxes. He encouraged people to use their ballots. He advised there may be a delay in the election results that evening as the Lieutenant Governor's Office asked that results be delayed until it is verified that all polling locations are closed statewide. It is unknown how that will impact the result notifications.
He explained that the vast majority of people received their ballots by mail three weeks ago and those serve as a "walk and drop" and help alleviate long lines. He reminded everyone that the polling locations close and the ballot drop boxes are locked at 8:00 p.m. He stated if people try to jam their ballots inside the locked ballot drop box, the ballot will not be counted.

Clerk/Auditor Curtis Koch was excused for the remainder of the meeting so that he could attend an Election Day media event.

Commissioner Kamalu commented on the importance of Election Day which is one of the great things in the United States of America. She stated that Davis County held Town Halls regularly, for a long time, to show the public how elections work. She explained that the Commission Office has not received a lot of communications with folks who are concerned about the elections. She stated she has seen three letters from three different people, which were all the same letter.
She then read her reply, that was sent in response to those letters, into the record:

"Dear Constituent,

I am completely confident about the security and accuracy of elections in Davis County, Utah.
I was the Commissioner who got to watch the long pre-test recently. I've watched and learned about our process for years, including before I became a Davis County Commissioner.
The Clerk/Auditor Team has held monthly town hall meetings over the last year for all of the public and officials who have interest to see and learn. There has been very positive media coverage as well.

Thanks for writing in.
Lorene Kamalu"

Commissioner Kamalu ended by stating how proud she is of the Clerk/Auditor Team at Davis County.

Commissioner Elliott told everyone to get out and vote.

MEETING ADJOURNED

Commission meeting was adjourned at 10:42 a.m.

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

A. November 8, 2022, Resolution & Budget Opening Items.

Minutes prepared by:
Rian-Paige Santoro
Deputy Clerk/Auditor

Minutes approved on: 11/29/2022

/s/ Curtis Koch
Curtis Koch
Clerk/Auditor

/s/ Randy B. Elliott
Randy B. Elliott
Commission Chair