

**MINUTES
OF THE REGULAR MEETING OF THE
TOOELE COUNTY BOARD OF COMMISSIONERS
HELD NOVEMBER 19, 2013**

Chairman Clegg called the meeting to order at 3:00 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**
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. **CONSENT AGENDA.** Commissioner Milne moved to approve the consent agenda as presented. Commissioner Hurst seconded the motion. All concurred.

Tax Adjustment

Bolinder Company, Inc., Serial #98-000-0-0739. Personal property was sold to NWB, Technology, LLC, a limited liability company organized under the authority of the Northwestern Band of Shoshone Nation April 2, 2006, a tax exempt organization and said personal property was removed from site. Adjustments were made for 2010, 2011 and 2012 and May tax sale fees were incorrectly charged for 2013. 2008 and 2009 were overlooked and are now being adjusted for. Parcel number should be deleted. All penalty, interest and fees to be waived. Relief amount, \$39,021.91, \$45,807.98 and \$140.00, for a total of \$84,969.89.

Invoices

A) Warrants issued on October 10, 2013 in the amount of \$419,792.96, Check #141638 thru #141752; B) Warrants issued on October 16, 2013 in the amount of \$289,370.73. Direct deposit #93255 - #93521, Check #6355 - #6360. Transmittal checks in the amount of \$207,758.81, check #6361 - #6374; C) Warrants issued on October 17, 2013 in the amount of \$494,131.25, Check #141753 - #141856; D) Warrants issued on October 24, 2013 in the amount of \$407,612.52, Check #141857 - #141973; E) Warrants issued on October 30, 2013 in the amount of \$311,253.84. Direct deposit #96522 - #96788, Check #6375 - #6379. Transmittal Checks in the amount of \$233,558.53, Check #6380 - #6393; F) Warrants issued on October 31, 2013 in the amount of \$735,865.79, Check #141974 - #142068.

4. **ORDINANCE 2013-17 - AMENDING SECTION 24-4-4, SECTION 24-4-6, AND TABLES 24-8-5, 24-8-6, 24-8-7, AND 24-8-9 OF CHAPTER 24, SIGN REGULATIONS, OF THE TOOELE COUNTY LAND USE ORDINANCE (ESTABLISHING AN ORDINANCE FOR ON-PREMISE ELECTRONIC MESSAGE CENTERS FOR COMMERCIAL MESSAGES).** Kerry Beutler, Planner, discussed this with the Commission. This request is from Mt. America Credit Union for a sign at their Stansbury Park location. It would be along the same lines as the sign in front of the Mt. America Credit Union in Tooele City. The Planning Commission recommended approval of the amendment to the sign ordinance unanimously. Commissioner Milne moved to approve. Commissioner Hurst seconded the motion. All concurred.
5. **PRESENTATION BY THE PUBLIC BUDGET REVIEW COMMITTEE.** Larry

Shumway, Chair, had the committee members present introduce themselves. He then listed the committee's recommendations:

1. The Budget Advisory Board recommends that budgetary balance be achieved by a judicious application of both expenditure cuts and revenue increases. RATIONALE - Achieving balance entirely through cuts would eliminate or reduce services to an unacceptable level; achieving balance entirely through revenue increases would result in unacceptable levels of taxation.
 2. The Budget Advisory Board recommends that all County departments operate during the FY2014 at the mid-year FY2013 budget levels adopted by the Commission in its July 2, 2013 meeting. RATIONALE - While revenues are gradually increasing, they have not increased to the level to return to the expenditure levels proposed by departments. In addition, the full effect of the budget mid-year revisions remains to be seen.
 3. The Budget Advisory Board recommends that the Commission undertake a review of contracted services across County departments with the intent of consolidating like services into single contracts, and ensuring that the most effective procurement procedures have been followed. RATIONALE - It appears that each department contracts separately for like services and that there are potential savings to the County by bidding these services as larger single contracts or by using State of Utah contracts.
 4. The Budget Advisory Board recommends that the contract with Interwest Paper be terminated through negotiated or unilateral means. RATIONALE - The expectations for revenues associated with the contract have not been realized. The services to residents are relatively new and not universally used. This could result in savings on as much as \$200,000 annually or \$1 million over five years.
 5. The Budget Advisory board recommends that, in the event that additional reductions appear necessary, the Commission consider spreading two large expenses (the South Mountain Road project and repayments to Restricted Funds) across multiple fiscal years. RATIONALE - These large expenses in a single fiscal year, especially in the County's current budgetary circumstances, places excessive constraints on spending for essential County services.
 6. The Budget Advisory Board recommends that the Commission levy a municipal services tax, but only after conducting thorough analysis, as required by statute, and that this analysis be presented to the public in community meeting. RATIONALE - The Utah Legislature has authorized a levy for municipal services in unincorporated areas of counties in recognition of the need to provide appropriate revenue in proper relationship to the services provided.
 7. The Budget Advisory Board recommends that the Commission adopt a budget development process based on best practices, clearly defined goals, and long-range plans. RATIONALE - Good budgetary practices will help ensure sound fiscal standing for the County in the future.
 8. The Budget Advisory Board recommends that the Commission strengthen policies and procedures to ensure fiscal oversight of all County Departments, including adherence to mid-year budget levels adopted by the Commission in its July 2, 2013 meeting and accountability for failure to adhere to the adopted budget. RATIONALE - With the County's current financial situation, all departments must adhere strictly to departmental budgets as set by the Commission. The allowance of budget deviation by any one department could cause other departments to follow suit and place the overall County budget in jeopardy.
7. **PURCHASE DUMP TRUCK**. Rod Thompson, Roads Director, presented bids for a

dump truck to be used to plow snow this winter.

Peterbilt, cab and chassis, 2014 - \$77,998.00
Rush Truck, cab and chassis, 2014 - \$80,165.00
Mack Truck, cab and chassis, 2014 - \$80,396.54
Legacy Equip. Plow, Sander, Hydraulics, 2014 - \$76,861.00
Legacy Equip. Complete Plow truck, 2014 - \$144,312.00
TNT Auction, Complete Plow Truck, 2012 - \$94,500.00

The total package would cost \$144,312 for a 2014, or they can get a 2012 complete from TNT for \$94,500. Commissioner Milne moved to approve the expenditure of \$94,500 for the TNT Auction Complete Plow Package. Commissioner Hurst seconded the motion. All concurred.

8. **MORMON TRAIL ROAD RECONSTRUCTION PROJECT UPDATE**. Carly Summers, Public Involvement Project Coordinator, gave an overview of the project. Partnership between UDOT and Tooele County. The cost is \$2 million.

9. **REBUILD ENGINE FOR D85-E DOZER AND RADIATOR AND HYDRAULIC REPAIR**. Robert Warner, Solid Waste Director, presented two bids he received:

Phillips Heavy Equipment - \$25,802
Utah Track and Welding - \$27,500

He also received a bid from Komatsu but it was \$10,000 more than the other two. He requested \$30,000 to get the dozer back up and running. Commissioner Milne moved to approve the request for the finances up to \$30,000 in expense for the rebuilds noted. The bid will be awarded to Phillips Heavy Equipment because he is in county and about \$1,800 less than the other bid. Commissioner Hurst seconded the motion. All concurred.

10. **APPROVAL OF ROBERT WEIDNER INVOICE- RURAL PUBLIC LANDS**.

Commissioner Clegg discussed the work that Mr. Weidner does for the county as a lobbyist. Commissioner Hurst agreed that this is money well spent, he moved to approve the invoice (\$30,000) for Robert Weidner's services. Commissioner Clegg seconded the motion. Commissioners Hurst and Clegg voted yes. Commissioner Milne voted no. He would like to see the contract reviewed to see if his contacts are still viable.

11. **CONTRACT REVIEW**

A) 08-02-04- Cooperative Agreement Design Engineering Reimbursement Program Between Utah Department of Transportation and Tooele County;
B) 09-05-03- Tooele County Public Defender Conflicts Agreement- Candice Ragsdale-Pollock
C) 10-11-09- Interlocal Cooperation Agreement (Mormon Trail Road-Public Trail Head) Between Grantsville City and Tooele County
D) 12-11-01- Space Lease and Service Agreement Between PacifiCorp and Tooele County
F) 12-11-03- Cooperative Corridor Agreement Between Utah Department of Transportation, Tooele City and Tooele County
G) 12-11-04- Memorandum of Agreement Between Wasatch Front Regional Council and Tooele County for Tooele County Mobility Management Services
H) 12-11-09- Letter of Understanding Between the Utah Communications Agency Network (UCAN) and Tooele County for the Purpose of Nelson Peak Space Location, T-1 Connectivity, Generator Maintenance and Helicopter Trip Coordination will all be reviewed November, 2014.

I) 12-11-10- Agreement for Financial Advisory Service Between Zions Bank Public Finance and Tooele County will be reviewed July, 2015.

E) 12-11-02- Tooele County Public Defender Conflicts Agreement- Spencer P. Call,

has no further need for review.

12. **BOARD OPENINGS.**

A) Tooele County Board of Health- 3 Positions- Open Until Filled.

One Position- Must be a Professional Health Provider (Doctor, Nurse, Dentist, Hospital Administrator, Etc.)

Two Positions Representing the Health Issues of Ethnic Minorities, Senior Citizens, the Disabled, Low-Income, Women and/or Youth

B) Mosquito Abatement- 1 Position- Currently Representing Stansbury Park- Open Until November 14, 2013

C) Tourism Tax Advisory Board- 2 Positions- (1) Representing Restaurants and (1) Representing Museums. Open Until November 14, 2013

D) Trails Committee- 2 Positions- Representing Each of the Following, Implementation Manager and Historian. Open Until November 14, 2013

E) Lake Point Cemetery and Park District- 2 Positions. Open Until Filled

F) Rush Valley Water Conservancy District- 1 Position- Must Live in Ophir. Open Until Filled

G) Tooele County Planning Commission- 2 Positions. Open Until December 7, 2013

13. **BOARD APPOINTMENTS.**

A) Lake Point Cemetery and Park District

B) Rush Valley Water Conservancy District - Commissioner Hurst moved to appoint Scott Degelbeck, representing Ophir. Commissioner Clegg seconded the motion. All concurred.

C) Trails Committee - Commissioner Hurst moved to appoint Joel Liddell and Jerry Caldwell. Commissioner Clegg seconded the motion. Commissioners Hurst and Clegg voted yes. Commissioner Milne voted no. He feels the board appointments need more diversification. The motion carried.

D) Mosquito Abatement

E) Tourism Tax Advisory Board - Commissioner Milne moved to appoint John Cluff, representing museums and Chad Fullmer, representing restaurants. Commissioner Clegg seconded the motion. Commissioners Milne and Clegg voted yes. Commissioner Hurst voted no. The motion carried.

14. **PUBLIC CONCERNS.** Evon Averrett representing a group of concerned citizens about

decency standards in our community. She would like the Commission to pass a resolution establishing child appropriate standards to encourage schools, businesses, etc. to keep the family standards. She presented the Commissioners with information on setting standards and resolutions other entities have adopted. The community sets the standards. Their concern is a billboard coming into Tooele County. They want to try to establish something now so a precedence is set for the future. She asked the Commission to adopt this resolutions and asked what she has to do to get it started. She understands that the resolution is not enforceable by law, but would like the standard to be set. Attorney Hogan stated that her job would be to convince the Commissioners that this is the right thing to do. She could gather signatures on a petition. Nicolene Peck felt we need to protect the children, not what adults may be offended by, but how children are processing things. Attorney Hogan felt there would be no net difference.

Holly Hendricks read the specifics of the “Indecent Public Display Law” enacted in 1970 in Utah. There is an age consideration as well. She felt the billboard goes against parts of this law.

Commissioner Clegg stated that the Commission will discuss this further between themselves.

Tom Poyner first concern is during this public meeting, there were a couple of agenda items that were not passed unanimously. Commissioner Milne explained why he voted against items, he would like to know why the other two Commissioners voted the way

they did. Commissioner Clegg stated he tried to let the audience know of his confidence in Bob Weidner and feels like he's the best choice. Mr. Poyner, didn't remember it on any of the budget's.

Commissioner Hurst introduced Isaac Astill, the new Tooele County Facilities Management Director.

Holly Hendricks asked about the Benson Grist Mill General Store, if there have been any attempts to allow people to come in purchase things from the store. She asked if they need any community support. Commissioner Clegg stated they have talked to all of the stake presidents to see if they can get some support. Commissioner Hurst stated we have had some volunteers m already.

15. **ADJOURNMENT.** Commissioner Hurst moved to adjourn at 4:14 p.m. Commissioner Clegg seconded the motion. All concurred.