

MINUTES
WEBER COUNTY COMMISSION
Tuesday, November 12, 2019 - 10:00 a.m.
2380 Washington Blvd., Ogden, Utah

In accordance with the requirements of Utah Code Annotated Section 52-4-203, the County Clerk records in the minutes the names of all persons who appear and speak at a County Commission meeting and the substance "in brief" of their comments. Such statements may include opinion or purported facts. The County does not verify the accuracy or truth of any statement but includes it as part of the record pursuant to State law.

WEBER COUNTY COMMISSIONERS: Scott K. Jenkins, James "Jim" H. Harvey and Gage Froerer.

OTHER STAFF PRESENT: Ricky D. Hatch, County Clerk/Auditor; Bryan Baron, Deputy County Attorney; and Fátima Fernelius, of the Clerk/Auditor's Office, who took minutes.

- A. **WELCOME** - Chair Jenkins
- B. **INVOCATION** - Bryan Baron
- C. **PLEDGE OF ALLEGIANCE** - Steve Burton
- D. **THOUGHT OF THE DAY** - Commissioner Froerer
- E. **PUBLIC COMMENTS:** None.

F.I. PRESENTATION OF THE 3RD QUARTER 2019 FINANCIAL REPORT

Scott Parke, County Comptroller, presented the highlights, which included that the county had budgeted 5% for sales taxes which currently are at 4.8%, had estimated property tax growth between 3-3½%, and they are right where expected. The county had spent about 60% of its budget through the third quarter, which is typical. Expenditures for the Culture Parks & Recreation Fund are also right where expected. The revenues are slightly higher in the Municipal Services Fund primarily due to some additional road charges to cities, and expenses are right where expected for this time of year. Higher tonnage has been coming into the Transfer Station, thus revenues are slightly higher than normal, expenditures are slightly higher, and the margins are right where they should be. Expenditures are where expected for the Garage and revenues are slightly lower due to incomplete tracking of the time that vehicles were being repaired but adjustments have been made to charge for all of the time spent repairing them. Mr. Parke responded to Chair Jenkins' question that at this point he can see nothing that the county should be doing differently.

G. CONSENT ITEMS:

1. Warrants #2161-#2179 and #444722-#444860 in the amount of \$1,802,066.05.
2. Purchase orders in the amount of \$106,726.78.
3. ACH payment to US Bank in the amount of \$176,085.23.
4. Minutes for the meeting held on November 5, 2019.
5. New business licenses.
6. Severance Agreement with Jacob Wiese.
7. Request from Weber County Emergency Management to repurpose laptops.

Commissioner Harvey moved to approve the consent items; Commissioner Froerer seconded.
Commissioner Harvey – aye; Commissioner Froerer – aye; Chair Jenkins – aye

H. ACTION ITEMS:

1. AGREEMENTS WITH THE FOLLOWING INDIVIDUALS FOR DEPUTY SHERIFF BASIC TRAINING REIMBURSEMENT:

Tennik Varble	Matthew Green	Austin Eborn
Kyle Vanderstappen	Lynn Miller	Coleton Doman
Stephanie Toivonen	Corbett Miles	Connor Nelson
Samuel Richey	Dalton Gullo	Adam Calder
Jacob King	Cheyann Carter Fisher	

Sharlott Sutherland, of the County Sheriff's Office, noted that these agreements require these individuals to reimburse the county (by prorating) if they voluntarily terminate employment with the county within two years of employment.

Commissioner Froerer moved to approve the Deputy Sheriff Basic Training Reimbursement Agreements with Tennik Varble, Kyle Vanderstappen, Stephanie Toivonen, Samuel Richey, Jacob King, Matthew Green, Lynn Miller, Corbett Miles, Dalton Gullo, Cheyann Carter Fisher, Austin Eborn, Coleton Doman, Connor Nelson and Adam Calder; Commissioner Harvey seconded.
Commissioner Harvey – aye; Commissioner Froerer – aye; Chair Jenkins – aye

2. **CONTRACT WITH A-TRANS TRANSPORTATION ENGINEERING FOR A STOP SIGN ANALYSIS & SPEED EVALUATION.**

Gary Myers, County Engineer, stated that this is for the stop sign warrant study at the intersection of Skyline Dr. and Eastwood Blvd., as well as a speed study in Eden, south of the park around the 90 degree bend. The total is \$2,800. Chair Jenkins asked if the study could be done in-house and Mr. Myers noted that they do not have the equipment to do some of the studies. Commissioner Harvey said that Mr. Myers' department has been trimmed down 20% in manpower and suggested looking to the University to see about possibly getting an intern for future projects.

Commissioner Harvey moved to approve the contract with A-Trans Transportation Engineering for a stop sign analysis and speed evaluation; Commissioner Froerer seconded.

Commissioner Harvey – aye; Commissioner Froerer – aye; Chair Jenkins – aye

3. **CONTRACT WITH SECURUS TECHNOLOGIES TO INCREASE SERVICES.**

Phillip Reese, of the County Sheriff's Office, stated that this amendment updates inmate telephone services provided by Securus and introduces e-messaging for inmate services. A 20% commission will be paid to the County Sheriff's Office from Securus regarding these services. There is no additional cost to this amendment.

Commissioner Froerer moved to approve the contract with Securus Technologies to increase services; Commissioner Harvey seconded.

Commissioner Harvey – aye; Commissioner Froerer – aye; Chair Jenkins – aye

4. **HOLDING STRIP AGREEMENT WITH THE DEVELOPERS OF SHEPHERD ESTATES SUBDIVISION.**

Steve Burton, of the County Planning Division, stated that subsequent to the recording of this subdivision, the developers wished to recoup some of the cost of putting in several hundred feet of road and requested this holding strip agreement.

Commissioner Harvey moved to approve the Holding Strip Agreement with the developers of Shepherd Estates Subdivision; Commissioner Froerer seconded.

Commissioner Harvey – aye; Commissioner Froerer – aye; Chair Jenkins – aye

5. **CONTRACTS FOR THE OGDEN MUSICAL THEATRE'S 2019 PRODUCTION OF "5 CAROLS FOR CHRISTMAS."**

James C. Christian – Director	Lindsea Garside – Hair Design
Silas Stott – Set Designer	David Rees – Lighting
Carynn Butler – Stage Manager	Adam McGuire – Sound
Marilyn Montgomery – Props	

Kassi Bybee, Ogden Eccles Conference Center General Manager, presented this item.

Commissioner Harvey moved to approve the contracts for the Ogden Musical Theatre's 2019 production of "5 Carols for Christmas" with James C. Christian-Director, Silas Stott-Set Designer, Lindsea Garside-Hair Design, David Rees-Lighting, Carynn Butler-Stage Manager, Marilyn Montgomery-Props, and Adam McGuire-Sound; Commissioner Froerer seconded.

Commissioner Harvey – aye; Commissioner Froerer – aye; Chair Jenkins – aye

6. **AGREEMENT WITH THE FOLLOWING FOR LEGAL REPRESENTATION TO INDIGENT DEFENDANTS IN A PATTERN OF UNLAWFUL ACTIVITY CASE: CLIFFORD VENABLE AND GREGORY FERBRACHE.**

Bryan Baron, Deputy County Attorney, stated that this item, together with #8 and #9, arise from the same situation. The County Attorney's Office is prosecuting five defendants with pattern of unlawful activity and as a result of the five defendants, all the witnesses, and the sheer volume of evidence in this case the trial is scheduled for six weeks. This is a big burden for the County Attorney's Office and an even bigger burden for the public defenders. This case would take up five of the six full contracted attorneys for 6-8 weeks and those attorneys said that they would not be able to handle this on top of their regular calendars. Mr. Baron said that one discussed option was for the county to hire attorneys to come in and help out with this case but it came with a half million dollar price tag. He and Commissioner Harvey worked on a grant application to the State's Indigent Defense Commission to receive some funding. They denied the initial request and asked the county to modify it; they did not want to fund just one case but to have ongoing relationships with counties to track cases, etc. The revised application requested hiring two attorneys to handle difficult cases and these patterns of unlawful activity cases and was approved for \$270,000 to hire two attorneys. This grant money only goes through the end of June and reapplication will have to be made.

The county will also hire two attorneys out of the county's funding to help with this. Item #6 is the county's share to provide representation to the defendants in this case. Mr. Baron responded to Commissioner Froerer's question stating that the Defense Commission may impose additional requirements when the county reapplies for this grant in June.

Commissioner Froerer moved to approve the agreement with Clifford Venable and Gregory Ferbrache for legal representation to indigent defendants in a pattern of an unlawful activity case; Commissioner Harvey seconded.

Commissioner Harvey – aye; Commissioner Froerer – aye; Chair Jenkins – aye

7. AMENDMENT TO THE CONTRACT WITH MARY ANNE ELLIS TO INCLUDE REPRESENTATION OF INDIGENT DEFENDANTS IN MENTAL HEALTH COURT.

Bryan Baron, Deputy County Attorney, noted that Ms. Ellis has been contracting with the county to represent parents in the Juvenile Court for years and that she does a fantastic job. Ms. Ellis is taking on an additional assignment to help out with mental health court.

Commissioner Harvey moved to approve the amendment to the contract with Mary Anne Ellis to include representation of indigent defendants in mental health court; Commissioner Froerer seconded.

Commissioner Harvey – aye; Commissioner Froerer – aye; Chair Jenkins – aye

8. AGREEMENT WITH THE INDIGENT DEFENSE COMMISSION FOR GRANT FUNDING.

See item #6 above. Bryan Baron, Deputy County Attorney, stated that this is the contract that allows the county to receive the \$270,000 reimbursement. Quarterly reporting is required to the Defense Commission.

Commissioner Harvey moved to approve the agreement with the Indigent Defense Commission for grant funding; Commissioner Froerer seconded.

Commissioner Harvey – aye; Commissioner Froerer – aye; Chair Jenkins – aye

9. AGREEMENT WITH THE FOLLOWING INDIVIDUALS FOR SPECIALIZED LEGAL REPRESENTATION TO INDIGENT DEFENDANTS IN DIFFICULT AND COMPLICATED CASES: GRANT MORRISON AND RANDALL MARSHALL.

See item #6 above. Bryan Baron, Deputy County Attorney, stated that these are the two attorneys who will be paid out of the grant fund to handle this pattern of unlawful activity case and also future cases where the county needs attorneys who have pertinent experience.

Commissioner Froerer moved to approve the agreement with Grant Morrison and Randall Marshall for specialized legal representation to indigent defendants in difficult and complicated cases; Commissioner Harvey seconded.

Commissioner Harvey – aye; Commissioner Froerer – aye; Chair Jenkins – aye

I. COMMISSIONER COMMENTS: Commissioner Froerer is looking forward to the budget open house tonight in the Ogden Valley.

J. ADJOURN

Commissioner Harvey moved to adjourn at 10:44 a.m.; Commissioner Froerer seconded.

Commissioner Harvey – aye; Commissioner Froerer – aye; Chair Jenkins – aye

Attest:

Scott K. Jenkins, Chair
Weber County Commission

Ricky D. Hatch, CPA
Weber County Clerk/Auditor