

**MINUTES
OF THE BOARD OF COMMISSIONERS OF WEBER COUNTY**

Tuesday, February 7, 2017 - 10:00 a.m.

Commission Chambers, 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: James Ebert, Kerry W. Gibson, and Jim Harvey.

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

- A. **WELCOME** – Chair Ebert
- B. **INVOCATION** – Moment of Silence
- C. **PLEDGE OF ALLEGIANCE** – Kevin McLeod
- D. **THOUGHT OF THE DAY** – Commissioner Harvey

E. PRESENTATION ON THE WEBER COUNTY ATTORNEY'S OFFICE

Chair Ebert stated that the County Commission was starting something new this month—the highlighting of a county department once a month as a way to inform our community about the offices, what services they provide, etc. Chris Allred, County Attorney, expressed thanks to his very hardworking staff and outlined the various services that they provide including prosecuting every felony that occurs in the county, in addition to thousands of criminal cases annually. Historically, they have maintained one of the highest caseloads in the State. The office has great victim coordinators who help victims in the county to navigate the legal system, office investigators who are on call 24/7, robust civil staff and incredible secretarial staff. The commissioners expressed appreciation to this great group of professionals.

F. CONSENT ITEMS:

1. Warrants #413817-#414044 in the amount of \$1,118,611.92
2. Purchase orders in the amount of \$361,233.21
3. Minutes for the meeting held on January 31, 2017
4. ACH payment to US Bank for \$129,183.74 for purchasing card transactions through 1/25/2017
5. New beer license
6. New business licenses
7. Amendment #2 Notice of Grant and Agreement Award with the U.S. Department of Agriculture (NRCS) for the Emergency Watershed Protection –Weber County, UT, Project #5084
8. Final approval of Boyd Russell Subdivision 1st Amendment (6 lots) at 4000 West 2200 South, including a Subdivision Improvement Agreement with the Financial Guarantee
9. Ratification of a contract with Chadwick Booth & Co. to sponsor “The County Seat”
10. Skyline Drive Change Order No. 10 – Wardell Brothers

Commissioner Harvey stated that he had concerns with item F.9 and that discussion needs to occur prior to approving the next contract.

Commissioner Gibson moved to approve the consent items; Commissioner Harvey seconded.

Commissioner Gibson – aye; Commissioner Harvey – aye; Chair Ebert – aye

G. ACTION ITEMS:

1. **RESOLUTION MAKING AN APPOINTMENT TO THE WEBER AREA DISPATCH 911 AND EMERGENCY SERVICES DISTRICT ADMINISTRATIVE CONTROL BOARD – RESOLUTION 6-2017**

Commissioner Ebert noted that there was an opening on this board to replace former Commissioner Bell and that it was proposed to appoint Commissioner Gibson.

Commissioner Harvey moved to adopt Resolution 6-2017 appointing Commissioner Gibson to the Weber Area Dispatch 911 and Emergency Services District Administrative Control Board; Commissioner Gibson seconded.

Commissioner Gibson – aye; Commissioner Harvey – aye; Chair Ebert – aye

2. LEASE AGREEMENT WITH MARY RAVARINO FOR THE LEASE OF SPACE FOR THE SHERIFF'S OFFICE AT 1306 #2 GIBSON, OGDEN, UT

Kevin McLeod, with County Operations, noted that the county had recently renewed this contract but since then the property was sold. This is the same contract but with Mary Ravarino, the new landlord.

Commissioner Gibson moved to approve the Lease Agreement with Mary Ravarino for the lease of space for the Sheriff's Office at 1306 #2 Gibson, Ogden, UT; Commissioner Harvey seconded.

Commissioner Gibson – aye; Commissioner Harvey – aye; Chair Ebert – aye

3. RESOLUTION APPOINTING MEMBERS TO THE POWDER MOUNTAIN WATER AND SEWER DISTRICT – RESOLUTION 7-2017

Commissioner Gibson stated that this is a small district with many second homes and the statute is somewhat difficult and requires serious discussion regarding who is eligible to serve. Several years ago the district was in major trouble and the commissioners were appointed on a temporary basis only. At the 1/17/2017 Commission meeting, after having received applications, the commissioners made two appointments but subsequently the County Attorney's Office believed they were ineligible under statute. The County Assessor is doing a comprehensive review of first and second homes. As of yesterday the Commissioners thought that three applicants were eligible but the Assessor had stated that at least one was listed as a second home owner with a Bountiful full-time residence. Because their terms have expired and need to be filled, Commissioner Gibson recommended reappointing the commissioners until further clarification, and the commissioners hope to move forward as quickly as possible to make this a more locally-based board.

Commissioner Gibson moved to adopt Resolution 7-2017 reappointing Commissioner Gibson and Commissioner Ebert and appointing Commissioner Harvey to fill the three open seats on the Powder Mountain Water and Sewer District until the research is complete and they can move forward; Commissioner Harvey seconded.

Commissioner Gibson – aye; Commissioner Harvey – aye; Chair Ebert – aye

Commissioner Gibson was excused at this time.

H. PUBLIC COMMENTS (were regarding item G.3):

Bob Behrendt, Powder Mountain Water & Sewer Improvement District Vice Chair, said that he had a clear understanding of the nomination process and was reiterating an email he had sent to the commissioners. He had recommended two of the applicants that were appointed two weeks ago. He said that there have been many qualified applicants and all but two either live in the district, own property in the district or are agents/owners of property in the district. The only two applicants that do not meet the criteria are commissioners Gibson and Harvey. There was a vigorous review on eligibility and additional review needs to continue because of the fluidity of those residents. He said that today there are absolutely two eligible applicants based on living full time in the District—Gary Urdang and Michael Moyal—who are highly qualified professionals. The assertion that there is lack of eligible applicants today is not true. He believes that now is the time to move forward to a more community-based board. The commissioners had saved this district and tremendous progress has been made under its guidance/support, but it is time for change to occur and allow the full time residents to serve—the commissioners have huge additional responsibilities and simply cannot fully participate to the needed level. He recommended that the Commission reconsider their motion on item G.3 and appoint the two eligible applicants. He also recommended a phased-exit strategy and to reappoint Commissioner Gibson, and later either of the other two commissioners, but not continue with three county commissioners because of interim confusion on eligibility. It is important to move in this direction so that there is no perception of wearing two hats, etc., which is one current concern for the residents.

Brent Clyde, the referenced homeowner and board applicant who lives in Bountiful, concurred with Mr. Behrendt's comments. He noted that water issues are very difficult in the Ogden Valley and referred to competing and common interests stating that it puts them at a disadvantage to weigh the board members towards the developers as well as to exclude full time homeowners in the District. The information he received is that full time homeowners were not considered for the seats but that two were considered that

were part of the new development. He would like to see a balanced approach. He feels that it is quite unfair that second homeowners do not have an opportunity to serve. He is very invested in the Ogden Valley and pays higher taxes there than for his primary residence. The qualified full time residents should be considered and the bylaws should be revised if possible.

Chair Ebert said that the concern is that Mr. Clyde is not being included based upon primary vs. secondary percentages. The county is evaluating those percentages and wants to ensure that it follows statute. He stated that there are eligible applicants and the commissioners are concerned with limiting other eligible applicants because they do not yet have the proper information to make that determination. They do not want to make a decision right now and after a month or so receive better information and realize they have excluded a large population that lives there. He stated that the Commission is trying to get a more varied outcome—more applicants, more opportunities for the community members to serve.

Commissioner Harvey reiterated that he would love to have the local involvement, which is better representation. He committed that these appointments are short term until receiving the information from the County Assessor.

I. CLOSED MEETING TO DISCUSS STRATEGY RELATING TO IMMINENT OR ONGOING LITIGATION

Commissioner Harvey moved to convene a closed executive session to discuss strategy relating to imminent or ongoing litigation; Commissioner Ebert seconded.
Commissioner Harvey – aye; Chair Ebert – aye

There was no action on the closed executive session.

J. ADJOURN

Commissioner Harvey moved to adjourn at 10:30 a.m.; Chair Ebert seconded.
Commissioner Harvey – aye; Chair Ebert – aye

Attest:

James Ebert, Chair
Weber County Commission

Ricky D. Hatch, CPA
Weber County Clerk/Auditor