

MINUTES
WEBER COUNTY COMMISSION
Tuesday, March 20, 2018 - 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 "Jim" H. Harvey & James Ebert. Kerry W. Gibson participated via telephone.

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

- A. WELCOME** – Chair Harvey
- B. INVOCATION** – Pastor Mallinak
- C. PLEDGE OF ALLEGIANCE** – Lance Peterson
- D. THOUGHT OF THE DAY** – Commissioner Ebert

E. PRESENTATION OF WEBER COUNTY SHERIFF'S OFFICE AWARDS.

County Sheriff Terry Thompson read the plaques for the awards to Sgt. Nealy Adams, the motors instructor/supervisor who received the Medal of Merit and to retired Sgt. Eric Jones who received the Sheriff's Medal and is the Weber County Sports Shooting Complex Director. He spoke of the dedication and labor intensive work performed by them. Sgt. Jones thanked the Sheriff for not giving up his 20+ year pursuit to obtain the gun range and the Commission for their foresight to purchase it and see what an asset it could be for the public and law enforcement. The range has over 1,000 visitors monthly and this week alone is hosting a group for the entire western U.S. with significant economic impact to the county. Every police agency in the county, the surrounding counties, State and Federal agencies use the facility, and there are public services offered. He thanked the 130 range volunteers who donate 10 hours daily. In 2017, 27,000 hours were donated and for 2018 it will be up to 35,000 volunteer hours.

F. CONSENT ITEMS:

1. Warrants #1369-1385 and 426478-426721 in the amount of \$2,648,945.38.
2. Purchase orders in the amount of \$91,804.85.
3. Minutes for the meeting held on March 13, 2018.
4. Surplus computer equipment from the Weber County Information Technology Office.
5. Road dedication in Rackliff (1-lot) Subdivision, located at 4409 W. 1800 S., Taylor—correction to last week's item. It dedicates 6,800 sq. ft. to the county in the area of 1800 South Street.

Commissioner Ebert moved to approve the consent items; Commissioner Gibson seconded.
Commissioner Ebert – aye; Commissioner Gibson – aye; Chair Harvey – aye

G. ACTION ITEMS:

1. **CONTRACT WITH EMERGENCY COMMUNICATIONS NETWORK, LLC/ONSOLVE TO RENEW AND EXTEND EXISTING CONTRACT WITH ECN (CODERED) FOR 3 MORE YEARS FOR WIDE AREA EMERGENCY ALERT.**

The current CodeRED NEXT Master Services Agreement for Northern Utah Homeland Security Coalition, Utah will expire June 2018. Lance Peterson, of County Emergency Management, stated that this item renews the agreement, a partnership between Weber, Morgan, Davis, Box Elder, Cache and Rich counties. Weber County is the purchasing agent for the six counties for the reverse emergency notifications.

Commissioner Ebert moved to approve the contract with Emergency Communications Network, LLC/Onsolve to renew and extend existing contract with ECN (CodeRED) for three more years for wide area emergency alert; Chair Harvey seconded.

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

2. **FEE ORDINANCE AMENDMENT RELATING TO COUNTY COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT, SOLID WASTE DIVISION (SEC. 16-2-9 SOLID WASTE FEES) – ORDINANCE 2018-3.**

Sean Wilkinson, County Community Development Director, noted that the first reading occurred last week. This raises the general waste tipping fee at the County Transfer Station as a result of waste transportation cost increases that MBI Trucking has passed on to Republic Services, the county's contracted waste removal provider. The cost of the transportation increase is \$2.48/ton but Republic has agreed to absorb half of that cost through June 2018. Beginning July 1, 2018 the additional \$1.24/ton will be assessed. These increases were reviewed by the Solid Waste subcommittee and WACOG.

Commissioner Ebert moved to adopt Ordinance 2018-3, amendment relating to the Weber County Community and Economic Development Department, Solid Waste Division (Sec. 16-2-9 Solid Waste fees); Commissioner Gibson seconded.

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

3. **CONTRACT WITH ES&S FOR THE PURCHASE OF VOTING EQUIPMENT TO BE USED IN COUNTY ELECTIONS.**

Ryan Cowley, County Elections Director, presented the contract to purchase new voting equipment. The county has opted to pay for the equipment upfront, rather than finance it, at a savings of about \$12,000/year. Counties obtained \$4.5 million one-time statewide funding as well as \$500,000 ongoing funding from the Utah Legislature. An 8% rebate off of the purchase price is also anticipated due to the volume of participating counties. Commissioner Ebert stated that a tremendous amount of vetting went into this process.

Commissioner Ebert moved to approve the contract with ES&S for the purchase of voting equipment to be used in the Weber County elections; Commissioner Gibson seconded.

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

4. **AMENDMENT TO THE COOPERATIVE AGREEMENT WITH UDOT TO CONVERT TAP FUNDS. THIS AMENDMENT WILL ADD \$100,000 FROM UDOT TO THE WOLF CREEK DRIVE PATHWAY PROJECT.**

Charles Ewert, of the County Planning Division, stated that UDOT will add a total of \$167,000 for the project. Commissioner Ebert moved to approve the amendment to the Cooperative Agreement with UDOT to convert TAP funds. This amendment will add \$100,000 from UDOT to the Wolf Creek Drive Pathway Project; Commissioner Gibson seconded.

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

5. **APPROVAL OF EASEMENTS FOR THE WOLF CREEK DRIVE PATHWAY. EACH EASEMENT HAS BEEN DONATED FROM THE LAND OWNER.**

Charles Ewert, of the County Planning Division, stated that a few easements may be necessary for the above pathway project, and if not, they will be voided. Each landowner donated, without cost, and the easements are signed; one was signed electronically through a Title Company and they may have to work with that Title Company to get that executed. Christopher Crockett, Deputy County Attorney, had spoken with Courtlan Erickson, Deputy County Attorney, the reviewing attorney, and he had recommended approval.

Commissioner Ebert moved to approve the easements for the Wolf Creek Drive Pathway. Each easement has been donated by the land owner; Commissioner Gibson seconded.

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

6. **REQUEST FOR A DECISION REGARDING ZTA #2017-14, A REQUEST TO AMEND THE PRUD CODE TO ALLOW LESS RESULTING DWELLING UNITS IN EXCHANGE FROM MORE OPEN SPACE AREA.**

See related item below. Charles Ewert, of the County Planning Division, stated that at the January 2, 2018 Commission meeting there was a request by a land owner to change the PRUD ordinance to require less dwelling units if the PRUD had more open space. It was to reduce the number of residential units to six. Currently, for a PRUD the requirements are for at least 24 residential units. He said that denying this application did not mean the Commission was denying the concept, or they could table it. The Planning Division is in the process of reviewing the entire PRUD ordinance but due to the heavy work load, it is not completed. However, this request has been written into the proposed ordinance changes. He addressed Commissioner Ebert's question stating that the impact on the development is timing. Chair Harvey requested that ordinance review be completed between June 15-20, 2018. The following agenda item adopts a resolution so that any new PRUD applications will be held pending adoption of the revised ordinance. Even if this item was approved, it would be too late for the applicant to submit a new PRUD application. The applicant, Ms. Jacobson, was not present.

Commissioner Ebert moved to table the decision regarding ZTA #2017-14, a request to amend the PRUD code to allow less resulting dwelling units in exchange from more open space area; Commissioner Gibson seconded.

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

7. **RESOLUTION INITIATING PROCEEDINGS TO AMEND THE LAND USE CODE TO TURN DECISIONS FROM PRUD'S FROM ADMINISTRATIVE TO LEGISLATIVE – RESOLUTION 15-2018.**

See above related item. Charles Ewert, of the County Planning Division, noted that under State statute, if the county enacts legislation to change the Land Use Code it has 180 days to make those changes (and is not required to process those related applications). He responded to county legal counsel explaining that an application can still be submitted, and if within 180 days the county has not adopted the modifications/new code, the applicant is entitled to the code at the time of submission. There are no current PRUD applications.

Commissioner Ebert moved to adopt Resolution 15-2018 initiating proceedings to amend the Land Use Code to turn decisions from PRUD's from administrative to legislative; Commissioner Gibson seconded.

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

8. CONTRACT WITH OGDEN CITY REDEVELOPMENT AGENCY TO ALLOW THE CITY REDEVELOPMENT AGENCY TO USE TAX INCREMENT FROM ADAMS PLACE PROJECT AREA TO FUND THE PROJECT AREA AND PLAN.

Holin Wilbanks, of County Economic Development & Communications Director, noted that Brandon Cooper, Ogden City Deputy Director of Community and Economic Development, was present and had given a detailed presentation two weeks ago. This area has not had development in several decades and this would energize it. This agreement was reviewed by county directors and elected officials who provided feedback. Mr. Cooper explained that the DDO Economic Development Area (EDA) in the Business Depot Ogden, (formerly Defense Depot Ogden) was established when the BRAC closure occurred (1998-2000), at which time the land was transitioning into Ogden City. In partnership with Boyer, the city entered into a multi-decade master lease that allows for development of the project. In addition to some bonding by the City an EDA was enacted for commercial development for 20-years and expires in 2019. Mr. Cooper said that a great investment return from the city and county's standpoint is expected. The taxable land value of about \$22,000 (close to 1,300 acres) in the 1990's is anticipated to exceed \$415 million at the end of 2019. The area went from 0 jobs to 6,000+, a great example of commercial development in the warehouse/distribution/light industrial sectors and the tool the RDA can be in reinvesting in certain areas.

Commissioner Gibson expressed appreciation to Mr. Cooper and the city for taking the lead on some difficult issues and agrees with the general ability the county has to partner with the city. He reiterated support of the tools being used and in concept this proposal makes sense but he feels very strongly that the county should be consistent in applying RDAs/CRA's and wants to ensure this is done right. After this item's last presentation, he had several discussions with many county financial staff and many have expressed concerns about the level of county participation, that they had not had sufficient time to adequately research the figures, and about the impact to the county. As of last Friday, the county financial experts still had major concerns. He asked the Clerk/Auditor or Treasurer to weigh in on their comfort level for the latest agreement iteration and if it made sense from a county-wide tax payer perspective. Ricky Hatch, County Clerk/Auditor, was present and noted that finance staff looks at RDAs strictly from a financial perspective and participation rates close to or at 100% raise financial concerns. Although the finance staff is not fully comfortable with the 100% participation rate, they recognize that this is just one piece of the decision process of which the Commission has a broader view, and they support the county's decision to move forward. Ms. Wilbanks noted that the original agreement, reviewed with the Finance Committee and the team involved, had a couple of the terms changed resulting in more definition in that it will end by whichever comes first—the 25-year period or the cap amount of the tax—and she stated that county legal counsel feels more comfortable. Additionally, the 10% administrative fee has been negotiated to 5%. The other items remain the same. She said that one benefit is that this reinvestment goes back to the developer and that area will be energized quickly and from an economic development vantage point the county supports it. Mr. Cooper addressed Commissioner Gibson's question stating that Thane Fisher and his development group are involved in this RDA, and there are multiple potential developers. Commissioner Gibson preferred taking some time and getting the figures from the financial experts. Commissioner Ebert expressed a little bit of concern with changing the initial participation percentages because they can throw off financing for multimillion dollar projects.

Commissioner Ebert moved to approve the contract with Ogden City Redevelopment Agency to allow the Ogden City Redevelopment Agency to use the tax increment from the Adams Place Project Area to fund the Project Area and Plan; Chair Harvey seconded.

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

- H. PUBLIC COMMENTS:** Renae Smith showed photos and stated that she built her house in Eden in 2015 and her driveway grade is non-compliant; it is too steep for most vehicles (24% grade in the middle). It damages vehicles and is also unsafe. She said that there is no law/ordinance in the county to protect her and others and requested that the Commission consider an ordinance to help someone in her situation. She said that the Salt Lake County ordinance caps it at 12% grade. She has complained to Dave Booth, the builder, numerous times but is ignored. She's tried to sell the house but its value is depreciated due to the driveway. She showed a photo noting that as construction occurred they stripped/tore up the street. Chair Harvey asked Sean Wilkinson, County Community Development Director, to meet with Ms. Smith after the meeting.

I. ADJOURN

Commissioner Ebert moved to adjourn at 11:20 a.m.; Commissioner Gibson seconded.

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

Attest:

James "Jim" H. Harvey, Chair
Weber County Commission

Ricky D. Hatch, CPA
Weber County Clerk/Auditor