

**MINUTES**  
**WEBER COUNTY COMMISSION**  
Tuesday, December 19, 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 and Kerry W. Gibson. Jim Harvey was excused for the first portion of the meeting.

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

- A. WELCOME** – Chair Ebert
- B. INVOCATION** – Carlo Makapugay
- C. PLEDGE OF ALLEGIANCE** – Joe Olsen
- D. THOUGHT OF THE DAY** – Chair Ebert

**E. CONSENT ITEMS:**

1. Warrants #1292-1307 and #423738-424018 in the amount of \$2,416,701.74.
2. Purchase orders in the amount of \$94,695.41.
3. Minutes for the meeting held on December 12, 2017 - held.
4. A new beer license.
5. Surplus a 2017 Freightliner Vactor from the Weber County Garage.
6. Set public hearing for January 2, 2018 regarding Wolf Creek Resort Development Agreement Amendment 3.
7. Cancel the Weber County Commission meeting scheduled for December 26, 2017.

Commissioner Gibson moved to approve the consent items, less the minutes; Chair Ebert seconded.  
Commissioner Gibson – aye; Chair Ebert – aye

**F. ACTION ITEMS:**

1. **OGDEN-WEBER CONVENTION VISITORS BUREAU ANNUAL MARKETING PLAN & AMENDMENT TO CVB CONTRACT.**

Sara Toliver, CVB President/CEO, gave a presentation last week on the annual marketing plan as required by the multi-year contract. This contract amendment increases compensation to a total of \$945,000 to the Bureau. Commissioner Gibson moved to approve the Ogden-Weber Convention Visitors Bureau Annual Marketing Plan and the amendment to the CVB contract; Chair Ebert seconded.  
Commissioner Gibson – aye; Chair Ebert – aye

2. **RESOLUTION TO RECOGNIZE THE LAST WEEK OF OCTOBER EACH YEAR AS OPIOID ADDICTION AWARENESS WEEK IN WEBER COUNTY – RESOLUTION 54-2017.**

Chair Ebert presented this item which was discussed last week.  
Commissioner Gibson moved to adopt Resolution 54-2017 to recognize the last week of October each year as Opioid Addiction Awareness Week in Weber County; Chair Ebert seconded.  
Commissioner Gibson – aye; Chair Ebert – aye

3. **RESOLUTION DECLARING THAT FREEDOM FROM DOMESTIC VIOLENCE IS A FUNDAMENTAL HUMAN RIGHT AND THAT LOCAL GOVERNMENT HAS A RESPONSIBILITY TO CONTINUE SECURING THIS RIGHT ON BEHALF OF OUR CITIZENS – RESOLUTION 55-2017.**

Commissioner Gibson presented this item which was discussed last week.  
Commissioner Gibson moved to adopt Resolution 55-2017 declaring that freedom from domestic violence is a fundamental human right and that local government has a responsibility to continue securing this right on behalf of our citizens; Chair Ebert seconded.  
Commissioner Gibson – aye; Chair Ebert – aye

4. **REQUEST FROM THE WEBER COUNTY TAX REVIEW COMMITTEE TO APPROVE A REFUND TO GLENDA ENTERPRISES LC, PARCEL #12-006-0014 FOR \$206.99 DUE TO A COUNTY ERROR.**

Joe Olsen, of the County Assessor's Office, representing the Tax Review Committee, stated that through the Board of Equalization an error was identified on this parcel.  
Commissioner Gibson moved to accept the Committee's recommendation and approve a refund to Glenda Enterprises LC, Parcel Number 12-006-0014 for \$206.99 due to a county error; Chair Ebert seconded.  
Commissioner Gibson – aye; Chair Ebert – aye

5. **REQUEST FROM WEBER COUNTY TAX REVIEW COMMITTEE TO DENY REQUEST FOR PRIMARY RESIDENTIAL STATUS FOR 2016 TAX YEAR FOR SCOTT/KAREN ROBERTSON, PARCEL NUMBER 20-145-0012.**

Joe Olsen, of the County Assessor's Office, representing the Tax Review Committee, stated that this property built in the 2015 calendar year is in an area taxed at the secondary rate and was not allowed the primary residential exemption for 2016. Based upon further discussion, it was identified as qualifying for that exemption and it was applied for 2017. The property owner requested to go back and apply the exemption to 2016, however, no timely application was made for it. The Committee believes there was proper notice and recommends denial. Commissioner Gibson moved to accept the Committee's recommendation to deny the request for primary residential status for the 2016 tax year for Scott/Karen Robertson, Parcel #20-145-0012; Chair Ebert seconded. Commissioner Gibson – aye; Commissioner Harvey – abstained; Chair Ebert – aye

6. **REQUEST FROM THE WEBER COUNTY COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT TO SELL SURPLUS REAL PROPERTY, PARCEL NUMBER 01-039-0048.**

Sean Wilkinson, County Community Development Director, stated that this relates to a small right-of-way located between 21<sup>st</sup> and 22<sup>nd</sup> Streets and Adams Avenue which the county has owned since 1942 through a tax sale. The Ogden Community Foundation wishes to purchase it. The county has no use for this property. Commissioner Harvey moved to sell surplus real property, Parcel #01-039-0048; Commissioner Gibson seconded. Commissioner Gibson – aye; Commissioner Harvey – aye; Chair Ebert – aye

7. **AGREEMENT WITH SMHG MANAGEMENT LLC FOR USE OF COUNTY EQUIPMENT FOR SNOW REMOVAL.**

Sean Wilkinson, County Community Development Director, presented this contract that allows leasing of county equipment to Powder Mountain Resort at times when the county does not provide regular snow removal service. Commissioner Harvey moved to approve the agreement with SMHG Management, LLC, for use of county equipment for snow removal; Commissioner Gibson seconded. Commissioner Gibson – aye; Commissioner Harvey – aye; Chair Ebert – aye

8. **REQUEST FOR APPROVAL TO ADD POSSIBLE COMMUNITY BLOCK GRANT PROJECTS TO WEBER COUNTY'S CAPITAL IMPROVEMENTS FOR 2017 THROUGH 2021.**

Rick Grover, County Planning Division Director, stated that the Weber Housing Authority is looking into providing a multi-family project throughout Weber County and would like to apply for funds for moderate income housing. Commissioner Gibson moved to add the Community Block Grant projects to Weber County's Capital Improvements for 2017 through 2021; Commissioner Harvey seconded. Commissioner Gibson – aye; Commissioner Harvey – aye; Chair Ebert – aye

9. **AGREEMENT WITH EMILY ADAMS & CHERISE BACALSKI FOR INDIGENT DEFENSE ATTORNEY APPEALS.**

Bryan Baron, Deputy County Attorney, stated that a current contract to provide indigent defense for appellate work is expiring on 1/31/2018 and these attorneys were selected through the procurement process. Commissioner Harvey moved to approve the agreement with Emily Adams and Cherise Bacalski for Indigent Defense Attorney Appeals; Commissioner Gibson seconded. Commissioner Gibson – aye; Commissioner Harvey – aye; Chair Ebert – aye

10. **AGREEMENT WITH SHAWN CONDIE FOR INDIGENT DEFENSE ATTORNEY IN DISTRICT COURT.**

Bryan Baron, Deputy County Attorney, noted that this is to fill a position recently left vacant by one of the attorneys. Commissioner Harvey moved to approve the agreement with Shawn Condie for Indigent Defense Attorney in the District Court; Commissioner Gibson seconded. Commissioner Gibson – aye; Commissioner Harvey – aye; Chair Ebert – aye

11. **FIRST READING OF ORDINANCE MODIFYING FEE SCHEDULE FOR PEERY'S EGYPTIAN THEATER.**

This item was held.

12. **APPOINTMENT OF A STUDY COMMITTEE TO EVALUATE FORM OF GOVERNMENT IN WEBER COUNTY – RESOLUTION 56-2017.**

Chair Ebert noted that over the last several months this topic had been before the Commission and that some groups had been looking into it for about a year. Commissioner Harvey reported that the Commission had asked the original and new petitioners to get together on the issue as a group, without elected officials' involvement. The commissioners stated their support for the study. Chair Ebert invited Kimball Wheatley, of Eden, and Oscar Mata, of Ogden, who had been working with the petitioners, to report. Mr. Wheatley said that they had come before the Commission last November asking to put the study question on the ballot and at the time the commissioners stated their support but declined—they needed to know if there was a lot of public support for the issue—and preferred that a petition ensue. This year the petitioners launched a petition. Since then a couple of people from his group met with the executive committee of the Weber County Forward group and coauthored the pamphlet that went out with the petition and both groups agreed to put the study question on the ballot. His group, however, wanted Option C—to accept the petition and allow it to go forward but at the same time, that if the petition is not successful, that the commissioners make a statement of their support, thereby putting a unified front with the petitioners. He noted that there are no big controversies going on and this is a good time for the study. Mr. Mata thanked the Commission for engaging them in this process, stating that the groups are on the same page and his group would also like the Commission to make a supporting statement, and in the event the petition is unsuccessful, that in a future meeting the Commission puts it on the ballot. They received close to 3,000 signatures and anticipate reaching the 8,601 valid signatures.

Commissioner Gibson asked for clarification on the direction desired—to show support in moving forward with gathering signatures or to pass a resolution. Chair Ebert said that the Commission gave specific direction in the last meeting to try removing as much of the political rhetoric and to create a true grassroots, not driven by individuals running for office, creating a platform with their own agendas for political construct. The Commission had hoped that the two groups could come together and formulate a good plan moving forward and the two have basically turned into one group and have given good direction today that supports the signature process and those who have spent a lot of time formulating strategies and putting a community group together. He expressed concern with some of the construct and direction that some individuals may try to push this and stated that he has a tremendous amount of respect for many involved in the process.

Commissioner Harvey asked individually of Mr. Mata and of Mr. Wheatley if it was a fair statement to say that each was a part of a group of petitioners that filed a petition within the last three months to study the form of government and they each responded yes. He asked Mr. Wheatley if he had been a part of a group interested in studying the form of government for about a year and he said that was correct. Commissioner Harvey said that weeks ago the Commission asked the two groups to come together and make a recommendation to the Commission on what they should do and Mr. Wheatley responded that was correct but it may not be what actually happened and Mr. Mata said he believed it had happened. Commissioner Harvey asked Mr. Wheatley and Mr. Mata whether they agreed that if the Commission allows the petition process to move forward and if then is unsuccessful, that the Commission agrees to still put the question to study the form of government on a regular election ballot. They both agreed. Commissioner Harvey's only concern would be the cost to the county if a special election had to be held. Christopher Crockett, Deputy County Attorney, referred to State Code 17-52-203.5 which requires the county to hold an election under either a petition or a resolution and depends upon the timing of when a petition is certified or a resolution is adopted, which would be the next June or November election. Chair Ebert noted that no special election has to be held unless there was no Primary Election. Commissioner Gibson asked Ricky Hatch, County Clerk/Auditor, when would signatures need to be gathered for that certification and Mr. Hatch responded that statutorily the last day to have the signatures certified is April 23, and that 65 days before the election would give his office time to have the ballot item properly vetted and sent to the printer.

Chair Ebert noted that Mr. Crockett prepared two resolutions and read the one that was closest to today's direction, which resolves that the Commission will wait to take further action on passing a resolution to place the study committee question on the ballot until at least April 1, 2018, that petitioners have until that date to have a petition certified, that if petitioners are unable to submit a certified petition by that date the Commission will adopt its own resolution to place the study committee question on the ballot, which, if necessary, shall be adopted no later than April 17, 2018. Commissioner Gibson supports this resolution because it encourages public involvement and stated that the amount of signatures collected in about a month by individuals represented by a very broad group of people speaks volumes. Commissioner Harvey asked Mr. Wheatley and Mr. Mata individually if the resolution that was read sounded fair and equitable and they each responded that it was.

Chair Ebert invited public comments and following is a summary:

Rich Fairbanks said that he chaired that study committee 19 years ago. That former Commission had formed a diverse committee for the study which he believes unanimously decided to maintain the 3-member Commission. He believes in revisiting the issue every once in a while.

Virginia Raza, of Ogden, said that she represents many people, including the indigent, that the two groups appeared to be doing a great job and were not politically charged, and that many people want to know about this issue and want to be heard.

Lori Brinkerhoff, of Hooper, said that Bob Hunter had written an article highlighting the questions that people should be asking. She supports the study and a 5-member body, women and minorities in this role, and said that corporations are interested in supporting women go forward in this conversation. A document released by Susan Madsen states that currently there are no women serving as county commissioners.

Justin Fawson, of North Ogden/Utah House of Representatives, thanked the commissioners for the discussion and for listening. He had confirmed with legislative general counsel that there is no requirement for a special election. He supports the study.

Kenneth Bischoff, of Ogden, served as county commissioner for 12 years when the form of government was voted on. The study is a healthy process. He was pleased to have served with two wonderful women.

Chair Ebert has never questioned whether to study this issue. This had taken some time because there were two groups trying to work together. He appreciates the efforts to strengthen our community and its involvement.

Commissioner Gibson moved to adopt Res 56-2017 regarding appointment of a study committee to evaluate the form of government in Weber County; Commissioner Harvey seconded.

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

**13. ORDINANCE ESTABLISHING A CULTURE PARKS AND RECREATION SPECIAL REVENUE FUND ORDINANCE 2017-34.**

Scott Parke, County Comptroller, presented this second reading, which separates the Culture Parks and Recreation facilities out of the General Fund and into its own fund, making it more transparent. It allows the Parks & Recreation Fund to build a fund balance to start meeting its capital improvement needs.

Commissioner Gibson moved to adopt Ordinance 2017-34 establishing a Culture Parks and Recreation Special Revenue Fund; Commissioner Harvey seconded.

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

**14. RESOLUTION APPROVING THE 2018 WEBER COUNTY BUDGET – RESOLUTION 57-2017.**

Scott Parke, County Comptroller, stated that the tentative budget has been on the county's website since 11/1/2017. He highlighted changes made to the final budget including adding \$100,000 to a pool for employment market adjustments to help meet some compensation needs (some positions are underfunded and the county is not able to attract and retain qualified individuals), the Health Fund budget was reduced by \$85,000 due to the loss of a contract, a clerical change to account for some fleet charges inadvertently left out of the tentative budget and adding \$1.4 million to the capital projects budget for the demolition of the parking structure, which has reached its end of life and is more expensive to repair.

Commissioner Harvey moved to adopt Resolution 57-2017 approving the 2018 Weber County Budget; Commissioner Gibson seconded.

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

**G. PUBLIC HEARING:**

1.

Commissioner Harvey moved to adjourn the public meeting and convene the public hearing; Commissioner Gibson seconded.

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

**2. PUBLIC HEARING ON AMENDMENTS TO OPERATING & CAPITAL COUNTY BUDGET FOR CALENDAR YEAR 2017.**

Scott Parke, County Comptroller, outlined reasons for adjusting the budget quarterly. The adjustments include the receipt of \$141,000 of new grants and additional revenue which had additional costs (i.e., for the Garage, County Fair).

Additions to the budget include the request by the Ogden Valley Library which asked for \$15,000 to replace a projector that went out, moving \$30,000 from the 2018 budget back to 2017 to complete an internet service project at the GSEC, and increasing the budget by \$100,000 for the public defenders to cover the increased cost of capital appeals.

3. Public comments: Chair Ebert invited public comments and none were offered.

4.

Commissioner Gibson moved to adjourn the public hearing and reconvene the public meeting; Commissioner Harvey seconded.

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

5. **ACTION ON PUBLIC HEARING:**

**G.2. -AMENDMENTS TO THE 2017 OPERATING AND CAPITAL BUDGETS – RESOLUTION 58-2017.**

Commissioner Gibson moved to adopt Resolution 58-2017 regarding amendments to the operating and capital budget of Weber County for the 2017 calendar year; Commissioner Harvey seconded.

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

## H. PUBLIC COMMENTS:

Allen Berrett, of Taylor, said that in light of current adversity, he supports Commissioner Gibson, with whom he has met with on a regular basis first when Commissioner Gibson was a legislator and he was on the Weber School board, and subsequently as a county commissioner. Mr. Berrett has always felt that Commissioner Gibson is extremely knowledgeable and prepared to lead out in doing what is best for the county residents.

Denise Knight, of Huntsville, spoke in behalf of Commissioner Gibson. She volunteers for the county and for a nonprofit. She has worked with Commissioner Gibson and finds him supportive, scrupulous in separating business from private values and she is really disturbed that he has been accused anonymously in the Standard Examiner. She feels it is an obvious attempt to make people think that he is corrupt, and this is unfair.

Toby Mileski, of Pleasant View City, spoke in support of Commissioner Gibson in light of allegations in the Standard Examiner. He had also been a victim. He thanked the Commissioners for their service.

Virginia Raza, of Ogden, spoke in favor of Commissioner Gibson regarding what had taken place in the Standard Examiner; it infuriated her. She said that there are many people who will vouch for him that he is an honest, good man and his work has been fantastic. She said that her community has been ignored by the new Standard.

Monty Smith, of Liberty, works for a nonprofit. He has known Commissioner Gibson for a number of years and finds him to be honest and honorable man and stated he had many examples of that honesty.

Lisa Galvez, of West Haven, thanked the commissioners for their service. She has known Commissioner Gibson to be a man of integrity and honor and will stick by him. She has served with him and has seen him stand up and do the right thing when it was hard. She is grateful to know him. She is proud of him as a commissioner. He is a great father and husband. She is proud of the commissioners.

Chris Jenkins, Vice Chair of Weber County Republican Executive Committee, said that in their meeting the statement had been made that they believe in holding to the truth that the accused are innocent until proven guilty. They appreciate Commissioner Gibson and all the commissioners.

Commissioner Gibson expressed gratitude to those who have showed support for what has been a challenging week for him.

## ADJOURN

Commissioner Harvey moved to adjourn at 11:19 a.m.; Chair Ebert seconded.

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

Attest:

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Jim Harvey, Chair  
Weber County Commission

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Ricky D. Hatch, CPA  
Weber County Clerk/Auditor