

**MINUTES**  
**WEBER COUNTY COMMISSION**  
Tuesday, May 28, 2019 - 10:00 a.m.  
Commission Chambers, 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:** Lynn Taylor, of the County Clerk/Auditor's Office; Bryan Baron, Deputy County Attorney and Fátima Ferneliuss, of the Clerk/Auditor's Office, who took minutes.

**A. WELCOME** – Chair Jenkins

**B. INVOCATION** – Joe Hadley

**C. PLEDGE OF ALLEGIANCE** – Kyle Nyland

**D. THOUGHT OF THE DAY** – Commissioner Harvey

**E. PUBLIC COMMENTS:** None.

**F. CONSENT ITEMS:**

1. Ratify warrants #1793-1795 and #439150-439364 for \$2,331,129.08 dated May 14, 2019 and #1796-1812 and #439365-439573 for \$2,232,978.08 dated May 21, 2019.
2. Warrants #1813-1819 and #439574-439868 for \$617,123.35.
3. Purchase orders for \$313,484.90.
4. Minutes for the meetings held on April 30, 2019 and May 7, 2019.
5. New business licenses.
6. Surplus a book case from the Weber County Internal Audit Department.
7. Surplus a desk from the Weber County Recorder/Surveyor's Office.
8. Surplus four file cabinets from the Weber County Clerk/Auditor's Office.
9. Surplus four F-150 Trucks from the Weber County Roads Department.
10. Surplus small shelving units & a Dell Latitude laptop from Weber-Morgan Health Department (Emergency Services).
11. Surplus a 2004 Ford Crown Victoria from the Weber-Morgan Health Department (Environmental Health).
12. Retirement Agreements; Brian Cleveland; Jennifer Costley; & Delores Taylor.
13. Weber County Tax Review Committee request to ratify a reduction in tax values for tax years 2014-2017, Parcel #16-249-0001.
14. Weber County Tax Review Committee recommendation to deny request to reduce value for Parcel #11-222-0006.
15. Request to ratify approval of RAMP EZ Grant recommendations.
16. Ratify contracts with the following for RAMP Grants:

Amped Inc.-Concert Series Boys & Girls Club-Create @ the Club Huntsville Town-Ice rink tractor Mountain Arts & Music-Arts & Music in Huntsville OFOAM-SnOFOAM OFOAM-2019 Music Festival Ogden First, Inc.-2019 Season Ogden First, Inc.-Platforms Ogden Nat. History Museum-2019 specimen augmentation Ogden Pioneer Days Fn.-Pioneer Days Celebration Ogden Pioneer Days Fn.-Trail to Pioneer Days-Horses	Ogden Valley Balloon Festival-2019 Balloon/Art Festival Roy City-Roger Phil Burnett Meadow Creek Pond USU-Botanical Gardens--Security Utah Piano Team-Festival Wasatch Pony Club-Aera-Vator Weber State University-Austad Sound Upgrade Weber State University-Beyond Suffrage Weber State University-Outdoor Adventure Center Weber State University-Science and Arts in the Park Weber State University-String Project
--	---

Commissioner Harvey moved to approve the consent items, with the exception of the RDA items (from the May 14, 2019 Warrants), until further explanation; Commissioner Froerer seconded.  
Commissioner Harvey – aye; Commissioner Froerer – aye; Chair Jenkins – aye

(The commissioners' questions were addressed by staff immediately after the meeting & they had no concerns.)

**G. ACTION ITEMS:**

**1. WEBER COUNTY OPIOID COST RECOVERY PUBLIC NUISANCE RESOLUTION – RESOLUTION 28-2019.**

Matt McCune, outside legal counsel representing the county in this litigation, noted that defendants in the opioid lawsuits across the United States have been trying to get certain claims dismissed because the counties or cities did not adopt a resolution declaring opioids a public nuisance, necessitating this resolution in order not to have claims dismissed based on that argument. Of the 16 counties that his law firm and two others that represent in Utah, about half thus far have entered into these resolutions and they are working with the remaining to get them entered. It is these firms' opinions that counties should be seeking their own recovery and last year they filed a suit on behalf of Weber County against certain opioid companies for damages it incurred due to the opioid epidemic and to try avoiding what happened in big tobacco settlements where all the settlement money went to the states, which built roads but did not fight tobacco addiction, cancer, etc. Mr. McCune addressed the commissioners' questions.

**Commented [B1]:** I thought that these items were being held until next week.

In order to expedite discovery, the firms have worked cooperatively with the defendants and are moving all the cases into Summit County's case (which filed the first case in Utah). Almost 2/3 of the counties in the State are represented by their legal group. The State Attorney General is pursuing the State's damages—there are different/distinct damages borne by counties, the State, and health departments. Already in Oklahoma a couple of the defendants have settled for several million dollars with counties and the State. Should they try the case, they would like the ability to do so here in Weber County in front of jurors that are members of this community. If the attorneys are not successful in this lawsuit, there is absolutely no cost to the county, and if they are, the recovery first reimburses the law firms that have fronted the money and a 20% contingency fee for the attorney time invested, with the remaining going to Weber County to help fight this epidemic, try to get remediation in place, establish addiction treatments, etc. He said that these companies knew of the addictive nature of opioids that they had been marketing for quite some time for treatment of acute pain, and overtime they noticed that their market share was decreasing, they then pushed to market it for long term chronic pain, and misinformed doctors and the public. This has led to heroin addiction, people buying pills on the street, etc.

Commissioner Froerer moved to adopt Resolution 28-2019, Weber County Opioid Cost Recovery Public Nuisance Resolution; Commissioner Harvey seconded.  
Commissioner Harvey – aye; Commissioner Froerer – aye; Chair Jenkins – aye

**2. RESOLUTION TO APPOINT MEMBERS TO THE OGDEN VALLEY RECREATION/TRANSMISSION SPECIAL SERVICE DISTRICT - RESOLUTION 29-2019.**

Stacy Skeen, of the Commission Office, stated that the two vacancies were noticed according to statute. Two applications were received.

Commissioner Froerer moved to adopt Resolution 29-2019 appointing Michael Zindel and Kimbal Hale to the Ogden Valley Recreation/Transmission Special Service District through 12/31/2020; Commissioner Harvey seconded.

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

**3. CONTRACT WITH THE STATE OF UTAH FOR BAILIFF SERVICES AT THE DISTRICT AND JUVENILE COURTS.**

Aaron Perry, County Sheriff Chief Deputy, presented this contract renewal for services that the Sheriff's Office provides. There are no changes from the previous contract. The rate is set by the State. The commissioners spoke of the inadequate funds received for these services.

Commissioner Harvey moved to approve the contract with the State of Utah for bailiff services at the District and Juvenile Courts; Commissioner Froerer seconded.

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

**4. CONTRACT WITH ALTA JANITORIAL SERVICES FOR CLEANING SERVICES AT WEBER COUNTY ROADS BUILDING.**

Joe Hadley, County Roads Director, presented this addendum to add the services to the County Roads building. Commissioner Harvey moved to approve the contract with Alta Janitorial Services for cleaning services at the Weber County Roads building; Commissioner Froerer seconded.

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

**5. CONTRACT WITH CUSTOM AUTO REFINISHING AND SALES FOR REPAIRS ON COUNTY CARS WHEN NEEDED.**

Kyle Nyland, with County Fleet, explained the previous process and the issues with it. He stated that this contract mitigates the subletting of repairs providing an upfront bid. It streamlines the process and is a cost savings from the current rate. The procurement process was followed and Custom Auto was the low bidder.

Commissioner Froerer moved to approve the contract with Custom Auto Refinishing and Sales for repairs on county cars when needed; Commissioner Harvey seconded.

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

**6. CONTRACTS WITH THE FOLLOWING FOR THE 2019 WEBER COUNTY FAIR:**

Brian Fredrickson, bull fight announcer; Glen Giles, horse pull announcer; Donald Nash Entertainment, bubble tower

Ashton Wilson, County Fair Director, presented these contracts.

Commissioner Harvey moved to approve the three above listed contracts for the 2019 Weber County Fair; Commissioner Froerer seconded.

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

**7. CONTRACT WITH BROKEN HEART RODEO COMPANY FOR PRODUCTION OF THE RODEO AT THE 2019 WEBER COUNTY FAIR.**

Duncan Olsen, GSEC General Manager, presented this contract.

Commissioner Harvey moved to approve the contract with Broken Heart Rodeo Company for production of the rodeo at the 2019 Weber County Fair; Commissioner Froerer seconded.

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

**8. CONTRACT WITH KARIN GITTINS FOR THE 2019 KIDS ACT UP MUSICAL DIRECTOR.**

Commissioner Harvey presented this contract for Kassi Bybee of Ogden Eccles Conference Center who could not be present, noting that it had been reviewed by County Purchasing and legal counsel.

Commissioner Harvey moved to approve the contract with Karin Gittins for the 2019 Kids Act Up Musical Director; Commissioner Froerer seconded.

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

**9. CONTRACT WITH MAURIE TARBOX FOR THE 2019 OGDEN MUSICAL THEATER SEASON ARTISTIC DIRECTOR.**

Commissioner Harvey presented this contract for Kassi Bybee of Ogden Eccles Conference Center.

Commissioner Harvey moved to approve the contract with Maurie Tarbox for the 2019 Ogden Musical Theater season Artistic Director; Commissioner Froerer seconded.

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

**10. RESOLUTION APPROVING THE 2018 MUNICIPAL WASTEWATER PLANNING PROGRAM ANNUAL REPORT - RESOLUTION 30-2019.**

Chad Meyerhoffer, of County Engineering, addressed Chair Jenkins' questions stating that our infrastructure is relatively newer compared to other area systems, and that the county analyzed the lifespan of lines, manholes, etc., and projected them at a 100-year lifespan. The user fee remains at \$40.

Commissioner Froerer moved to adopt Resolution 30-2019 approving the 2018 Municipal Wastewater Planning Program annual report; Commissioner Harvey seconded.

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

**11. FIRST READING OF FEE ORDINANCE AMENDMENTS RELATING TO THE CLERK/AUDITOR'S OFFICE.**

Lynn Taylor, of the Clerk/Auditor's Office, said that the Clerk/Auditor's Office on a periodic review noticed that its fees had not been updated for the services they provide in some time and thanked Fátima for taking the lead in getting all of the fees updated in the different divisions in the Clerk/Auditor's Office. The highlights included that the passport execution fee is dictated by the U.S. Department of State, that there was a need for passport photos by customers, and the amended marriage license fee is in line with Davis County's.

Commissioner Harvey moved to approve the first reading of Fee Ordinance amendments relating to the Clerk/Auditor's Office; Commissioner Froerer seconded.

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

**12. RATIFY A CONTRACT WITH FLUENCE AUTOMATION FOR EQUIPMENT AND SOFTWARE SUPPORT FOR THE ELECTIONS DEPARTMENT.**

Ryan Cowley, County Elections Director, stated that this contract is for equipment and support to help Elections sort ballots, collect the signatures and their verification. About half of the cost will be funded through grants.

Commissioner Froerer moved to ratify a contract with Fluence Automation for equipment and software support for the Elections Department; Commissioner Harvey seconded.

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

**H. COMMISSIONER COMMENTS:** Commissioners Froerer and Harvey noted that the commissioners had been out for a couple of weeks in work-related commitments, and they had been productive.

**I. REQUEST FOR A MOTION FOR A CLOSED MEETING TO DISCUSS PENDING OR IMMINENT LITIGATION.**

Commissioner Harvey moved to convene a closed meeting to discuss pending or imminent litigation; Commissioner Froerer seconded.

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

Commissioner Harvey moved to reconvene the public meeting; Commissioner Froerer seconded.

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

There was no action taken on the closed meeting.

**J. ADJOURN**

Commissioner Harvey moved to adjourn at 11:23 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