

MINUTES
WEBER COUNTY COMMISSION
Tuesday, October 29, 2019 - 6:02 p.m.
3950 Adams Avenue, South 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 and James "Jim" H. Harvey, and Gage Froerer.

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

- A. WELCOME** - Chair Jenkins
- B. INVOCATION** - Christopher Crockett
- C. PLEDGE OF ALLEGIANCE** - McCarty Froerer
- D. THOUGHT OF THE DAY** - Commissioner Harvey

E. PUBLIC COMMENTS:

--Doug Gailey, Assistant South Ogden City Manager, noted that Mayor Russel L. Porter and Matt Dixon, City Manager, wished they could be present tonight but were out of town.

--Oscar Mata, of Harrisville, one of the founders of Weber County Forward (the group that ran a petition to put a question on the ballot regarding studying the county's form of county government), said that he was disappointed that two of the commissioners were against it and felt that their reasons were not valid, that it was self-interest over public interest over the lack of support, that residents deserved a study and that there were barriers against Weber County Forward, e.g., changing the number of signatures, the dates, or that Ricky Hatch, County Clerk/Auditor, chose to draw the name out of a hat for who could write the "for" argument, but luckily the selected person came to Weber County Forward, which helped her. He told Mr. Hatch that even though it was not Mr. Hatch's intent, that it was not fair to the public, and the selection of the "for" argument could look like he was trying to take sides.

Chair Jenkins said that he took some offense that Mr. Mata called it self-interest because Mr. Mata did not know and that it was speculation on his part to make such a comment. The fact is that the county followed every rule set by statute and did everything it was supposed to do to put this into place. Mr. Mata said that "when you go around in private and in public meetings attacking how this was put on and trying to have the Republican Party officially come against Prop 3" that he took offense. Chair Jenkins asked who had done that and Mr. Mata said that it was Chair Jenkins. Chair Jenkins refuted it stating that he has never in a public meeting asked for support or for opposition nor had he asked the Republican Party to take a position on it; he had only given his opinion when asked. Chair Jenkins asked if Mr. Mata had heard that personally with his own ears and Mr. Mata said that he had, then he said that he had not actually been in the meeting but heard it from someone else. Chair Jenkins suggested that before Mr. Mata makes accusations, he should make sure of their accuracy, especially when they are not first hand. Mr. Mata said that he and others put this forward but the Commission was not in support of Prop 3. Chair Jenkins pointed out that Weber County Forward put it forward but could not get enough signatures, and it was the County Commission that put it on the ballot, even though Weber County Forward could not get the support. Chair Jenkins also pointed out that the author of the Bill was Commissioner Froerer. Commissioner Harvey stated that Mr. Mata had said that the Commission was opposed to it but pointed out that it was the Commission's unanimous decision by resolution to put it on the ballot. Commissioner Froerer, sponsor of HB224 that allowed Weber County Forward to move on this initiative, made it clear that the other two commissioners are totally in favor of the public's voice being heard, and that it was not accurate to say that they tried to impede the process. Every discussion with the other commissioners has been about being transparent, following the statute, and for the community to be heard, and they have done that. Even though they may have some differences of opinion, they are 100% on board with putting this on the ballot and voted to do so, which they did not have to do, and that the other two commissioners deserved respect because it probably would not be on the ballot without them. Mr. Mata apologized to the commissioners and said that his issue was more directed to the Clerk's Office but reiterated being disappointed with reading the newspaper article, that it looked to voters that they are more focused on self-interest than public interest.

--Kerry Wayne, of Ogden, is excited for Prop 3 but was concerned with the structure of the pamphlet and the bolding of text, stating that the arguments should be equal and look the same. He gave kudos to the commissioners for giving the voters this opportunity. Ricky Hatch, County Clerk/Auditor, said that he reached out last week to the Lt. Governor's Office, which also puts pamphlets together on a state-wide basis, regarding some complaints received about the amount of bolding on one side, and the use of bullets and all caps on the other, and he had asked if he should have altered that. Their response was that State law does not allow altering these types of literary tools. Mr. Hatch had spoken with the County Attorney's Office early on in the process, and after reading the statute decided to not alter them, which the Lt. Governor's Office has now confirmed. Regarding barriers, Mr. Hatch said that he had sent out 50,000 emails (from the voter list) to county residents seeking citizens interested in submitting an argument and 7 people were interested in submitting an argument for and a couple for the argument against.

Mr. Hatch then worked with the County Attorney's Office about how to select who would write an argument, in order to stay neutral and fair. After speaking with them again, it was decided that a random drawing would be the most appropriate and objective. A random number generator was created and run in the presence of Mr. Hatch's Administrative Assistant and sponsors were selected. That day Mr. Hatch emailed all of those who submitted requests, provided each of their email addresses to the others and encouraged them to work together to come up with the argument, and then he worked directly with the official sponsors.

--Craig Hunt, of West Weber, had concerns and questions with the proposed development where he lives (on 4054 W.). He asked whether the proposed future access road (4075 W.) to the Martini property just north of him would be road-base or paved and staff indicated that it will be paved. He had questions regarding the water line that goes in front of his and his neighbors' properties on costs, etc. He will have to address that with Hooper Water. He and his neighbors use secondary water for lawns from a ditch and if he and his neighbors do not wish to hookup to this new water line, he is concerned with the damage from the waste water that will remain in the ditch when they are done using it. He has not seen any plans for piping the drain water, stating that there will be a lot of it. Chair Jenkins said that County Engineering will look into it. Commissioner Froerer said that Phase II will address his questions at the Planning Commission in November. Mr. Hunt found out about this meeting this morning. The commissioners noted that it was noticed in the newspaper, and he could request being put on the email list for agendas. Sean Wilkinson, County Community Development Director, said that for Planning Commission meetings property owners within 500 feet of the proposed development will receive mailed notices, that meetings are also noticed on the State's public notice website, on the county's website, and on the county's Miradi website (the latter allows receiving emails with any project changes). For County Commission meetings, typically there are no additional notices because they have already been noticed at least twice for the Planning Commission meetings. The Planning Commission notices are courtesy and not required by State or County Codes. The commissioners want to work on improving communication.

--Dean Martini, of West Weber, that if Halcyon Lake Estates Phase I passes if that means Phase II automatically can occur with the lake, and the commissioners replied it does not and will go before the Planning Commission around mid November.

F. CONSENT ITEMS:

1. Warrants #2116-2143 and #444261-444551 in the amount of \$1,371,045.93.
2. Purchase orders in the amount of \$177,928.25.
3. Minutes for the meeting held on October 22, 2019.
4. New business licenses.
5. Surplus office equipment from the Weber County Library.
6. Final approval of Halcyon Lake Estates Subdivision Phase 1, 14 lots, & associated subdivision improvement agreement.
7. Letter of Intent with ADP to provide professional payroll services.

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

G. ACTION ITEMS:

1. **TENTATIVE OPERATING AND CAPITAL BUDGET OF WEBER COUNTY FOR THE 2020 CALENDAR YEAR.**

Scott Parke, County Comptroller, gave a brief overview of this budget process, which began in August. This document is available online. Highlights included that medical insurance costs increased 8.5% and dental 15% and employees are being asked to cover those increases out of their own pockets, but the county is offering a 45 cent/hour cost of living increase to help offset those costs. The budget includes a 3% increase for employees based on pay for performance, a reduction in the General Fund county property tax line for every taxpayer, and there will be an increase for unincorporated taxpayers (about \$20/year for an average \$282,000 house). The county has set aside about \$1.7 million into a new repair and replacement fund to help fund improvements and maintenance of its buildings and capital equipment as we go forward. He outlined the upcoming public hearing and open houses. Commissioner Froerer noted that the tax increase is the fair thing to do because it is not legal for certain groups to subsidize other parts of the county as has been occurring. He supports the capital improvement budget. Commissioner Harvey expressed great confidence in the county's financial team.

Commissioner Harvey moved to approve the tentative operating and capital budget of Weber County for the 2020 calendar year; Commissioner Froerer seconded.

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

2. **RESOLUTION APPOINTING A WEBER COUNTY REPRESENTATIVE AND AN ALTERNATE REPRESENTATIVE FOR THE UTAH COUNTIES INDEMNITY POOL ANNUAL MEMBERSHIP MEETING – RESOLUTION 57-2019**

Chair Jenkins stated that it has been very positive to be a part of UCIP to self-insure the county.

Commissioner Froerer moved to adopt Resolution 57-2019 appointing Scott K. Jenkins as the Weber County representative and Jim Harvey as the alternate representative for the Utah Counties Indemnity Pool annual membership meeting; Commissioner Harvey seconded.

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

3. **CONTRACT WITH CRAIG J. BRYAN FOR EXPERT WITNESS SERVICES FOR CRIMINAL CASES.**

Christopher Crockett, Deputy County Attorney, presented this 5-year contract that allows up to \$10,000 in reimbursement for expenses; anything above that would require a written amendment. This is a request by the county’s prosecutors to enter into a contract with an expert witness to assist in an upcoming murder trial. He highlighted Dr. Bryan’s qualifications and expertise.

Commissioner Froerer moved to approve the contract with Craig J. Bryan for expert witness services for criminal cases; Commissioner Harvey seconded.

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

4. **CONTRACT WITH THE UTAH CUTTING HORSE ASSOCIATION FOR THE UCHA FUTURITY & AGED EVENT.**

Commissioner Harvey presented this agreement.

Commissioner Harvey moved to approve the contract with the Utah Cutting Horse Association for the UCHA Futurity & Aged Event; Commissioner Froerer seconded.

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

5. **CONTRACT WITH RUNBECK ELECTION SERVICES, INC., FOR PURCHASE OF ELECTION MAIL PROCESSING EQUIPMENT.**

Ricky Hatch, County Clerk/Auditor, stated that next year the county anticipates processing about 150,000 ballots in the year, which is a lot of envelopes to slice open, a lot of signatures to verify, etc., and this equipment will allow the county to be a lot more efficient in the initial process. This equipment was approved in the 2019 budget and will primarily be paid out of Help America Vote Act funds through a federal grant. The commissioners spoke of the great job that the Elections team does.

Commissioner Froerer moved to approve the contract with Runbeck Election Services, Inc., for purchase of election mail processing equipment Commissioner Harvey seconded.

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

H. COMMISSIONER COMMENTS: Commissioner Froerer, like Commissioner Harvey, lived in South Ogden when young and appreciate being here in the City today.

I. ADJOURN

Commissioner Harvey moved to adjourn at 6:57 p.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