

**MINUTES**  
**WEBER COUNTY COMMISSION**  
Tuesday, February 25, 2020 - 10:00 a.m.  
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:** Gage Froerer, "Jim" H. Harvey, and Scott K. Jenkins.

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

- A. WELCOME** - Chair Froerer
- B. INVOCATION** - Ricky Hatch
- C. PLEDGE OF ALLEGIANCE** - Brian Bennion
- D. THOUGHT OF THE DAY** - Chair Froerer

**E. CONSENT ITEMS:**

1. Warrants #2456-2473 and #447554-447784 in the amount of \$837,271.14.
2. Purchase orders in the amount \$951,233.13.
3. ACH payment to Select Health in the amount of \$752,663.60.
4. Minutes for the meeting held on February 18, 2020.
5. A new business license.
6. Surplus office furniture from the Weber County Ice Sheet.
7. Retirement Agreement with Janet Tillotson.
8. Amendment to a contract with Ogden City Redevelopment Agency for the Grant Avenue parking structure - Chair Froerer requested this item to be handled at a later time.

Commissioner Harvey moved to approve the consent items, less item E.8; Commissioner Jenkins seconded.  
Commissioner Harvey – aye; Commissioner Jenkins – aye; Chair Froerer – aye

**F. ACTION ITEMS:**

1. **RESOLUTION APPOINTING A MEMBER TO WEBER-MORGAN BOARD OF HEALTH – RESOLUTION 7-2020.**

Brian Bennion, Weber-Morgan Health Department Executive Director, read the resolution. A board member resigned and the Ogden School District recommended Jer Bates.

Commissioner Harvey moved to adopt Resolution 7-2020 appointing Jer Bates to the Weber-Morgan Board of Health through 12/31/2021; Commissioner Jenkins seconded.

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

2. **CONTRACT WITH NEW YORK CITY DANCE ALLIANCE FOR RENTAL WAIVER.**

Kassi Bybee, Ogden Eccles Conference Center General Manager, presented this contract. Commissioner Harvey noted that a double booking occurred, and the county wished to help both customers.

Commissioner Harvey moved to approve the contract with New York City Dance Alliance for rental waiver; Commissioner Jenkins seconded.

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

3. **SIXTH AMENDMENT TO CONTRACT FOR SOLID WASTE TRANSPORTATION & DISPOSAL WITH ECDC ENVIRONMENTAL, L.C.**

Sean Wilkinson, County Community Development Director, presented this amendment with ECDC/Republic Services that begins on September 1, 2021 and expires on June 30, 2026, a 5-year extension from the end of the current contract. There will be no annual fee increase for 2020 and beginning on July 1, 2020 the rate will decrease to \$24.99/ton, which will save \$500,000-\$600,000 in the first year and less, but still significant savings, over the contract term. After that, beginning on 7/1/2021 there will be an annual 3% increase to cover CPI, and anything over that 3% related to transportation (fuel increases, etc.), will be paid by the county, and if there are emergency issues, those will be negotiated in good faith on a quarterly basis as necessary. The provision that allowed the county to receive bids from other contractors has been eliminated but under this amendment, if at any time after 6/30/24 the county owns 33% interest in a landfill, it can give notice and terminate this agreement. Another provision allows the county after 6/30/2024 to take all of its controlled tons to a waste-to-energy facility if such exists. Commissioner Harvey said that the Transfer Station, where all the curbside waste is taken, has been a huge deal and instead of losing substantial amounts of money it is now in the positive and saving \$500,000-\$600,000. He said that Commissioner Jenkins was part of that turnaround along with WACOG and especially John Watson, County Solid Waste Division Director. Commissioner Jenkins recused himself because his son works for Republic, although his son was not directly involved in this contract. Chair Froerer said that due to Commissioner Jenkins' hard work with Republic they have been able to save taxpayers approximately a half million dollars.

Commissioner Harvey moved to approve the Sixth Amendment to the contract for Solid Waste Transportation and Disposal with ECDC Environmental, L.C.; Chair Froerer seconded.

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

#### 4. DISCUSSION ON UNINCORPORATED WEBER COUNTY GARBAGE PICK-UP.

This was a discussion item only for the commissioners to hear from the public. Sean Wilkinson, County Community Development Director, stated that when the commissioners started hearing from residents about how much they were being charged to have their waste removed by private contractors, they also heard about disparity in those prices—neighbors were paying vastly different amounts, and there were legitimate concerns. He has not yet talked with a resident currently on this service who will not save money from this new program. This will also equalize the cost for everyone in three specific areas—Waste Management won the bid for Ogden Valley and Republic Services for Uintah Highlands and western Weber County. This process started about a year ago, going through the procurement process and receiving three bids. The proposed contract is also to address safety considerations regarding the number of trucks going through neighborhoods as well as environmental concerns, and the county feels is a good thing for residents. The contract is for collection of typical residential curbside pickup of 90-96 gallon waste containers/garbage cans. He emphasized that no contract had been approved yet for curbside pickup.

Scott Parke, County Comptroller, said that the cost associated with this service varies slightly depending on the area and showed monthly rates for the three areas. For Uintah Highlands, the waste hauling company will charge \$5.54 for container pickup and the \$4.38 disposal fee is an estimate based on the average weight of each garbage can. Once the can is picked up, it will be transported to the county's Transfer Station and the waste hauler has to pay the Station to dispose of that waste. The billing fee is also charged by the hauler (the county was able to negotiate a \$0.78 billing fee, which includes mailing costs for both Uintah Highlands and western Weber County with Republic Services and \$0.50 with Waste Management) and the \$3.69 administrative fee is to be used to cover the county's costs associated with managing the garbage services—the biggest anticipated expense will be bad debt expense incurred for the first few years. In order to get lower rates with the haulers, the county guaranteed payment of the service collections, and if a resident does not pay, the county will step in and pay and add that delinquent charge to the annual property tax bill but there will be timing differences between when that is collected and when the county pays the haulers. The admin fee will also be used to build up a fund balance to plan ahead to prepare for the future of managing waste services as the garbage situation changes and Ogden Valley and western Weber County continue to grow.

Mr. Wilkinson said that letters were sent to all unincorporated single-family dwelling residents in early February and a few returned due to bad addresses that were given to the county. Both providers will be sending information to respective residents in March with container delivery in mid March in preparation for April 1 when contracts are to be in place. He addressed the commissioners' questions, including that there will be a one-time \$14 drop-off fee for new garbage cans for western Weber County and Uintah Highlands and \$15.35 for Ogden Valley, but no charge if they have an existing can with the same provider. It is anticipated that the contract is for an initial term of 5-years and during that time the base rate remains the same but with CPI, transportation increase costs, etc. Most comments received from residents have been very positive and they are grateful for the county's help to bring the cost down, some were upset that the government was getting involved, and others that already had dumpsters or other means of waste disposal. Billing will occur on a quarterly basis. In discussions with the commissioners they had felt it was appropriate to have an opt-out application for garbage collection service that would be reviewed on a case-by-case basis (e.g. if someone operates a legitimate business or farm where there is income and they already use a dumpster for their residential and commercial waste). Commissioner Harvey wants to be sensitive to those who are deserving of exceptions. Trash collection exception applications were available at the meeting and online. The bids were based upon a certain number of homes being included in those areas and the prices will increase for everyone if this gets too far off that economy of scale. Chair Froerer firmly believes that this is a cost savings for a vast majority of those residents but stressed that this is not entirely about cost but about being environmentally friendly, removing trucks from the road and addressing neighborhood safety concerns. He was aware of 3-5 providers whose trucks travel the Ogden Canyon on a regular basis. The Canyon is becoming increasingly more congested with truck traffic which concerns residents, UDOT and the county, as well as air pollution and other safety concerns. The commissioners have received calls that on any given week there may be up to five carriers going into busy neighborhoods with children on bikes, etc. Mr. Wilkinson added that that number of different haulers does not include recycling services. This program is to reduce emissions and help with the safety issue—in some neighborhoods the streets are narrow and not fully improved to county standards.

#### G. PUBLIC COMMENTS:

--Ralph Price, of Ogden, asked that notice be given to haulers to be sympathetic to those on wheelchairs, walkers, etc. Garbage cans can take away their access to sidewalks or otherwise push those residents out into the street.

--Val Sanders, of Taylor, thanked the Commission for the option to submit a collection exception application stating that it is important for those who have dumpsters to keep them and not have to pay two haulers for the same service. He lives a bit off the road and works with 15-20 people. He said that no truck can cross for those who live across the bridge, that it is better to have one dumpster with a lock rather than 20-30 lined up on someone else's property, that no one wants to push a garbage can ¼ mile down the road for the service, and that it is better to have one truck versus five traveling down the same street. He appreciates the county for this program. He does not know anyone who was paying \$15 or less/month for garbage service.

--Susan Lowther, of Eden, understands why the commissioners feel the need for this trash program, however, she said that county residents have been providing garbage service for themselves for over 180 years, and this is not necessary. She listed problems when she had Waste Management. She agrees that five different providers driving up the Canyon is a problem, but the smaller providers come when the weather is good, the larger companies will come anytime, sliding on the roads creating more safety hazards, and she sees no reason to pay the county an extra \$3/month because the county decided to go with big business.

--Ron Gleason, of unincorporated Huntsville, currently pays \$71 quarterly to Waste Management and will now save \$75/year. He said that approximately 21% of the quarterly bill will go to the county's administration fee. According to the Standard Examiner's recent article there are about 5,300 affected unincorporated households and over five years that is over \$1.1 million collected by the county. He looks at this as a hidden tax, and said that it is unclear what the county will do with it. He would like the excessive fee to be drastically reduced/eliminated. Chair Froerer gave the Commission's word, stating the other commissioners agree, that this will be analyzed and will be reduced if possible. This fee has already been expended significantly to get the program started, including buying out Econo Wastes' contracts, mailings to all unincorporated residents, etc.

-- Mr. Wilkinson addressed questions from Mike Gillespie, of Eden, who was hoping for a trial year for this program because he would like the \$11/quarter admin fee to be reconsidered as well as those who recycle—some produce no waste and should be exempt and some elderly hardly fill a ¼ of a trash can/week. He is happy paying the current price.

--James Richardson, of Huntsville, said that currently there are three different prices in his neighborhood and he heard horror stories about Waste Management arbitrarily increasing prices over the years and hopes the admin fee will address it. He asked about a complaint vehicle to help with the county's future re-negotiations with these companies. His property is somewhat hidden and his trash pickup has been missed in the past and the current company picks up the next week but for a lot of people this is not acceptable due to overflowing containers, etc. He feels the number of trucks traveling the Canyon will be the same and Chair Froerer said that the one provider will cut traffic a substantial percentage. John Watson, County Solid Waste Director, said that if the resident has the garbage can out but the company misses it, the resident should contact Waste Management's customer service.

--Kay Larrison, of Huntsville, said she did not know anyone who had been asked to provide comments on this item. She and neighbors recycle and share a garbage container, and between three households they will now have a 46% fee increase. The Commission wants to be environmentally friendly, which includes recycling, and they need to consider recycling and giving breaks to those who recycle. She also wants the administration fee reconsidered. Mr. Watson said that recyclable waste used to be taken to China, etc., which no longer accepts it, and he has heard that from 30%-50% of all curbside recyclables go to the landfill. A lot of debt was incurred by the county due to its recycling efforts and the program was terminated around 2017. The county's facility does some recycling and metals are going to local recyclers; it also composts and turns green waste into wood bark. If enough people want a curbside program to get the economy of scale, Republic would be interested in picking up. The county is interested in waste-to-energy and continues to study it, but there are no operating U.S. facilities.

--Calene Ingram, of unincorporated Weber County, lives on a side road and shares a 5-yard dumpster with four neighbors because it is an unreasonable expectation to have them pull their cans ¼ of a mile to the main road to get can service. She asked who were the decision makers for the opt-out application and what was their recourse. The application will be reviewed by Mr. Wilkinson's department and if they're not happy with that recommendation, they can work with the Commission. The County Attorney's Office will also be involved and creating the appeal process. Chair Froerer stated that recyclers, composters, etc., with legitimate reasons, will be reviewed seriously. Mr. Wilkinson said that the decision to end recycling in the Uintah Highlands area by Waste Management had not yet been made but was being considered.

--John Larrison, of Ogden Valley, recycles and said that 50% is better than 100% going to the landfill, and that this sounds like it's a done deal because the county bought out the Econo Waste contract and residents are talking with no recourse. Chair Froerer refuted that stating that the Commission is taking public comments to make any needed changes.

--David Rawson, of unincorporated Huntsville, has a can that he does not want to lose, even though he pays more than \$15 and said that a lot of residents will want to opt-out. As a business owner of Recycled Earth, he would like the Commission to recognize him, what he does and the 30 people he employs until the county forces him out of business. He took over the recycling that was causing the county's shortfall and just 50% that he recycles is 70 tons of waste/day that stays out of the landfill. Chair Froerer said that they understand Mr. Rawson runs a great program.

--Jill, of unincorporated Huntsville, said that she did not receive a letter on this item and has heard that this is not a county-run program but also that the county will do certain things. She had Waste Management in the past and said that they were the absolute worst service—not picking up her garbage and then denying it, frequent price jumps, etc. Now she also has to pay to get a new garbage can but the county should have negotiated the can rate because this was not her choice. She asked if "snowbirds" still have to pay the quarterly bill and Chair Froerer responded yes, that that is not unusual, that municipalities charge for utilities with no opt-out option.

--Bill Davis, of unincorporated county, expressed concern with the county's admin fee stating that it looks like a tax and wanted the money to be put in a fund for the garbage program only. Some farms have 3-5 homes but the land is subdivided by the county, and they all contribute to the farm. He asked if they could have use one dumpster. Mr. Wilkinson said that typically the criteria is one dumpster/individual farm but asked for an opt-out application in order to review it. The commissioners promised to look at the fees and report back stating their intent to use the admin fee only for the new program and reduce it if possible. Mr. Parke said that the fee will be placed in a separate division and the county will be able to track every revenue and expenditure, and at this time there are a lot of unknowns on costs/expenditures that will be coming in and this is setup with a little cushion so as to not have to raise fees if costs were not estimated correctly. Mr. Crockett stated that by law those fees have to be related or directly spent on the service provided.

--Jeff Glum, of Ogden, cautioned on the use of earmarked funds—sometimes things change, like what happened with Social Security. He said that unincorporated residents' trash pickup costs would be significantly lower than in Ogden.

--Kim White, of Uintah Highlands, stated that the county should stay out of this. He could see the county being involved if he was paying Uintah Highlands for water, sewer, and garbage, but he does not pay them for garbage and now has to pay \$14 for the can when he already has a can with Econ Waste. For many years he used Waste Management but they started overcharging and claiming he did not have his can out. He asked what recourse residents have when Waste Management starts messing up since competition is gone. Mr. Wilkinson responded that with the bid, certain areas were awarded to certain providers. There are provisions in the contract to handle customer issues and residents can contact his office with complaints and that communication will be extended to Waste Management and Republic. Excellent customer service is expected; they are representing the county in a sense and that is the county's expectation.

--Lance Allen, with Robinson Waste Services, said that they do a lot of commercial collection, that if the county forces people away from using the metal dumpsters their business is impacted. He appreciates the opportunity for their customers to opt-out for the type of material, which is very heavy with horse manure, the quantity of material required for larger containers, or access to a road that a curbside collections provider could not provide.

--Blane Cutler, of western Weber County, said that the county has created a monopoly, and that is not what the residents are saying they want. He has been 50 years in West Weber, doesn't have a garbage can, does not burn garbage, has a dump trailer, has horses, cattle, pigs, etc., and asked why he would let the county charge him for something he does not need.

--Ralph Price, of Ogden, thanked the commissioners for the great work being done in our county, but our county needs to be more adamant about having Davis, Box Elder and Morgan counties pay their fair share in the services the county provides. He commended Chair Froerer for what he does for Lantern House, and Commissioner Jenkins for bringing non-profits together to help so many displaced people. He recognized the great staff in the Commission Office.

**H. COMMISSIONER COMMENTS:** Chair Froerer reiterated that the final contracts have not been signed and it is the Commission's intention to analyze them. Commissioner Harvey said that the county now does a better job of communicating than in the past and could still do better. He said that most of the residents' questions were answered on the flyer, that in every one of his immediate neighbors' cases they will save on average \$130-\$200/year, that this is an opportunity to buy in "bulk" and get residents a better price, and that the county's genuine intent was to help people. He said that there had been some misinformation given especially about Commissioner Jenkins, but he had been genuine, never self-serving, and a great example to him on being a champion for what is right. The Commission is actively looking/desiring to have a waste-to-energy program but no such program exists yet. Commissioner Jenkins was involved in this issue about 30 years ago and noted that it is difficult to get started and needs patience. He feels the providers and those who collect the trash will get on a routine and do a great job, and it will be a successful program. Chair Froerer noted that the opt-out applications are available and gave his word that when the final contracts are put in place they will give the public access to good customer service.

**I. ADJOURN**

Commissioner Jenkins moved to adjourn at 11:52 a.m.; Commissioner Harvey seconded.  
 Commissioner Harvey – aye; Commissioner Jenkins – aye; Chair Froerer – aye

Attest:

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Gage Froerer, Chair  
 Weber County Commission

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Ricky D. Hatch, CPA  
 Weber County Clerk/Auditor