

MINUTES
WEBER COUNTY COMMISSION
Tuesday, June 18, 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: 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 Jenkins

B. INVOCATION – Zachary Damm

C. PLEDGE OF ALLEGIANCE – Hayden Wilbanks

D. THOUGHT OF THE DAY – Commissioner Harvey

E. PUBLIC COMMENTS: Lori Brinkerhoff, of Hooper, commended the Commission on adopting item G.2.

F. CONSENT ITEMS:

1. Warrants #1831-1848 and #440108- 440325 in the amount of \$1,189,912.85.
2. Purchase orders in the amount of \$500,139.30.
3. Minutes for the meeting held on June 11, 2019.
4. Contract with Stauffer Enterprises to paint/repaint exterior building elements pursuant to project manual terms.
5. Severance Agreement with Austin Stickler.

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

G. ACTION ITEMS:

1. RESOLUTION ADOPTING THE FINAL TAX RATES FOR 2019 – RESOLUTION 36-2019.

Ricky Hatch, County Clerk/Auditor, presented this annual statutorily required item. No tax increase is proposed for this year by Weber County. Chair Jenkins said that the total tax rate for the county is 0.002855.

Commissioner Froerer moved to adopt Resolution 36-2019 adopting the final rates for 2019; Commissioner Harvey seconded.

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

2. POLICY 16.1 PERSONAL USE OF COUNTY PROPERTY.

Bryan Baron, Deputy County Attorney, stated that earlier this year the legislature passed HB 163, which has the effect of criminalizing personal use of public property as a second or third degree felony. The county already had policies that protected public property from being abused by employees but this law introduces the criminal element. The county crafted this policy to try and reach a balance between protecting public property and also the employees so that they are not charged with a second/third degree felony for something as innocent as checking their email during a lunch break. It authorizes occasional/incidental personal use while protecting county property from abuse. Chair Jenkins had thought that language stating "as permitted by the supervisor" should be added at the end of the first paragraph. Commissioner Harvey had spoken with legal counsel and that language would put the onus back on the supervisor where it already is, and he feels comfortable with this because it only allows the occasional/incidental use as mentioned by Mr. Baron. Mr. Baron stated that that language had been discussed but the concern was that the supervisor would have to approve each and every personal use and if not, it could be subject to a felony (i.e., for a personal phone call) due to an oversight.

Commissioner Harvey moved to approve Policy 16.1, Personal Use of County Property; Commissioner Froerer seconded.

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

3. LOCAL TRANSPORTATION FUNDING AGREEMENT WITH OGDEN CITY TO ESTABLISH TERMS FOR THE 20TH STREET (PHASE 2) PROJECT.

Brooke Stewart, with County Community Development, stated that this project is to improve 0.6 miles of roadway along 20th Street from Washington Blvd. to just a few hundred feet east of Monroe Blvd. The City originally applied for local transportation funding during the 2016 application cycle and was awarded the full requested corridor preservation funds and 50% of the requested sales tax funds. Since then, the City sought additional funding options and notified the county at the beginning of 2019 that the project was awarded Surface Transportation Funds from WFRC. The City has committed local funds to complete the project.

WACOG approved a recommendation on 11/7/2016 to award \$99,700 in Corridor Preservation Funds programmed for 2018 and \$1,709,600 in Sales Tax Funds programmed for 2021. On 12/13/2016 the Commission approved this recommendation as part of the 2016 priority list.

Commissioner Froerer moved to approve the Local Transportation Funding Agreement with Ogden City to establish terms for the 20th Street (Phase 2) project; Commissioner Harvey seconded.
Commissioner Harvey – aye; Commissioner Froerer – aye; Chair Jenkins – aye

4. LOCAL TRANSPORTATION FUNDING AGREEMENT WITH OGDEN CITY TO ESTABLISH TERMS FOR THE 26TH STREET PROJECT.

Brooke Stewart, with County Community Development, stated that this project is to improve 0.42 miles of roadway along 26th Street from Wall Avenue to Washington Blvd. The City submitted three applications during the 2016 application cycle and was awarded partial funding on those projects. This project and the 21st Street project were awarded the full requested amount from Corridor Preservation Funds and 25% of requested Sales Tax Funding. Rather than producing two projects that fall short of what Ogden envisioned, in 2018 the City formally withdrew the awarded funding for the 21st Street project (\$1,512,450) in order to complete 26th Street. The City applied for additional funding during the 2018 application cycle to be able to complete it. In 2016 the Commission approved WACOG's recommendation for \$62,600 in Corridor Preservation Funds and \$1,206,000 in Sales Tax Funds. In November of 2018 WACOG approved a recommendation to award an additional \$2,781,050 in Sales Tax Funds and the Commission approved that as part of the 2018 priority list on 12/13/2018. This funding agreement includes both of the funding awards from 2016 and 2018 for a total of \$62,600 in Corridor Preservation Funds programmed for 2017 and \$3,987,050 in Sales Tax Funds programmed for 2021.

Commissioner Harvey moved to approve the Local Transportation Funding Agreement with Ogden City to establish terms for the 26th Street project; Commissioner Froerer seconded.
Commissioner Harvey – aye; Commissioner Froerer – aye; Chair Jenkins – aye

5. RESOLUTION AUTHORIZING THE USE OF FUNDS FOR PROJECTS ON THE PRIORITY LIST APPROVED BY WACOG - RESOLUTION 37-2019.

Brooke Stewart, with County Community Development, stated that this resolution relates to the amendment request received from Weber County for the 3300 South corridor preservation project. It was approved for recommendation by WACOG at its June meeting. In 2015 the county was approved \$1.1 million to preserve the corridor along 3300 South from 3300 to 4700 West. The County began survey and design work in the fall of 2017 and started acquiring the right-of-way early this spring. The project has encountered some unanticipated expenses from rising property values and proximity damages that have subsequently increased project costs. County Engineering submitted an amendment request to the transportation subcommittee seeking an additional \$375,000 dollars in Corridor Preservation Funds to acquire the remaining parcels and WACOG approved that recommendation on June 3, 2019.

Commissioner Harvey moved to adopt Resolution 37-2019 authorizing the use of funds for projects on the priority list approved by WACOG; Commissioner Froerer seconded.
Commissioner Harvey – aye; Commissioner Froerer – aye; Chair Jenkins – aye

6. REQUEST FOR RESOLUTION TO PROVIDE NOTICE TO MORGAN COUNTY COUNCIL OF RECOMMENDATION & INTENT TO APPOINT A MEMBER TO SERVE ON THE WEBER HUMAN SERVICES GOVERNING BOARD.

Christopher Crockett, Deputy County Attorney, explained the appointment process. The County Commission had not received the list of names for consideration.

Commissioner Harvey moved to table this item until the Commission receives the names; Commissioner Froerer seconded.
Commissioner Harvey – aye; Commissioner Froerer – aye; Chair Jenkins – aye

7. CONTRACTS FOR LEGAL REPRESENTATION TO INDIGENT DEFENDANTS: GAGE L. CROWTHER; JONATHAN Z. PAZ.

Michael Bouwhis, Indigent Defense Coordinator, stated that a number of quality applicants were interviewed. This contract is being split in two—the primary contract was awarded to Mr. Paz who is highly qualified, and also to Mr. Crowther, with whom the interview panel was greatly impressed.

Commissioner Froerer moved to approve the contracts with Gage L. Crowther and Jonathan Z. Paz for legal representation to indigent defendants; Commissioner Harvey seconded.
Commissioner Harvey – aye; Commissioner Froerer – aye; Chair Jenkins – aye

8. **REQUEST FOR A TEMPORARY EXCEPTION FROM THE LAND USE CODE TO ALLOW A TEMPORARY CONTRACTOR EQUIPMENT STORAGE YARD LOCATED AT APPROXIMATELY 1561 W. 3300 S., OGDEN.**

Steve Burton, of the County Planning Division, stated that this property, is in an unincorporated island in the Manufacturing Zone and is currently in the process of being annexed into Ogden City. The temporary exception is allowed under the Land Use Code. The applicant was awarded a bid through the UDOT process and that property will be used to store UDOT equipment/material for its project along I-15.

Commissioner Harvey moved to approve the request for a temporary exception from the land use code to allow a temporary contractor equipment storage yard at approximately 1561 West 3300 South, Ogden; Commissioner Froerer seconded.

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

9. **CONTRACT WITH JUB ENGINEERS TO LEAD THE GOLDEN SPIKE STORMWATER ADVISORY COALITION.**

Braden Felix, of County Engineering, noted that the county has been entering into interlocal agreements for the last few months and has received most of them or has a commitment from the others to fund the contract for the executive director. The county is a member of this coalition which allows all within this area to uniformly apply the required stormwater protection standards from the State. To run the coalition more efficiently, they decided to pool together and hire a director from JUB Engineering through the procurement process.

Commissioner Froerer moved to approve the contract with JUB Engineers to lead the Golden Spike Stormwater Advisory Coalition; Commissioner Harvey seconded.

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

10. **REGIONAL ECONOMIC DEVELOPMENT MANAGEMENT AGREEMENT BY AND AMONG WEBER COUNTY, DAVIS COUNTY AND THE ECONOMIC DEVELOPMENT CORPORATION OF UTAH (EDCUTAH).**

Holin Wilbanks, of County Economic Development, presented this 3-year contract to bring in a third party consultant to help build a brand for northern Utah, to drive business and help retain and expand our current customers. About two years ago Weber County went into a data-driven search to build a strategic and economic development plan that resulted in this northern Utah approach. Michael Flynn, EDCUtah Chief Operating Officer, stated that this has been about an 18-month process for them and that it is a great plan and an asset for this region to help drive the Commission's desired outcomes.

Commissioner Harvey moved to approve the Regional Economic Development Management Agreement by and among Weber County, Davis County and the Economic Development Corporation of Utah; Commissioner Froerer seconded.

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

11. **INTERLOCAL AGREEMENT WITH THE STATE OF UTAH, GOVERNOR'S OFFICE OF ECONOMIC DEVELOPMENT, TO PROVIDE PARTIAL FUNDING FOR CAMPING STRUCTURES TO BE CONSTRUCTED AT NORTH FORK PARK.**

Jennifer Graham, of County Culture, Parks & Recreation, stated that the county applied for and received the Utah Outdoor Recreation reimbursement grant and will be constructing three camping structures inside of North Fork Park. A portion of the cost will come from RAMP as well as value in-kind.

Commissioner Froerer moved to approve the Interlocal Agreement with the State of Utah, Governor's Office of Economic Development, to provide partial funding for camping structures to be constructed at North Fork Park; Commissioner Harvey seconded.

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

12. **RATIFY A CONTRACT WITH REZOLUTION AV TO PROVIDE SOUND AND LIGHTING AT THE 5TH ANNUAL WEEBEER FESTIVAL.**

Duncan Olsen, GSEC General Manager, presented this contract.

Commissioner Harvey moved to ratify the contract with ReZolution AV to provide sound and lighting at the 5th Annual WeeBeer Festival; Commissioner Froerer seconded.

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

13. **RATIFY A CONTRACT WITH BACKYARD REVIVAL TO PERFORM AT THE 5TH ANNUAL WEEBEER FESTIVAL.**

Duncan Olsen, GSEC General Manager, presented this contract.

Commissioner Froerer moved to ratify the contract with Backyard Revival to perform at the 5th Annual WeeBeer Festival; Commissioner Harvey seconded.

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

14. RATIFY A CONTRACT WITH HONEY BUCKET FOR PORTA-POTTY STAGING AT 5TH ANNUAL WEEBEER FESTIVAL.

Duncan Olsen, GSEC General Manager, presented this contract.

Commissioner Harvey moved to ratify the contract with Honey Bucket for porta-potty staging at the 5th Annual WeeBeer Festival; Commissioner Froerer seconded.

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

15. RATIFY A CONTRACT WITH WILD COUNTRY FOR A PERFORMANCE AT THE 5TH ANNUAL WEEBEER FESTIVAL.

Duncan Olsen, GSEC General Manager, presented this contract.

Commissioner Harvey moved to ratify the contract with Wild Country for a performance at the 5th Annual WeeBeer Festival; Commissioner Froerer seconded.

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

16. RATIFY A CONTRACT WITH HOLY REVOLVER FOR A PERFORMANCE AT THE 5TH ANNUAL WEEBEER FESTIVAL.

Duncan Olsen, GSEC General Manager, presented this contract.

Commissioner Harvey moved to ratify the contract with Holy Revolver for a performance at the 5th Annual WeeBeer Festival.; Commissioner Froerer seconded.

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

17. RESOLUTION APPOINTING A MEMBER TO THE WEBER COUNTY LIBRARY BOARD – RESOLUTION 38-2019.

Commissioner Harvey presented the vacancy noting that the names were in the Library Board’s preferred order.

Commissioner Harvey moved to adopt Resolution 38-2019 appointing Sandy Crosland to the Weber County Library Board; Commissioner Froerer seconded.

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

18. MEMORANDUM OF UNDERSTANDING WITH WEBER PATHWAYS FOR DONATION OF IMPACT FEES FOR THE PINEVIEW LOOP PATHWAY (WINTERS GROVE TO OLD SNOWBASIN ROAD).

Scott Mendoza, of County Community Development, stated Weber Pathways is requesting an impact fee donation of \$100,000 for engineering, environmental review, surveying and permitting on a new 1½ section of this project known as Winters Grove. These funds will come from the Upper Valley Trails Impact Fee account and the project is part of the approved impact fee trails plan. Weber Pathways has been awarded \$200,000 in UDOT TAP funds for FY 2020 but the funding requires \$100,000 match.

Commissioner Froerer moved to approve the Memorandum of Understanding with Weber Pathways for donation of impact fees for the Pineview Loop Pathway (Winters Grove to Old Snowbasin Road); Commissioner Harvey seconded.

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

H. COMMISSIONER COMMENTS: Commissioner Froerer said that the Commission accomplished a lot in this meeting and Commissioner Harvey appreciates that this Commission has mutual respect for one another.

I. ADJOURN

Commissioner Harvey moved to adjourn at 11:13 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