

MINUTES
WEBER COUNTY COMMISSION

Tuesday, July 3, 2018 - 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 "Jim" H. Harvey, James Ebert and Scott K. Jenkins.

OTHER STAFF PRESENT: Lynn Taylor, of the County Clerk/Auditor's Office; Christopher Crockett, Chief Civil Deputy County Attorney; and Fátima Ferneliuss, of the Clerk/Auditor's Office, who took minutes.

- A. WELCOME** – Chair Harvey
- B. MOMENT OF SILENCE**
- C. PLEDGE OF ALLEGIANCE** – Bryce Taylor
- D. THOUGHT OF THE DAY** – Commissioner Jenkins

E. PRESENTATION OF YEAR-END REPORT FROM THE DICIO GROUP.

Sasha Clark, of the DICIO Group, noted that Dicio gave a mid-report four months ago. Today's report included that Dicio went above the original objectives of the contract because they saw a need, including changing to a weekly newsletter, working on a cohesive branding initiative, increasing the number of videos, and its participation in crisis communication. Dicio offered trainings and assisted businesses as part of Weber County's new economic development initiative. The cost is about 22 cents/year per county household. Weber County's social media communications increased significantly, more than all the surrounding counties' combined, and some out of State counties as well. Dicio has integrated #winninginweber with our community partners, local government, residents, economic development, etc. There is a cost savings to the taxpayer by using one printing company for all of the materials.

F. CONSENT ITEMS:

- 1. Warrants #1481-1490 and #429605-429789 in the amount of \$682,037.99.
- 2. Purchase orders in the amount of \$32,674.84.
- 3. ACH payment to US Bank for \$145,618.86 for purchasing card transactions made through June 25, 2018.
- 4. Retirement Agreement with Robert Sawatzki.
- 5. Recreation, Arts, Museums and Parks (RAMP) contracts: North Ogden City-Amphitheater/Barker Park-Phase 2; Pleasant View-Pleasant View Multi-Sports Park; South Ogden City-Burch Creek Park-Phase 1; and Ogden School Foundation-Spence Eccles Ogden Community Sports Complex Expansion

Commissioner Jenkins moved to approve the consent items; Commissioner Ebert seconded.

Commissioner Ebert – aye; Commissioner Jenkins – aye; Chair Harvey – aye

G. ACTION ITEMS:

- 1. **APPOINTMENT OF A VICE CHAIR FOR THE WEBER COUNTY COMMISSION**

Commissioner Ebert moved to appoint Commissioner Jenkins as Vice Chair for the Weber County Commission; Chair Harvey seconded.

Commissioner Ebert – aye; Commissioner Jenkins – aye; Chair Harvey – aye

- 2. **RESOLUTION APPOINTING A MEMBER TO THE POWDER MOUNTAIN WATER AND SEWER DISTRICT – RESOLUTION 26-2018.**

Shelly Halacy, of the County Commission Office, noted that there is a mid-term vacancy, which was handled according to State statute. Two applications were received.

Commissioner Jenkins moved to adopt Resolution 26-2018 appointing Michael Moyal to the Powder Mountain Water and Sewer District; Commissioner Ebert seconded.

Commissioner Ebert – aye; Commissioner Jenkins – aye; Chair Harvey – nay

- 3. **REQUEST FOR RESOLUTION APPOINTING MEMBERS TO OGDEN VALLEY PARK SERVICE AREA BOARD**

This item was held.

- 4. **RESOLUTION APPOINTING A MEMBER OF THE WEBER COUNTY COMMISSION TO SERVE ON THE WEBER-MORGAN BOARD OF HEALTH – RESOLUTION 27-2018.**

Commissioner Jenkins moved to adopt Resolution 27-2018 appointing Commissioner James Ebert to the Weber-Morgan Board of Health; Commissioner Ebert seconded.

Commissioner Ebert – aye; Commissioner Jenkins – aye; Chair Harvey – aye

5. **RESOLUTION APPOINTING TWO MEMBERS TO THE WEBER COUNTY OGDEN VALLEY PLANNING COMMISSION – RESOLUTION 28-2018.**

Rick Grover, County Planning Division Director, noted that two members wished to be reappointed and there was one other application. He outlined the applicants' experience/backgrounds. Commissioner Ebert moved to adopt Resolution 28-2018 appointing John W. Howell and Shanna Francis to the Weber County Ogden Valley Planning Commission through 6/30/2022; Chair Harvey seconded. Commissioner Ebert – aye; Commissioner Jenkins – nay; Chair Harvey – aye

6. **RESOLUTION APPOINTING TWO MEMBERS TO THE WESTERN WEBER PLANNING COMMISSION – RESOLUTION 29-2018.**

Rick Grover, County Planning Division Director, stated that one member was seeking reappointment and there were three other applications. He outlined the applicants' experience/backgrounds. Commissioner Ebert felt more inclined to appoint Mr. Bell and Mr. Edwards because of what they could bring to that Commission. Commissioner Jenkins moved to appoint Roger Heslop and Bren Edwards. The motion died for lack of a second. Commissioner Ebert felt that Mr. Bell would reflect that community's specific concerns with some of the development in that area to the Planning Commission and moved to adopt Resolution 29-2018 appointing Gregory J. Bell and Bren Edwards to the Western Weber Planning Commission through 6/30/2022; Chair Harvey seconded. Commissioner Jenkins felt that Mr. Heslop should continue to serve and expressed concern with running over property owners by empowering the area residents and the "close the door behind you" mentality. Commissioner Ebert and Mr. Grover both felt that Mr. Bell did not have that mentality and has shown good leadership to help bring the community together. Commissioner Ebert – aye; Commissioner Jenkins – nay; Chair Harvey – aye

7. **CONTRACT WITH TOD R PACKER HEATING & AIR CONDITIONING INC. FOR A WEBER CENTER CHILLER REPLACEMENT.**

Bryce Taylor, with County Operations, stated that this is part of the capital improvements budgeted last year. It is the original chiller from 1996 and has severe issues. This company was selected from a bid process. Commissioner Jenkins moved to approve the contract with Tod R Packer Heating & Air Conditioning Inc. for a Weber Center chiller replacement; Commissioner Ebert seconded. Commissioner Ebert – aye; Commissioner Jenkins – aye; Chair Harvey – aye

8. **FIRST READING OF AN ORDINANCE ADDING A PROVISION TO THE PURCHASING CODE.**

Brianna Sederholm, County Purchasing Agent, stated that the newly constructed southwest library branch needs to have a lightning rod system put on the building. This is quite technical because everything that runs off of electricity has to be touched by this system to prevent a shut down. From discussions with the Library Director, it was found that it would be beneficial to the county to utilize the original contractor of the building, who has specific working knowledge of everything in the building. The current Purchasing Ordinance provides some exceptions for not going through a bidding process if it can benefit the county and this proposed provision applies specifically to construction projects. The provision is limited—the work cannot exceed 20% of the original contract amount and the project has to have been constructed within the last five years. She addressed Commissioner Jenkins' questions. There are still some existing warranties (most of which are with subcontractors) being held on that building and the county does not wish to void them by bringing in another contractor. By going out to bid the county would have to put specifications and limitations on which general contractors could be used. The county would hope to receive a competitive price on the additional work. Commissioner Jenkins requested that Bryan Baron, Deputy County Attorney, find out if code requires lightning rods for commercial construction.

Commissioner Jenkins moved to approve the first reading of an ordinance adding a provision to the Purchasing Code, with a modification that the work cannot exceed 10% of the original contract amount; Chair Harvey seconded.

Commissioner Ebert – nay; Commissioner Jenkins – aye; Chair Harvey – aye

9. **CONTRACT WITH THE STATE OF UTAH, ADMINISTRATIVE OFFICE OF COURTS, FOR WEBER DISTRICT AND JUVENILE COURT BAILIFF AND SECURITY SERVICES.**

Steffani Ebert, of the County Sheriff's Office, presented this annual contract renewal. The contract amount is based on what the legislature allocates to each county. Commissioner Ebert expressed frustration that the allocation never covers the county's cost. Chair Harvey iterated that the county is statutorily mandated to provide the services but is only being reimbursed about 36% and the county residents have to pick up the remaining 64%.

Commissioner Jenkins moved to approve the contract with the State of Utah, Administrative Office of Courts, for Weber District and Juvenile Court bailiff and security services; Commissioner Ebert seconded.
Commissioner Ebert – aye; Commissioner Jenkins – aye; Chair Harvey – aye

10. RESOLUTION AUTHORIZING THE FILING OF CROSS-APPEALS FOR 2018 CENTRALLY ASSESSED PROPERTIES – RESOLUTION 30-2018.

Courtlan Erickson, Deputy County Attorney, noted that the Utah State Tax Commission handles property tax assessments of properties that cross county lines (i.e., utilities). PacifiCorp has filed an appeal. Counties have an opportunity to join those appeals as interested parties and this resolution authorizes our county to do so.

Commissioner Ebert moved to adopt Resolution 30-2018 authorizing the filing of Cross-Appeals for 2018 centrally assessed properties; Commissioner Jenkins seconded.

Commissioner Ebert – aye; Commissioner Jenkins – aye; Chair Harvey – aye

11. CONTRACT WITH THE STATE OF UTAH, ATTORNEY GENERAL’S (AG) OFFICE, UTAH CHILDREN’S JUSTICE PROGRAM (CJC) FOR FORENSIC INTERVIEW SERVICES.

Roberta Dustin, of the Ogden CJC, noted that about 1½ years ago a contract was entered into for a forensic interviewer and at that time they were trying to determine whether it would be a full/part-time position and the AG’s Office offered a 75%/25% funding commitment for up to two years for this program, which is about to end. The interviewer handles about 250 interviews/year and they had anticipated about 225. The CJC Director feels strongly that this position needs to be full time and has been seeking other funding sources. Ms. Dustin asked the State to review the county’s allocation and the State has provided this \$35,000, which will cover a portion of the interviewer’s salary, training, etc. The State has verbally committed to some additional funding.

Commissioner Jenkins moved to approve the contract with the State of Utah, Attorney General’s Office, Utah Children’s Justice Program for forensic interview services; Commissioner Ebert seconded.

Commissioner Ebert – aye; Commissioner Jenkins – aye; Chair Harvey – aye

12. AMENDMENT 5 TO CONTRACT #160230 WITH THE STATE OF UTAH, UTAH ATTORNEY GENERAL’S (AG) OFFICE, UTAH CHILDREN’S JUSTICE PROGRAM, FOR THE ANNUAL ALLOCATION TO OPERATE THE WEBER/MORGAN CHILDREN’S JUSTICE CENTER (CJC).

Roberta Dustin, of the Ogden CJC, stated that this contract relates to the legislative funding that goes through the AG’s Office allocated to the different Centers along the State. There is a base figure assigned to a center in general and the remaining is based on the number of interviews, which is prorated over a 5-year period. Weber County received a slight increase this year of about \$6,000, for a total of \$235,068.

Commissioner Jenkins moved to approve Amendment 5 to contract #160230 with the State of Utah, Utah Attorney General’s Office, Utah Children’s Justice Program, for the annual allocation to operate the Weber/Morgan Children’s Justice Center; Commissioner Ebert seconded.

Commissioner Ebert – aye; Commissioner Jenkins – aye; Chair Harvey – aye

13. MEMORANDUM OF UNDERSTANDING (MOU) BY AND AMONG THE STAKEHOLDERS: UTA, WFRC, WSU, UDOT, OGDEN CITY, INTERMOUNTAIN HEALTHCARE, AND WEBER COUNTY FOR THE BRT PROJECT.

Brooke Stewart, of County Community Development, briefly presented this contract for the Ogden/Weber State Bus Rapid Transit project. Representatives from Ogden City, WFRC, and UTA were present. Hal Johnson, BRT Project Manager, with UTA, stated that they have been working on this BRT project for a very long time and it is close to construction. He described the next step in the process and this MOU demonstrates project readiness that allows competing for federal funds.

Commissioner Ebert moved to approve the Memorandum of Understanding by and among the stakeholders: UTA, WFRC, WSU, UDOT, Ogden City, Intermountain Healthcare, and Weber County for the BRT project; Commissioner Jenkins seconded.

Commissioner Ebert – aye; Commissioner Jenkins – aye; Chair Harvey – aye

14. LOCAL TRANSPORTATION FUNDING AGREEMENT FOR CORRIDOR PRESERVATION FUNDS: THE PROJECT WAS APPROVED BY THE COUNTY COMMISSION AS PART OF THE 2017 PRIORITY LIST ON 12/12/17 AND WACOG RECOMMENDED \$5,000,000 ON 03/05/18 TO PURCHASE RIGHT-OF-WAY FOR THE BRT PROJECT.

Brooke Stewart, of County Community Development, very briefly presented this item.

Commissioner Jenkins moved to approve the Local Transportation Funding agreement for Corridor Preservation funds: The project was approved by the County Commission as part of the 2017 priority list on 12/12/17 and the amount of \$5,000,000 was approved for recommendation by WACOG on 03/05/18 to purchase right-of-way in relation to the BRT project; Commissioner Ebert seconded.

Commissioner Ebert – aye; Commissioner Jenkins – aye; Chair Harvey – aye

15. LOCAL TRANSPORTATION FUNDING AGREEMENT FOR SALES TAX FUNDS: THE PROJECT WAS APPROVED BY THE COUNTY COMMISSION AS PART OF THE 2016 PRIORITY LIST ON 12/13/16 AND THE AMOUNT OF \$2,500,000 WAS APPROVED FOR RECOMMENDATION BY WACOG ON 11/17/16 TO ASSIST WITH PROJECT ENGINEERING AND PROJECT DEVELOPMENT TO FACILITATE FINAL PROJECT DESIGN.

Brooke Stewart, of County Community Development, very briefly presented this item.

Commissioner Jenkins moved to approve the Local Transportation Funding agreement for Sales Tax funds: The project was approved by the County Commission as part of the 2016 priority list on 12/13/16 and the amount of \$2,500,000 was approved for recommendation by WACOG on 11/17/16 to assist with project engineering and project development to facilitate final project design; Commissioner Ebert seconded.

Commissioner Ebert – aye; Commissioner Jenkins – aye; Chair Harvey – aye

CLOSED EXECUTIVE SESSION TO DISCUSS THE CHARACTER AND PROFESSIONAL COMPETENCE OF AN INDIVIDUAL

Commissioner Ebert moved to convene a closed executive session to discuss the character and professional competence of an individual related to item G.16; Commissioner Jenkins seconded.

Commissioner Ebert – aye; Commissioner Jenkins – aye; Chair Harvey – aye

Commissioner Ebert moved to reconvene the public meeting; Commissioner Jenkins seconded.

Commissioner Ebert – aye; Commissioner Jenkins – aye; Chair Harvey – aye

16. RECOMMENDATION RECEIVED FROM THE CAREER SERVICE COUNCIL TO APPOINT MS. SARAH SWAN TO SERVE AS WEBER COUNTY’S PERSONNEL DIRECTOR UNDER THE MERIT SYSTEM PURSUANT TO UTAH CODE § 17-33-5(1)(A).

Commissioner Ebert moved to approve the recommendation received from the Career Service Council to appoint Ms. Sarah Swan to serve as Weber County’s Personnel Director under the merit system pursuant to Utah Code §17-33-5(1)(a); Commissioner Jenkins seconded.

Commissioner Ebert – aye; Commissioner Jenkins – aye; Chair Harvey – aye

H. PUBLIC COMMENTS: None.

I. ADJOURN

Commissioner Ebert moved to adjourn; Commissioner Jenkins seconded.

Commissioner Ebert – aye; Commissioner Jenkins – aye; Chair Harvey – aye

Attest:

James “Jim” H. Harvey, Chair
Weber County Commission

Ricky D. Hatch, CPA
Weber County Clerk/Auditor