

**MINUTES
OF THE BOARD OF COMMISSIONERS OF WEBER COUNTY**

Tuesday, July 25, 2017 - 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 Ebert, Kerry W. Gibson and Jim Harvey.

OTHER STAFF PRESENT: David C. Wilson, Deputy County Attorney; Lynn Taylor, of the County Clerk/Auditor's Office; and Fátima Fernelius, of the Clerk/Auditor's Office, who took minutes.

- A. WELCOME** – Chair Ebert
- B. MOMENT OF SILENCE**
- C. PLEDGE OF ALLEGIANCE** – Ryan Cowley
- D. THOUGHT OF THE DAY** – Commissioner Harvey

E. PRESENTATION ON RECORDER/SURVEYORS OFFICE.

Chair Ebert noted that once a month a county elected office/department is highlighted to help the community understand the services and tremendous work that are provided. Leann Kilts, County Recorder/Surveyor, stated that when she took office she took the six "B's" as a motto: be grateful; be smart; be clean; be true; be humble; and be prayerful. Her office is unique with two totally different entities—the surveyors who work to preserve the monuments and section corners for private surveyors and the Recorder's Office that is in charge of preserving the vital documents relating to the ground, creating land serial numbers, etc. Ms. Kilts pointed out how critical it is to have accuracy and she feels she has great staff. They take responsibility and pride in their work. She is also grateful for all the departments she works with. Chair Ebert stated that Ms. Kilts is one of the kindest people he knows, who truly loves her staff and citizens and takes great pride in her job. The commissioners thanked her for the dedication and manner in which she runs her office and also thanked her staff. Bahram Rahimzadegan, a surveyor, was selected for the Stall of Fame parking stall for the month.

F. CONSENT ITEMS:

- 1. Warrants #418852-419197 and #1135-1143 in the amount of \$3,951,919.36.
- 2. Purchase orders in the amount of \$159,056.28.
- 3. New business licenses.

Commissioner Harvey moved to approve the consent items; Commissioner Gibson seconded.
Commissioner Gibson – aye; Commissioner Harvey – aye; Chair Ebert – aye

G. ACTION ITEMS:

1. APPROVAL OF POLL WORKERS FOR THE 2017 MUNICIPAL PRIMARY ELECTION.

Ryan Cowley, County Elections Director, presented this list. There is no county question on the ballot.
Commissioner Gibson moved to approve the poll workers for the 2017 Municipal Primary Election;
Commissioner Harvey seconded.
Commissioner Gibson – aye; Commissioner Harvey – aye; Chair Ebert – aye

2. CONTRACT WITH THE FLYING CORTES, A FLYING TRAPEZE SHOW, AT 2017 WEBER COUNTY FAIR.

Jan Wilson, with the County Fair, presented this contract.
Commissioner Harvey moved to approve the contract with Robinson Cortes/The Flying Cortes, a flying trapeze show at the 2017 Weber County Fair; Commissioner Gibson seconded.
Commissioner Gibson – aye; Commissioner Harvey – aye; Chair Ebert

3. CONTRACT WITH PGCC STRATEGIES, LLC, FOR EXTERNAL, STATE AND LOCAL GOVERNMENT RELATIONS SERVICES.

Chair Ebert stated that the county has a focus on economic development and creating a team that has local state-wide, national and international reach. PGCC has specific abilities to help the county achieve the goals of attracting businesses, provide tools and drive economic development forward. Commissioner Harvey said that PGCC made presentations to the Commission and their contacts are invaluable. Commissioner Gibson asked if there were any amendments to be made and Chair Ebert responded that there would be a name/address change for an individual that is a specific contact. Commissioner Gibson had heard that there had been a budget line item placed last Tuesday after he left to be on the County Seat and Chair Ebert responded that under the quarterly budget adjustment about \$100,000 was added from the General Fund to help fund this; \$100,000 had been set aside earlier but that was used in another area.

Commissioner Gibson asked if this was anticipated to replace any other economic development contracts and about the selection process used for PGCC. Chair Ebert responded that there are no other such contracts and David Wilson, Deputy County Attorney, said that there had been discussion with the County Purchasing Agent and because of the expertise of the providers and professional services required, it was determined that it could be a sole source contract. Chair Ebert added that the county was looking for a very specific need at a State level, that when businesses were coming into the State the county had no representation and missed opportunities, and they felt strongly that PGCC possesses the needed attributes and connections. Commissioner Gibson feels that there is so much opportunity but continually sees the need in the county's economic development vision. There are limited funds and he would like to see in this contract and moving forward that there are more specific measurables and accountability, that contracts are done and overseen appropriately, that economic development efforts are not splintered and to have a brainstorming session with the county's economic development director as to how to move forward. He said that this may be another stab in the dark without having a real vision of where they want the county to be, which is not spelled out in this contract. Moving forward, he would like to have better group cohesion between the county's professional staff, elected officials, and consultants in this area. Commissioner Harvey feels that because of the talent of this contractor that this is a great avenue for the county. Commissioner Gibson has confidence in the contract's principals but his biggest concern is the lack of fully vetting this with the county's internal economic development experts and would like to have more discussion with them prior to moving forward.

Commissioner Harvey moved to approve the contract with PGCC Strategies, LLC, for external, State and local government relations services with the changes to the contact's name and address; Commissioner Gibson asked if they would hold off to have discussion with county economic development. Chair Ebert seconded.

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

H. PUBLIC HEARING:

1.

Commissioner Harvey moved to adjourn the public meeting and convene the public hearing; Commissioner Gibson seconded.

Commissioner Gibson – aye; Commissioner Harvey – aye; Chair Ebert – aye

2. **PUBLIC HEARING FOR DISCUSSION AND/OR DECISION REGARDING A PROPOSAL TO AMEND THE SUBDIVISION ORDINANCE, TITLE 106 TO ADD A LETTER OF CREDIT AS AN ADDITIONAL SUBDIVISION COMPLETION FINANCIAL GUARANTEE, ZTA 2017-10.**

Charles Ewert, with the County Planning Division, noted that staff has been working with the Planning Commission to update the county code regarding financial guarantees, specifically dealing with subdivisions. Items often come for approval before the Planning Commission or the County Commission but there are still items that need to happen after the approval occurs. Approval is the easiest way to gain compliance with the code but there is the question as to how to ensure compliance after already having given approval. Per State code, if a subdivision is approved, the developer can start construction without any financial guarantee for performance. The county can withhold recording of a plat to ensure that the subdivision is constructed correctly. Another option is that the developer can file a cash escrow with the county. Many jurisdictions allow more than the cash escrow—110% of the full amount of improvements.

Subsequent to the housing market bubble bursting, Weber County decided to only accept cash escrows. The question today was whether the county should accept letters of credit. To protect the county from some risks, the proposal reviewed by the Planning Commission limits the type of developer (one who already has good performance within Weber County) and the financial institution (one that the County Commission, Treasurer and Attorney are all comfortable with). The Planning Commission felt that perhaps the county should not be so restrictive and only allow a letter of credit from developers with positive performance in Weber County. Their recommendation is to allow any developer who has any type of track record of positive performance, demonstrate that positive performance with the county, and file a letter of credit with a financial institution that the Commission, the Treasurer, and the Attorney's Office feel comfortable with. In their recommendation, they removed "with Weber County" and "in Weber County" relating to applicants' history of positive performance. Mr. Ewert noted that it will be nearly impossible for staff to verify that developers have a history of positive performance outside of the county. Additionally, they may have a positive performance in one jurisdiction but have a negative one in another, which would be quite difficult to discover. Mr. Ewert modified the language to still speak to the

Planning Commission's original intent that the applicant needs to have a history of positive performance, with no incidents of negative performance, in its development-related contractual obligations in the State.

Chair Ebert prefers leaving "Weber County" in the ordinance to provide an incentive to strengthen development in the county by those developers who are invested in the community. Commissioner Harvey also likes bringing in additional funds from outside of the county. Mr. Ewert said that a developer from the county simply has to execute a development successfully. Creditors have a way of verifying through credit companies, Weber County does not. The county can verify if a developer has a history of positive performance in the county and then they will be allowed to use the letter of credit. Mr. Ewert addressed Commissioner Harvey's question stating that developers without performance histories can install the improvements prior to plat recording and as they install them, they can request that the county release their cash escrows. He pointed out that with a letter of credit, the developers are not paying interest on any of that money until they have installed the improvements, request the county to release them from that financial obligation and they then can go to the financial institutions, which writes them the checks. At this point, they start paying interest on that debt, whereas with a construction loan developers start paying interest from the beginning. Commissioner Gibson asked Rick Grover, County Planning Division Director, his opinion on this issue and he responded that it is important to give options to developers and to look at ways to incentivize development. Additionally, that there is a liability to the county to consider and staff has been weighing this. He supports allowing some flexibility and agrees with Mr. Ewert that tracking performance history is somewhat difficult when developers do not have history in the county. A letter of credit is an option that can help a developer and it is proactive to have conditions associated with this to protect the county.

3. Public comments: Chair Ebert invited public comment and none were offered.

4.

Commissioner Gibson moved to adjourn the public hearing and reconvene the public meeting; Commissioner Harvey seconded.

Commissioner Gibson – aye; Commissioner Harvey – aye; Chair Ebert – aye

5. **ACTION ON PUBLIC HEARING: H.2.-AMEND SUBDIVISION ORDINANCE, TITLE 106, ADDING LETTER OF CREDIT AS AN ADDITIONAL SUBDIVISION COMPLETION FINANCIAL GUARANTEE. ORDINANCE 2017-27**

Commissioner Gibson moved to adopt Ordinance 2017-27 amending the Weber County Land Use Code, Title 106, to update and clarify provisions related to Subdivision Improvement Guarantee altering the language to add the "State of Utah" and to strike "Weber County" as follows: the applicant/subsidiary/shareholder has a history of positive performance, with no incidences of negative performance, in its development related contractual obligations in the State of Utah, and has a history of positive performance, with no incidences of negative performance in completing developments in the State of Utah. The Planning Director or County Engineer may require the applicant to provide a performance history from other jurisdictions; Commissioner Harvey seconded.

Commissioner Gibson – aye; Commissioner Harvey – aye; Chair Ebert – aye

I. PUBLIC COMMENTS: Chair Ebert invited public comment and none were offered.

J. CLOSED EXECUTIVE SESSION

Commissioner Gibson moved to convene a closed executive session to discuss the purchase, exchange or lease of real property; Commissioner Harvey seconded.

Commissioner Gibson – aye; Commissioner Harvey – aye; Chair Ebert – aye

K. ACTION ITEMS CONTINUED:

DISCUSSION AND/OR ACTION ON A RELEASE OF COVENANT BY AND AMONG WEBER COUNTY, ROY CITY AND THE ROY CITY REDEVELOPMENT AGENCY.

No action was taken on the closed session (above item). (Commissioner Gibson was excused after this meeting.)

Public Comment: Lori Brinkerhoff, of the Hooper Council, requested 4-8 inmates to assist with Tomato Days.

L. ADJOURN

Commissioner Harvey moved to adjourn; Chair Ebert – aye seconded.

Commissioner Harvey – aye; Chair Ebert – aye

Attest:

James Ebert, Chair
Weber County Commission

Minutes
Weber County Commission
July 25, 2017

Ricky D. Hatch, CPA
Weber County Clerk/Auditor