

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

Tuesday, November 25, 2014 - 10:00 a.m.

Commission Chambers, 2380 Washington Blvd., Ogden, Utah

In accordance with the requirements of Utah Code Annotated Section 52-4-7(1)(d), the County Clerk records in the minutes the names of all citizens 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.

COMMISSIONERS PRESENT: Kerry W. Gibson, Chair, Jan M. Zogmaister and Matthew G Bell.

OTHERS PRESENT: Ricky D. Hatch, County Clerk/Auditor; David C. Wilson, Deputy County Attorney; and Fátima Fernelius, of the County Clerk/Auditor's Office, who took minutes.

A. WELCOME – Chair Gibson

B. PLEDGE OF ALLEGIANCE – Jim Harvey

C. THOUGHT OF THE DAY – Commissioner Bell

D. CONSENT ITEMS:

1. Ratify purchase orders for \$144,223.93 dated November 18, 2014
2. Purchase orders for \$128,614.13
3. Ratify warrants #315363- #315678 for \$1,981,291.94 dated November 18, 2014
4. Warrants #315679 -#315863 for \$1,722,901.90
5. Minutes for the meeting held on November 10, 2014
6. Contract with UDOT for the Old Snow Basin Road Project - Contract C2014-227
7. Set public hearing for December 9, 2014 to consider potential projects for which funding may be applied for under the Community Development Block Grant (CDBG) program for 2015
8. Set public hearing for December 9, 2014 to discuss amendments to the operating and capital budgets of Weber County for the 2014 calendar year
9. Request from Weber County Tax Review Committee to issue a partial tax refund on Parcel #22-255-0012 for \$1,145.71 for the year of 2013
10. Request from Weber County Tax Review Committee to issue a partial tax refund on Parcel #07-105-0044 for \$92.95 for the year of 2013

Commissioner Bell moved to approve the consent items; Commissioner Zogmaister seconded, all voting aye.

E. ACTION ITEMS:

1. **PRESENTATION AND DISCUSSION ON THE 2015 OGDEN/WEBER CONVENTION VISITORS BUREAU (CVB) MARKETING PLAN**

Sara Toliver, CVB President, reported that in 2014 Ogden reached some of its highest marks as a tourism destination with increases in the transient room tax, restaurant tax, leased vehicle tax, booked room tax, the Ogden Eccles revenue increased significantly, and there was an increase to the marketing achievements. The CVB secured \$88,500 in co-op dollars from the State, matched by an additional \$54,000 from the community co-op partners. Ms. Toliver highlighted the goals for 2015.

2. **CONTRACT WITH BROKEN HEART RODEO COMPANY TO HOLD THE BULL WARS AT THE GOLDEN SPIKE EVENT CENTER (GSEC) ON 12/31/2014 - CONTRACT C2014-228**

Jim Harvey, with GSEC, presented this contract.

Commissioner Zogmaister moved to approve Contract C2014-228 with Broken Heart Rodeo Company to hold the bull wars at the GSEC on 12/31/2014; Commissioner Bell seconded, all voting aye.

3. **CONTRACT ON THE FOLLOWING DATES WITH FIVE CHUTE PRODUCTION TO HOLD THE RMPRA RODEO SERIES AT THE GOLDEN SPIKE EVENT CENTER (GSEC) - CONTRACT C2014-229**
11/21-22/2014; 1/16-17/2015; 2/20-21/2015; 3/20-21/2015

Jim Harvey, with GSEC, presented this contract.

Commissioner Bell moved to approve Contract C2014-229 with Five Chute Productions for the RMPRA Rodeo Series at the GSEC as listed; Commissioner Zogmaister seconded, all voting aye.

4. **CONTRACT WITH OGDEN PUBLISHING CORP. FOR THE STANDARD EXAMINER SPRING HOME & GARDEN SHOW AT THE GOLDEN SPIKE EVENT (GSEC) ON 3/10-14/2015 - CONTRACT C2014-230**

Jim Harvey, with GSEC, presented this contract.

Commissioner Zogmaister moved to approve Contract C2014-230 with Ogden Publishing Corp. for the Standard Examiner Spring Home & Garden Show at the GSEC on 3/10-14/15; Commissioner Bell seconded, all voting aye.

5. **CONTRACTS WITH UTAH GUN COLLECTORS ASSOCIATION FOR A GUN SHOWS & SALES AT THE GOLDEN SPIKE EVENT CENTER (GSEC) ON THE FOLLOWING DATES:**

1/10-11/2015 - Contract C2014-231; 3/7-8/2015 - Contract C2014-232; 10/10-11/2015 - Contract C2014-233

Jim Harvey, with GSEC, presented these contracts.

Commissioner Bell moved to approve Contracts C2014-231-233 with Utah Gun Collectors Association for gun shows/sales at the GSCE as listed; Commissioner Zogmaister seconded, all voting aye.

6. **CONTRACT WITH TRAX AV FOR SOUND/LIGHTING FOR 2014 HOLIDAY FESTIVAL - CONTRACT C2014-234**

Jim Harvey, with Golden Spike Event Center, presented this contract.

Commissioner Zogmaister moved to approve Contract C2014-234 with Trax AV for sound and lighting at the 2014 Holiday Festival; Commissioner Bell seconded, all voting aye.

7. **CONTRACTS WITH ROCKY MOUNTAIN MOTOCROSS FOR THE WINTER SERIES AT THE GOLDEN SPIKE EVENT CENTER (GSEC) ON THE FOLLOWING DATES:**

12/11-14/2014 - Contract C2014-235; 1/22-25/2015 - Contract C2014-236

Jim Harvey, with GSEC, presented these contracts.

Commissioner Bell moved to approve Contracts C2014-235-236 with Rocky Mountain Motocross for the Winter Series at the GSCE as listed; Commissioner Zogmaister seconded, all voting aye.

8. **CONTRACT WITH ROCKY MOUNTAIN GUN SHOW FOR A GUN & AMMO SHOW & SALE AT THE GOLDEN SPIKE EVENT CENTER ON DECEMBER 13-14, 2014 - CONTRACT C2014-237**

Jim Harvey, with GSEC, presented this contract.

Commissioner Bell moved to approve Contract C2014-237 with Rocky Mountain Gun Show for a gun & ammo show & sale at the GSEC on 12/13-14/ 2014; Commissioner Zogmaister seconded, all voting aye.

9. **CONTRACT WITH EMERGENCY COMMUNICATIONS NETWORK, LLC/ECN (CODERED) FOR THE NORTHERN UTAH HOMELAND SECURITY REGIONAL COALITION - CONTRACT C2014-238**

Lance Peterson, with County Emergency Management, noted that last month he presented the agreement for the transition from CityWatch emergency notification to CodeRED (which purchased CityWatch) and had at that time mentioned that Davis County would be the purchasing agent for the northern six counties on this contract. Subsequently, Davis County requested that Weber County become the fiscal agent and finish out the purchase for the northern region. He said that this agreement replaces the existing

CityWatch contract with the northern six-county region and extends the contract for three years. This is 100% paid for through the Homeland Security grants.

Commissioner Zogmaister moved to approve Contract C2014-238 with Emergency Communications Network, LLC for the Northern Utah Homeland Security Regional Coalition; Commissioner Bell seconded, all voting aye.

10. RATIFICATION OF RENEWAL OF COMMERCIAL LEASE AGREEMENT WITH SSTK, LLC DBA BEAN-A-COLADA COFFEE CAFÉ - CONTRACT C2014-239

Lynnda Wangsgard, County Library Director, stated that this café is in the Pleasant Valley Library Branch. The term goes from 1/1/2015 to 12/31/2016 and the total amount is \$1,000/month or 8% of gross sales, whichever is greater. The Library Board had reviewed this contract. Commissioner Zogmaister said that the café has been a real asset to the Library.

Commissioner Zogmaister moved to approve Contract C2014-239, Commercial Lease Agreement with SSTK, LLC DBA Bean-a-Colada Coffee Café; Commissioner Bell seconded, all voting aye.

F. PUBLIC HEARING:

1. Commissioner Bell moved to adjourn the public meeting and convene the public hearing; Commissioner Zogmaister seconded, all voting aye.

2. PUBLIC HEARING TO TAKE INPUT ON THE WEBER COUNTY 2015 BUDGET

Scott Parke, County Comptroller, noted that the full budget is available online and summaries were available for those present. In the recent process of refinancing bonds, the county received very strong credit ratings (AAA bond rating for Sales Tax Revenue Refunding Bonds, AA- for Lease Revenue Bonds) and will save about \$1 million over the next five years. Job growth and unemployment are improving, the housing market value growth remains sluggish and taxable sales are growing at a consistent rate of 4%, thus things are looking better but the county needs to continue to be financially prudent. The 2015 budgeted total revenues are about \$132,061,744 and for expenditures \$171,442,424.

3. Public comments:

Larry Hansen said that over the last several years the County Commission had been promising the residents 150 foot flood gates at Ogden Bay that would open up the middle channel of the Weber River and send water freely into the Great Salt Lake but instead a cut-off channel was put in for about \$7-\$8 million. He indicated that the County Engineer had said that the channel would be used only about 15 days in the next 62 years, but that it is destroying property, eliminating irrigation and drain ditches, eliminating fences, reducing the ability for them to make a living and nothing is being replaced after it is destroyed. He said that the channel mostly benefits one person, but the gates at Ogden Bay would have benefited everyone. The concrete ditch runs up against the dirt ditch, which goes nowhere. He asked why.

Jared Anderson, County Engineer, said that this is an exciting time for flood control opportunities, and he is not aware of any other time that the county has received the significant amount of money for flood control. The flood control channel that was put in directly affects Mr. Hansen's property and an extra gate was put in at Ogden Bay, which should help improve the flows. He said that if another gate was to be put in out there, the size of the Weber River channel would have to be increased all the way up to 12th Street. It is impossible to know how many days the channel will be used out of the next 60 years. Currently, the county has the ability to do everything possible for all the projects in that area to help mitigate flooding. He has been talking with Mr. Hansen and others of his family for about 2½ years on their flooding issues.

Lance Peterson, of County Emergency Management, said that he first met Larry Hansen about 10 years ago when Mr. Hansen gave him a stern lecture about the county not completing the project started in 1952. He said that Mr. Hansen was the most knowledgeable person in the county about that area of the river, and it was from those discussions that the five-pronged project (one was working on the gates at the Bird Refuge, which has been completed) was developed to try to mitigate the flood threat on the lower Weber. Other prongs to the project include adding more capacity to Middle Run and South Run, which was designed by engineers, and completing the 1952 project of the Little Weber diversion. He said that Larry Hansen's farm will really benefit from this project and it will enhance the property values.

Douglas Hansen, of West Weber, said that his brother, Larry Hansen, knows that area of Weber River better than anyone else in that area. One of the projects to mitigate the Weber River flooding will go through their property. He expressed concerns with the excessive amount of money to be spent there, which is too much for a project that does not need to be that exorbitant and that his family has offered alternatives that could be used and save the county a lot of money, require less effort, would not have as big an impact as the planned project, and the objective would be met. However, those alternatives were not considered. He stated that his family does not benefit, that they are heavily impacted by this project, and there is no consideration for that impact (i.e., it bisects ground, puts a structure that interferes with their farming operation). He is also concerned with how that money will be accounted for and would like the public to have the opportunity to view how it is spent. Scott Parke, County Comptroller, stated that every quarter the county uploads all the financial records on transparent.utah.gov and the public can search any expenditure. Additionally, information is available through the Clerk/Auditor's Office.

Leann Kilts, County Recorder/Surveyor-elect, stated that she has a vested interest in the Recorder/Surveyor's budget and hopes that the commissioners are willing to consider her concerns about the budget cuts. She stated that she has tried to speak with them. One of her concerns is that she will not be able to replace the two employees removed from the Recorder's budget. She asked the commissioners for assistance on prioritizing the Recorder's public services in order of importance because if the budget is cut as currently designed, the Recorder's Office will be unable to provide the services that they have in the past.

Jeanee Smith, of the Recorder's Office, asked commissioners Gibson and Bell why they would support the outgoing official (Ernest Rowley) rather than the in-coming one on the county budget. Ms. Kilts has worked in the office for 33 years and knows and understands what is needed. If their staff is cut, the office will not be able to function well. Ms. Smith said that Ms. Kilts has tried repeatedly to talk with the commissioners and there had been no consideration. Chair Gibson said that it was 100% false that no consideration had been given. The Commission received the budget proposal from the current Recorder/Surveyor, who will leave office on 12/31/2014, and Mr. Rowley's entire proposal was not accepted, but he still has a seat at the table. They also received ideas from Ms. Kilts and discussed the issues in the budget meeting and have decided that the two positions that were not filled are not necessary at this time.

James Ebert, of Farr West, asked that the commissioners consider the request by the Lantern House stating that there was nothing in the budget for it. He noted that the funding would offer assistance with finding employment, education, mental health, etc. Lantern House has had assistance from various sectors, and he would like the county to be a partner. David Wilson, Deputy County Attorney, explained that statutorily the commission cannot donate to "worthy causes" with taxpayer money.

In reference to the two employees from the Recorder/Surveyor discussed above, Ernest Rowley, County Recorder/Surveyor, stated that one retired in January and the other in April and that the office has been functioning without them.

Commissioner Zogmaister stated that it has been a tradition in the county to recognize the in-coming elected officials' needs and not have a budget change that would hinder them in any way going forward, and they had been careful not to tie their hands so that they could continue functioning under the budgets the departments had been operating under. She had been asked what her needs were when she was elected and that was appreciated.

Chair Gibson noted that Mr. Rowley's proposal was to cut three positions and asked him to address that. Mr. Rowley said that he had already addressed the first two full time positions that retired in January and April. The third staff member had informed him before the budget was turned in that she was retiring in October 2014 but has extended to February 2015. He said that that position would not be missed because a few months up to that staff's anticipated retirement she was taking a good deal of time off to use up accrued leave and at those times staff was taking care of the customer service needs. He said that because of online services there are enough employees to staff the office, and that he would not have proposed anything different if he had been re-elected. Chair Gibson asked if he felt that his proposal was still solid and Mr. Rowley replied he did. The office is in the process of going paperless, which he said will improve efficiency and eliminate the person's job that scans. That staff will take the position of the person retiring. Commissioner Zogmaister noted that during the budget process Mr. Rowley had not mentioned going paperless and that it was such a cost savings. He said that he had not known how soon the process would be up and running, but the I.T. Department indicated this to him within the last two weeks.

Karla Little, of the Recorder/Surveyor's Office, asked the commissioners to commit to speaking with all the Recorder staff. She stated that those who work the front counter are so short staffed, that if anyone calls in sick, has a doctor's appoint, etc., that trying to schedule lunches becomes a nightmare. If someone has to go downstairs to the vault, then they are short another person. She explained that the person who scans is currently a part-time position. They have been short-handed in ownership for some time out front but over the years since Mr. Rowley came into office in 2007 he has decreased the Recorder's staff over and over. There are some things that one can count by numbers but those do not tell the whole story, that the work that they do needs to be looked at as well, i.e., Ms. Little worked on one document today and it took her the entire day. When she comes from the back to go to the restroom she can get caught at the front counter trying to help a few different people. She said that customers are starting to complain at the front counter because of the waiting periods. The mapper who left in January had 33 years in mapping experience, could do a lot, had great knowledge and was another body to assist the office. She explained that if they get their daily work done, they still have years of drawings that they need to convert to GIS. She reiterated that they are short handed and everyone is struggling. The morale in the office is suffering. She said that if the commissioners care they would speak with the other employees, including about going paperless within a month left of this year, which is their busiest time of the year—the timing is off and many other things are not congruent with trying to make it a successful, productive change for the citizens and the employees. The Recorder's work impacts other county offices.

4. Commissioner Bell moved to adjourn the public hearing and reconvene the public meeting; Commissioner Zogmaister seconded, all voting aye.

Commissioner Bell said that the commissioners care. He referred to Ms. Kilts' comment about the commissioners coming to the office and prioritizing their services stating that that had been a ridiculous statement, that the commissioners will give elected officials the resources and they can run their office, that they need to decide who is going to run that office, and hopefully it is Ms. Kilts. He said that she can meet with the commissioners and they will work with her. He is concerned with what kind of leadership they will have in that office and that if he was in Ms. Kilts' position he would decide how that leadership would be, and lead that office. Commissioner Zogmaister said that she has full confidence in the in-coming elected officials. She stated that she would not talk to the in-coming commissioner as Commissioner Bell had just spoken to the in-coming Recorder/Surveyor.

Commissioner Zogmaister feels it is a partnership/collaboration between the Commission and the other elected officials and this needs to be made clear now, that there is full confidence in the Recorder/Surveyor-elect who is equal in power, and that the commissioners may have the budget but she is also an elected official. Chair Gibson disputed Commissioner Zogmaister's comments about Commissioner Bell's tone saying that he had heard Commissioner Zogmaister speak to the in-coming commissioner in exactly the same tone. Commissioner Zogmaister stated that she has been working with the commissioner-elect and has never spoken disrespectfully to him. Chair Gibson said that it is the Commission's responsibility to figure out which requests are prudent for the taxpayers and the departments. He noted that the subject department has had some personal issues but they would not get anywhere by saying that one should not speak to someone in a certain way; everyone has challenges when they cross the line. They need to be decent to each other.

Regarding the Hansen comments, Chair Gibson noted that in 2011 the county experienced a flooding event that had not occurred for a very long time. At that time he repeatedly heard many constituents ask why the county did nothing year after year—that property was lost and damaged, lives were at stake, etc. In 2011 the county put together a plan and all the options that had been brought to the table were thoroughly discussed (including by engineers, surveyors, technical experts). The county adopted a comprehensive plan and has been systematically doing the projects, as they were financially feasible. A project that has not been completed is the cut-off channel and Chair Gibson said that it is an integral piece. He thanked Mr. Peterson and Mr. Anderson, stating that it has been an all-consuming project for them and their staffs for nearly four years (at which time he had received phone call that they had to sandbag because homes were going underwater). In years past it had been almost impossible to find the funds for the projects. He was informed by the County Engineer a couple of days ago who had said that significant changes to the size and scope of the channel in different areas to ensure that it would make as little of an impact as possible. He stated that the county is doing all it can and continue to adjust as we move forward.

5. **ACTION ON PUBLIC HEARING:** No action was taken.

G. ASSIGN PLEDGE OF ALLEGIANCE & THOUGHT OF THE DAY FOR TUESDAY, DECEMBER 2, 2014, 10 A.M.

H. PUBLIC COMMENTS: The public comments were handled above.

I. ADJOURN

Commissioner Bell moved to adjourn at 7:20 p.m.; Commissioner Zogmaister seconded, all voting aye.

Attest:

Kerry W. Gibson, Chair
Weber County Commission

Ricky D. Hatch, CPA
Weber County Clerk/Auditor