

**MINUTES**  
**WEBER COUNTY COMMISSION**  
Tuesday, December 12, 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 and Kerry W. Gibson. Jim Harvey participated telephonically.

**OTHER 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 Ebert

**B. MOMENT OF SILENCE**

**C. PLEDGE OF ALLEGIANCE** – Shelly Halacy

**D.** Commissioner Gibson announced that he was resigning his Commission seat shortly to accept the position of Deputy Director of the DNR. He shared his love for our community and expressed thanks to county employees.

**E. PRESENTATIONS.** These two items will be brought back next week for adoption.

**1. PRESENTATION OF RESOLUTION TO RECOGNIZE THE LAST WEEK OF OCTOBER EACH YEAR AS OPIOID ADDICTION AWARENESS WEEK IN WEBER COUNTY.**

Chair Ebert read the resolution which states that the President of the United States declared the opioid addiction crisis occurring throughout the country as a public health emergency, that 91 Americans die every day from opioid overdoses, and that on average six Utah residents die weekly. The Commission recently adopted a resolution to move forward with litigation with other counties.

**2. PRESENTATION OF RESOLUTION DECLARING THAT FREEDOM FROM DOMESTIC VIOLENCE IS A FUNDAMENTAL HUMAN RIGHT & LOCAL GOVERNMENT HAS A RESPONSIBILITY TO CONTINUE SECURING THIS RIGHT ON BEHALF OF OUR CITIZENS.**

Commissioner Gibson noted that former UAC president, Mark Whitney's presidential initiative was combating domestic violence and he had asked counties to move forward with this resolution. Domestic violence has become an epidemic in our society. The Commission will raise awareness of this issue.

**F. CONSENT ITEMS:**

1. Warrants #1288-1291 and #423525-423737 in the amount of \$3,967,162.92.
2. Purchase orders in the amount of \$311,002.70.
3. Minutes for the meetings held on November 21, 28 and December 5, 2017.
4. New beer licenses.
5. New business licenses.
6. Surplus a Sharp copy machine from the Weber Count Parks and Recreation Department.
7. Set public hearing date for December 19, 2017, 10 a.m., regarding amendments to the operating and capital budget of Weber County for the 2017 calendar year.

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

**G. ACTION ITEMS:**

**1. DISCUSSION/ACTION ON OGDEN-WEBER CONVENTION VISITORS BUREAU ANNUAL MARKETING PLAN.**

This item will be addressed next week.

**2. APPROVAL OF BYLAWS FOR THE WEBER COUNTY CREATIVE ALLIANCE.**

Jennifer Graham, with County Culture Parks and Recreation, presented the by-laws and explained that this alliance is to support all forms of creativity (i.e., manufacturing, architecture, sciences, local arts). Through public/private partnerships, the Creative Alliance will ensure that a creative culture can have a positive impact in education, economic development, etc. Commissioner Gibson asked about funding this organization and Ms. Graham responded that the group's goal has been to obtain private/corporate sponsorships/donations, and grants. For 2018 \$18,000 has been earmarked to assist local groups apply for RAMP grants relating to cultural and arts organizations.

Commissioner Harvey moved to approve the bylaws for the Weber County Creative Alliance;  
Commissioner Gibson seconded.  
Commissioner Gibson – aye; Commissioner Harvey – aye; Chair Ebert – aye

3. **APPROVAL OF A NEW POLICY RELATED TO APPROVING EXPENDITURES OF COUNTY FUNDS – POLICY 4.1.**

Scott Parke, County Comptroller, noted the need for this standardizing policy due to the new decentralized accounting system. Commissioner Gibson thanked Mr. Parke for all his hard work in that huge transition. Commissioner Gibson moved to approve the new Policy 4.1 related to approving expenditures of county funds; Commissioner Harvey seconded.

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

4. **FIRST READING OF AN ORDINANCE OF THE COUNTY COMMISSIONERS OF WEBER COUNTY ESTABLISHING A CULTURE PARKS AND RECREATION SPECIAL REVENUE FUND.**

Scott Parke, County Comptroller, stated that this will establish its own special revenue fund for revenue and expenditure accounting relating to culture, parks, and recreation. It will make it more transparent, and if there is a remaining fund balance it can fund capital projects and be a tool to save money for future repairs/maintenance. It is hoped that by approximately 2020 that parks and recreation will be funded entirely with its own generated revenues and end the operating subsidy from the General Fund.

Commissioner Gibson moved to approve the first reading of an ordinance establishing a Culture Parks and Recreation Special Revenue Fund; Commissioner Harvey seconded.

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

5. **COOPERATIVE AGREEMENT WITH THE UTAH STATE UNIVERSITY TO PROVIDE COOPERATIVE EXTENSION SERVICES.**

Jennifer Graham, with County Culture Parks and Recreation, noted that the county currently contracts with the USU Extension Service, which is located at the Fairgrounds, and that contract's structure is hereby being changed to clarify the expenses, but it will result in a net zero change to the county's budget.

Commissioner Gibson moved to approve the Cooperative Agreement with the Utah State University to provide cooperative extension services; Commissioner Harvey seconded.

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

6. **APPROVAL OF THE WESTERN WEBER PARK DISTRICT 2018 TAX RATE – RESOLUTION 50-2017.**

Kathy Vernieuw and Dwayne Hansen of this District were present. Ms. Vernieuw asked that the Commission approve the 2018 tax rate. Their community is comprised of Taylor, West Weber and Warren and their goal is to create a park for recreation and community gathering. Their area is being eaten up by development. The budget items are: 1) to reimburse the county for the loan of about \$5,500 for surveying, ballot printing, mailing and legal counsel; 2) legal counsel for land acquisition - \$2,500. They will be seeking land donors, and if the land is donated, the money would be put towards the creation of the park. 3) \$2,500 for an architect. They want to put budget constraints on their park board the first year. They will be saving the \$64,500 in capital expenditures for land acquisition. Commissioner Gibson noted that it is odd that statute requires the Commission to approve a different entity's budget.

Commissioner Gibson moved to adopt Resolution 50-2017 approving the Western Weber Park District 2018 tax rate of .000325; Chair Ebert seconded.

Commissioner Gibson – aye; Chair Ebert – aye (Commissioner Harvey's telephone call dropped)

7. **RESOLUTION APPROVING AND AUTHORIZING THE EXECUTION OF A SEVENTH AMENDED INTERLOCAL COOPERATION AGREEMENT WITH OTHER MEMBERS OF UTAH COUNTIES INDEMNITY POOL, RELATING TO THE ESTABLISHMENT, FUNDING AND OPERATION OF UTAH COUNTIES INDEMNITY POOL - RESOLUTION 51-2017.**

Christopher Crockett, Deputy County Attorney, highlighted the amendments—that the term “trustees” has been changed to directors and that if a member of UCIP terminates its relationship with UCIP that any continuing obligation of the member to the Pool or the Pool to the member shall end. Previously, after a notice of termination, if there had been any outstanding reserved pending claims, those would continue.

Commissioner Gibson moved to adopt Resolution 51-2017 approving and authorizing the execution of a seventh amended Interlocal Cooperation Agreement with other members of Utah Counties Indemnity Pool, relating to the establishment, funding and operation of Utah Counties Indemnity Pool; Commissioner Harvey seconded.

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

**8. INTERLOCAL AGREEMENT WITH MARRIOTT-SLATERVILLE CITY FOR PARTICIPATION IN PROJECT JEREMIAH WEST-A COMMUNITY REINVESTMENT PROJECT – RESOLUTION 52-2017.**

Douglas Larsen, Weber County Economic Development Partnership Director, presented this request from Marriott-Slaterville City Community Reinvestment Agency. The CRA project area boundary is about 16 acres at the west end of 12<sup>th</sup> Street. It is an approximately \$29 million project with the expansion of the existing Jeremiah Restaurant, significant expansion of the Hotel and development for the new reception and event center, and the \$19 million long-term care facility. The Agency's project area plan estimates significant annual payroll from quality jobs for the City and neighboring communities as well as significant increases in sales tax and related revenues, and property taxes. It is estimated that the county will collect over \$700,000 cumulatively during the 15-year participation period; currently it collects around \$19,000/year for the project area and post project \$96,000/year is anticipated. For the 15-year period it is requested that the county pass through 55% of the new revenue generated from the project. The county will continue to receive the base year tax revenue plus the 45% of the new growth revenue. The City has waived \$1.1 million in up-front fees. The commissioners noted that other entities are onboard.

Commissioner Gibson moved to adopt Resolution 52-2017 approving the Interlocal Agreement with Marriott-Slaterville City for participation in Project Jeremiah West, a Community Reinvestment Project; Commissioner Harvey seconded.

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

**9. CONSIDERATION OF THE WEBER AREA COUNCIL OF GOVERNMENTS 2017, WEBER COUNTY LOCAL TRANSPORTATION FUND PROJECT PRIORITY RECOMMENDATIONS.**

Douglas Larsen, Weber County Economic Development Partnership Director, said that 11 applications were received from cities for significant projects. At the December Weber Area Council of Governments' meeting the transportation subcommittee made recommendations to WACOG, which made its recommendations now before the Commission. All of the projects were funded as requested (about \$19.9 million-sales tax & \$1.1 million-quarter preservation funds), except the Ogden/Weber State/McKay Dee bus rapid transit project (put on hold for more time to deliberate funding). Commissioner Gibson spoke of the importance of this funding, of using funds appropriately, of the tremendous transportation needs in our community and stating that the funds are just not sufficient. He said that although the BRT project is important, it is important that every partner comes to the table with its funding portion. Weber County was one of a few Wasatch Front counties that passed Prop 1, which results in a tremendous amount of annual monies going to UTA's coffers, and it is totally appropriate that UTA play a major role in the funding of mass transit projects of the county's prioritization, such as the BRT project, and he hopes it becomes part of the solution moving forward. Commissioner Harvey said that the majority of the mayors voted in favor of moving the projects forward and supports the mayors' recommendations. He said that the BRT project has a federal grant possibility that is time sensitive. While the Ogden BRT project was not part of the transportation requests before the Commission today, each mayor had felt that the project had merit but needed more funding information from the UTA before committing any local funds. Commissioner Harvey supports the West 12<sup>th</sup> Street project but needed more analytical data on how and where the transportation dollars will be spent. Chair Ebert stated that the issue is UTA's level of funding specific to this project and whether they are willing to come closer to the table in providing more funding. UTA needs the opportunity to adopt this project as presently constituted.

Commissioner Harvey moved to accept WACOG's transportation recommendations with the following exceptions: that the Commission allow themselves a 9-month window to open the transportation recommendations again. If there is a positive WACOG majority for the Ogden BRT project, the county can go forward within that period in order to get the federal grant, and, while the 12<sup>th</sup> Street project, which is supported by WACOG, is scheduled to begin funding in 2022, that more clear supporting data for that growth be provided by the end of 2019, or at minimum two years before that project is to begin in order for the Commission to be fiscally responsible before spending more money on that project. Commissioner Gibson said that there is not a 9-month clock but that it is a stab at when an application would go in to the Federal Transportation Administration; he was comfortable with the mayors not programming money but holding \$6 million for the project in hopes that UTA would provide a portion of that. This project has been discussed for 7 years, half of it has been built, any delay in finishing it inhibits the county's return on investment, and it would be a mistake to wait until 2022 to finish it. It would be wise to bond, knowing there is a repayment source programmed after 2022. He did not believe that WACOG would be ok with the county putting additional restrictions on a project, and it is only being held because the county is trying to bring partners to the table and would also like to move the list forward as recommended by WACOG.

Commissioner Harvey emphasized that he had no reservation with moving the mayors' list forward and that neither the BRT or the West 12<sup>th</sup> Street projects are a condition of moving forward with that list. He learned from UTA officials and the WFRC that the local application for that would have to be submitted by June/July and the federal government's application deadline was August, thus his reason for the nine months. A tremendous amount of money has already been spent on 12<sup>th</sup> Street and he would simply like to see data that supports future growth; he has not seen any plans, etc., as for all other projects, and wants to take some responsibility before spending \$10 million of community funds. Chair Ebert stated that Mayor Taylor had made a very strong recommendation to UTA to make a larger local match than they presently made and they are now in those discussions. He asked if there is another avenue that allows for UTA to come back and have discussions if WACOG feels more comfortable at that point on approving a local match or can it be built into this recommendation. Mr. Larsen said that it is important for the Commission to approve the list this year with the BRT contingency to be resolved later and there is nothing in the current process prohibiting WACOG and the county legislative body from making a decision prior to 12/2018. Commissioner Harvey withdrew his original motion and moved to approve the transportation recommendations as given by the WACOG mayors with the understanding that the county can come back with more information from the UTA and BRT by May or June 2018, and that he has seen some of the plans for western Weber County regarding future growth, zoning, etc. Chair Ebert asked if the 12<sup>th</sup> Street planning portion could be a separate internal administrative review rather than part of the motion and Commissioner Harvey agreed. Chair Ebert restated that the motion was to adopt the WACOG 2017 Weber County Local Transportation Fund project priority recommendations; Commissioner Gibson seconded. Commissioner Gibson – aye; Commissioner Harvey – aye; Chair Ebert – aye

North Ogden City Mayor Brent Taylor is happy with the Commission's direction on the BRT issue, which is an important one. He concurred with Commissioner Harvey that the mayors support the project but there is a lot of concern about using the county's transportation funds to pay for this project, especially when only our county and Davis County along the Wasatch Front passed Prop 1, which grants 40% of those taxes to UTA, which is almost \$4M/year, and conservatively over \$100M in revenue for UTA in the next 20 years. This project should be paid through the Prop 1 funding which is exactly why our citizens passed it—for important projects like this and which is now flowing to the UTA, rather than UTA also taking money away from critical transit projects in all the cities in Weber County. He is glad that the Commission is also sending that message to the UTA because the money is there through Prop 1.

Commissioner Gibson stated that it is important to note that UTA funded completely the Provo/Orem BRT line. He believes that Utah County voted to bond for that project but to be paid back 100% from general UTA operating funds, not from additional funds generated from Prop 1. Weber County is not only not being treated the same as Utah County, but additionally passed an additional funding source, Prop 1—approximately \$4M/year from our taxpayers. Yet, UTA is not willing to come to the table. He said that our taxpayers were being punished. Mayor Taylor stated that Utah County Council of Governments did not contribute any funds towards the BRT in their county. Utah County Commission bonded for \$75M but that bond is being repaid by UTA 100% and it includes the interest. That COG was not asked to make any contribution. Weber County citizens also pay a higher tax rate and a higher percent to UTA per capita. For all these reasons he stated that UTA needs to fund this project. UTA has the funding source without dipping into the general operating budget. Commissioner Gibson emphasized that it is not even that Weber County is asking for the same deal as Provo/Orem. Our county proactively sent UTA an additional \$4M/year and would like some priority in determining where those dollars go, but the answer has been no. Mayor Taylor reiterated that he has asked UTA that Prop 1 funds from Weber County taxpayers be the revenue source for the Ogden BRT project. Commissioner Gibson said that today there is another larger project on Weber County's list, which is 12<sup>th</sup> Street, but tomorrow will be in other cities and if we allow UTA to get out of this without paying for at least a significant portion of this BRT project, it will take money directly from our ability in our COG to fund important projects.

Huntsville Mayor Jim Truett said that the BRT project is very important to the COG and they questioned the funding mechanism. The mayors are in favor of the project but tabling it was the right thing to do until they can get more information based on ensuring that everyone contributes appropriately. He hates to see the use of other funds when it should be funded from Prop 1.

Riverdale Mayor Searle emphasized that he fully agrees with the two mayors who spoke. It is really important to move forward on working with the UTA and trying to get them to come to the table on the BRT project and time is of the essence; it should not be put off at all because that money will go away.

Mayor Searle said that another example of the unfairness that our county is getting from UTA is that we are told that they put a new trax line out to airport; this is in Salt Lake County and is 100% funded by UTA's general funds. Salt Lake County is another county that did not support Prop 1. Yet Weber County, which has its own funding mechanism and they will not even talk with us. This is a huge disappointment.

Chair Ebert said that the county has been in dialogue with UTA for the past week or two. He feels strongly that they are great partners. The northern community has been very vocal about the UTA and their governance model and mistakes were made in the old model that they do not want to make again. He did not wish to demonize for UTA's past mistakes. He stated that the BRT project is multi-phase that would run from 23<sup>rd</sup> Street to IHC and eventually down 40<sup>th</sup> Street and hopefully have connectivity in the third phase from North Ogden through the Terrace into Riverdale, to Roy and back. There is inequity but we need to come together as a COG saying that there is value in this project and he believes UTA wants to come to the table. He is encouraged by the comments from the mayors, the work being done by weber e.d.p. and sees a great future with mass transit in our community.

#### H. PUBLIC COMMENTS:

Lori Brinkerhoff, of the Hooper City Council, commented on the last item because it applies to Hooper City. She wanted to reiterated her support of the Commission's thoughtful analysis of these transportation projects. She had attended the December WACOG meeting. The BRT has been her project for three years. Hooper City has applied for these funds three times as a safe transportation route and has the potential to impact 800-900 children. She noted that 5500 S./State highway is a major access road. Freedom Elementary was built in 2004 and there is no sidewalk contiguous with that project. Hooper has tried every avenue to raise funds for this. She was pleased to see this as a priority for 2018. There is no busing at this school and there is significant development going around that property. She supports Commissioner Harvey's request for data, which is always good governance. She stated that all mayors support the BRT project.

Desiree Hennessee, from Cache County, thanked Commissioner Gibson for his service stating that people have been calling and texting her and they love him. For the last seven years he has worked in the Commission and prior to that in the State Legislature and has been someone that the people could look up to and trusted and he has not let people down and will benefit the people of Utah in his new position.

Lindsey Olin, of Roy, thanked Commissioner Gibson for his service. He has always been willing to help her when she has asked, he has been approachable and kind.

Commissioner Gibson said that he has learned in service that sometimes the things we think matter the most have the least impact. It is the opportunities to work with people individually and to be a positive part of their lives that he will remember.

#### I. ADJOURN

Commissioner Gibson moved to adjourn at 12:15 p.m.; Chair Ebert seconded.  
Commissioner Gibson – aye; Commissioner Harvey – aye; Chair Ebert – aye

Attest:

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Jim Harvey, Chair  
Weber County Commission

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Ricky D. Hatch, CPA  
Weber County Clerk/Auditor