**MINUTES**

**WEBER COUNTY COMMISSION**

Tuesday, August 28, 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:** 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 Harvey

**B. Invocation** – Shelly Halacy

**C. Pledge of Allegiance** – Stacy Skeen

**D. Thought of the Day –** Commissioner Jenkins

**E.** **Public Comments:**

**--**Kerry Wayne, of Marriott-Slaterville, spoke about the county being financially responsible and expressed concern with a recent Standard Examiner article about a 75-yr. old whose property taxes are making it impossible for him to live on his fixed income. Mr. Wayne has a Master’s Degree in Business/Human Resources and was shocked that former Commissioner Gibson received a retirement incentive cash payout of about $65,000. He referred to the retirement contracts on today’s agenda receiving almost $180,000 of benefits and wants that policy changed. Commissioner Ebert stated that two years ago the county implemented a 5-year phase-out to eliminate that liability. When he came into office that liability was about $30 million and Scott Parke, County Comptroller, and Ricky Hatch, County Clerk/Auditor, had expressed concerns.

**--**Neal Hansen, of Ogden, echoed the previous speaker’s comments. He opposes paying out a cash lump sum to elected officials, especially when they go to another government agency and receive another health benefit there. The current county policy requires that if a person has insurance after he leaves, that money needs to be repaid. Commissioner Jenkins stated that the lump sum payout policy started after 2013 impacting a small group of elected officials. Corrective action will be taken today.

**--**Jim Carter, of Roy, who retired from the county, asked if he could cash out his retirement benefits. He has Parkinson’s Disease and it is a financial burden. Commissioner Ebert acknowledged people’s challenges, but decisions made 20 years ago are having unwitting exponential financial consequences for the county and are unsustainable. Item G.1 finishes the action previously started to address post-retirement benefits. The county will give a certain period of time for those employees to make financial adjustments in their life as they prepare for retirement, rather than cutting them off today.

**--**Randy Winn, of North Ogden, totally supports the first two speakers on the benefits. He wonders why it takes until 2026 to rectify this but appreciates that the commissioners are fixing it. He also supports a 5-member council, believing that it is too much power in too few hands. He stated that the Commission is not in a wealthy community and the commissioners earn in the top pay tier. Commissioner Jenkins referred to the meeting prior to this one with affected elected officials on the current policy, and they were informed of the changes. He noted the difficulty because many were planning on the benefits they had been hired under. Commissioner Ebert noted that this is an administrative policy, not legislative action, that allows the elected officials discussion, and the elected officials agree with the public. Initial action was taken two years ago as they addressed it with the employee policy change, and they had been under the assumption that it applied to elected officials. However, recently when an elected official left the county, it became apparent that it did not, and immediate action started.

**F.** **Consent Items:**

1. Warrants #1530-1532 and #431318-431526 in the amount of $393,750.90.

2. Purchase orders in the amount of $121,938.83.

3. Minutes for meeting held on August 21, 2018.

4. Surplus a 2003 White Ford Escape from the Weber-Morgan Health Department.

5. County Tax Review Committee request to waive taxes, penalty & interest for 2016, 2017 for Lions Club, a tax exempt entity.

6. Request from Weber County Tax Review Committee to refund $831.63 for Parcel Number 06-198-0016.

7. Addendum to Commercial Lease with Paper Lantern Investments, LLC/dba Bean-a-Colada Coffee Café-Main Library.

8. Addendum to Commercial Lease w/Paper Lantern Investments, LLC/dba Bean-a-Colada Coffee Café-Pleasant Valley.

9. Addendum to Commercial Lease with Paper Lantern Investments, LLC/dba Bean-a-Colada Coffee Café-SWB.

10. Retirement Agreements: Frosty McWilliams, Lisa Meiners, Lonnie Eskelson

Commissioner Ebert Jenkins moved to approve the consent items. Commissioner Jenkins recused himself from item #5. Chair Harvey entertained a substitute motion to adopt all the items except #5. Commissioner Ebert moved to approve all the consent items with the exception of #5; Chair Harvey seconded.

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

Commissioner Ebert moved to approve item #5; Chair Harvey seconded.

Commissioner Ebert – aye; Chair Harvey – aye

**G. Action Items:**

1. **Insurance & Retirement Benefits Policy 4-300 from Weber County Human Resources Department.**

Sarah Swan, Administrative Services Director, stated that the bulk of the policy has not changed but it now contains the 5-year post-retirement health insurance phase-out in writing. The major change is an elected official provision. In a 6/2018 Commission meeting when former Commission Gibson’s retirement agreement was approved she believed he would not receive the health benefits because per county policy when employees retire and go to another agency with health insurance at less than $200/month they have to cancel their benefits with the county. Ms. Swan assumed Mr. Gibson would cancel those benefits. However, she discovered that there was an elected official provision put in place in 10/2014 that was not in the Human Resources Manual and which practice is not equitable across all employees, and she started working immediately with the County Attorney’s Office to remedy it. In this amendment, anyone taking office hereafter will receive no benefit greater than any other employee. Current elected officials retiring before 12/31/2021 have the same 5-year phase-out for employee health insurance, or the cash out option. Qualified elected officials who retire or leave office after 12/31/2021 will receive a 5% reduction each year after 2021 until 12/31/2026. She stated that elected officials have the option of taking the medical insurance but they do not have to take the cash payout and can decline the benefit entirely. The commissioners support moving forward. They have been trying to correct issues since 2008 and creating equity. The 5-year post-retirement health insurance benefits had been in place for years. Beginning with 12/31/2021 benefits will start reducing and be completely eliminated by 12/31/2026, and the county started the 5-year phase-out when the problem was discovered. Mr. Crockett clarified that to qualify for the benefit, employees had to be employed prior to 2008. Chair Harvey noted that the county is taking responsibility.

Commissioner Jenkins moved to approve Weber County Human Resources Policy 4-300, Insurance and Retirement Benefits; Commissioner Ebert seconded.

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

Commissioner Ebert stated that he’d like to change his previous vote to abstain due to possible conflict of interest and the Chair recognized it and stated that the motion still carried.

2. **Policies from Weber County Human Resources Department: 4-500 Return to Work, 4-400 Workers Compensation & 14.1 Vehicle Use Maintenance**

This item was held.

3. **Resolution appointing a member to Little Mountain Service District – Resolution 41-2018.**

Stacy Skeen, of the Commission Office, stated that there are four vacancies and the notice process was followed according to State statute. One application was received from current member Randall Runolfson.

Commissioner Jenkins moved to adopt Resolution 41-2018 reappointing Randy Runolfson to the Little Mountain Service District through 12/31/2020; Commissioner Ebert seconded.

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

4. **Resolution appointing a member to the Central Weber Sewer Improvement District – Resolution 42-2018.**

Stacy Skeen, of the Commission Office, noted that the District declared a mid-term vacancy left by former Commissioner Gibson.

Commissioner Jenkins moved to adopt Resolution 42-2018 appointing Commissioner James Ebert to the Central Weber Sewer Improvement District through 12/31/2018; Chair Harvey seconded.

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

5. **Resolution re-appointing members to the Recreation, Arts, Museums and Parks Board (RAMP) – Resolution 43-2018.**

Shelly Halacy, of the Commission Office, recommended the following: appointing Danette Pulley as Advisory Board Chair, Anny Parry as Arts and Museums Committee Chair, reappointing Maresha Bosgieter as Recreation and Parks Committee Chair, Steve Crane to the Advisory Board and the Arts and Museums Committee and Jeremy Dunn to the Advisory Board and Recreation and Parks Committee.

Commissioner Jenkins moved to adopt Resolution 43-2018 appointing/reappointing the following to RAMP: Danette Pulley as Advisory Board Chair, Anny Parry as Arts and Museums Committee Chair, and reappointing Maresha Bosgieter as Recreation and Parks Committee Chair, all for 1-year terms beginning October 1, 2018; and reappointing Steve Crane to the Advisory Board and the Arts and Museums Committee, and Jeremy Dunn to the Advisory Board and Recreation and Parks Committee, both for 3-year terms beginning October 1, 2018; Commissioner Ebert seconded.

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

6. **Bylaws for the Ogden Musical Theatre.**

Christopher Crockett, Deputy County Attorney, stated that it is helpful to create bylaws when an advisory group is formed, and he presented the bylaws for the Musical Theatre.

Commissioner Ebert moved to approve the bylaws for Ogden Musical Theatre; Commissioner Jenkins seconded.

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

7. **Contract with The Dicio Group for a public relation, marketing & communication consultant.**

Christopher Crockett, Deputy County Attorney, noted that at the expiration of the contract with Dicio an RFP was issued and Dicio scored the highest. The term is 1-year with payment up to $95,000, with an option to extend up to three additional years. Commissioner Ebert referred to Dicio’s presentations on the past year’s accomplishments. The county competes against diverse entities and there are companies here from all over the world. He said that a need was identified early on for branding, marketing and better communication, and there has been tremendous success in the past year. Commissioner Jenkins has come to see the great value of this group since becoming a commissioner. Chair Harvey spoke of the effectiveness of this contract versus hiring staff.

Commissioner Jenkins moved to approve the contract with The Dicio Group for a public relation, marketing and communication consultant; Commissioner Ebert seconded.

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

8. **Contract with EPIC Engineering, P.C., for SWPPP inspection services.**

Jared Andersen, County Engineer, stated that this and the next item are for stormwater prevention pollution plan inspections services. These items went through the procurement process and will be used on an as needed basis.

9. **Contract with J-U-B Engineers, Inc., for SWPPP inspection services.**

Commissioner Jenkins moved to approve the contract with EPIC Engineering, P.C., for SWPPP inspection services; Commissioner Ebert seconded.

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

Commissioner Ebert moved to approve the contract with J-U-B Engineers, Inc., for SWPPP inspection services; Commissioner Jenkins seconded.

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

10. **Amend and reinstate the Zoning Development Agreement, previously approved as Contract #2012-230, which affects approximately 174 acres, located at approximately 3300 N Wolf Creek Drive.  The request is that Weber County consider reinstating the Agreement and extend the project completion date (10 years) to June 30, 2028.**

Steve Burton, of the County Planning Division, stated that this is a request by the Eden Valley Development, LLC, for an extension of the prior agreement which allowed the developer to develop 96 lots in Ogden Valley within five years, but which has expired because he did not complete it within that time. This amendment allows completion in 10 years and the developer is proposing an emergency access easement and a public trail easement to his property. On 5/22/2018 the Ogden Valley Planning Commission recommended renewing the agreement for 10 years, expiring on 6/30/2028, including the condition that to enhance public safety the applicant must provide the temporary emergency easement and pedestrian trail through the subject property as shown within the Development Agreement exhibit and based on the following findings: 1) the amendment and reinstatement will promote public health, safety and welfare by guaranteeing that a secondary access is provided for the greater Wolf Creek Resort community residents; 2) that the amendment will not negatively impact the general area or surrounding properties and uses, and 3) the Development Agreement appropriately contains an expiration date due to the zoning change as part of this Agreement. The road surface of the temporary easement is required to meet the Weber County Fire District’s standards until the remaining development occurs and results in a fully improved street and pedestrian trail. The developer is required to improve the emergency access easement within six months from the time the extension and reinstatement are granted by the County Commission. The density remains the same. The developer was present and did not have any comments.

Commissioner Jenkins moved to amend and reinstate the Zoning Development Agreement, previously approved as Contract 2012-230, which affects approximately 174 acres, at approximately 3300 N Wolf Creek Drive, extending the project completion date (10 years) to June 30, 2028; Commissioner Ebert seconded.

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

**H. Public Hearings:**

1.

Commissioner Ebert moved to adjourn the public meeting and convene the public hearings; Commissioner Jenkins seconded.

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

2. **Public hearing to discuss and take action on a proposal to amend the following section of Weber County Code: Standards for Detached Single-Family Dwellings (Title 108, Chapter 15) to add standards for single family dwellings with secondary kitchens.**

Ronda Kippen, of the County Planning Division, stated that a lot of homes have secondary kitchens, which the county has allowed with a policy that the owner/developer sign a second kitchen covenant to prevent duplexes where not zoned. This is a staff initiated amendment to comply with HB 232 from the last legislative session—when evaluating building permits, the county will now require a second kitchen covenant. Both Planning Commissions heard this item and recommend approval.

3. **Public hearing to consider/take action on a request to vacate a public utility & drainage easement located along the west property line of lots 33-43, Country Meadows Subdivision.**

Steve Burton, of the County Planning Division, noted that this item was tabled from last month when Mr. Rowe, the applicant, requested the vacation. A Roy City employee had requested at that time to either vacate the entire easement or not at all. Mr. Rowe went to each of the lot owners on his block and they signed as requestors to vacate their easements also. This vacates a 7-foot easement for lots 33-43. There is no drainage there. Staff recommends the vacation.

4. Public comments: Chair Harvey invited public comments on the public hearings and none were offered.

5.

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

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

6. **Action on public hearings:**

**H.2-Standards for Detached Single-Family Dwellings (Title 108, Chapter 15) to add standards for single family dwellings with secondary kitchens – Ordinance 2018-12.**

Commissioner Ebert moved to adopt Ordinance 2018-12 amending the Weber County Code Title 108, Chapter15, Standards for Detached Single-Family Dwellings to add standards for single family dwellings with secondary kitchens; Commissioner Jenkins seconded.

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

**H.3-Vacate public utility & drainage easement, Country Meadows Subdivision – Ordinance 2018-13**.

Commissioner Ebert moved to adopt Ordinance 2018-13 vacating a public utility and drainage easement located along the west property line of lots 33 through 43 of Country Meadows Subdivision; Commissioner Jenkins seconded.

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

1. **Commissioner Comments:** Chair Harvey reported that a developer was very complimentary of Planning staff.

Mr. Crockett said that regarding item G.1 on the request to abstain from voting on the matter there is a procedure to be followed. He outlined the applicable provisions in the rules of procedure including that a motion to reconsider must occur first, then the commissioner who has a conflict has to declare it and the majority of the other commissioners have to consent. The motion must occur today and it can only be made by a commissioner who voted in the majority in the original motion. He also outlined the subsequent procedure when seeking recusal.

Having voted in the affirmative, Commissioner Jenkins moved to reconsider the actions on item G.1, Weber County Human Resources Division Policy 4-300, Insurance & Retirement Benefits; Chair Harvey seconded.

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

Commissioner Jenkins moved to approve item G.1, Insurance & Retirement Benefits Policy 4-300; Chair Harvey seconded. Commissioner Ebert recused himself. Commissioners Jenkins and Harvey consented to the recusal.

Commissioner Jenkins moved to approve item G.1; Chair Harvey seconded. Commissioner Ebert recused himself. Commissioner Jenkins – aye; Chair Harvey – aye

**J. Adjourn:**

Commissioner Ebert moved to adjourn at 11:20 a.m.; Commissioner Jenkins seconded.

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

Attest:

James “Jim” H. Harvey, Chair Ricky D. Hatch, CPA

Weber County Commission Weber County Clerk/Auditor