

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

Tuesday, June 30, 2015 - 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:** Kerry W. Gibson, Chair, James Ebert and Matthew G Bell.

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

- A. WELCOME** – Chair Gibson
- B. INVOCATION** – Holin Wilbanks
- C. PLEDGE OF ALLEGIANCE** – Jared Andersen
- D. THOUGHT OF THE DAY** – Commissioner Ebert

**E. CONSENT ITEMS:**

- 1. Purchase orders for \$287,600.03
- 2. Warrants #322329-#322676 for \$1,430,520.58
- 3. Minutes for the meeting held on June 23, 2015
- 4. ACH payment to US Bank for \$110,270.79 for purchasing card transactions through June 15, 2015

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

**F. ACTION ITEMS:**

- 1. **DISCUSSION OF HB 362 REGARDING IMPLEMENTATION OF A LOCAL OPTION SALES TAX FOR TRANSPORTATION FUNDING**

Chair Gibson noted that comments would be heard today and action taken at a future date.

Mayor Mark Allen, of Washington Terrace City, tag-teamed with Mayor Mileski on the Transportation Infrastructure Funding Bill (a multifaceted bill passed by the 2015 Utah legislature that raises the state gasoline tax & gives local governments authority to hold an election about a ¼-cent sales tax hike for their roads & transit districts). He and Mayor Mileski represented 13 Weber County cities and towns that have passed or will consider a resolution supporting the bill and putting it on the ballot this November. The bill is a result of negotiations between city, county, transit and State policy makers and is the first comprehensive transportation bill in Utah that provides for all modes of travel at State and local levels. It is intended to provide financial tools to invest in comprehensive transportation options at the local level. He and Mayor Mileski support the sales tax dedicated to transportation. They feel it would help meet critically unfunded transportation needs. If voters approve the quarter-cent tax, the bill allocates 40% of funds to cities/towns, 40% to transit and 20% to Weber County. The legislature determined that voters have the final say and it is up to Weber County to place it on the ballot. He urged the Commission's support and to put it on the ballot this November.

Commissioner Bell said that the county is involved in municipal elections this year only because all the cities contracted with the county to conduct their elections, otherwise the cities would be handling them.

Mayor Toby Mileski, of Pleasant View City, said that the Wasatch Front Regional Council expects the area's population to grow by 59% by 2040. FrontRunner provides about 150 miles of commuter rail, 23 bus routes traverse the county, and there are more than 200 inner city/backcountry trails in the county. How people get around has fundamentally shifted in 25 years. The State's B&C Road Fund is no longer sufficient to cover local transportation needs in the county, and the Utah League of Cities and Towns' research shows a 63% gap between his community's transportation needs vs. their allocated road funds. He urged the Commission to give residents opportunity to vote on the issue. His city's need is for at least \$600,000/year for the next 10 years to get out of the road maintenance backlog. He prefers to put the issue on the 2015 ballot because it is a municipal election year and the majority or all of the Weber County cities have city council/mayoral elections. Citizens have great impact at this level.

Mayor Allen, of Washington Terrace, believes that all cities in the county experience the 63% gap spoken of by Mayor Mileski. He would like to have the issue on the ballot in 2015— transportation needs are urgent and the legislature authorized the bill in 2015 due to the collective efforts of cities and counties to demonstrate the need for funding—and the Utah League of Cities and Towns show the same success rate for ballot propositions in municipal as in general elections. He said that the business community stands with them as partners to educate voters about this local option sales tax.

Andrew Gruber, Executive Director of Wasatch Front Regional Council, spoke of the importance of looking at varied transportation needs/safe options for people to get around well into the future. Counties state-wide developed Utah's Unified Transportation Plan (the "Plan"), which looks out 30 years for what transportation investments are needed for city/county/and transit, and not only for new capacity but to have resources available to maintain safe, cost effective infrastructure. The Plan recognizes the need for investment in the state road system and the bill reforms the state gas tax to help address some of those issues. It also recognizes the need for investment in local transportation and authorizes, at the community level, additional sales tax resources to be invested in critical needs identified by local communities and transit, and integrating the entire system with the state road system.

Mark Johnson, Ogden City's Chief Administrative Officer, said that the city currently has failing infrastructure and no way to pay for it (i.e., about \$3 million for curb and gutter is needed, \$21 million for sidewalk and \$7 million for road repairs). Currently, the city receives about \$2.5 million annually in B&C road funds. If nothing else fails or needs repair, it would take 12 years to catch up with the disrepair backlog. The local option sales tax would help bring in some funding to accelerate repairing aging infrastructure. Some roads and pipes are from about when the city was incorporated in 1851. Many streets and sidewalks are in crisis mode. As a city, he said that they believe very strongly in this local option and on Tuesday passed a joint resolution encouraging the County Commission to place it on the November ballot.

Mayor Norm Searle, of Riverdale City, said that this bill greatly benefits families. Cities are short on money for repair of roads, bridges, etc. He said that Riverdale is using general fund money for these repairs, which takes away from other community needs. This bill, which he totally supports, would help maintain low property taxes. Good roads/transportation are essential to our economy.

Lori Brinkerhoff, of the Hooper City Council, said that the city unanimously supports the bill. She referred to the residential growth the city is experiencing and said they have little in uncommitted funds for infrastructure. Freedom Elementary, built in 2007, has no sidewalks and is walking-only. About 800 students walk along that roadway. She urged the County Commission to place the issue on the ballot.

Kevin Ireland, with Ogden/Weber Chamber of Commerce, said that their executive board unanimously voted to support the bill as well as the 800 members and the 2,000 individuals that are members of the Chamber. This is an important issue to support the small cities and the county. He urged the County Commission to put the issue on the ballot this fall. He said that transportation and improving/maintaining roadways and sidewalks is crucial to businesses.

David Callas, with Utah Transit Authority (the "UTA"), noted that Commissioner Bell was the newest board member. There is a transit component of this bill that relates to counties that have transit, such as Weber County. The transit operator will receive 40% of the new revenue, which will allow for additional capacity/frequency and shelters, which he said are needed. UTA is also interested in working with the county on corridor preservation.

Billy Hesterman, with Utah Taxpayers Association, expressed concern with this bill regarding tax policy. The Association believes that with water and transportation issues the sound tax policy is to employ the user-fee model, however, the user-fee is eliminated if this local option sales tax is used, and it takes away the burden from those that use the products and places them on the general public. Therefore, they oppose this local option sales tax. They understand the need and importance of transit in cities/counties but feel the user-fee is the best model. He said that counties can send a message back to the legislature by opposing this and stating that it is not the right tax policy. He referred to an email he sent the

commissioners with other concerns, including that taxpayers are already facing a number of burdens and tax increases such as the \$75 million property tax increase passed by this year's legislature. Utah has the 16<sup>th</sup> highest tax and fee burden in the U.S.A. Over 14% of Utahans' income goes toward these taxes and fees and families can better use their income to stimulate the economy. The out of state retailers are not required to collect and remit sales taxes, which creates a disadvantage for local businesses. He noted that 40% from revenue from this sales tax increase would go to UTA rather than repairing/maintaining roads in Weber County. UTA already receives \$17.5 million from sales taxes from Weber County and the Association feels that is adequate.

Utah Senator Scott Jenkins said that he was representing himself. He opposes the portion of the bill that gives money to UTA. He noted that the UTA representative mentioned today that UTA wants to increase bus service until midnight and said that it is an absurd thing because there are empty buses driving around. He has served on appropriation and transportation committees and studied this issue in depth. He said that the unprofitable part of UTA is when buses run empty. He stated that the UTA has plenty of money and receives natural increases, tax increment, etc. He stated that UTA is out of control, and the last thing we should do is to give them more money. He stated that he did not vote for this bill.

Lynda Pipkin, of North Ogden, agrees with Senator Jenkins. She does not agree with UTA being lumped into this bill, which she said is much like at the federal level where they lump bad legislation with something necessary so that it gets passed. She gave examples of drug addicts that she knows about who never have money for staples but then go to the grandparents who pay for them. This facilitates them having plenty of money for drugs/alcohol/cigarettes. This is happening with government, which is funding things that are not the proper role of government, and, when proper funding is needed, there is no money and the government has to dig into the citizens' pockets. She begged the commissioners to stop digging into her pockets again as they recently did for the library bonds that were placed on a special all vote-by-mail ballot, which people had not seen before. Today she is still speaking with people who have no idea that the library bonds were voted on. The citizens were blind-sided and got stuck paying for five libraries for 20 years. Five libraries already existed but now they are community centers, which are not the proper role of government. Citizens ended up with bloated government spending. She opposes funding the UTA, which gives out bloated salaries/bonuses, to run empty buses through our streets, and pulls more money out citizens' pockets. She recommended that if the commissioners absolutely feel they must put this on a ballot that it should be on the general election.

Marcel Lettre, of South Ogden, agrees with Senator Jenkins stating that there are too many things that the citizens are being charged for when there are other options. He does not agree with dumping all the burdens on local businesses and citizens. He feels that the state, mayors, commissioners, etc., should be pushing for a state tax on all online purchases so that small businesses are not competing with out-of-state big businesses. This should be a priority. A special vote on mail-in ballots is fine if the public knows about it. He said that the public was very poorly informed about the library bonds issue and he does not want this to occur again. This issue should be placed on a 2016 ballot because a lot of information needs to go out to inform the public, particularly concerning additional taxes.

Lisa Galvez watched the bill's process from inception and said that many difficult decisions had to be made that involved many state entities. She said that there are transportation needs but does not agree with the UTA being lumped into the bill. She stated that UTA is about 80% publicly funded.

Brent Strate, South Ogden City councilman representing himself, said that he voted against the bill in council meeting. He sees the great need for roads, and said that the bill came after a lot of compromise. One of the best decisions by the state legislature a few years ago was to lower the sales tax on unprepared food, which he said has been a great benefit to the state's citizens. Money is better spent at the lowest level possible, and South Ogden City should look at how it can solve its problem for their streets. He supports use taxes—the users should pay the fees. He prefers staying away from taxes that go out generally to everyone. It is incorrect to say that those who are against this proposal are against repairing our roads, there simply are better options, and some have been mentioned today. He encouraged the commissioners to think of what the county's responsibilities are versus the cities' responsibilities.

Commissioner Bell was involved in this discussion with the legislature, Leagues of Cities and Towns, etc. There had been much discussion about whether to take this to individual cities, but it was felt there would be too wide a disparity in **gas tax rates** from one city to the next. He said that the current UTA Board is committed to do its best. He is concerned about the empty buses that he regularly sees on Washington Blvd. from his office, but there is need for bus service, thus UTA needs to be partly included. He agrees with not have everything lumped into this bill but the legislature did not make the separation.

Commissioner Ebert noted that this is a complicated decision and the commissioners will continue to study the issue and base their decision upon solid information that they are gathering. He said that this is a good process to air out concerns; the commissioners want to hear from all the citizens.

Chair Gibson wants to study the issue further, but feels it may be best to have the issue on the 2015 election when city elected officials are up for election and have the opportunity to defend the needs.

Mayor James Minster, of South Ogden City, expressed concern with B&C road funds, which are given at 1997 rates and the cost of road repairs has skyrocketed. Citizens often point out the disrepair of roads to him and he said that something needs to be done. Cities cannot handle it any longer.

Chair Gibson expressed thanks for everyone's comments. He agrees with the issue of online sales tax disparity, a challenge faced throughout the State and a federal issue. For many years local governments have been making compelling cases to the state legislature about the transportation needs and repair backlogs, and they felt ignored. He is grateful that the legislature now has presented some options but is struggling with some parts of the bill. Most transportation funding generally runs through the state systems but for the first time in a long time there is an opportunity to have those decisions made locally. If the bill goes on a ballot and passes, there is a set formula for how the money would be collected and distributed throughout the cities, counties and the transit agency. He said that the commissioners have received compelling requests from the majority of cities to have the issue placed on the ballot. A decision will be made in a Commission meeting within the next month.

**2. RIGHT-OF-WAY CONTRACTS WITH THE FOLLOWING PROPERTY OWNERS:**

- Edward Robert King and Jennifer King, 2351 W. 2200 S., Parcel #32 – Contract C2015-275
- Robert and April Sanders, 5024 W. 1150 S., Parcels #59, 60, 61 and 63 – Contract C2015-276
- Floyd William Schweppe, 2037 S. 3500 W., Parcel #88 – Contract C2015-277
- Don C. Staker Properties, LLC, 2801 S. 3500 W., Parcels #33 and 36 – Contract C2015-278

Jared Anderson, County Engineer, stated that these are contracts for 3500 W. and 12<sup>th</sup> Street roadway projects funded through WACOG.

Commissioner Bell moved to approve right-of-way Contracts C2015-275 - 278 with the above listed property owners; Commissioner Ebert seconded.  
Commissioner Bell – aye; Commissioner Ebert; Chair Gibson – aye

**3. CONTRACT WITH COVERALL HEALTH-BASED CLEANING SYSTEM – CONTRACT C2015-279**

Kevin McLeod, of County Operations, stated that this janitorial contract went out to bid and this company was the low bidder.

Commissioner Ebert moved to approve Contract C2015-279 with Coverall Health-Based Cleaning System; Commissioner Bell seconded.  
Commissioner Bell – aye; Commissioner Ebert; Chair Gibson – aye

**4. CONTRACT WITH JASON WIDDISON FOR AN INDIGENT DEFENSE ATTORNEY – CONTRACT C2015-280**

**5. CONTRACT WITH LOGAN BUSHELL FOR AN INDIGENT DEFENSE ATTORNEY – CONTRACT C2015-281**

David Wilson, County Deputy Attorney, David Wilson, County Deputy Attorney, presented items F.4 and F.5 together.

Commissioner Bell moved to approve Contract C2015-280 with Jason Widdison and C2015-281 with Logan Bushell for indigent defense; Commissioner Ebert seconded.  
Commissioner Bell – aye; Commissioner Ebert; Chair Gibson – aye

**6. CONTRACT WITH WASATCH CORRECTIONAL MEDICAL SERVICES TO PROVIDE MEDICAL SERVICES TO INMATES – CONTRACT C2015-282**

Stefani Ebert, of the County Sheriff's Office, stated that Dr. John Wood has been providing the services and the Sheriff's Office is happy with it.

Commissioner Bell moved to approve Contract C2015-282 with Wasatch Correctional Medical Services to provide medical services to inmates; Commissioner Ebert seconded.

Commissioner Bell – aye; Commissioner Ebert; Chair Gibson – aye

**7. INTERLOCAL AGREEMENT WITH OGDEN CITY FOR OPERATING AN INTERLOCAL LAW ENFORCEMENT CIVIL DISORDER UNIT – CONTRACT C2015-283**

Klint Anderson, of the County Sheriff's Office, stated that the county is entering into agreement with Ogden City, Morgan County and other partners to use collective resources to provide for a multi-agency civil disorder unit in case of major incidents involving large crowds.

Commissioner Ebert moved to approve Contract C2015-283 with Ogden City for operating an Interlocal Law Enforcement Civil Disorder Unit; Commissioner Bell seconded.

Commissioner Bell – aye; Commissioner Ebert; Chair Gibson – aye

**8. ORDINANCE REPEALING ORDINANCE NO. 2010-2 – ORDINANCE 2015-12**

Commissioner Bell noted the need to repeal the ordinance. In 2010 there were problems with the State not paying its bills for its **condition of parole** inmates at county jails, and County Sheriffs met on this issue. Weber County adopted an ordinance establishing the maximum operating capacity/limits for each category of inmate to be housed at Weber County Correctional Facilities. Steffani Ebert, of the County Sheriff's Office, stated that in 2010 the county facility was at capacity but now the U.S. Marshall's inmate population has reduced.

Commissioner Bell moved to adopt Ordinance 2015-12 repealing Ordinance No. 2010-2 that adopted the maximum operating capacity and inmate retention guidelines for Weber County Correctional Facilities; Commissioner Ebert seconded.

Commissioner Bell – aye; Commissioner Ebert; Chair Gibson – aye

**9. DISCUSSION REGARDING FEES FOR AGRICULTURAL PROTECTION AREAS**

Chair Gibson presented this information item. In the late 1990's the State legislature passed legislation requiring counties to establish procedures for creation of agricultural protection areas and related fees. In 2007 the county fee ordinance changed from a flat fee of \$250 to create an agriculture protection area to \$100/parcel to create or add to an agriculture protection area. He said that the \$100/per parcel could become cost prohibitive and he is reviewing the circumstances for that fee change.

**G. ASSIGN PLEDGE OF ALLEGIANCE & THOUGHT OF THE DAY FOR TUESDAY, JULY 7, 2015, 10 A.M.**

**H. PUBLIC COMMENTS:**

David Wilson, Deputy County Attorney, introduced two new civil attorneys in the County Attorney's Office—Bryan Baron and Courtlan Erickson.

**I. ADJOURN**

Commissioner Bell moved to adjourn at 12:07 p.m.; Commissioner Ebert seconded.

Commissioner Bell – aye; Chair Gibson – aye

Attest:

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Kerry W. Gibson, Chair  
Weber County Commission

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Ricky D. Hatch, CPA  
Weber County Clerk/Auditor