

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

Tuesday, January 13, 2009 - 10:05 a.m.  
Commission Chambers, Weber Center, 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:** Kenneth A. Bischoff, Vice Chair, and Jan M. Zogmaister. Craig L. Dearden was excused.

**OTHERS PRESENT:** Alan D. McEwan, Clerk/Auditor; David C. Wilson, Deputy County Attorney; Fátima Fernelius, Clerk/Auditor's Office, took minutes.

- A. **WELCOME** - Commissioner Bischoff
- B. **PLEDGE OF ALLEGIANCE** - Doug Dickens
- C. **THOUGHT OF THE DAY** - Commissioner Zogmaister

**D. PRESENTATION OF A PROCLAMATION TO HOF, GERMANY, THE SISTER CITY OF OGDEN, UTAH**

Commissioner Zogmaister read the proclamation extending congratulations for the Hof Winterfest's 50<sup>th</sup> anniversary. The plaque will be presented at the opening festivities.

**E. CONSENT ITEMS:**

- 1. Purchase Orders in the amount of \$3,740,815.61
- 2. Ratify Warrants #245641-#245789 in the amount of \$2,352,236.17, dated December 30, 2008
- 3. Warrants #245926-#246183 in the amount of \$2,044,736.87, dated January 13, 2009
- 4. Minutes for the meeting held on January 6, 2009
- 5. New beer license
- 6. New business licenses
- 7. Surplus 23 MP-5 weapons from the Weber County Sheriff's Office

Commissioner Zogmaister moved to approve the consent items; Commissioner Bischoff seconded, both voting aye.

**F. ACTION ITEMS:**

- 1. **CONTRACT WITH SALZBURGER ECHO FOR PROFESSIONAL ENTERTAINMENT AT THE HOF WINTERFEST AT GOLDEN SPIKE EVENT CENTER ON JANUARY 16-17, 2009 - CONTRACT C2009-1**

Jim Harvey, GSEC, presented this contract.

Commissioner Zogmaister moved to approve Contract C2009-1 with Salzburger Echo for professional entertainment at the Hof Winterfest at the Golden Spike Event Center on January 16-17, 2009; Commissioner Bischoff seconded, both voting aye.

- 2. **CONTRACT WITH WHEELWRIGHT LIGHTING AND SOUND FOR SOUND & LIGHTING AT THE HOF WINTERFEST - CONTRACT C2009-2**

Jim Harvey, GSEC, presented this contract.

Commissioner Zogmaister moved to approve Contract C2009-2 with Wheelwright Lighting and Sound for sound and lighting at the Hof Winterfest; Commissioner Bischoff seconded, both voting aye.

- 3. **CONTRACT WITH JORDAN WORLD CIRCUS FOR TWO PERFORMANCES TO BE HELD AT THE GOLDEN SPIKE EVENT CENTER ON JANUARY 30 & 31, 2009 - CONTRACT C2009-3**

Jim Harvey, GSEC, presented this contract.

Commissioner Zogmaister moved to approve Contract C2009-3 with Jordan World Circus for two performances to be held at the Golden Spike Event Center on January 30-31, 2009; Commissioner Bischoff seconded, both voting aye.

**4. RETIREMENT AGREEMENT WITH SCOTT L. SATTERTHWAITE - CONTRACT C2009-4**

David Wilson, Deputy County Attorney, noted that the county prepared contracts with employees that had post retirement benefits. He recommended approval of this contract.  
Commissioner Zogmaister moved to approve Contract C2009-4, Retirement Agreement with Scott L. Satterthwaite, Commissioner Bischoff seconded, both voting aye.

**5. RESOLUTION APPOINTING TWO REPRESENTATIVES TO SERVE ON ALL TAXING ENTITY COMMITTEES FOR ALL REDEVELOPMENT, ECONOMIC DEVELOPMENT AND EDUCATION HOUSING DEVELOPMENT PROJECT AREAS WITHIN INCORPORATED OR UNINCORPORATED AREAS OF WEBER COUNTY - RESOLUTION 3-2009**

David Wilson, Deputy County Attorney, presented this item.  
Commissioner Zogmaister moved to adopt Resolution 3-2009 appointing Dan Olsen and Douglas Larsen as the voting representatives and Joe Olsen as an alternate to serve on all taxing entity committees for all redevelopment, economic development and education housing development project areas within incorporated or unincorporated areas of Weber County; Commissioner Bischoff seconded.  
Roll Call Vote:  
Commissioner Zogmaister aye  
Commissioner Bischoff aye

**6. FIRST READING OF AN ORDINANCE ENACTED BY THE BOARD OF COMMISSIONERS OF WEBER COUNTY MAKING CERTAIN CHANGES TO ORDINANCE 2006-1 WHICH CONSOLIDATED THE OFFICES OF COUNTY RECORDER AND COUNTY SURVEYOR**

David Wilson, Deputy County Attorney, noted that the county had consolidated these offices on 1/31/2006. At that time the County Attorney's Office had given recommendation that anytime a licensed or certified office was combined with another that the elected person to that combined office have a certification/professional license necessary for that office. This is not required by law. Any person who runs for this combined office shall be a surveyor licensed by the State of Utah. Additionally, the office shall be known as the Weber County Surveyor/Recorder.  
Commissioner Zogmaister moved to approve the first reading of an ordinance enacted by the Board of Commissioners of Weber County making certain changes to Ordinance 2006-1 which consolidated the offices of Weber County Recorder and Weber County Surveyor; Commissioner Bischoff seconded, both voting aye.

**7. FINAL APPROVAL OF LANCE ROYLANCE SUBDIVISION (1 LOT) INCLUDING A \$22,673.20 FINANCIAL GUARANTEE**

Sean Wilkinson, County Planning Department, showed maps of this 4-acre subdivision located directly west of Eden Acres and east of Browns Subdivision. Access was proposed to come off of 2625 N. in Eden Acres. The petitioner proposed to have a cul de sac act as the access. The county's Subdivision Ordinance allows cul de sacs but the arrangement of streets in new subdivisions shall make provision for the continuation of the existing streets and adjoining areas, and the street arrangement must not cause unnecessary hardship to owners of adjoining property when they plat their own land and seek to provide for convenient access to it.

Staff reviewed the Subdivision Ordinance requirements and presented three available options to the Planning Commission: 1) to allow the cul de sac as proposed, 2) to not allow the cul de sac and to require a road to continue to stub to the end of this property, and 3) to allow the cul de sac to be built with the possibility that a future road would be allowed to be built in that area. This would be accomplished by recording covenants to run with the land and showing the area on the dedication plat. Mr. Wilkinson showed a drawing of potential roads in this area.

Under option 1, the cul de sac would cut off a potential access to Brown's Subdivision lot 1 (13.5 acres), which contains one home. It would also cut off the potential for a future road extending to 5100 East.

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There were different potential problems with option 2, including that Brown's Subdivision (currently under the same ownership) could be amended and include a road from Highway 166. In addition, the Naylor family has enough frontage along 5100 East to provide for a 3-lot subdivision, which would cut off the potential for a through-road. Staff and the Planning Commission (by unanimous vote on 8/26/2008) determined that the third option was the best solution and met the intent of the Ordinance requirement because a stub road and traffic circulation could be provided in the future if development warrants. A covenant will be granted allowing a future road to be built if further access to the west is desired. Property owners who desire access will be required to pay for actual road costs.

The agreement allows a future road to be extended. The petitioner is also proposing a 1-ft. holding strip to run along the south boundary of that cul de sac. If the owner to the south wants access to this road, he will have to help pay for the cost of improving the cul de sac. Commissioner Bischoff asked if the holding strip was part of today's action and Mr. Wilkinson responded that the Commission would sign an agreement today. Commissioner Zogmaister noted that the 60 ft. width proposed for the road would only be required on the petitioner's property and Mr. Wilkinson concurred stating that the full 60 ft. width was within the Lance Roylance Subdivision, that anyone could construct the road in the 60 ft. and the property owner would have to allow it but would not have to participate in those improvement costs.

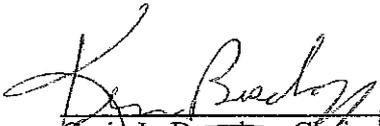
Commissioner Zogmaister moved to grant final approval of Lance Roylance Subdivision (1 lot) including a financial guarantee of \$22,673.20; Commissioner Bischoff seconded, both voting aye.

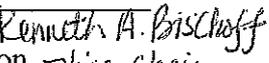
**G. ASSIGN PLEDGE OF ALLEGIANCE & THOUGHT OF THE DAY FOR TUESDAY, JANUARY 20, 2009, 10 A.M.**

**H. PUBLIC COMMENTS:** None

**I. ADJOURN**

Commissioner Zogmaister moved to adjourn at 10:41 a.m.; Commissioner Bischoff seconded, both voting aye.

  
Craig L. Dearden, Chair  
Weber County Commission

  
Kenneth A. Bischoff  
Vice Chair

  
Alan D. M'Ewan, CPA  
Weber County Clerk/Auditor