

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

Tuesday, February 5, 2013 - 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:** Jan M. Zogmaister, Chair, Craig L. Dearden and Kerry W. Gibson.

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

**A. WELCOME** – Chair Gibson

**B. PLEDGE OF ALLEGIANCE** – Brooke Stewart

**C. THOUGHT OF THE DAY** – Commissioner Zogmaister

**D. PRESENTATION ON OF THE PAYMENT IN LIEU OF TAXES (PILT) CHECK**

Justin Dolling, Northern Regional Supervisor, with Utah Division of Wildlife Resources (DWR), presented the payment in lieu of taxes (\$8,150.84) noting that the Division currently owns 1,682 acres in the county (including Ogden Bay, and Harold Crane) and gave the fishing/hunting percentages of wildlife supporters in Weber County.

**E. CONSENT ITEMS:**

1. Purchase Orders for \$191,671.22
2. Warrants #294541 - #294797 for \$1,769,778.33
3. New business licenses
4. Cancel the regular Commission meeting scheduled for February 19, 2013
5. Surplus computer equipment from the County Information Technology Department

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

**F. ACTION ITEMS:**

**1. INDIVIDUAL CONTRACTS WITH THE FOLLOWING ATTORNEYS AND ONE INVESTIGATOR TO PROVIDE INDIGENT DEFENSE SERVICES IN WEBER COUNTY:**

Gary Barr - Juvenile Court – Contract C2013-30  
Jennifer Clark - Juvenile Court – Contract C2013-31  
Jon Pace - Juvenile Court – Contract C2013-32  
Carol Mortensen - Juvenile Court – Contract C2013-33  
Tony Miles - Juvenile Court – Contract C2013-34  
Jason Richards - Juvenile Court – Contract C2013-35  
Haylee Mills - District Court – Contract C2013-36  
Jim Retallick - District Court – Contract C2013-37  
Martin Gravis - District Court – Contract C2013-38  
Randy Marshall - District Court – Contract C2013-39  
Sean Young - District Court – Contract C2013-40  
Steve Laker - District Court – Contract C2013-41  
Sam Newton - Appeals– Contract C2013-42  
Mike Bouwhuis - Indigent Defense Coordinator and District Court – Contract C2013-43  
Mike Stewart - Investigator – Contract C2013-44

David Wilson, Deputy County Attorney, noted that the county is statutorily obligated to provide legal defense for indigent juveniles and adults. The Commission authorized a \$1,000 increase for each attorney for this year (not for the investigator). They had not received an increase in three years. A \$300 payment was also authorized to help offset printing costs because reports are now emailed. Mr. Wilson said that the contracts are for three years except for the two new attorney contracts, Tony Miles and Jason Richards, which are for one year terms as well as Steve Laker's contract.

Commissioner Zogmaister moved to approve the above listed indigent defense services Contracts C2013-30 through C2013-44; Commissioner Bell seconded, all voting aye.

**2. CONTRACT WITH DMW INDUSTRIES, INC. (OGDEN MUSTANGS) FOR A FIVE YEAR AGREEMENT ON FACILITY (ICE SHEET) RENTAL COST, INCLUDING ICE TIME, TICKET REVENUES AND CONCESSION REVENUES**

Todd Ferrario, with Weber County Ice Sheet, stated that currently there is a 2-year agreement with DMW. They have asked for an extension through 1/21/2018. The contract's value is approximately \$80,000 /year. The commissioners requested the addition of termination language to the contract. Mr. Ferrario noted that there is an additional standard ice lease contract with DMW. Chair Gibson expressed concern that the contract only has early termination language and Commissioner Zogmaister concurred stating that a good contract needs to be clearly defined. The commissioners requested language changes that included a 60-day termination notice and that the terms of the ice lease contract is thereby incorporated into this contract. Commissioner Bell asked if an advisory board might be helpful. Mr. Ferrario noted that there are boards for all of the user groups and a previous community group was dissolved. This item was held to add the discussed language to the contract.

**3. CONTRACT WITH HARRIS SERVICE TO PROVIDE SPECIAL CONDITIONS SERVICE FOR THE HVAC SYSTEMS & PREVENTATIVE MAINTENANCE ON THE BOILERS AT THE WEBER CENTER – CONTRACT C2013-45**

Nate Pierce, County Operations Department Director, presented this 1-year contract (\$125/quarter).

Commissioner Bell moved to approve Contract C2013-45 with Harris Service to provide special conditions service for the HVAC systems and preventative maintenance on the boilers at the Weber Center; Commissioner Zogmaister seconded, all voting aye.

**4. CONTRACT WITH ACORN ANTIQUES PRODUCTIONS FOR AN ANTIQUE SHOW & SALE AT THE GOLDEN SPIKE EVENT CENTER (GSEC) ON 11/2-3/2013 – CONTRACT C2013-46**

Jim Harvey, of GSEC, presented this standard contract.

Commissioner Zogmaister moved to approve Contract C2013-46 with Acorn Antiques Productions for an Antique Show & Sale at the Golden Spike Event Center on 11/2-3/2013; Commissioner Bell seconded, all voting aye.

**5. CONTRACT WITH BROKEN HEART RODEO FOR THE INTERMOUNTAIN ICEBREAKER HIGH SCHOOL INVITATIONAL RODEO AT THE GOLDEN SPIKE EVENT CENTER (GSEC) ON 3/7-9/2013 – CONTRACT C2013-47**

Jim Harvey, of GSEC, presented this contract.

Commissioner Bell moved to approve Contract C2013-47 with Broken Heart Rodeo for the Intermountain Icebreaker High School Invitational Rodeo at the Golden Spike Event Center on 3/7-9/2013; Commissioner Zogmaister seconded, all voting aye.

**6. VACATE THE LANCE ROYLANCE SUBDIVISION – ORDINANCE 2013-2**

Sean Wilkinson, of the County Planning Division, stated that this is currently a 1-lot subdivision in the Ogden Valley. An amended subdivision plat will create a new lot which will take a portion of the existing Lance Roylance Subdivision; therefore a vacation of that existing subdivision is required. The Planning Commission held a public hearing on 12/4/2012 and unanimously recommended approval.

Commissioner Bell moved to adopt Ordinance 2013-2 vacating the Lance Roylance Subdivision; Commissioner Zogmaister seconded.

Roll Call Vote:

Commissioner Zogmaister.....	aye
Commissioner Bell .....	aye
Chair Gibson .....	aye

**7. FINAL APPROVAL OF THE MARYANN ESTATES SUBDIVISION 1<sup>ST</sup> AMENDMENT (3 LOTS) WITH A VACATION OF LOT 6 OF THE MARYANN ESTATES SUBDIVISION; ALSO INCLUDING A FINANCIAL GUARANTEE OF \$4,649.15 FOR SUBDIVISION IMPROVEMENTS (ROAD) AND A DEFERRAL OF CURB, GUTTER AND SIDEWALK IMPROVEMENTS – ORDINANCE 2013-3**

Ben Hatfield, of the County Planning Division, stated that the property owner wishes to reconfigure lot 6 by creating three lots. The financial guarantee is for chip and seal on the road. This property is within 1.5 miles of an elementary school. The petitioner is requesting deferral of curb, gutter and sidewalks, however, the road there does not have curb, gutter or sidewalk nor do the other three roads that students use to walk to school. Commissioner Zogmaister stated that at some point these improvements will have to be called in and noted the importance of having a safe, walkable area for students. She does not feel it is sufficient to say that there is no other curb, gutter and sidewalk in the area each time that this issue arises. She strongly feels that that discussion is needed regarding requiring those who request these deferrals and other area residents to put the money into a fund so that when these improvements are called in the money is available. Mr. Hatfield noted that the elementary school does not have any of these improvements, but there is a small subdivision around the corner that has sidewalk.

Commissioner Bell moved to grant final approval of the Maryann Estates Subdivision 1<sup>st</sup> Amendment (3 lots), including a financial guarantee of \$4,649.15 for road subdivision improvements and a deferral of curb, gutter and sidewalk improvements and adopting Ordinance 2013-3 vacating lot 6 of the Maryann Estates Subdivision; Commissioner Zogmaister seconded.

Roll Call Vote:

Commissioner Zogmaister.....	aye
Commissioner Bell .....	aye
Chair Gibson .....	aye

**8. CONTRACT WITH POST BROS. LLC, TO PROVIDE A STORAGE/MAINTENANCE BUILDING AND OUTDOOR STORAGE FOR EQUIPMENT USED BY WEBER COUNTY PROPERTY MANAGEMENT – CONTRACT C2013-48**

Andy Bunot, with County Property Management, presented this contract renewal.

Commissioner Zogmaister moved to approve Contract C2013-48 with Post Bros. LLC, to provide a storage/maintenance building and outdoor storage for equipment used by Weber County Property Management; Commissioner Bell seconded, all voting aye.

**G. ASSIGN PLEDGE OF ALLEGIANCE & THOUGHT OF THE DAY FOR TUESDAY, FEBRUARY 12, 2013, 10 A.M.**

**H. PUBLIC COMMENTS:** None

**I. CLOSED EXECUTIVE SESSION**

Commissioner Zogmaister moved to convene into a closed executive session to discuss strategy relating to ongoing litigation and claims; Commissioner Bell seconded.

Roll Call Vote:

Commissioner Zogmaister.....aye

Commissioner Bell .....aye

Chair Gibson .....aye

There was no action taken on the closed executive session.

**J. ADJOURN**

Commissioner Bell moved to adjourn; Commissioner Zogmaister seconded, all voting 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