

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

Tuesday, February 17, 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, Matthew G Bell and James Ebert.

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

- A. WELCOME** – Chair Gibson
- B. INVOCATION** – Lisa Galvez
- C. PLEDGE OF ALLEGIANCE** – Douglas Hansen
- D. THOUGHT OF THE DAY** – Commissioner Bell

E. PRESENTATIONS:

1. **PRESENTATION OF THE 2015 WEBER COUNTY MOTHER OF THE YEAR, JAN ZOGMAISTER; THE OGDEN CITY MOTHER OF THE YEAR, ELEANOR NEWMAN; AND THE MOTHER OF ACHIEVEMENT, CHRISTINA MYERS**

Chair Gibson noted that recently the commissioners had attended the Mother of the Year ceremony, and it provided an opportunity to know these wonderful ladies in a more personal level. They were presented with a book, "The Art of Motherhood." Claudia Eliason, American Mothers, Inc. President, proudly announced that on February 7, 2015, Ms. Zogmaister was chosen as the Utah Mother of the Year, and that she would be going on to compete at the national level.

2. **PRESENTATION OF MIDDLE FORK WILDLIFE MANAGEMENT AREA (WMA), AND OGDEN BAY WATERFOWL MANAGEMENT AREA (WMA), HABITAT MANAGEMENT PLANS**

Pam Kramer, with the Utah Division of Wildlife Resources (DWR), outlined the purpose of these WMAs, access plans, habitat conditions/problems, maintenance activities, etc. Val Bachman, formerly with DWR (worked 38 years), outlined some of his accomplishments with the DWR.

F. CONSENT ITEMS:

1. Purchase orders for \$2,071,328.47
2. Ratify warrants #318049 - #318259 for \$2,337,996.60 dated February 10, 2014
3. Warrants #318260- #318438 for \$1,666,504.28
4. Minutes for the meeting held on February 3, 2015
5. New business licenses
6. ACH payment to US Bank for \$87,140.29 for purchasing card transactions through January 15, 2015
7. Service agreement with Wheeler Machinery for maintenance on front end loaders and track hoes – Contract C2015-32
8. Change Order 8 to the contract with Geneva Rock Products for the Powder Mountain Road and Utility Project for \$267,616.34 – Contract C2015-33
9. Request from the Department of Operations to declare parcel #09-075-0177 as surplus
10. Request from the Weber County Tax Review Committee to approve their decision to accept Mr. Edward Olsen's application for the abatement program
11. Cancel regular meeting of the Weber County Commission for 2/24/2015. Next meeting: 3/3/2015

Commissioner Bell moved to approve the consent items; Commissioner Ebert seconded.

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

G. ACTION ITEMS:

1. AMENDMENTS TO THE WEBER COUNTY LANDFILL FINAL END USE PLAN

Gary Laird, with County Solid Waste, stated that the county had been working with the State and Ogden City to amend the former Landfill Solid Waste Closure Plan to include the proposed archery and gun ranges to be located at the southwest corner. Over the years there have been several closure plans proposed due to several changes that have occurred since the closure (including the county acquiring Fort Buenaventura as a county park). Ogden City Planning approved a final plan with a few small changes. Some elements of the plan for this nature park include 1.7 miles of hiking/biking trails and the asphalt section of the Centennial Trail. The City has updates its West Ogden General Plan, which requested the City to approach the county to provide better access to the nature park. It will include pedestrian gates at “E” and “A” avenue entrances, remove an old structure and repair the parking lot. It is proposed to have a sun dial at the top of the landfill commemorating what used to be there in the 1800’s—a U.S. observatory for the Surveying Department—and a sign showing the old observatory. The City has requested that the county change the name of the park to Observatory Park. Non-motorized vehicle signs will be posted. Mr. Laird responded to Chair Gibson’s question stating that he is comfortable with this plan.

Commissioner Bell moved to approve the amendments to the Weber County Landfill Final End Use Plan; Commissioner Ebert seconded.

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

2. CONTRACT WITH THE JUNCTION CITY ROLLER DOLLS FOR THE FEBRUARY ROLLER DERBY BOUT AT THE GOLDEN SPIKE EVENT CENTER ON FEBRUARY 28, 2015 – CONTRACT C2015-34

Jennifer Graham, County Recreation Facilities Director, presented this standard contract.

Commissioner Bell moved to approve Contract C2015-34 with Junction City Roller Dolls for the February Roller Derby Bout at the Golden Spike Event Center on 2/28/2015; Commissioner Ebert seconded.

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

3. CONTRACT WITH BROKEN HEART RODEO FOR THE INTERMOUNTAIN ICEBREAKER HIGH SCHOOL INVITATIONAL RODEO AT THE GOLDEN SPIKE EVENT CENTER ON MARCH 5-7, 2015 – CONTRACT C2015-35

Jennifer Graham, County Recreation Facilities Director, presented this contract.

Commissioner Ebert moved to approve Contract C2015-35 with Broken Heart Rodeo for the Intermountain Icebreaker High School Invitational Rodeo at the Golden Spike Event Center on 3/5-7/2015; Commissioner Bell seconded.

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

4. RESOLUTION APPOINTING A MEMBER TO THE GOLDEN SPIKE EVENT CENTER ADVISORY BOARD EXECUTIVE COMMITTEE – RESOLUTION 18-2015

Jennifer Graham, County Recreation Facilities Director, noted that the Executive Committee recommends Brett Birt.

Commissioner Bell moved to adopt Resolution 18-2015 appointing Brett Birt to the Golden Spike Event Center Advisory Board Executive Committee; Commissioner Ebert seconded.

Roll Call Vote:

Commissioner Bell aye

Commissioner Ebert aye

Chair Gibson aye

5. CONTRACT WITH JOURNAL TECHNOLOGIES INC. TO PROVIDE A PROSECUTION CASE MANAGEMENT SYSTEM TO THE WEBER COUNTY ATTORNEY'S OFFICE – CONTRACT C2015-36

Branden Miles, Deputy County Attorney, stated that the Attorney's Office has been using three different systems to provide its services, which are either outdated or no longer supported. The total annual cost is \$50,000, which was approved in the budget. Built into the contract is that if the State gets onto this system and receives a lower cost, the county can get that contract rate.

Commissioner Bell moved to approve Contract C2015-36 with Journal Technologies Inc. to provide a Prosecution Case Management System to the Attorney's Office; Commissioner Ebert seconded.
Commissioner Bell – aye; Commissioner Ebert – aye; Chair Gibson – aye

6. CONTRACT BY/AMONG WEBER COUNTY, EATON ENERGY SOLUTIONS AND TOTAL BUILDING COMMISSIONING, INC. (TBC) FOR ALL RIGHTS AND ALL OBLIGATIONS YET TO BE COMPLETED BY EATON ENERGY SOLUTIONS FOR COMMISSIONING LIBRARY CAPITAL IMPROVEMENTS AS DETAILED IN #C2013-278, ARE BEING REASSIGNED TO TOTAL BUILDING COMMISSIONING, INC. BY AGREEMENT OF ALL PARTIES – CONTRACT C2015-37

Lynnda Wangsgard, County Library Director, presented this instrument of assumption. Eaton Energy Solutions (the commissioning agent) has been overseeing the work on the headquarters library as an independent contractor representing the owner during design, bidding, construction, etc., during the one-year warranty period. A corporate restructuring is causing Eaton to shut down its branch office in northern Utah thus the contract with Eaton is being reassigned to TBC. There are some changes to this contract. The original contract cost was \$140,103 and of that amount \$129,379 remains, which will be reassigned to TBC. However, the cost of the work that is yet to be done is now higher than when it was initially bid—TBC is requiring an additional \$35,722 to do the work in today's market. That additional cost will be paid by Eaton and the reassignment is cost neutral to the county. Commissioner Ebert noted the benefits of having this contractor in state. Additionally, this contract covers all the library capital projects and results in a cost savings to the county.

Commissioner Ebert moved to approve Contract C2015-37 by/among Weber County, Eaton Energy Solutions and Total Building Commissioning, Inc. for all rights and all obligations yet to be completed by Eaton Energy Solutions for commissioning library capital improvements as detailed in #C2013-278, are being reassigned to Total Building Commissioning, Inc. by agreement of all parties; Commissioner Bell seconded.

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

7. CONTRACT WITH CHRISTENSEN, PALMER & AMBROSE FOR AN ENGAGEMENT LETTER FOR THE 2014 FINANCIAL AUDIT – CONTRACT C2015-38

Scott Parke, County Comptroller, presented this standard engagement letter for the second of five years with Christensen, Palmer & Ambrose.

Commissioner Ebert moved to approve Contract C2015-38 with Christensen, Palmer & Ambrose for the engagement letter for the 2014 Financial Audit; Commissioner Bell seconded.

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

8. CONTRACT WITH BUCK CONSULTING FOR ADDITIONAL ACTUARY SERVICES – CONTRACT C2015-39

Scott Parke, County Comptroller, presented this contract amendment to include sick leave; the first contract only valued the retirement benefit.

Commissioner Bell moved to approve Contract C2015-39 with Buck Consulting for additional actuary services; Commissioner Ebert seconded.

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

9. **VACATE LOT 1 OF DAVID L. HANSEN ESTATES SUBDIVISION – ORDINANCE 2015-2**

Ben Hatfield, of the County Planning Division, presented Doug Hansen’s request to vacate the lot stating that Mr. Hansen has the amended plat reconfiguring the lot.

Commissioner Bell moved to adopt Ordinance 2015-2 vacating Lot 1 of David L. Hansen Estates Subdivision; Commissioner Ebert seconded.

Roll Call Vote:

Commissioner Bell	aye
Commissioner Ebert	aye
Chair Gibson	aye

H. PUBLIC HEARING

1.

Commissioner Ebert moved to adjourn the public meeting and convene the public hearing; Commissioner Bell seconded.

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

2. **PUBLIC HEARING TO CONSIDER A REQUEST TO AMEND THE COUNTY LAND USE CODE TITLE 110 (SIGNS) CHAPTER 1 (WESTERN WEBER SIGNS) AND TITLE 104 CHAPTER 25 (M-3 ZONE), BY INCREASING THE SIZE OF IDENTIFICATION SIGNS IN THE M-3 ZONE FROM 8 TO 20 SQUARE FEET**

Ben Hatfield, of the County Planning Division, stated that Compass Minerals International is the new owner of former Great Salt Lake Minerals. During the amendment process for a conditional use permit, County Planning noticed that the requirements for identification signs for the M-3 Zone were limited to 8 square feet. Due to the size of some of the buildings on M-3 sites, they feel there is a need to increase that to 20 square feet. There is only one M-3 Zone in unincorporated Weber County. He responded to Chair Gibson’s questions stating that he does not see any detriments to this amendment and that no negative comments were received.

3. Public comments: None

4.

Commissioner Ebert moved to adjourn the public hearing and reconvene the public meeting; Commissioner Bell seconded.

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

5. **ACTION ON PUBLIC HEARING:
H.2-AMEND COUNTY LAND USE CODE TITLE 110, CHAPTER 1, & TITLE 104, CHAPTER 25 –
ORDINANCE 2015-3**

Commissioner Ebert moved to adopt Ordinance 2015-3 amending the County Land Use Code Title 110 (Signs) Chapter 1 (Western Weber Signs) and Title 104 Chapter 25 (M-3 Zone), by increasing the size of Identification Signs in the M-3 Zone from 8 to 20 square feet; Commissioner Bell seconded.

Roll Call Vote:

Commissioner Bell	aye
Commissioner Ebert	aye
Chair Gibson	aye

I. PUBLIC COMMENTS:

Douglas Hansen, of West Weber, said that he has suggested less impactful alternatives for the Little Weber cut-off project at different Commission meetings. Subsequent to the last Commission meeting Mr. Hansen obtained the services of an independent engineer who went to the area, did some calculations and reported that the current 30’ wide X 8’ deep structure that is being built could carry 1,000 second feet at half full and 2,000 second feet at full. Mr. Hansen said that it means this project is overdesigned, that the county had wanted 1,000 second feet capacity. He said that the independent engineer’s calculation was for a steady stream of water (about 2½ miles/hour, which would be slower than one can walk, at 3-4 miles/hour). He is looking for the next calculation, which is what happens with the flow during a flood. He requested that the county review this new data and at least reduce the size of the concrete channel and also look at the opportunity it may provide to save money, efforts and impacts.

Larry Hansen, of Warren, thanked Ogden Bay for its wildlife efforts. During 2013 there was an independent wildlife study on the ducks at Ogden Bay and it was determined that it hatched 10 wood ducks. He said that the survey extended into the Hansen property and it was determined that the Hansen property netted 300 wood ducks. He stated that during the 2013 river cleanup the county destroyed half of the nesting boxes and most of the wildlife habitat for wood ducks. He said that county staff, Lance Peterson, Emergency Management Director, and Jared Andersen, County Engineer, had promised that all would be returned, but most had not been done. Those boxes are still not in production from a year ago and March 1 is the appropriate timeframe to put the boxes in. The habitat is gone and the wood ducks are not there. The Hansen’s are asking the county for compensation to continue with the project this year—\$2,500 for the lost nesting and \$2,500 for the lost habitat. He indicated that the Corps of Engineers had said that the county was supposed to go back and put the habitat back in, which had not been done. Mr. Peterson stated that last year when the county was removing debris from the Hansen property the track hoe operators inadvertently destroyed some nests. They were rebuilt/replaced and this was the first time he had heard that they had not been. He will research the issue.

Mr. Andersen stated that this was the first time he had heard of these newest calculations for the Little Weber cut-off project. He has forwarded all of Mr. Doug Hansen’s previous calculations to the engineer who is doing the work and that engineer has given the reasons as to why the calculations are not correct. He will also forward these calculations.

Chair Gibson stated that the county is four years into a very detailed and data-intensive process and that a decision was subsequently made to proceed with the project. He is confident about the information received from the engineers hired to work on this project. The contractors are currently working on it, which is half completed, and it should accomplish the desired goals. He appreciates the new information but said he has to weigh it against four years of detailed information.

J. ASSIGN PLEDGE OF ALLEGIANCE & THOUGHT OF THE DAY FOR TUESDAY, MARCH 3, 2015, 10 A.M.

K. ADJOURN

Commissioner Bell moved to adjourn at 11:52 am; Commissioner Ebert seconded.
Commissioner Bell – aye; Commissioner Ebert – aye; Chair Gibson – aye

Attest:

Kerry W. Gibson, Chair
Weber County Commission

Ricky D. Hatch, CPA
Weber County Clerk/Auditor