

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

Tuesday, April 2, 2013 - 10:00 a.m.  
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 unreported 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:** Kerry W. Gibson, Chair, Jan M. Zogmaister, and Matt G Bell.

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

**A. WELCOME** - Chair Gibson

**B. PLEDGE OF ALLEGIANCE** – Kevin Wilson

**C. THOUGHT OF THE DAY** - Chair Gibson

**D. PRESENTATION - RECOGNITION OF THE 2013 WEBER COUNTY & OGDEN CITY MOTHERS OF THE YEAR**

Commissioner Zogmaister stated that these mothers were selected by American Mothers Inc. and she is very impressed with the caliber of women chosen from our community. The Weber County Mother of the Year is Kathy Jensen and the Ogden City Mother of the Year is Paula Maddock (who was not present). They bring awareness, respect, and recognition to motherhood. The commissioners presented them with a plaque and a book.

**E. CONSENT ITEMS:**

1. Purchase Orders for \$338,771.40
2. Warrants #296384 - #296536 for \$1,025,988.46
3. Minutes for the meeting held on March 19, 2013
4. New business licenses
5. Set public hearing for April 30, 2013, 10 a.m., to consider legislative amendments to the County Zoning Ordinance to adopt the revised format Part II Land Use Code
6. Set public hearing for April 30, 2013, 10 a.m., to consider legislative amendments to the County Land Use Code Part II Title 110 Signs Chapter 1 General Provisions and Title 101 General Provisions, Section 101-1-7 definitions regarding the Weber County temporary sign provisions including political signs
7. Set public hearing for April 30, 2013, 10 a.m., to consider legislative amendments to the County Land Use Code Part II Title 110 Signs Chapter 2 Ogden Valley Signs regarding the County temporary sign provisions including political signs

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

**F. ACTION ITEMS:**

1. **RESOLUTION PROVIDING FOR A SPECIAL BOND ELECTION TO BE HELD ON JUNE 25, 2013, REGARDING THE ISSUANCE OF GENERAL OBLIGATION BONDS FOR LIBRARY IMPROVEMENTS; AND RELATED MATTERS – RESOLUTION 6-2013**

David Wilson, Deputy County Attorney, noted that this item is to set the by-mail election for June 25 and that a ballot will be mailed to every registered voter in the county. There will also be six vote centers. A public hearing is scheduled for April 30. The Library had been invited to provide a description of the improvements, which is contained in the Proposition.

Chair Gibson referred to the total tax levy summary comparison between level debt service and wrapped debt service and Alan Westenskow, with Zions Bank Public Finance, county financial advisor, presented a quick analysis of different bond scenarios.

Chair Gibson said that the wrapped debt service bond appeared to cost more overtime and Mr. Westenskow explained that using the \$40 million wrapped debt service example (with current market conditions, etc.) it will cost \$2.5 million more over the 20-year life of the level structure bonds, however, the trade off is that the initial tax increase for an average residential property (\$161,000) would be about \$10.40 versus \$23.77 for the level debt service for the life of the bond starting in 2015. This would be the increase over what is currently being paid. The total tax levy on the \$40 million would be a \$28 tax payment increase over the life of the bonds. If the new bonds are wrapped, that \$28 increase would remain steady throughout the life of the bond. With the level structure, the tax increase would be \$41 for the first five years (until the existing GO bond matures), and would then decrease to \$23 thereafter. The wrapped structure is tail-weighted but has a smaller tax increase for the first few years.

Commissioner Zogmaister stated that the commissioners have mulled this issue individually for some time. It was discussed at the last meeting that there might be a cheaper way but this has proven not to be the case. She has confidence in the bid process, the construction team, and in those overseeing the work and feels they should move forward with \$49 million bond request. It has been proven with the Pleasant Valley Library construction that they can squeeze every penny of every dollar (and just about everyone in the Chambers applauded when she finished speaking).

Commissioner Zogmaister moved to adopt Resolution 6-2013 regarding the issuance of General Obligation Bonds for Library improvements up to \$49,749,694; Commissioner Bell seconded for discussion. Commissioner Zogmaister noted that this is the maximum amount and the taxpayers will be deciding. Commissioner Bell is willing to let the taxpayers decide but has reservations. Chair Gibson feels it is right to put the issue on the ballot but as he looks forward, not only at possible future county indebtedness and things out of the county's control that taxpayers may be asked to pay for, he feels a real urgency to minimize that impact, but still taking care of critical infrastructure needs. Experience has proven to him that with construction, inherently more money is spent than is available. Commissioner Zogmaister had also started out by looking at contingencies but has moved forward with confidence that they will not overspend. Lynnda Wangsgard, County Library Director, addressed the commissioners' questions including that all projects have a contingency of \$5,000,051 million and what affect a \$40 million bond may have on the proposal. Her recommendation is not to cut projects because there are compelling reasons to upgrade and expand Library services throughout the county. Unfortunately they are in the conceptual stages of designing these projects and need the benefit of meeting with people in the communities to get their vision of what is most important in their libraries and she suggested doing that for the next couple of months and then asking the architectural team to design backwards from there. Ms. Wangsgard sees the Commission as having the final word for the bids and the construction contracts, which will be within parameters of the budget that has been put together. The Library will engage in an education only campaign as required by law. There is no obligation if the bond fails. Commissioner Zogmaister expressed concern with taking out the whole contingency percentage; the Main Library has to be done correctly. Commissioner Bell asked if they still have options to renovate that building or to rebuild it and Commissioner Zogmaister said that if they decide to renovate they are committed to that. Ms. Wangsgard stated that it is most cost effective to renovate it and that the high water and other issues can be mitigated. Chair Gibson made a substitute motion to adopt Resolution 6-2013 providing for a Special Bond Election to be held on June 25, 2013, for the issuance of General Obligation Bonds for Library improvements for \$45 million; and related matters. Commissioner Bell seconded for discussion. Commissioner Zogmaister said that it is unrealistic to take out the entire contingency because of unknowns and reiterated that the tax increase would be spread over a 5-year period of time. Chair Gibson said the \$45 million still accomplishes the goal but there needs to be motivation for staff, contractors and everyone involved in the project to be as frugal as possible. Commissioner Zogmaister said that it has been many years since money has been invested into the Library System, that the motivation is there and we may not end up with what is wanted and the county will be settling, that this is an opportunity for the public to vote and we should not short change them on what they can get. Chair Gibson called for the vote on the substitute motion for the \$45 million cap. Roll call vote:

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

2. **REQUEST FOR A SECOND READING OF AN ORDINANCE TO INCREASE THE WEBER COUNTY SHERIFF OFFICE'S FEES – ORDINANCE 2013-8**

This item was held.

3. **WEBER PATHWAYS REQUEST FOR USE OF IMPACT FEES**

Nate Pierce, County Operations Department Director, presented the \$40,000 request to do some engineering design work on the Pineview Loop Trail. This money is appropriated in the current year budget. The current balance is \$59,090.00.

Commissioner Bell moved to approve the request for \$40,000 by Weber Pathways for the Trail; Commissioner Zogmaister seconded, all voting aye.

4. **CONTRACT WITH SCHINDLER ELEVATOR CORPORATION TO REFURBISH AND UPGRADE THE ELEVATORS IN THE WEBER CENTER BUILDING – CONTRACT C2013-65**

Nate Pierce, County Operations Department Director, stated that the budget includes money for this work. Commissioner Zogmaister moved to approve Contract C2013-65 with Schindler Elevator Corporation to refurbish and upgrade the elevators in the Weber Center Building for \$75,752; Commissioner Bell seconded, all voting aye.

5. **RESOLUTION APPOINTING A MEMBER TO THE NORTHERN UTAH REGIONAL LANDFILL AUTHORITY (NURLA) – RESOLUTION 7-2013**

Gary Laird, of County Solid Waste Management, said that this item is to replace former Commissioner Dearden.

Commissioner Gibson moved to adopt Resolution 7-2013 appointing Commissioner Matthew G Bell to the Northern Utah Regional Landfill Authority; Commissioner Bell seconded.

Roll call vote:

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

6. **CONTRACT WITH OGDEN CITY CORP. TO ALLOW OGDEN CITY ACCESS TO THE WEBER RIVER FROM WEBER COUNTY OWNED PROPERTY FOR RIVER REPAIRS – CONTRACT C2013-66**

Lance Peterson, of County Emergency Management, stated that two years ago Ogden City's Ball Park was severely damaged due to the flooding. During the restoration they discovered that the river has moved over the past 50 years and Weber County now owns a piece of the north side of the river. He said that the County Surveyor's Office had verified this. The City needs access to repair Weber River between Fort Buenaventura and the Ball Park.

Commissioner Zogmaister moved to approve Contract C2013-66 with Ogden City Corp. to allow Ogden City access to the Weber River from Weber County owned property for river repairs; Commissioner Bell seconded, all voting aye.

**G. PUBLIC HEARINGS:**

1. Commissioner Bell moved to adjourn the public meeting and convene the public hearings; Commissioner Zogmaister seconded, all voting aye.

2. **PUBLIC HEARING REGARDING THE VACATION A 10 FOOT PUBLIC UTILITY EASEMENT ON LOT 3B OF WEBER INDUSTRIAL PARK PLAT D**

Ben Hatfield, of the County Planning Division, showed area maps noting that this easement runs across the middle of the lot. The vacating will allow the owner to do future expansion of the building on the lot.

The applicant has submitted letters from all utility companies granting permission to vacate the easement. Chair Gibson invited public comments and none were offered.

**3. PUBLIC HEARING REGARDING THE VACATION OF A DETENTION BASIN UTILITY EASEMENT ON LOT 1 OF BASINVIEW ESTATES CLUSTER SUBDIVISION 1<sup>ST</sup> AMENDMENT**

Ben Hatfield, of the County Planning Division, showed an area maps noting that the lots in this subdivision share a common drain field. When the community septic drain field and the storm drain detention were being constructed, it was noticed that they were too close to each other to meet health code standards. Subsequently, the detention basins for storm water were constructed in a different location on Lot 1, but not within the platted easement. With the vacation of the platted easement, deeds conveying a new easement surround the installed basins will be recorded for the Homeowners Association.

Chair Gibson invited public comments. Clarke Summers, owner of the property, said that the State made recommendation for the design for the sewer system and retention ponds. He said that more than one lot was affected and asked if they would have to come back for the others. Mr. Hatfield responded that there are two more detention ponds (on Lots 3 and 5) and he discussed it with Ernest Rowley, County Recorder/Surveyor, and Chad Meyerhoffer, of County Engineering and staff feels that the facilities can still be maintained. Those other ponds are partially within that easement but overlap into the easement on the other side of the Lot line, which is still within the easement for the public utilities.

**4. PUBLIC HEARING REGARDING AN ADMINISTRATIVE APPLICATION REQUESTING THE VACATION OF LOT 2 OF VALLEY CENTER SUBDIVISION**

Ben Hatfield, of the County Planning Division, stated that the owner of Lot 2 wishes to divide this lot into 3 lots. Chair Gibson invited public comments and none were offered.

**5. Public hearing to consider Zoning Map Amendment (ZMA 2013-01) to rezone properties in North Fork Area located near 6972 N. North Fork Road, from Forest 5 Zone (F-5) to Forest Valley 3 Zone (FV-3)**

Ben Hatfield, of the County Planning Division, showed an area map stating that the applicant is requesting property (19.39 acres) just north of the Durfee Creek Subdivision be rezoned. The property is currently below the standards for the F-5 Zone. A number of properties were built before the zoning changes from F-1 to F-5. He said that these properties are adjacent to current FV-3 zoning. Chair Gibson invited public comments and none were offered.

**6. Commissioner Bell moved to adjourn the public hearings and reconvene the public meeting; Commissioner Zogmaister seconded, all voting aye.**

**7. ACTION ON PUBLIC HEARINGS:**

**G.2.-VACATING A 10-FOOT PUBLIC UTILITY EASEMENT ON LOT 3B OF WEBER INDUSTRIAL PARK PLAT "D"-ORDINANCE 2013-8**

Commissioner Zogmaister moved to adopt Ordinance 2013-8 vacating a 10-foot wide public utility easement on Lot 3B of Weber Industrial Park Plat "D" and Commissioner Bell seconded.

Roll call vote:

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

**G.3.-VACATING A DETENTION BASIN EASEMENT ON LOT 1 OF BASINVIEW ESTATES CLUSTER SUBDIVISION 1<sup>ST</sup> AMENDMENT-ORDINANCE 2013-9**

Commissioner Bell moved to adopt Ordinance 2013-9 vacating a detention basin easement on Lot 1 of Basinview Estates Cluster Subdivision 1<sup>st</sup> Amendment; Commissioner Zogmaister seconded.

Roll call vote:

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

**G.4 - VACATING LOT 2 OF VALLEY CENTER SUBDIVISION ORDINANCE 2013-10**

Commissioner Zogmaister moved to adopt Ordinance 2013-10 vacating Lot 2 of Valley Center Subdivision at approximately 2200 North 5500 East; Commissioner Bell seconded.

Roll call vote:

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

**G.5 - ZONING MAP AMENDMENT (ZMA 2013-01) REZONING PROPERTIES IN THE NORTH FORK AREA NEAR 6972 N. NORTH FORK ROAD FROM FOREST 5 (F-5) ZONE TO FOREST VALLEY 3 (FV-3) ZONE-ORDINANCE 2013-11**

Commissioner Bell moved to adopt Ordinance 2013-11 amending the Zoning Map (ZMA 2013-01) by rezoning properties in the North Fork Area near 6972 N. North Fork Road from Forest 5 (F-5) Zone to Forest Valley 3 (FV-3) Zone; Commissioner Zogmaister seconded.

Roll call vote:

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

**H. ASSIGN PLEDGE OF ALLEGIANCE & THOUGHT OF THE DAY FOR TUESDAY, APRIL 9, 2013, 10 A.M.**

**I. PUBLIC COMMENTS:**

Evelyn Bertilson thanked the commissioners for approving the resolution for the special bond election for the Library and wanted to assure them that in the campaign for this election, the Friends of the Library will be ethical and do their very best to improve the libraries in the counties.

Lynnda Wangsgard, County Library Director, acknowledged the last three months of hard work on the library issues and thanked them now for doing due diligence. She also thanked the finance committee, the County Clerk's office with document the meetings, running elections, the Comptroller, the Treasurer, the Attorney's Office, etc., recognizing that this is a team project and stated that they work for the county and will do a good job and make this work for the people of Weber County.

**J. ADJOURN**

Commissioner Bell moved to adjourn at 11:28 a.m.; 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