

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

Tuesday, April 7, 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 Gibson, and James Ebert. Matthew G Bell was excused.

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 – Holin Wilbanks

C. PLEDGE OF ALLEGIANCE – Devron Andersen

D. THOUGHT OF THE DAY – Chair Gibson

E. PUBLIC COMMENTS: None

F. PRESENTATION OF THE WEBER COUNTY HERO AWARD TO BRANDON PETERSON

Commissioner Ebert outlined some services that county government provides. He noted that it is "County Government Month" and the Commission will be recognizing heroes that positively impact our community throughout this month. The chosen hero for this week was not able to be present.

G. CONSENT ITEMS:

1. Purchase orders for \$880,060.99
2. Ratify warrants #319570 - #319893 for \$1,487,336.78 dated March 31, 2015
3. Warrants #319894- #320042 for \$934,378.75
4. Minutes for the meeting held on March 24, 2015
5. Retirement Agreement with Sandra G. Cook – Contract C2015-67
6. Request from the Weber County Survey/Recorder's Office to surplus office equipment
7. Contracts with the following entities for Recreation, Arts, Museums and Parks awards:
 - Chamber Orchestra Ogden-2015-2016 Season – Contract C2015-68
 - Downtown Ogden Inc.-Ogden Farmer's and Art Market – Contract C2015-69
 - Downtown Ogden Inc.-Live Summer Concert Series – Contract C2015-70
 - Eccles Community Art Center-Exhibits/Competition 2015 – Contract C2015-71
 - Eccles Community Art Center-Ogden Doodle Book – Contract C2015-72
 - Egyptian Theater Foundation-Egyptian Theater Film Series – Contract C2015-73
 - Egyptian Theater Foundation-Theater PA and Audio Upgrade – Contract C2015-74
 - Historic 25th Street Foundation-Harvest Moon Celebration – Contract C2015-75
 - Historic 25th Street Foundation-Witchstock – Contract C2015-76
 - Historic 25th Street Foundation-Music System – Contract C2015-77
 - Hooper City /West Have City-Portable Amphitheater Stage – Contract C2015-78
 - Imagine Ballet Theater-The Nutcracker – Contract C2015-79
 - Imagine Ballet Theater-The Nutcracker Refreshment Phase III – Contract C2015-80
 - Imagine Ballet Theater-The Secret Garden 10th Anniversary – Contract C2015-81
 - Nurture the Creative Mind-NCM Street Pianos – Contract C2015-82
 - Ogden Arts Festival, Inc.-Ogden Arts Festival – Contract C2015-83
 - Ogden City Arts-Ogden's First Friday Art Stroll – Contract C2015-84
 - Ogden City Arts-Twilight Concert Series – Contract C2015-85
 - Ogden City Arts-Free Summer Series – Contract C2015-86
 - Ogden Friends of Acoustic Music-8th Annual Music Festival – Contract C2015-87
 - Ogden Friends of Acoustic Music-3rd Annual Ogden Valley Roots & Blues – Contract C2015-88
 - Ogden Nature Center-Summer Concerts – Contract C2015-89

Ogden Pioneer Heritage Foundation-Trail to Pioneer Horse Display – Contract C2015-90
 Ogden Pioneer Heritage Foundation-Ogden Pioneer Days Celebration – Contract C2015-91
 Ogden School Foundation-Ucreate – Contract C2015-92
 Ogden Symphony & Ballet-All Programs – Contract C2015-93
 Ogden Valley Balloon Festival-Balloon and Arts Festival – Contract C2015-94
 Ogden’s George S. Dinosaur Park-Field Guide Addition & Ongoing Education – Contract C2015-95
 Project Success-Juneteenth Cultural Arts Festival – Contract C2015-96
 Treehouse Children’s Museum-Mainstreet Grows at Treehouse – Contract C2015-97
 Treehouse Children’s Museum-Science Circus – Contract C2015-98
 Treehouse Children’s Museum-The Play is the Thing at the Treehouse – Contract C2015-99
 Treehouse Children’s Museum-Get Ready for Kindergarten – Contract C2015-100
 Union Station Foundation-Museum Collections: Archival & Restoration Supplies– Contract C2015-101
 Union Station Foundation-Traveling Exhibit: American Adventure – Contract C2015-102
 Union Station Foundation-Heritage Festival at Union Station – Contract C2015-103
 Weber Arts Council-African Dance and Drum – Contract C2015-104
 Weber Arts Council-Ars Visualia Guerilla Truck Fair 2015 – Contract C2015-105
 Weber Arts Council-Mountain Arts & Music Workshops – Contract C2015-106
 Weber County dba Eccles Conference Center-Historic Door Replacement – Contract C2015-107
 Weber County dba Eccles Conference Center-Theater Carpet Replacement – Contract C2015-108
 Weber State University-Science & Arts in the Parks – Contract C2015-109
 Weber State University-Shaw Gallery: Elizabeth Higgins O’Conner Exhibition – Contract C2015-110
 Weber State University-ArtReach: Shaw Gallery Outreach Program – Contract C2015-111
 Weber State University-Shaw Gallery: Ogden Film Circuit – Contract C2015-112
 Weber County Parks-Field Archery Range – Contract C2015-113
 Weber County Parks-Water System Update at Weber Memorial Park – Contract C2015-114
 Weber County Parks-Snow Thrower Attachment for North Fork Park – Contract C2015-115
 Ogden Nordic-Snowmobile for Grooming and Storage Trailer – Contract C2015-116
 Ogden’s George S. Dinosaur Park-Restroom Addition – Contract C2015-117
 Marshall White Center-Gym Floor – Contract C2015-118
 Huntsville Town-Ogden Valley Pineview Loop Trailhead – Contract C2015-119
 Ogden City Corporation-Grandview Park Restrooms – Contract C2015-120
 Ogden Ranger District-Skyline Trail Reconstruction/ Phase 1 – Contract C2015-121
 Ogden School Foundation-Ogden Community Soccer Complex Phase I – Contract C2015-122
 Pleasant View City-Walking Trail – Contract C2015-123
 Washington Terrace City-Lions Park Play Structure – Contract C2015-124
 Washington Terrace City-Rohmer Park Baseball Fields Backstop Fencing – Contract C2015-125
 Weber Cultural Legacy Foundation-GOAL Fitness Trail at Big D Park – Contract C2015-126
 Weber Pathways-Pineview Loop Pathway- Pelican Beach Trail and Trailhead – Contract C2015-127
 West Haven City-West Haven City Trail Project – Contract C2015-128

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

Commissioner Ebert – aye; Chair Gibson – aye

H. ACTION ITEMS:

1. **RATIFY CONTRACT WITH STEPHANIE LINDSEY FOR THE SPIKER’S HIGH SCHOOL RODEO AT THE GOLDEN SPIKE EVENT CENTER (GSEC) ON APRIL 3-4, 2015 – CONTRACT C2015-129**

Jim Harvey, with GSEC, presented this contract.

Commissioner Ebert moved to ratify Contract C2015-129 with Stephanie Lindsey for the Spiker’s High School Rodeo at the Golden Spike Event Center on 4/3-4/2015; Chair Gibson seconded.

Commissioner Ebert – aye; Chair Gibson – aye

2. RATIFY CONTRACT WITH WEBER STATE UNIVERSITY FOR THE WEBER STATE RODEO ON MARCH 27-28, 2015 – CONTRACT C2015-130

Jim Harvey, with Golden Spike Event Center, presented this contract.

Commissioner Ebert moved to ratify Contract C2015-130 with Weber State University for the Weber State Rodeo on 3/27-28/2015; Chair Gibson seconded.

Commissioner Ebert – aye; Chair Gibson – aye

3. NOTICE OF AWARD TO BOWEN CONSTRUCTION FOR THE WATER SYSTEMS UPDATE AT WEBER MEMORIAL PARK

Jennifer Graham, County Recreation Facilities Director, stated that this item was put out to bid and five bids were received. Bowen Construction was the low bidder and satisfied the requirements.

Commissioner Ebert moved to approve the Notice of Award to Bowen Construction for the water systems update at Weber Memorial Park; Chair Gibson seconded.

Commissioner Ebert – aye; Chair Gibson – aye

4. RESOLUTION AMENDING GOLDEN SPIKE EVENT CENTER ADVISORY BOARD BYLAWS – RESOLUTION 23-2015

Jennifer Graham, County Recreation Facilities Director, presented minor changes recommended by the Board that included making the CVB President/representative and the County Sheriff/representative voting members.

Commissioner Ebert moved to adopt Resolution 23-2015 amending the Golden Spike Event Center Advisory Board Bylaws; Chair Gibson seconded.

Commissioner Ebert – aye; Chair Gibson – aye

5. MEMORANDUM OF UNDERSTANDING WITH THE STATE OF UTAH, DEPARTMENT OF NATURAL RESOURCES (DNR), FOR A FEDERAL GRANT TO RETROFIT THE SHOOTING RANGE FACILITY FOR PUBLIC USE – CONTRACT C2015-131

Eric Jones, of the County Sheriff's Office, stated that the \$400,000 grant was applied to retrofit the range to allow public use. The county's match portion is \$133,000. The Division's goal in participating is to bolster hunter safety education and a requirement of the grant is that hunters be taught at the range. The public will have access to one 50 yard range and one 300 yard range.

Commissioner Ebert moved to approve Contract C2015-131, Memorandum of Understanding with the State of Utah, Department of Natural Resources, for a federal grant to retrofit the shooting range facility for public use; Chair Gibson seconded.

Commissioner Ebert – aye; Chair Gibson – aye

6. ACTION ON A PRESENTATION OF A WEBER COUNTY 2014 INTERIM FINANCIAL REPORT

Scott Parke, County Comptroller, presented the quarterly financial report as of December 31, 2014. Audited financial statements were not yet available and a few minor adjustments may be made. The revenues came in as budgeted. Sales tax revenues increased slightly. The county received a \$1.5 million State grant to help fund the purchase of the Swanson Tactical Center. Expenditures came in about \$2.5 million under budget.

Commissioner Ebert moved to approve the Weber County 2014 interim financial report; Chair Gibson seconded.

Commissioner Ebert – aye; Chair Gibson – aye

I. PUBLIC HEARING

1. Commissioner Ebert moved to adjourn the public meeting and convene a public hearing; Chair Gibson seconded.
Commissioner Ebert – aye; Chair Gibson – aye
2. **PUBLIC HEARING REQUESTING APPROVAL OF A RESOLUTION APPROVING AMENDMENTS TO THE OPERATING AND CAPITAL BUDGETS OF WEBER COUNTY FOR THE 2015 CALENDAR YEAR**

Scott Parke, County Comptroller, stated that a couple of 2014 projects did not get completed until 2015 and about \$331,000 in adjustments was necessary. About \$400,000 in expenditures for restricted purposes had not been included in the 2015 budget. Other budget adjustments include \$800,000 in new revenue and expenditures for the Health Department due to a new grant and \$440,000 for upgrades to county equipment and software.
3. Public Comments: None
4. Commissioner Ebert moved to adjourn the public hearing and reconvene the public meeting; Chair Gibson seconded.
Commissioner Ebert – aye; Chair Gibson – aye

J. ACTION ITEMS CONTINUED:

1. **ACTION ON PUBLIC HEARING ON A RESOLUTION APPROVING AMENDMENTS TO THE OPERATING AND CAPITAL BUDGETS OF WEBER COUNTY FOR THE 2015 CALENDAR YEAR – RESOLUTION 24-2015**

Commissioner Ebert moved to adopt Resolution 24-2015 approving amendments to the Operating and Capital Budgets of Weber County for the 2015 calendar year; Chair Gibson seconded.
Commissioner Ebert – aye; Chair Gibson – aye
2. **RESOLUTION AUTHORIZING EMINENT DOMAIN PROCEEDINGS RELATED TO THE LITTLE WEBER RIVER CUTOFF CHANNEL PROJECT – RESOLUTION 25-2015**

Lance Petersen, with County Emergency Management, gave a presentation reviewing the history of flooding of the Weber River since 1952. The 1952 flood occurred at approximately 7000 cfs., and flooding continued on the lower Weber in 1983, 2006, and 2011. The 2006 flooding was caught early and stopped. The county has worked extensively to clear debris from the channel, repair banks, enlarge gates on the Ogden Bay bird refuge, install an automatic trash rack on the Willard Bay Diversion Canal (the trash rack cost about \$1 million), and is now ready to complete the Little Weber Diversion channel that the county and the farmers in western Weber County began in 1952. He said that flooding is a hazard that needs to be addressed. It will help sustain the economic viability of the area, whether it is used for farming, residential or commercial. The county received some grants from NRCS (Natural Resources Conservation Service) in 2013 for the severe 2011 flooding, and the county has been working extensively to mitigate the flood threat for the past four years. He said that the county's repair strategies developed in 2011 are sound and the projects that Mr. Andersen will address next are prudent projects.

Jared Andersen, County Engineer, stated that this project has been a main focus of the county for the past few years. In the spring of 2012 NRCS hired the McMillan Group (engineers/biologists/environmentalists), which conducted the damage assessment and the environmental assessment.

County staff went along on the boat rides with NRCS, reviewed the damage survey reports and informed them of damaged areas. The county began hiring design firms (mainly Bowen Collins & Associates, which technically surveyed the entire area in 2012 to help with design work in western Weber County and also hired a public information firm for public notification process (including the newspaper, mailers, emails, postings) on the projects and the first open house to obtain public input was in 9/2012. Ogden Bay and the Little Weber Cut Off channel projects needed an environmental assessment (EA) and subsequently there was another open house on 8/2013. Subsequently, the McMillan Group made its recommendations, and there is a good possibility that the county would not receive the federal funding if it did not follow those. The final assessment report was completed in March 2014. The county could not finalize the projects until the EA report was finalized.

The county immediately submitted application for an Army Corp permit for the Little Weber Cut Off channel. Bowen Collins designed the Little Weber Cut Off channel project. Mr. Andersen stressed that timing is of the essence and the federal emergency watershed funds must be expended during a certain period of time. The fourth and final federal extension expires at the end of summer. He noted that early settlers in 1896 had also diverted water in close proximity to the current channel. The current concrete channel has been completed from the river to 5500 W. and the county has a permanent easement on that first section of property since 2011. The next section from 5500 to 5900 W., is the Hansen property/O&O Farm, and the flooding in this area has the potential for the most impact, according to the McMillan Group. The channel is being done in concrete because an open channel would necessitate yearly maintenance and a lot of work for the county into the future. The Hansen property will be the most impacted by the channel but it will best mitigate flooding for the Hansen's and the surrounding area. The last section is the Gary Nelson property, the county has a right to occupy agreement with him, and the county's contractor has started work there. The Hansens have been before the Commission over the last few months opposing this channel on their property. However, the other two sections are about to be completed and the middle section/Hansen property needs to connect. County staff has spent a lot of time with the Hansens, including visits on their property to ensure they can continue to operate as close as they currently operate and are close to addressing their last couple of items. He wishes this issue had not come to this point and appreciates the Hansen's time in the last two weeks to try resolving the issue.

Douglas Hansen, of West Weber, said that this channel critically impacts their farming operation and bisects their pasture and they do not want the canal. He said that there were additional floods in 1936 and 1948 and their families are used to the flooding. His family attended the public meetings and made comments (which are in the EA), sent a letter to the State conservationist and Mr. Andersen in March 2014, and he has also spoken with past commissioners and worked with county staff since 1997 proposing alternatives, which he feels are more effective and allow the river to heal itself and carry more water, but their recommendations were not heeded, and the 2011 flood ensued.

Mr. Hansen has been before the Commission this year several times to define the alternatives. Now they are dealing with the large cement canal through their property and have been working with Mr. Anderson to try to mitigate the related problems. The original design did not have an irrigation system, had very little drainage and did not have the sufficient access they needed to operate their farm. Mr. Hansen said that he spoke about this a lot but nothing seemed to occur and he wrote a list and Mr. Andersen has acknowledged most of those items, which have been made a part of the current design for that area and satisfies the Hansens a little more that they can continue to farm, though it will be limited. Mr. Hansen had the addendum to the contract that is nearly complete, and which he sent to Mr. Andersen this morning. There are about 4-5 items to be resolved because details need to be added to the agreement, but only a couple of those items require agreement. The Hansens prefer not proceeding with eminent domain procedures and would like to reach agreement and be able to sign the right to occupancy.

Mr. Andersen feels that the agreement can be completed by the end of this week and that the other details can be subsequently worked out. He requested postponing adoption of the resolution for one week or making the effective date of the resolution for 5-7 days from now so they can finalize the agreement.

Jim Flint, civil engineer with Hansen & Associates, had looked at the Hansen's drainage issues. He said that the Hansens had been asked to sign an agreement with no promise to mitigate and now a major hurdle had been crossed from a month ago relating to the 30 ft. wide X 8 ft. high channel.

David Wilson, Deputy County Attorney, stated that the resolution starts the process but does not start the lawsuit. There are 30 days from the date of adoption before the condemnation action can be filed. He recommends adopting the resolution.

Chair Gibson said that the 2011 flooding had been a major challenge. Some people had put their lives in peril and he expressed thanks to all who assisted—citizens and entities. The county approached the State, which previously had been unwilling to address the concerns, and they became a partner to help correct the problem. He said that this portion of the project is the most expensive and is critical to the health and safety of the area citizens. The county has been trying to get the Hansens to sign on for four years and have exhausted options. He stated that construction has been completed on one end and construction has started at the other end and the middle section (the Hansen's property) must be done to have the project function properly. Other property owners with similar impacts have worked very hard to work with the project. A permanent easement was signed in 2011 over 2/3 of this right-of-way for this project. The Hansens have been treated as the other property owners, have been notified and given opportunity to comment, and the county believed it was dealing with the person who had authority to represent the LLC. The LLC recently informed the county that the person who they were dealing with did not have authority to sign the LLC. The county is trying to follow the correct procedures and does not want to have to de-mobilize a contractor again. The county is committed to minimize the impacts.

Karen Tucker, Doug and Larry Hansen's sister, stated that she had been living out of state for some time and was not being informed of what was going on and had not receive documents. Ms. Tucker said that this is not a one-owner LLC and the person who had signed the documents did not have the authority. She prefers not to go forward with eminent domain procedures and requested making the resolution effective one week out (April 14). Mr. Andersen feels comfortable with making the resolution effective April 14, 2015.

Commissioner Ebert moved to adopt Resolution 25-2015 authorizing eminent domain proceedings related to the Little Weber River Cutoff Channel Project with an effective date of April 14, 2015; Chair Gibson seconded.

Commissioner Ebert – aye; Chair Gibson – aye

K. ASSIGN PLEDGE OF ALLEGIANCE & THOUGHT OF THE DAY FOR TUESDAY, APRIL 7, 2015, 10 A.M.

L. ADJOURN

Commissioner Ebert moved to adjourn; Chair Gibson seconded.

Commissioner Ebert – aye; Chair Gibson – aye

Attest:

Kerry W. Gibson, Chair
Weber County Commission

Ricky D. Hatch, CPA
Weber County Clerk/Auditor