

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

Tuesday, May 17, 2011 - 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 PRESENT: Jan M. Zogmaister, Chair, and Kerry W. Gibson. Craig L. Dearden was excused.

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 Zogmaister
- B. **PLEDGE OF ALLEGIANCE** – Ernest Rowley
- C. **THOUGHT OF THE DAY** - Chair Zogmaister

D. CONSENT ITEMS:

- 1. Purchase Orders in the amount of \$126,642.39
- 2. Warrants #273918-#274102 in the amount of \$1,470,122.30
- 3. Minutes for the meetings held on May 3 and May 10, 2011
- 4. Tax Review Committee recommendations to approve tax sale extensions:
 - 08-228-0004, Flinders
 - 12-048-0002, Zoom
 - 05-070-0003, Watts
- 5. Tax Review Committee recommendation to remove tax/penalty/interest: 19-244-0013, deleted parcel
Commissioner Gibson moved to approve the consent items; Chair Zogmaister seconded, both voting aye.

E. ACTION ITEMS:

- 1. **INTERLOCAL AGREEMENT WITH OGDEN CITY FOR DEPUTIZATION AND MUTUAL LAW ENFORCEMENT ASSISTANCE ON THE EAST BENCH TRAIL SYSTEM - CONTRACT C2011-105**

Reed Richards, Deputy County Attorney, indicated that Ogden City has proposed this contract to allow city enforcement officers to handle law enforcement functions on the trails above Ogden City. He explained that there is an extensive trail system on the east bench above Ogden City--used by bikers, walkers, and joggers--that goes in and out of the city and county boundaries. City enforcement officers would like to have authority to enforce city and county ordinances in this area regardless of whether the offence occurs on city or county land. Weber County Sheriff Terry Thompson said that the City primarily patrols that area. This is a good example of the two entities working together on a common goal.

Commissioner Gibson moved to approve Contract C2011-105, Interlocal Agreement with Ogden City for deputization and mutual law enforcement assistance on the East Bench Trail System; Chair Zogmaister seconded, both voting aye.

2. CONTRACT WITH SANDERS ASSOCIATES ARCHITECTS FOR CSI CRIME LAB EXPANSION/REMODEL - CONTRACT C2011-106

Reed Richards, Deputy County Attorney, stated that this contract was on a previous agenda but needed clarifying that the architect will not be entitled to an additional 10% beyond the cost for reimbursable expenses. The architect agrees to the change. Weber County Sheriff Terry Thompson noted that CSI has run out of space capacity. This expansion should take them well into the future.

Commissioner Gibson moved to approve Contract C2011-106 with Sanders Associates Architects for CSI Crime Lab expansion/remodel; Chair Zogmaister seconded, both voting aye.

F. PUBLIC HEARINGS:

1. Commissioner Gibson moved to adjourn the public meeting and convene the public hearings; Chair Zogmaister seconded, both voting aye.

2. PUBLIC HEARING REGARDING CREATION OF AN AGRICULTURE PROTECTION AREA (APA) NEAR 5500 WEST/WEBER RIVER

3. PUBLIC HEARING REGARDING CREATION OF AN AGRICULTURE PROTECTION AREA (APA) NEAR 5900 WEST/300 NORTH

4. PUBLIC HEARING REGARDING CREATION OF AN AGRICULTURE PROTECTION AREA (APA) NEAR 5500 WEST/300 NORTH

Fátima Fernelius, of the Clerk/Auditor's Office, stated that her office received three proposals to create Agriculture Protection Areas. Notices were published in the newspaper, which included providing a 15-day comment period. No comments were received. The notices were posted in 5 public places within/near the proposed areas and letters were mailed to property owners within 1,000 feet of the proposals. All information was then sent to the APA Advisory Board and the Planning Commission, which recommend approval of the APAs. Today's public hearing is to take verbal or written comments from interested persons.

Larry Hansen and Douglas Hansen were present to address any questions. Douglas Hansen stated that the proposals are located on 5500 W. and 5900 W. and both sides of 300 N. Chair Zogmaister invited public comments and none were offered. Chair Zogmaister noted that no action could be taken today because the agenda did not specify taking action.

5. Commissioner Gibson moved to adjourn the public hearings and reconvene the public meeting; Chair Zogmaister seconded, both voting aye.

G. ASSIGN PLEDGE OF ALLEGIANCE & THOUGHT OF THE DAY FOR TUESDAY, MAY 24, 2011, 10 A.M.

H. PUBLIC COMMENTS:

Larry Hansen, of Warren, asked if Weber County has a flood protection program, specifically for the lower Weber River. Chair Zogmaister stated that the county has a flood control plan, which Lance Petersen, of County Emergency Management, oversees. Mr. Hansen said that there are 75+ homes in the middle of where the river most likely will flood. He asked if the county is planning to make any changes to the river to get its flow back to normal. Chair Zogmaister responded that meetings have occurred prior to this flooding season to discuss the issue. Aerial photography is planned for this fall

to obtain information, however, this will not help the current flooding situation. The county plans to request federal funding because this issue is much larger than any one county can handle.

Douglas Hansen, of West Weber, noted that their farm is in Warren and is under threat of flooding and made some recommendations. Warren Irrigation Canal is an outlet that has not been used yet. It can pull water off the river but is still empty and that concerns him; it should be full. He added that the Wildlife Resources “diversion” dams by the Ogden Bird Refuge opened a gate but they have additional ones that they can raise which will help relieve some pressure out of the river. Commissioner Gibson asked what gates are not open at the Bird Refuge because his understanding is that as of the middle of last week all gates are open. Larry Hansen, who frequently visits that area of the river, responded that the two smaller gates were still closed on the Middle Fork of the Weber River last Wednesday or Thursday.

CLOSED EXECUTIVE SESSION

Commissioner Gibson moved to convene a closed executive session to discuss strategy relating to imminent or pending litigation; Chair Zogmaister seconded.

Roll Call Vote:

Commissioner Gibson aye
Chair Zogmaister aye

There was no action taken on the closed executive session.

I. ADJOURN

Commissioner Dearden moved to adjourn at 10:35 a.m.; Commissioner Gibson seconded, all voting aye.

Jan M. Zogmaister, Chair
Weber County Commission

Ricky D. Hatch, CPA
Weber County Clerk/Auditor