

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

Tuesday, June 28, 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 Craig L. Dearden. Kerry W. Gibson was excused.

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

**A. WELCOME** - Chair Zogmaister

**B. PLEDGE OF ALLEGIANCE** - Ben Hatfield

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

**D. CONSENT ITEMS:**

1. Purchase Orders in the amount of \$57,894.77
2. Warrants #275203 - #275497 in the amount of \$2,014,648.55
3. Minutes for the meeting held on June 21, 2011
4. New business licenses
5. Retirement Agreements with the following:

Daun Marie Larson-Contract C2011-119; Martha Rodriguez-Contract C2011-120

Commissioner Dearden moved to approve the consent items; Chair Zogmaister seconded, both voting aye.

**E. ACTION ITEMS:**

2. **CONTRACTS WITH UTAH GUN COLLECTOR'S ASSOCIATION TO BE HELD AT THE GOLDEN SPIKE EVENT CENTER ON THE FOLLOWING DATES:**

January 7-8, 2012 - Contract C2011-121

March 10-11, 2012 - Contract C2011-122

October 13-14, 2012 - Contract C2011-123

Jim Harvey, of the GSEC, presented the above standard contracts.

Commissioner Dearden moved to approve Contracts C2011-121 through C2011-123 with Utah Gun Collectors Association as listed above; Chair Zogmaister seconded, both voting aye.

3. **RATIFY A COOPERATIVE AGREEMENT WITH UNITED STATES DEPARTMENT OF AGRICULTURE NATURAL RESOURCES CONSERVATION SERVICES (NRCS) - CONTRACT C2011-124**

Dan Olsen, County Comptroller, referred to the flooding problems in western Weber County due to the high snowpack/wet weather. NRCS notified the county of grant funds (up to \$510,000) available for emergency watershed protection projects. The county has identified four projects in western Weber County to mitigate some of those problem. Due to the emergency situation, the contract had to be signed in the interim of a Commission meeting. Commissioner Dearden noted that all of the in-kind match does not have to be in cash, which is helpful.

Commissioner Dearden moved to ratify Contract C2011-124 with the United States Department of Agriculture Natural Resources Conservation Services; Chair Zogmaister seconded, both voting aye.

**1. CONTRACTS FOR LAW ENFORCEMENT WITH THE FOLLOWING ENTITIES:**

Huntsville Town - Contract C2011-125  
Marriott-Slaterville City - Contract C2011-126  
West Haven City - Contract C2011-127  
Hooper City - Contract C2011-128  
Uintah City - Contract C2011-129  
Washington Terrace City - Contract C2011-130  
Farr West City - Contract C2011-131  
Plain City - Contract C2011-132

Reed Richards, Deputy County Attorney, stated that these contracts reflect the work that has been done in several cities for many years. The contract rates are slightly higher than last year. There is a continuing effort to have the contract costs in line with true costs of the services.

Sheriff Terry Thompson noted that the Sheriff's Office has been meeting with the cities and reviewing the contracts. The cities are well aware of future adjustments. The Sheriff addressed Chair Zogmaister's question stating that typically the increase is about 3%. Mr. Richards noted that Exhibit A states that future amounts will be set utilizing the recommendations of the Weber Contract Review Advisory Panel and agreement of parties involved.

Commissioner Dearden moved to approve Contracts C2011-125 through C2011-132 for law enforcement as listed above; Chair Zogmaister seconded, both voting aye.

**4. ACTION ON THE WEBER COUNTY-WIDE POLICY AND PROCEDURE ON THE USE OF THE VISA PURCHASING CARD PROGRAM - POLICY 10**

Annette Jacobs, County Purchasing Agent, noted that there were minor language additions to the Purchasing Ordinance that include: 1) open orders are not to exceed \$10,000 unless a bid or contract exists, 2) a 5% bid bond may be required for construction bids in excess of \$100,000, 3) the contracting party must be current on personal property taxes and other appropriate evaluation factors, and 4) a change from the department that authorizes the commissioners' travel claims from the Attorney's Office to the Clerk/Auditor's Office to mirror the Travel Policy. David Wilson, Deputy County Attorney, noted that because the ordinance was not noticed on the agenda for action, it will be handled next week.

The majority of the amendments to the Visa Purchasing Card (P-Card) Policy are housekeeping. The main change is in the Travel and Entertainment section adding language that elected officials are authorized to use their cards for travel, and under special circumstances, Department Heads will be authorized to use their cards for travel. House Bill 82, taking effect 7/1/2011, requires elected officials and Department Heads that use P-Cards in State to now pay sales tax, and reimbursement can be received on a monthly basis. Commissioner Dearden asked about having one individual track the refunds on a monthly basis and Ms. Jacobs responded that Purchasing staff does not have the travelers' statements and they do not have the manpower to handle the reimbursements. Currently, it is not known if the reimbursement will be sent to the county or the traveler and in what form.

Chair Zogmaister stated that a policy will need to be set and that the reimbursement should not be sent to the individual but needs to be tied to the county. Commissioner Dearden said that training is needed for those who travel and Ms. Jacobs will ensure that everyone affected will receive the pertinent information/training.

Commissioner Dearden moved to approve Policy 10, County-Wide Visa Purchasing Card Program; Chair Zogmaister seconded, both voting aye.

**5. RESOLUTION OF THE WEBER COUNTY COMMISSIONERS APPOINTING MEMBERS TO THE WEBER COUNTY TOURISM TAX ADVISORY BOARD - RESOLUTION 10-2011**

Chair Zogmaister noted that some terms have expired on this board. The board members are required to be representatives from various community sectors such as lodging, restaurant, recreation, cultural attractions, etc. She referred to the prepared resolution stating that Jennifer Graham, Sara Toliver and Marty Smith are existing members whose terms expire on 12/31/2013. Chair Zogmaister addressed Commissioner Dearden's question stating that of the three new appointees, Mr. Ferarrio and Mr. Fenton have never served, and Ms. Buttschardt served previously.

Commissioner Dearden moved to adopt Resolution 10-2011 reappointing Bobbie Chambers, Lisa Fuller and Steve Ballard through 12/31/2012, and appointing Todd Ferarrio, Mike Fenton and Kym Buttschardt through 12/31/2014 to the Weber County Tourism Tax Advisory Board with all terms beginning immediately; Chair Zogmaister seconded.

Roll Call Vote:

Commissioner Dearden ..... aye

Chair Zogmaister ..... aye

**6. FINAL APPROVAL OF THE STEPHENSEN'S SUBDIVISION 1ST AMENDMENT (2 LOTS) AND A DEFERRAL OF CURB, GUTTER AND SIDEWALK ON A SUBSTANDARD ROAD**

Ben Hatfield, of the County Planning Division, stated that this property is located on 3600 W., a substandard road. Chair Zogmaister asked for a definition of a substandard road and Mr. Hatfield said he did not know it. Mr. Hatfield said that each lot contains 1-acre. The vacation of the Stephensen Subdivision, including all public utility easements, will be addressed during the public hearing.

Commissioner Dearden stated that people have expressed concerns with the last substandard road where the county allowed development because the road has not been paved, it is still substandard after about a decade, and it has created problems for some of those who have developed on it. Mr. Hatfield said that there are two existing homes on the subject property and the road is paved, although it is considered substandard. Chair Zogmaister noted that this item comes with a recommendation for the deferral of curb, gutter and sidewalk even though it is within 1½ miles of a school and Mr. Hatfield said that was correct. Chair Zogmaister asked if there was discussion or concerns expressed about the road at the Western Weber County Planning Commission and Mr. Hatfield responded that there were no concerns expressed.

Commissioner Dearden moved to grant final approval of Stephensen's Subdivision 1st Amendment with the deferral of curb, gutter and sidewalk on a substandard road; Chair Zogmaister seconded, both voting aye.

**7. FINAL APPROVAL OF THE HIGHLANDS AT WOLF CREEK PHASE 2, 1ST AMENDMENT SUBDIVISION (1 LOT)**

Ben Hatfield, of the County Planning Division, stated that the owner of lots 27 and 28 wishes to remove the common lot line between the lots. That owner had entered into an agreement with the county to build his home across the common lot line.

Commissioner Dearden moved to grant final approval of The Highlands at Wolf Creek Phase 2, 1st Amendment Subdivision; Chair Zogmaister seconded, both voting aye.

**F. PUBLIC HEARING:**

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

**2. PUBLIC HEARING REGARDING THE VACATION OF THE STEPHENSEN SUBDIVISION INCLUDING ALL PUBLIC UTILITY EASEMENTS**

Ben Hatfield, of the County Planning Division, referred to the related item E.6 above. He addressed Chair Zogmaister's question stating that he has the appropriate letters from all three utility companies regarding this vacation. Chair Zogmaister invited public comments and none were offered.

**3. PUBLIC HEARING REGARDING THE VACATION OF LOTS 27 AND 28 OF THE HIGHLANDS AT WOLF CREEK PHASE 2 SUBDIVISION AND ALL PUBLIC UTILITY EASEMENTS LOCATED THEREIN**

Ben Hatfield, of the County Planning Division, referred to the related item E.7 above. There are no public utility easements on the common lot line and the property owner could build across it. He recommends vacating the utility easements so there are not two utility easements on the property. Chair Zogmaister invited public comments and none were offered.

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

**5. ACTION ON PUBLIC HEARING:**

**F.2.-VACATION OF THE STEPHENSEN SUBDIVISION INCLUDING ALL PUBLIC UTILITY EASEMENTS - ORDINANCE 2011-8**

Commissioner Dearden moved to adopt Ordinance 2011-8 vacating the Stephensen Subdivision including all public utility easements; Chair Zogmaister seconded, both voting aye.

Roll Call Vote:

Commissioner Dearden ..... aye

Chair Zogmaister ..... aye

**F.3.-VACATION OF LOTS 27 AND 28 OF THE HIGHLANDS AT WOLF CREEK PHASE 2 SUBDIVISION AND ALL PUBLIC UTILITY EASEMENTS LOCATED THEREIN - ORDINANCE 2011-9**

Commissioner Dearden moved to adopt Ordinance 2011-9 vacating The Highlands at Wolf Creek Phase 2 Subdivision and all public utility easements located therein; Chair Zogmaister seconded, both voting aye.

Roll Call Vote:

Commissioner Dearden ..... aye

Chair Zogmaister ..... aye

**G. ASSIGN PLEDGE OF ALLEGIANCE & THOUGHT OF THE DAY FOR TUESDAY, JULY 5, 2011, 10 A.M.**

**H. PUBLIC COMMENTS:**

Sylvia Salsbury wished to make the commissioners aware of the issue related to Agenda 21-Related Executive Order, which established the White House Rural Council. She said that this issue has really caught her attention because it is so insidious to our liberties. She cited from an article regarding the order that the federal government purports to exert control over the “food, fiber, and energy” of rural America. The order states that “The federal government has an important role to play ...” and Ms. Salsbury cautioned that it sounds like it is a beneficial thing but that it actually is all about power and control. She gave the commissioners a copy of the article and a copy of an email that Ken Ivory, a Utah legislator, sent out to colleagues and others. Mr. Ivory has “opened a bill file to prevent cooperation with or the application of this blatant disregard for the sovereignty of the State of Utah and to protect our energy, food and fiber producers and rural Utah in general.”

**J. ADJOURN**

Commissioner Dearden moved to adjourn at 10:40 a.m.; Chair Zogmaister seconded, both voting aye.

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Jan M. Zogmaister, Chair  
Weber County Commission

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Ricky D. Hatch, CPA  
Weber County Clerk/Auditor