

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

Tuesday, July 16, 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 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, Kerry W. Gibson and Matthew G Bell.

**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. PLEDGE OF ALLEGIANCE** – Deputy Ray Day

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

**D. CONSENT ITEMS:**

1. Purchase Orders for \$212,443.25
2. Warrants #299622-#299843 for \$707,936.35
3. Minutes for the meeting held on July 9, 2013
4. Cancel regularly scheduled County Commission meeting for July 23, 2013
5. Surplus a four-drawer legal size file cabinet from the Clerk/Auditor's Office
6. Surplus a hand truck for chairs from the Ogden Eccles Conference Center

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

**E. ACTION ITEMS:**

1. **ESCROW AND EXCESS COST AGREEMENT WITH SUMMIT MOUNTAIN HOLDING GROUP, L.L.C. – CONTRACT C2013-212**

David Wilson, Deputy County Attorney, noted that Greg Mauro, Tom Jolley, and Russ Watts, representing Summit Mountain Holding Group, were present. The county (acting as the owner in this process) has agreed, if certain conditions are met, to issue bonds to fund certain public improvements, which are part of a large development in the Powder Mountain area. Because of the short construction season in the Ogden Valley and because of the special assessment and that bonds will not be issued until the end of August/first part of September 2013 the developers wish to move forward with construction. They have agreed at their own risk to fund the construction prior to the bonds being issued. The developers deposited \$2 million dollars yesterday with the County Treasurer to cover the construction costs for July and August.

The contracts following this item on the agenda relate to this project and by entering into those agreements, the County will pay for the construction costs. If bonds are not issued, the developers' funds will be used to replenish the funds the County has expended. The County is using a special assessment bond, a bond which is typically utilized for making curb, gutter and sidewalk improvements within municipalities, however this type of bond has been used to help pay for public improvements in certain large projects within the state. In the future, the special assessment area will be defined and those properties will be assessed to repay the bonds. Because the final costs of this project are not yet defined, the developers have agreed at their own risk to cover any costs in excess of the bond proceeds allocated for construction. If the bonds are issued and cover the project's cost, the developers will not have to pay that excess cost. Mr. Wilson noted that the two exhibits describe the improvements related to the project and the drawdown schedule/public infrastructure cash flow estimate for those two months. Commissioner Bell noted that this contract is for all improvements (sewer, water, roads, bridges, utilities, etc.).

Mr. Watts hopes to have the State's letter approving the water later today. Mr. Mauro expressed appreciation for the cooperation of the county departments, which have been very helpful.

Commissioner Bell moved to approve Contract C2013-212. Escrow and Excess Cost Agreement with Summit Mountain Holding Group, L.L.C.; Commissioner Zogmaister seconded, all voting aye.

**2. CONTRACT WITH GENEVA ROCK PRODUCTS FOR THE SUMMIT AT POWDER MOUNTAIN, SUMMIT PASS & SPRING PARK, ROADWAY AND UTILITY CONSTRUCTION PROJECT – CONTRACT C2013-213**

Jared Andersen, County Engineer, stated that this contract includes the roadway construction and earthwork, culinary water distribution system, sanitary sewer collection system, stormwater management infrastructure, electrical and communication utilities, and three bridges. The contract amount is \$7,683,783.60. County Engineering has received verbal approval on the water. Commissioner Zogmaister said that a lot of work has gone into this and those involved have been very professional and thorough.

Commissioner Zogmaister moved to approve Contract C2013-213 with Geneva Rock Products for the Summit at Powder Mountain, Summit Pass & Spring Park, Roadway and Utility Construction Project; Commissioner Bell seconded, all voting aye.

**3. CONTRACT WITH STANLEY CONSULTANTS FOR THE CONSTRUCTION MANAGEMENT SERVICES FOR THE SUMMIT AT POWDER MOUNTAIN SUMMIT PASS & SPRING PARK ROADWAY AND UTILITY CONSTRUCTION PROJECT – CONTRACT C2013-214**

Dana Shuler, of County Engineer, noted that this contract is for the public roads (for \$336,823.86).

Commissioner Bell moved to approve Contract C2013-214 with Stanley Consultants for the construction management services for the Summit at Powder Mountain Summit Pass & Spring Park Roadway and utility construction project; Commissioner Zogmaister seconded, all voting aye.

**4. CONTRACT WITH CRS CONSULTING ENGINEERS FOR THE CONSTRUCTION MANAGEMENT SERVICES FOR THE POWDER MOUNTAIN WATER PROJECT – CONTRACT C2013-215**

Dana Shuler, of County Engineer, presented this contract, noting that Requests for Proposals were issued and 4-5 were received.

Commissioner Zogmaister moved to approve Contract C2013-215 with CRS Consulting Engineers for the construction management services for the Powder Mountain water project; Commissioner Bell seconded, all voting aye.

**5. CONTRACT WITH HORROCKS ENGINEERS FOR ENGINEERING DESIGN SERVICES FOR THE 3500 WEST PROJECT – CONTRACT C2013-216**

Jared Andersen, County Engineer, stated that the county received \$3.6 million through Weber Area Council of Governments funding for this project. Commissioner Zogmaister noted that these are transportation funds, which are used to subsidize cities and the county's budgets for roads, and that the county has really benefited. Chair Gibson agreed with Commissioner Zogmaister that it gives the county an opportunity to leverage additional funds.

Commissioner Bell moved to approve Contract C2013-216 with Horrocks Engineers for engineering design services for the 3500 West Project; Commissioner Zogmaister seconded, all voting aye.

**6. FINAL APPROVAL OF THE SANCTUARY (6 LOTS)**

Sean Wilkinson, of the County Planning Division, stated that this subdivision, located east of Green Hill Country Estates in Ogden Valley, was originally submitted in 2007. Each lot has at least 40 acres with designated building areas due to steep slopes and other natural features of the property.

A remainder parcel of 200 acres has mostly been put in a conservation easement, but there is potential for future development. Lots 1, 2 and 3 have access on the private road, which has been completed. Lots 4, 5 and 6 have access from a private drive approved by the Board of Adjustment in 2007. Water and wastewater will be provided by private wells and private septic tanks. There are existing pathways throughout the subdivision. All land use code requirements have been met.

The Planning Commission recommended final approval in 2010 and there were two extensions of that final approval. Mr. Wilkinson addressed Commissioner Bell's question stating that all private drives have been asphalted.

Commissioner Bell moved to grant final approval of The Sanctuary (6 lots); Commissioner Zogmaister seconded, all voting aye.

**7. CONTRACT WITH GOAL FOUNDATION FOR RENTAL OF FORT BUENAVENTURA PARK ON JULY 26-27, 2013 FOR A DUATHLON – CONTRACT C2013-217**

Jim Carter, with County Parks, briefly presented this contract.

Commissioner Bell moved to approve Contract C2013-217 with GOAL Foundation for rental of Fort Buenaventura Park on 7/26-27/2013 for a Duathlon; Commissioner Zogmaister seconded, all voting aye.

**F. ASSIGN PLEDGE OF ALLEGIANCE & THOUGHT OF THE DAY FOR TUESDAY, JULY 30, 2013, 10 A.M.**

**G. PUBLIC COMMENTS:**

Tim Charlwood, with the Sanctuary (item 6 above), expressed appreciation to Mr. Wilkinson and all county staff for their help relating to the project.

**H. ADJOURN**

Commissioner Bell moved to adjourn at 10:36 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