

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

Tuesday, July 30, 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: 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** – Roger Brunker
- C. THOUGHT OF THE DAY** – Commissioner Zogmaister

Chair Gibson noted that the Commission Charity Golf Tournament will occur on 8/26, which raises funds to be given to worthy local charities. He recognized one of the donors, Weber State's Hockey Team. Supporter Ray Kimber and two hockey team players, Landon Ayler and Braxton Green, listed the items in the Hockey Basket totaling about \$600.

D. CONSENT ITEMS:

1. Purchase Orders for \$140,406.03
2. Ratify Warrants #299844-#300026 for \$1,541,626.50 dated July 23, 2013
3. Warrants #300027-#300329 for \$2,804,639.23
4. Minutes for the meeting held on July 16, 2013
5. ACH payment to US Bank for \$67,968.96 for purchasing card transactions made through 7/15/2013
6. Surplus two cash registers from the Weber County Recreation Facilities and Concessions
7. Request from the Tax Review Board to deny the refund personal property account #112796
8. Request from the Tax Review Board to deny the refund personal property account #8116
9. Request from the Tax Review Board to deny the refund personal property account #3095
10. Change regularly scheduled County Commission meeting on 8/6/2013 from 10:00 a.m. to 5:30 p.m., with a public hearing beginning at 6:00 p.m.

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

E. ACTION ITEMS:

1. REFUND ON PERSONAL PROPERTY OWNED BY LEWIS AND VICKI CARVER

Machel Maycock, of the County Assessor's Office, stated that the Carvers requested a refund of property taxes for parcel #19-106-0012 based upon a property characteristic error. The Carvers did not appeal the value until this year. The Weber County Tax Review Committee heard this item on 7/8/2013 and recommended a refund for 2012 for \$238.42. The petitioners were not present.

Commissioner Bell moved to approve the refund \$238.42 to the Carvers, noting that they have had over 17 years to appeal; Commissioner Zogmaister seconded, noting that the Commission is upholding the Tax Review Committee's recommendation. All voted aye.

2. NOTICE OF AWARD TO PRO-BUILD CONSTRUCTION, INC., FOR THE POWDER MOUNTAIN HIDDEN LAKE WATER PROJECT

Jared Andersen, County Engineer, stated that this is for the construction of the 415,000 gallon water tank, pump station and well equipping. Pro-Build was the low bidder at \$930,000.

Commissioner Zogmaister moved to approve the Notice of Award to Pro-Build Construction, Inc., for the Powder Mountain Hidden Lake water project; Commissioner Bell seconded, all voting aye.

3. **CONSIDERATION OF A MOTION FINDING THAT SUMMIT MOUNTAIN HOLDING GROUP, LLC, HAS MET ALL THE CONDITIONS PRECEDENT RELATED TO ISSUANCE OF CERTAIN BONDS SPECIFIED IN THE MEMORANDUM OF UNDERSTANDING DATED 3/26/2013; OR IN THE ALTERNATIVE WAIVING COMPLIANCE WITH SUCH CONDITIONS, OR, DETERMINING SUCH CONDITIONS HAVE NOT BEEN MET**
4. **CONSIDERATION FOR ADOPTION OF RESOLUTION DESIGNATING AN ASSESSMENT AREA FOR THE PURPOSE OF (I) LEVYING ASSESSMENTS AGAINST PROPERTIES WITHIN THE ASSESSMENT AREA TO FINANCE THE CONSTRUCTION AND INSTALLATION OF ROAD IMPROVEMENTS, SEWER IMPROVEMENTS, AND RELATED IMPROVEMENTS, (II) ESTIMATING THE AMOUNT OF THE ASSESSMENTS TO BE LEVIED AND THE METHOD OR METHODS OF ASSESSMENTS AND (III) GENERALLY DESCRIBING THE PERIOD OVER WHICH THE ASSESSMENTS ARE TO BE PAID AND THE MANNER IN WHICH THE COUNTY INTENDS TO FINANCE SAID IMPROVEMENT; AND RELATED MANNERS**

Items 3 and 4 were held.

5. **CONTRACT WITH HANSEN, ALLEN & LUCE FOR PROFESSIONAL ENGINEERING SERVICES FOR THE STORM WATER MASTER PLAN PROJECT – CONTRACT C2013-218**

Dana Shuler, of County Engineering, stated that the county applied for and received an EPA (Environmental Protection Agency) grant with a 45% match by the county. Requests for Proposals for engineering services were issued and interviews ensued. Hansen, Allen & Luce were selected. The scope for this master plan includes taking inventory of the majority of storm drainage features in unincorporated county, coordinating with municipalities for their drainage systems, creating a database, identifying major deficiencies and creating a prioritized project list. This contract is for \$415,000 of which Weber County will pay approximately \$225,000 with \$248,000 coming from the EPA. Commissioner Zogmaister noted that this is a much needed project.

Commissioner Bell moved to approve Contract C2013-218 with Hansen, Allen & Luce for professional engineering services for the Storm Water Master Plan project; Commissioner Zogmaister seconded, all voting aye.

6. **MEMORANDUM OF UNDERSTANDING WITH THE OGDEN CITY POLICE DEPARTMENT FOR THE PURPOSE OF DISTRIBUTING FY13 JAG GRANT FUNDS – CONTRACT C2013-219**

Undersheriff McLeod stated that the \$6,000 will be used by the county to upgrade two factor authentication relating to accessing criminal records. Steffani Ebert, with the County Sheriff's Office, stated that the total award amount given to Ogden City is \$60,000 and Weber County, a sub-grantee, received \$6,000.

Commissioner Bell moved to approve Contract C2013-219, Memorandum of Understanding with the Ogden City Police Department to distribute FY13 JAG grant funds; Commissioner Zogmaister seconded, all voting aye.

7. **CONSIDERATION OF A RECOMMENDATION TO UDOT FROM THE WEBER COUNTY COMMISSION REGARDING THE ALIGNMENT OF THE WEST DAVIS CORRIDOR**

Rob Scott, County Planning Division Director, showed related maps stating that this Environmental Impact Statement process has been ongoing for almost three years. UDOT started with 46 alternatives and it has been narrowed to a preferred alternative B1 having a northern terminus of the West Davis Corridor entering Weber County at 5100 West and ending at about 5500 South. He stated that alternative B1 is consistent with the West Central Weber County General Transportation Plan Element (where the county had termed the "North Legacy Highway" extending north along 5100 W., bending west at about 3000 S.). Mr. Scott noted that this project will be done in multiple phases starting in Farmington.

The Western Weber Planning Commission considered this item on 7/16/2013 and determined that it is compliant with the West Central Weber County General Transportation Plan and submitted their support for the alternative B1 to the County Commission requesting that they submit a letter of support to UDOT. Mr. Scott stated that sending a letter of support for this alternative does not preclude other entities from submitting their input.

Commissioner Zogmaister noted that this has been a long process that included several studies. She is pleased with the results because the terminus from Davis County is where Weber County desired it, and also that it only goes to 5500 S. Chair Gibson said that Hooper City Mayor Green feels that 5500 S. is not as acceptable for an east-west corridor to channel traffic efficiently to the freeway, the school zones, etc. Commissioner Zogmaister strongly feels that Hooper needs to state its own position, which is independent of the county's.

Commissioner Bell asked if the Commission could include in its letter of support the idea of the road going to 4000 S. From conversations with UDOT, Commissioner Zogmaister said that the further the road goes north the tendency is for them to build it further east because the population growth has not met their expectations on the west. Additionally, she had been told that funding would only take the road to 5500 S. Regarding the idea of the road going to 4000 S., Commissioner Zogmaister emphasized that West Haven and Hooper came to an agreement on where that road would come through their cities with a lot of compromise on both sides for the west coordinate. Mr. Scott suggested including language in the support letter recognizing the additional need to study east-west corridors. He said that they probably will end up being separate projects. Mr. Scott will draft the support letter for the commissioners' review.

8. FINAL APPROVAL OF BOOTH SUBDIVISION (AN AMENDED SUBDIVISION PLAT) AND THE VACATION OF A PORTION OF DAVE BOOTH SUBDIVISION - ORDINANCE 2013-19

Sean Wilkinson, of the County Planning Division, showed an area map. Previously the Dave Booth Subdivision consisted of 1-lot and the property owner divided it and sold a portion to an adjacent property owner and an amended subdivision process is required to bring the lot into compliance. The amended subdivision is a combination of a portion of the original Dave Booth Subdivision and adjacent property owned by the applicant. The lot contains an existing single family dwelling and all the improvements were installed previously. The Ogden Valley Planning Commission unanimously recommended approval of the subdivision and the vacation on 6/25/2013.

Commissioner Zogmaister moved to grant final approval of Booth Subdivision (an amended subdivision plat) and to adopt Ordinance 2013-19 vacating a portion of the Dave Booth Subdivision; Commissioner Bell seconded.

Roll call vote:

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

9. REQUEST BY COUNTY OPERATION DEPARTMENT FOR APPROVAL OF WEBER PATHWAY'S REQUEST TO WORK IN WEBER COUNTY'S RIGHTS-OF-WAY

Nate Pierce, County Operations Department Director, stated that the county is partnering with Weber Pathways in the phased development of the Pineview Loop Trail. Weber Pathways has agreed to oversee the construction of certain trail segments of the Pineview Loop Trail but needs written authorization to work in the county's rights-of-way for two segments of this trail.

Commissioner Bell moved to authorize Weber Pathway's request to work in Weber County's rights-of-way; Commissioner Zogmaister seconded, all voting aye.

10. REQUEST FROM WEBER COUNTY'S OPERATION DEPARTMENT FOR APPROVAL OF WEBER PATHWAY'S TRAILS IMPACT FEE FUNDING

See above item. Nate Pierce, County Operations Department Director, noted that Weber Pathways has requested allocation of \$19,000 from the Upper Valley Trails Impact Fee account for the Pineview Loop Trail.

Commissioner Zogmaister moved to grant Weber Pathway's request for the trails impact fee funding in the amount of \$19,000; Commissioner Bell seconded, all voting aye.

11. REQUEST BY COUNTY'S OPERATION DEPARTMENT FOR APPROVAL OF WEBER PATHWAY'S FEDERAL RECREATIONAL TRAILS PROGRAM (RTP) FUNDS (\$50,000)

See preceding two items. Nate Pierce, County Operations Department Director, stated that the county and Weber Pathways jointly applied for a Non-Motorized Trail Matching Fund grant in 2011. Because the funds needed to have a governmental recipient, the county received the \$50,000 award. This grant requires that the county spend the dollars upfront and once the project is completed (near the end of August) the State will reimburse the county. Weber Pathways is requesting that the county transfer the \$50,000 to them to facilitate completion of this phase of the Pineview Loop Trail project.

Commissioner Bell moved to approve the RTP funds for \$50,000 to be transferred to Weber Pathways for the Pineview Loop Trail; Commissioner Zogmaister seconded, all voting aye.

12. RATIFY AGREEMENT WITH PRESCOTT MUIR & ASSOCIATES TO PROVIDE DESIGN AND CONSTRUCTION OVERSIGHT SERVICES FOR PARKING AT OGDEN VALLEY BRANCH – CONTRACT C2013-220

Lynnda Wangsgard, County Library Director, noted that this contract includes a) the responsibilities of the architect and owner during the design and building phase of the project, the overall budget and architect's compensation and b) general conditions for construction.

The goal is to complete the project this year. The Library Board approved this contract on 7/16/2013 and it has been signed off by the County Attorney's Office and Comptroller.

Commissioner Bell moved to approve Contract C2013-220, ratifying the agreement with Prescott Muir & Associates to provide design and construction oversight services for parking at Ogden Valley Branch; Commissioner Zogmaister seconded, all voting aye.

13. FIRST READING OF AN ORDINANCE AMENDING THE WEBER COUNTY CODE CHANGING THE NUMBER OF DIRECTORS SERVING ON THE WEBER COUNTY LIBRARY BOARD OF DIRECTORS FROM 7 TO 9

Chair Gibson indicated that State statute allows 5, 7 or 9 members on this board. Commissioner Zogmaister noted that Chair Gibson had expressed that there has been a lot of interest in the Library Board and asked if that was the reason for discussing increasing the membership. Commissioner Bell said that it would be valuable to have additional ideas/input on this board, particularly as the library projects are completed in the next four years.

Commissioner Bell moved to approve the first reading of an ordinance amending the Weber County Code by changing the number of directors serving on the Weber County Library Board of Directors from seven to nine; Commissioner Zogmaister seconded, encouraging the two commissioners to attend a board meeting as this item is being considered. All voted aye.

14. RESOLUTION APPOINTING A MEMBER TO THE COUNTY LIBRARY BOARD – RESOLUTION 18-2013

Chair Gibson stated that the Library Board submitted three names.

Commissioner Bell moved to adopt Resolution 18-2013 appointing Spencer Stokes to the Weber County Library Board to serve a 4-year term expiring on 6/30/2017; Commissioner Zogmaister seconded.

Roll call vote:

Commissioner Bellaye

Commissioner Zogmaister.....aye

Chair Gibson.....aye

F. ASSIGN PLEDGE OF ALLEGIANCE AND THOUGHT OF THE DAY FOR TUESDAY, AUGUST 6, 2013, 5:30 P.M., WITH PUBLIC HEARING BEGINNING AT 6:00 P.M.

G. PUBLIC COMMENTS:

Kathy Gambles, of South Ogden, celebrates that the Library bond passed and the opportunity to move ahead. She honors the strong track record of the Library. She questions the need to increase a board that seems to be working very successfully and truly honors differing points of view in supporting and providing for our community. She wonders if the discussions to increase the board membership might be a diversion or distraction and fully supports moving forward with cooperation/collaboration. Chair Gibson said that this is an exciting time and the county will move forward in an appropriate manner. He stated that the commissioners wish to evaluate the Library Board based on their responsibility as elected officials and not as a diversionary tactic. There are great opportunities to build the libraries and do great things for the public. He spoke of his respect for the other commissioners and their desires to serve the public in the best way possible. He is excited, as a team, to move forward to make that happen.

H. ADJOURN

Commissioner Bell moved to adjourn at 11:03 a.m.; Commissioner Zogmaister seconded, all voting aye.

Attest:

Kerry W. Gibson, Chair
Weber County Commission

Ricky D. Hatch, CPA
Weber County Clerk/Auditor