

**MINUTES  
OF A SPECIAL COMMISSION MEETING OF THE BOARD  
OF THE WEBER COUNTY COMMISSION**

Tuesday, October 14, 2014 - 8:00 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.*

The meeting was held early to allow the commissioners to attend the presentation in Salt Lake of an award by Utah's two U.S. senators to Lt. Nathan Hutchinson of the Weber County Sheriff's Office with a congressional medal for bravery for dragging to safety two wounded officers on 1/4/2012, while he himself was wounded four times and out of ammunition, from a home being raided by narcotics Strike Force members.

**COMMISSIONERS PRESENT:** Kerry W. Gibson, Chair, Jan M. Zogmaister and Matthew G Bell.

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

**A. WELCOME** – Chair Gibson

**B. PLEDGE OF ALLEGIANCE** – Leann Kilts

**C. THOUGHT OF THE DAY** – Commissioner Bell

**D. MUNICIPAL BUILDING AUTHORITY**

1. Commissioner Zogmaister moved to adjourn the Weber County Commission meeting and convene the Municipal Building Authority of Weber County meeting; Commissioner Bell seconded, all voting aye.

**APPOINTMENT OF OFFICERS**

Mr. Bell moved to appoint Kerry W. Gibson as President, Jan M. Zogmaister as Vice President and Matthew G Bell as Secretary/Treasurer of the Municipal Building Authority of Weber County; Ms. Zogmaister seconded, all voting aye.

2. **RESOLUTION OF THE MUNICIPAL BUILDING AUTHORITY OF WEBER COUNTY, UTAH, AUTHORIZING THE ISSUANCE AND SALE OF ITS LEASE REVENUE REFUNDING BONDS, SERIES 2014, IN THE AGGREGATE PRINCIPAL AMOUNT OF NOT MORE THAN \$4,500,000; AND RELATED MATTERS - RESOLUTION MBA-1-2014**

Alan Westenskow, Vice President of Zions Bank Public Finance, County financial advisor, noted that in the mid 1990's the county purchased bonds for the Weber Center and the Ogden Eccles Conference Center and these bonds mature in 2019. By refinancing again the county can realize interest savings between \$450,000-500,000. No debt is being extended or added; it is being downsized. The bonds are to be issued on 11/18 (closing on 12/4/2014). Blake Wade, of Ballard Spahr, bond counsel, briefly presented the resolution.

Mr. Bell moved to adopt Resolution MBA-1-2014 of the Municipal Building Authority of Weber County, Utah, authorizing the issuance and sale of its Lease Revenue Refunding Bonds, Series 2014 in the aggregate principal amount of not more than \$4,500,000; and related matters; Ms. Zogmaister seconded.

Roll Call Vote:

Mr. Bell .....aye  
Ms. Zogmaister.....aye  
Mr. Gibson.....aye

3. Ms. Zogmaister moved to adjourn the Municipal Building Authority of Weber County meeting and to reconvene the Weber County Commission meeting; Mr. Bell seconded, all voting aye.

**E. CONSENT ITEMS:**

1. Ratify purchase orders for \$170,183.12 dated 10/7/20142
  2. Purchase orders for \$174,565.833
  3. Ratify warrants #314060 - #314256 for \$2,537,836.89 dated 10/7/2014
  4. Warrants #314257 - #314443 for \$1,333,959.72
  5. A new business license
  6. Authorize Sheriff's Office to deposit cash from Evidence Division & appropriate to Search & Rescue
  7. Property tax refund of \$230.10 for partial year taxes for parcel #02-062-0021
  8. ACH payment to US Bank for \$97,792.53 for purchasing card transactions made through 9/15/2014
- Commissioner Bell moved to approve the consent items as presented; Commissioner Zogmaister seconded, all voting aye.

**F. ACTION ITEMS:**

1. **RESOLUTION OF THE WEBER COUNTY COMMISSION AUTHORIZING/APPROVING EXECUTION/DELIVERY OF A 6<sup>TH</sup> AMENDMENT TO MASTER LEASE AGREEMENT WITH THE MUNICIPAL BUILDING AUTHORITY OF WEBER COUNTY; AUTHORIZING ISSUANCE/SALE BY THE AUTHORITY OF ITS LEASE REVENUE REFUNDING BONDS, SERIES 2014, IN THE AGGREGATE PRINCIPAL AMOUNT OF NOT MORE THAN \$4,500,000; & RELATED MATTERS – RESOLUTION 25-2014**

Alan Westenskow, Vice President of Zions Bank Public Finance, County financial advisor, referred to the Municipal Building Authority resolution adopted earlier in the meeting (item D.2). Blake Wade, of Ballard Spahr, bond counsel, stated that this is the companion resolution authorizing the county to do its part.

Commissioner Bell moved to adopt Resolution 25-2014 of the County Commission of Weber County, Utah (the "County") authorizing and approving the execution and delivery of a Sixth Amendment to Master Lease Agreement, by and between the County and the Municipal Building Authority of Weber County, Utah (the "Authority"); authorizing the issuance and sale by the Authority of its Lease Revenue Refunding Bonds, Series 2014, in the aggregate principal amount of not more than \$4,500,000; and related matters; Commissioner Zogmaister seconded.

Roll Call Vote:

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

2. **RESOLUTION AUTHORIZING THE ISSUANCE & SALE OF NOT MORE THAN \$5,500,000 AGGREGATE PRINCIPAL AMOUNT OF SALES TAX REVENUE REFUNDING BONDS, SERIES 2014; & RELATED MATTERS – RESOLUTION 26-2014**

Alan Westenskow, Vice President of Zions Bank Public Finance, County financial advisor, referred to the county's AAA rating on these bonds. Series 2003 financed the generator gas project at the former landfill and Series 2006 financed the South Ogden Library. The combined savings on these two is about \$438,000 over the life of the bonds and the same terms will apply.

Commissioner Zogmaister moved to adopt Resolution 26-2014 resolution of the Board of County Commissioners of Weber County authorizing the issuance and sale of not more than \$5,500,000 aggregate principal amount of Sales Tax Revenue Refunding Bonds, Series 2014; and related matters; Commissioner Bell seconded.

Roll Call Vote:

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

**6. CONTRACT WITH SMG TO HOLD THE MISS WEBER COUNTY PAGEANT – CONTRACT C2014-209**

Jan Wilson, of the Weber County Fair, stated that the cost will vary between \$2,500 and \$3,500 depending on the number of contestants and how long the pageant runs.

Commissioner Bell moved to approve Contract C2014-209 with SMG to hold the Miss Weber County Pageant; Commissioner Zogmaister seconded, all voting aye.

**3. APPROVAL OF WEBER COUNTY RETIREMENT WINDOW POLICY 2.2**

David Wilson, Deputy County Attorney, noted that some years ago the county adopted a retirement window policy to ensure compliance with federal law. Two weeks ago the Commission opened a fairly broad window that included both public safety and standard/merit employees. In order to comply with that action and for fairness so that a qualifying employee is not denied, a policy change was made to show that the savings may be made over time but with no specific time limit. Mr. Wilson outlined the pertinent State law.

Commissioner Zogmaister moved to approve Weber County Retirement Window Policy 2.2; Commissioner Bell seconded, all voting aye.

**4. APPROVAL OF WEBER COUNTY RETIREMENT INCENTIVE POLICY 2.5**

David Wilson, Deputy County Attorney, noted that the change to this policy relates to elected officials. After looking at the long term economics in 2008, the county made the cutoff at five years for employees employed after 1/1/2008 to get health insurance if they retire from the county according to a set formula. If employees terminate their county employment, they are given vacation only. A previous policy provision allowed five years of health insurance for elected officials if they served eight years. The changes now allow accumulating five years of health insurance for serving four years, unless they have been removed from office, and eligible elected official retirees may choose as an alternate to the health insurance benefit or medical expense reimbursement account to receive a cash equivalent of five years of health insurance premiums.

Commissioner Bell moved to approve Weber County Retirement Incentive Policy 2.5; Commissioner Zogmaister seconded, all voting aye.

**5. APPOINTING MEMBERS TO THE RAMP BOARD**

Chris Ward, RAMP Administrator, noted that there were four open positions and 18 applications were received. He referred to the RAMP Board's recommendations. Commissioner Bell said that it was good to give all qualified members of the community the opportunity to serve. Commissioner Zogmaister agreed. She stated that this board, particularly, requires a great deal of dedication within a short window, but it also has a learning curve, and because of the learning curve and also after speaking with staff, she sees real value in allowing members to serve a second term. Once members get up to speed, the process runs smoother—the applications are presented in a professional, timely manner, etc.

Chair Gibson recommended reappointing Heather Carlson to serve on the Parks and Recreation Committee, and to serve as Vice Chair of the Advisory Board, to reappoint Terry Schow to the Parks and Recreation Committee, and to appoint Maresha Bosgieter and Ryan Wilkinson to the Arts and Museums Committee. Chair Gibson had discussed with county legal counsel, Mr. Ward and the Board the possibility of amending the ordinance to allow the current Board chair to serve again as chair, but he is not comfortable with changing it for one person. Commissioner Zogmaister was not aware that the ordinance would need to be changed and agrees with not amending it.

Chair Gibson had asked the current Board chair, Meg Naisbitt, that if she was not appointed as chair would she be willing to mentor a new chair, and she is happy to do so. He recommended appointing George Hall as the chair to the Board. Commissioner Zogmaister suggested having Ms. Carlson serve on the Advisory Board first before putting her as Vice Chair. She noted that the RAMP Board recommended Greg Booth to serve on Parks and Recreation and Judith Mitchell on Arts and Museums, stating that their recommendations are specific to interest, talents and knowledge within certain areas. She emphasized the need to have knowledgeable people, who can represent well those who bring forth certain projects. A resolution will be forthcoming.

Commissioner Bell moved to appoint Heather Carlson, Maresha Bosgieter, Terry Schow and Ryan Wilkinson, and to assign George Hall as chair and Heather Carlson as vice chair to the RAMP Advisory Board. Commissioner Zogmaister said that the Advisory Board's recommendations were well thought out about which individuals would best serve in specific areas and, after reviewing the applications, she agrees with them. Chair Gibson felt it best to let the Board make recommendations as to which committees the appointees should serve in. He agreed that the appointments did not fit exactly with the Board's recommendations. Commissioner Zogmaister did not feel that Terry Schow and Ryan Wilkinson would best serve in Parks and Recreation, and also that the Commission was not going far enough today by not making the exact committee assignments. These will come back before the Commission at a later date. Chair Gibson seconded. Commissioners Bell and Gibson voted aye and Commissioner Zogmaister voted nay.

**7. COOPERATIVE AGREEMENT WITH THE UTAH DEPARTMENT OF TRANSPORTATION TO ESTABLISH FUNDING TERMS AND CONDITIONS FOR PROJECT NO F-0089 (326)408, US-89; SR-203 INTERSECTION IMPROVEMENTS AND PEDESTRIAN UNDERPASS – CONTRACT C2014-210**

Douglas Larsen, Weber Economic Development Partnership Director, noted that as part of the 2014 Weber County local transportation fund project prioritization process, the original priority list of projects requesting funding was submitted to WACOG on 9/8/2014. The County Commission approved 12 of the 13 projects on 9/13. This is one of the individual contracts for local transportation projects that will come before the Commission.

UDOT has agreed to include a pedestrian safety tunnel on Highway 89 within an existing project that will be going to bid shortly. Commissioner Bell feels this would be a good project but reiterated concerns with the tunnel because of the \$1 million cost, graffiti (and people being afraid to use it) and because it still does not connect anywhere. He asked what if the project comes in over budget and Mr. Larsen said that South Ogden City would pay that. Mr. Larsen clarified that the UDOT project actually runs from the interchange at Ridgeline, and goes south past where the tunnel would be. About the connection points, he said that at each end of the tunnel the property is owned either by the State and/or the county, thus there aren't real concerns about obtaining right-of-ways. Mr. Larsen said that on the east side the plan is to run the tunnel behind the Chevron area and Commissioner Bell said this was not correct because Chevron owns the property, that they were working to obtain an easement and that this is quite a different route versus taking it between the assisted living center and the Chevron. His main concern is that we are way too early on this tunnel project. He drives this area daily and does not see anyone crossing that highway. Commissioner Zogmaister stated that pedestrians have a very difficult time crossing that busy highway and that the wait to cross is over five minutes, thus most people do not try to cross it.

Commissioner Zogmaister referred to her notes from the WACOG Transportation Subcommittee meetings stating that the tunnel will be about ½ a block from the current Skyline and Hwy. 89 crossing, that this project takes advantage of the State-owned parcels on both sides of the tunnel thus no easement would be needed, no utilities would be impacted, the project would be managed by the State, there is cost efficiency in the engineering, etc. If an underpass is placed there and once Skyline Drive is completed the tunnel would provide opportunities for families in the South Ogden, Uintah and Ogden areas access to the businesses on the south side of Highway 89, which is also beneficial for the businesses. She said that the timing is perfect and is cost effective because it can be incorporated into another project at this time. She stated that even UDOT has come on board because they know they have to address the transportation issues. This project makes sense from many points of view and is the right thing at the right time.

Commissioner Zogmaister moved to approve Contract C2014-210, Cooperative Agreement with the Utah Department of Transportation (UDOT) to establish funding terms and conditions for project No F-0089 (326)408, US-89; SR-203 for intersection improvements and pedestrian underpass; Chair Gibson seconded. Commissioners Zogmaister and Gibson voted aye and Commissioner Bell voted nay.

**G. ASSIGN PLEDGE OF ALLEGIANCE & THOUGHT OF THE DAY FOR TUESDAY, OCTOBER 21, 2014, 10 A.M.**

**H. PUBLIC COMMENTS:**

James Ebert, of Farr West, expressed appreciation for this meeting where there was a lot of amiable discussion about various issues.

**I. ADJOURN**

Commissioner Bell moved to approve adjourn at 9:03 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