

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

Tuesday, December 6, 2011 - 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, Chair, Craig L. Dearden and Kerry W. Gibson.

**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** - Garaleen Parks

**C. THOUGHT OF THE DAY** - Commissioner Gibson

**D. PRESENTATION OF THE SEAL OF SERVICE AWARD TO STEVEN R. GAY**

Jennifer Graham, County Recreation Facilities Director, spoke of Mr. Gay's extensive knowledge of his job and stated that he is a great employee who goes above what is required of him. The commissioners also expressed appreciation to Mr. Gay for his hard work and expertise at the Fairgrounds. They presented him with a plaque, a Seal of Service pin and \$100.

**E. CONSENT ITEMS:**

1. Purchase Orders for \$282,805.83
2. Warrants #280497-#280709 for \$398,228.69
3. Minutes for the meetings held on November 22 and 29, 2011
4. New beer license
5. Retirement Agreement with Mary Hazard - Contract C2011-216

Commissioner Dearden moved to approve the consent items; Commissioner Gibson seconded, all voting aye.

**F. ACTION ITEMS:**

1. **CONTRACT TERMINATION AND RELEASE AGREEMENT WITH THE NATIONAL CUTTING HORSE ASSOCIATION (NCHA) - CONTRACT C2011-217**

Chris Allred, Deputy County Attorney, noted that the NCHA entered into a 5-year agreement with the county and after two years they wish to terminate it. Settlement negotiations were entered into and the county has agreed on a settlement. The NCHA has asked in the agreement that the contents of the negotiations be classified as protected.

Commissioner Dearden moved to approve Contract C2011-217, Termination and Release Agreement with the National Cutting Horse Association; Commissioner Gibson seconded, all voting aye.

2. **CONTRACT WITH WASATCH SLOPES, SKYLINE, BEAR RIVER, GOLDEN SPIKE NEBO CHARIOT RACING ASSOCIATION TO CONDUCT WEEKLY CHARIOT RACES ON THE RACETRACK AT THE COUNTY FAIRGROUNDS AND GRANDSTANDS - CONTRACT C2011-218**

Jim Harvey, of the GSEC, presented this contract.

Commissioner Gibson moved to approve Contract C2011-218 with Wasatch Slopes, Skyline, Bear River, Golden Spike Nebo Chariot Racing Association to conduct weekly chariot races on the racetrack at the Weber County Fairgrounds and grandstand; Commissioner Dearden seconded, all voting aye.

3. **CONTRACT WITH TRADERS' ROW FOR TRADERS' ROW TO OPERATE A FUR TRADE ERA VENDING SPACE IN A CABIN AT FORT BUENAVENTURA - CONTRACT C2011-219**

Jennifer Graham, County Recreation Facilities Director, presented this contract renewal. Traders' Row pays the county 5% of the gross sales.

Commissioner Dearden moved to approve Contract C2011-219 with Traders' Row for Traders' Row to operate a fur trade era vending space in a cabin at Fort Buenaventura; Commissioner Gibson seconded, all voting aye.

4. **CONTRACT WITH UTAH NORDIC ALLIANCE/OGDEN NORDIC FOR VOLUNTEERS TO GROOM CROSS-COUNTRY TRACK/COURSE AT NORTH FORK PARK FOR THE WINTER SEASON - CONTRACT C2011-220**

Jennifer Graham, County Recreation Facilities Director, presented this contract renewal. There is no cost to the county. Chair Zogmaister received several emails from individuals who utilize this course expressing thanks and stating how pleased they are. Ms. Graham addressed Commissioner Dearden's question stating that the county asked Ogden Nordic to charge a lower price for backcountry skiing because some people have complained and do not want all of that grooming.

Commissioner Gibson moved to approve Contract C2011-220 with Utah Nordic Alliance/Ogden Nordic for volunteers to groom cross-country track/course at the North Fork Park for the winter season; Commissioner Dearden seconded, all voting aye.

5. **CONTRACT WITH BROKEN HEART RODEO FOR THE BULL WARS AT THE GOLDEN SPIKE EVENT CENTER (GSEC) ON DECEMBER 31, 2011- CONTRACT C2011-221**

Jim Harvey, of the GSEC, presented the renewal of this standard contract.

Commissioner Dearden moved to approve Contract C2011-221 with Broken Heart Rodeo for the Bull Wars at the Golden Spike Event Center on 12/31/2011; Commissioner Gibson seconded, all voting aye.

6. **CONTRACT WITH HUNTSVILLE TOWN FOR SUBDIVISION PLAT REVIEWS AND OTHER SURVEYING WORK - CONTRACT C2011-222**

Ernest Rowley, County Recorder/Surveyor, presented the renewal of this standard contract.

Commissioner Gibson moved to approve Contract C2011-222 with Huntsville Town for subdivision plat reviews and other surveying work; Commissioner Dearden seconded, all voting aye.

7. **DISCUSSION ON A REQUEST FROM COMPASS MINERALS TO WAIVE IMPACT FEES**

Craig Browne, of County Building Inspection, presented this request for a salt storage building located at the end of 12<sup>th</sup> Street. Their storm water stays onsite—does not currently impact the county's system—and the storage building does not increase employees. According to the ordinance, the impact fees for this project would be \$264,791. Commissioner Gibson believes that the statute was intended more specifically for commercial lots having an impact on the community and that the county needs to be consistent with impact fees. He expressed concern with waiving these fees. He received a telephone call indicating that, because of the expansion and the very wet season that the county just experienced, Compass Minerals will significantly increase its truck traffic because much of their input material will have to be brought in.

Commissioner Dearden moved to waive the storm drain impact fee of \$460.25, leaving the roadway impact fee in place. Commissioner Gibson expressed concern that there will be many buildings with this expansion and concern with setting a precedent of not charging any storm water impact fees on the entire facility. Chair Zogmaister noted that this issue will come up each time for consideration, that it is not a blanket waiver. Commissioner Dearden will not waive the fees if Compass Minerals constructs more buildings and hooks onto the county's storm water system; Chair Zogmaister seconded, all voting aye.

8. **RESOLUTION AMENDING AND SUPERSEDING THE RESOLUTION CREATING THE CRIMINAL JUSTICE ADVISORY COUNCIL OF WEBER COUNTY - RESOLUTION 22-2011**

David Wilson, Deputy County Attorney, noted that this item was presented last week to amend the 2001 resolution making clarifications regarding membership and meetings. It also clarifies that this council is strictly an advisory body and the Sheriff retains all authority regarding disciplinary action and/or training. Sheriff Thompson stated that this committee's input has been valuable.

Commissioner Dearden moved to adopt Resolution 22-2011 amending and superseding the resolution creating the Criminal Justice Advisory Council of Weber County; Commissioner Gibson seconded.

Roll Call Vote:

Commissioner Dearden .....	aye
Commissioner Gibson .....	aye
Chair Zogmaister .....	aye

**G. PUBLIC HEARING**

1. Commissioner Dearden moved to adjourn the public meeting and convene the public hearing; Commissioner Gibson seconded, all voting aye.

2. **PUBLIC HEARING TO PROVIDE THE OPPORTUNITY FOR REPRESENTATIVES FROM NONPROFIT ORGANIZATIONS AS WELL AS OTHERS TO DISCUSS POTENTIAL PROJECTS (INCLUDING COUNTY PROJECTS) FOR THE 2012 COMMUNITY DEVELOPMENT PROGRAM**

Chad Meyerhoffer, of County Engineering, stated that the purpose of this public hearing is to supply information regarding the 2012 Community Development Block Grant (CDBG) program, to solicit possible projects that may be eligible for the funds, and to field possible suggestions and questions about the projects from the citizens. The national objective is for grant money to primarily be spent to benefit low-to-moderate income persons but other national objectives include using funds to aid in the prevention or elimination of slums/blight and may also be used to meet urgent needs because existing conditions pose a serious and immediate threat to health/welfare. Eligible activities are identified in the CDBG application guide available for review by interested parties. Examples of possible CDBG projects include ADA improvements, public works infrastructure projects in qualifying areas, property acquisition, public services such as food banks and homeless shelters and loan programs for private businesses that hire low income persons or for persons who own rental housing and rent to low income persons.

Projects within the Wasatch Front Region will compete between Weber, Morgan, and Tooele Counties and can expect approximately \$900,000 in CDBG funds for 2012. Projects will be rated by a regional council consisting of an elected official and a staff member from each county to determine what projects can proceed with final application. All pre-applications must be submitted to the Wasatch Front Regional Council by 2/2/2012. The unincorporated county does not currently have any active grant projects. The county as a whole has sponsored the Weber Housing Authority in a project that offers incentives for first time homebuyers.

In the past, Weber County received grants for modification of restrooms for the Weber County Library to bring them more in compliance with ADA standards, an emergency housing rehabilitation project administered through the Weber Housing Authority, developing ADA compliant campsites, installing ADA compliant door hardware at the fairgrounds, installing storm drains in low-to-moderate income communities to reduce flooding, installing wheelchair ramps at street intersections to make pedestrian sidewalks more accessible, and sponsoring non-profit agencies such as Your Community Connection, Ogden Weber Community Action Agency, and Catholic Community Services.

All possible projects in which funding may be applied for are indicated in the regional Consolidated Plan available for review in the Weber County Planning Office. A possible county project for the 2012 funding year is ADA upgrades at the fairgrounds as well as upgrades at the North Fork Park water system. The Weber Housing Authority would like to apply for funds to offer incentives to first-time homebuyers as well as funds for a home repair program. Catholic Community Services, a non-profit agency, which was present at the CDBG “How to Apply” workshop, would like the county to sponsor them and to submit a pre-application for a grant. The Ogden Reinvestment Corporation representative was out of town and unable to attend the “How to Apply” workshop but would like to apply for funds. Representatives from the Weber Housing Authority, ORC and Catholic Community Services were present today.

Andy Watkins, of the Weber Housing Authority, stated that they will reapply for the Down Payment Assistance Program in the amount of \$300,000. They received \$250,000 for 2011 and assisted 18 households with \$5,000 towards down payment assistance. Ms. Watkins addressed Chair Zogmaister’s question stating that of the 18 households 1 is in Farr West, 3 in North Ogden, 2 in Riverdale, 7 in Roy, 2 in South Ogden, 1 in West Haven and 2 in Washington Terrace.

Marcie Valdez, Northern Utah Catholic Community Services Director, requested a grant for \$30,000 for sustenance payments to prevent homelessness—rental assistance payments and assistance to homeless families with security deposits to move into a home. Currently, there is a large gap in funding for homeless prevention services in the county. Chair Zogmaister noted that the funds the county receives are for the entire county excluding Ogden City, and she asked how Ogden applicants will be excluded. Ms. Valdez responded that they have a screening process in place to determine what city the applicants live in. They are basing this request on the number of people they helped in the past two years that live in Weber County excluding Ogden City. They had federal stimulus funds and assisted 421 households in the county, with 54 living outside of Ogden.

Shawn Beus, with Ogden Reinvestment Corporation (ORC), stated that their emphasis is on economic development under HUD/CDBG guidelines for revolving small business loans for low-to-moderate income business owners in the county, outside of Ogden City—which sponsors its own program as well as Salt Lake and Davis counties. ORC has the capacity now to begin the program. Ogden City provides his office space and some support staff and ORC share fees with Ogden for loans that occur within the city. Loan repayments go back to the CDBG funds and Chair Zogmaister stated that the county has no exclusive CDBG funds, and she asked if the money would go back into the regional CDBG fund. Mr. Beus responded that it would go back to the Wasatch Front Regional Council funds. Because the funds are regional and the county does not control them, Chair Zogmaister stated that if the county does not utilize the CDBG funds, they will not return to the county and there is not a benefit to the county. Mr. Beus did not know if the county could designate the funds. Commissioner Dearden asked how much ORC is asking for and Mr. Beus responded that most requests come from Ogden and he believes it would be between \$100,000 and \$200,000. Each loan is for \$25,000 and above.

Mr. Meyerhoffer noted that that attendance is required at the “How to Apply” meeting to be supported by the CDBG funds and there is a possibility that ORC could attend another meeting.

The Golden Spike Arena’s request for ADA improvements was discussed during the budget meeting.

Chair Zogmaister invited public comments and none were offered.

3. Commissioner Gibson moved to adjourn the public meeting and convene the public hearing; Commissioner Dearden seconded, all voting aye.

**4. ACTION ON PUBLIC HEARING:**

**G.2-PUBLIC HEARING O DISCUSS POTENTIAL PROJECTS FOR THE 2012 CDBG PROGRAM**

Commissioner Dearden noted that there are unanswered questions for ORC—i.e., the amount being requested is not exact and whether the funds can come back to the county. Chair Zogmaister noted that the program is very strict and these questions may come up as an issue at other levels as well. She would like to know how this can be worked out with Catholic Community Services because they are regional and include so much of Ogden City. Mr. Meyerhoffer said that it may be possible to disburse the funds through the Housing Authority.

Commissioner Dearden moved to recommend that Weber Housing Authority, Catholic Community Services, and the Golden Spike Arena move forward in the application process; Commissioner Gibson seconded, all voting aye.

**H. ASSIGN PLEDGE OF ALLEGIANCE & THOUGHT OF THE DAY FOR TUESDAY, DECEMBER 13, 2011, 10 A.M.**

**I. PUBLIC COMMENTS:** None

**J. ADJOURN**

Commissioner Gibson moved to adjourn at 10:55 a.m.; Commissioner Dearden seconded, all voting aye.

Attest:

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Jan M. Zogmaister, Chair  
Weber County Commission

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Ricky D. Hatch, CPA  
Weber County Clerk/Auditor