

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

Tuesday, January 7, 2014 - 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: Kerry W. Gibson, Chair, Jan M. Zogmaister and Matthew G Bell.

OTHERS PRESENT: Ricky D. Hatch, County Clerk/Auditor; Christopher Allred, Deputy County Attorney; Fátima Fernelius, of the Clerk/Auditor's Office, took minutes.

A. WELCOME – Chair Gibson

B. PLEDGE OF ALLEGIANCE – Sean Wilkinson

C. THOUGHT OF THE DAY – Commissioner Zogmaister

D. CONSENT ITEMS:

1. Purchase Orders for \$1,585,462.48
2. Ratify Warrants #304731-#304927 for \$2,841,856.31, dated December 24, 2013 & #304928-#305180 for \$500,608.90 dated December 31, 2013
3. Warrants #305181-#305354 for \$456,307.66
4. Minutes for the meetings held on December 10 and 17, 2013
5. Tax Review Board recommendation to approve the 2012 primary residence exemption on parcel #24-012-0011
6. Tax Review Board recommendation for a refund of \$375.06 for 2012 on parcel #20-062-0001
7. New beer licenses

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

E. ACTION ITEMS:

1. APPOINTING THE CHAIR AND VICE CHAIR TO THE WEBER COUNTY COMMISSION

Chair Gibson noted that annually a chair and vice chair are selected.

Commissioner Bell moved to keep the appointments the same and to reappoint Commissioner Gibson as Chair and Commissioner Zogmaister as Vice Chair for 2014. Commissioner Zogmaister could not second the motion because it breaks from what has been done for the past 20+ years and from fairness, predictability and respect within the Commission, allowing each of the three commissioners to share the responsibility and taking a turn. Chair Gibson seconded for discussion. He said that it is within the Commission's purview to have a majority vote for the chair. Commissioner Zogmaister said that it was her turn to serve as Commission chair as part of the rotation and for Commissioner Bell to serve as vice chair. She asked Commissioner Bell why he wanted the deviation from tradition and he responded that he wants to stay the course they were on. Commissioner Zogmaister stated that she would not be changing the course they were on but that the leadership should be equal, that each is an equally elected commissioner. Commissioner Bell said that he feels comfortable with his motion. Chair Gibson feels comfortable that either of the other two commissioners could serve as chair and saw no purpose in having a predetermined rotation. Commissioners Bell and Gibson voted aye and Commissioner Zogmaister voted nay.

2. **INTERLOCAL AGREEMENT BY/AMONG WEBER COUNTY, OGDEN CITY, ROY CITY, SOUTH OGDEN CITY, RIVERDALE CITY, NORTH OGDEN CITY, PLEASANT VIEW CITY, HARRISVILLE CITY, MORGAN COUNTY AND WEBER STATE UNIVERSITY FOR THE OGDEN METRO SPECIAL WEAPONS AND TACTICS TEAM (SWAT) – CONTRACT C2014-1**

Reed Richards, Deputy County Attorney, noted that for a time Ogden City had its own SWAT operation, followed by a joint SWAT team and then separate teams. For the last several years, entities in Weber and Morgan counties have agreed to have a combined SWAT operation and this contract formalizes it. This 50-year contract contains a termination clause and will be administered and fiscally managed by the Weber County Sheriff's Office and costs are based upon use of the team and the populations of the involved jurisdictions. Coverage for liability is under one entity, the county, and this was worked closely with the county's insurance carrier. This is more efficacious regarding insurance policy costs and potential costs associated with lawsuits.

Commissioner Bell moved to approve Contract C2014-1, Interlocal Agreement by and among Weber County, Ogden City, Roy City, South Ogden City, Riverdale City, North Ogden City, Pleasant View City, Harrisville City, Morgan County and Weber State University for the Ogden Metro Special Weapons and Tactics Team; Commissioner Zogmaister seconded, all voting aye.

3. **CONTRACT WITH EUROHERZ-MUSIIKANTEN FOR A PROFESSIONAL BAND FROM HOF, GERMANY TO PLAY AT THE 2014 WEBER COUNTY SPONSORED HOF GERMAN FEST – CONTRACT C2014-2**

Jim Harvey, with Golden Spike Event Center, presented this contract.

Commissioner Zogmaister moved to approve Contract C2014-2 with Euroherz-Musiikanten for a professional band from Hof, Germany to play at the 2014 Weber County sponsored Hof German Fest; Commissioner Bell seconded, all voting aye.

4. **CONTRACT WITH THE GRUBER FAMILY BAND FOR A PROFESSIONAL BAND TO PLAY AT THE 2014 WEBER COUNTY SPONSORED HOF WINTER FEST – CONTRACT C2014-3**

Jim Harvey, with Golden Spike Event Center, presented this contract.

Commissioner Bell moved to approve the Contract C2014-3 with the Gruber Family Band for a professional band to play at the 2014 Weber County sponsored Hof Winter Fest; Commissioner Zogmaister seconded, all voting aye.

5. **CONTRACT WITH OGDEN PUBLISHING CORP FOR THE STANDARD EXAMINER SPRING HOME & GARDEN SHOW AT THE GOLDEN SPIKE EVENT CENTER ON 2/26-3/2, 2014 – CONTRACT C2014-4**

Jim Harvey, with Golden Spike Event Center, presented this contract.

Commissioner Zogmaister moved to approve the Contract C2014-4 with Ogden Publishing Corp for the Standard Examiner Spring Home & Garden Show to be held at the Golden Spike Event Center on February 26-March 2, 2014; Commissioner Bell seconded, all voting aye.

6. **RESOLUTION APPOINTING MEMBERS TO THE POWDER MOUNTAIN WATER AND SEWER IMPROVEMENT DISTRICT GOVERNING BOARD – RESOLUTION 1-2014**

All five members' terms have expired. Chris Allred, County Deputy Attorney, outlined the two appointment options: the commissioners appointing themselves and making two additional appointments or appointing themselves and reappointing two of the members whose terms expired.

Commissioner Bell requested adding language terminating the commissioners' positions on the board in the event they no longer hold their office.

Commissioner Bell moved to adopt Resolution 1-2014 appointing Jan M. Zogmaister, Kerry W. Gibson and Matthew G Bell, with each serving two year terms beginning immediately and continuing until 12/31/2015 and that notice of vacancy be posted for two other appointments to the Powder Mountain Water and Sewer Improvement District Governing Board, and to include the requested language as discussed; Commissioner Zogmaister seconded.

Roll Call Vote:

Commissioner Bellaye
 Commissioner Zogmaister.....aye
 Chair Gibson.....aye

F. PUBLIC HEARINGS

1. Commissioner Bell moved to adjourn the public meeting and convene the public hearings; Commissioner Zogmaister seconded, all voting aye.

2. **PUBLIC HEARING TO CONSIDER VACATING ANY INTEREST THAT THE GENERAL PUBLIC MAY HAVE OBTAINED TO THE PRIVATE ROAD AT POWDER MOUNTAIN SKI RESORT, RECORDED ON NOVEMBER 24, 1982 IN PLAT BOOK 24, PAGES 80, 81 AND 82**

Sean Wilkinson, County Planning Director, showed an area map. He stated that in 1982 Powder Mountain Ski Resort representatives recorded a private road plat that became known as Sugar Pine Drive or Powder Ridge Road and they reserved a private roadway from the mid mountain parking area to approximately the Hidden Lake area. With the Summit development currently taking place and the public road dedication, which will encompass this former private road, there no longer is a need for the private road. The public road will essentially encompass the entire private road and today’s action vacates any previously private road areas. County Engineering, Planning and Recorder/Survey are in favor of this vacation request and the new location of the future public road.

3. **PUBLIC HEARING TO CONSIDER VACATING THE “BUILDABLE AREA” DESIGNATION FROM LOT 5 OF RIVER RANCH**

Sean Wilkinson, County Planning Director, showed area maps of this subdivision in east Huntsville. He stated that for lot five (about 10 acres) almost the entire area is buildable except for a flood easement. When the developer recorded this subdivision, he designated on each lot an actual buildable area and this is for aesthetic purposes only and there are no restrictions on these lots other than the easements that have already been recorded. Mr. Wilkinson had spoken with the developer who iterated that they were for aesthetic purposes only, that they no longer are effective and that he is in favor of vacating them. Mr. Wilkinson noted that this request to vacate the buildable area from the plat resulted when the owner of lot 5 started constructing a large agriculture building outside of this buildable area. There are no harmful effects resulting from this action.

4. Public Comments: Chair Gibson invited public comments on the public hearings; none were offered.

5. Commissioner Zogmaister moved to adjourn the public hearings and reconvene the public meeting; Commissioner Bell seconded, all voting aye.

G. ACTION ON PUBLIC HEARINGS:

1. F.2. - VACATE ANY INTEREST THE GENERAL PUBLIC MAY HAVE OBTAINED TO THE PRIVATE ROAD AT POWDER MOUNT SKI RESORT RECORDED IN PLAT BOOK 24, PAGES 80, 81, 82 – ORDINANCE 2014-1

Commissioner Bell moved to adopt Ordinance 2014-1 vacating any interest the general public may have obtained to the private road at Powder Mount Ski Resort, recorded on November 24, 1982 in Plat Book 24, pages 80, 81 and 82; Commissioner Zogmaister seconded.

Roll Call Vote:

Commissioner Bellaye
Commissioner Zogmaister.....aye
Chair Gibson.....aye

2. F.3. - VACATE “BUILDABLE AREA” DESIGNATION FROM LOT 5, RIVER RANCH – ORDINANCE 2014-2

Commissioner Zogmaister moved to adopt Ordinance 2014-2 vacating the “Buildable Area” designation from Lot 5 of River Ranch; Commissioner Bell seconded.

Roll Call Vote:

Commissioner Bellaye
Commissioner Zogmaister.....aye
Chair Gibson.....aye

H. ASSIGN PLEDGE OF ALLEGIANCE & THOUGHT OF THE DAY FOR TUESDAY, JANUARY 14, 2014, 10 A.M.

J. PUBLIC COMMENTS: None

I. REQUEST FOR A MOTION TO CONVENE A CLOSED EXECUTIVE SESSION

Commissioner Bell moved to convene a closed executive session to discuss pending or imminent litigation and purchase or lease of real property; Commissioner Zogmaister seconded.

Roll Call Vote:

Commissioner Bellaye
Commissioner Zogmaister.....aye
Chair Gibson.....aye

No action was taken on the closed session.

K. ADJOURN

Commissioner Bell moved to adjourn at 11:43 a.m.; Commissioner Zogmaister seconded, all voting aye.

Attest:

Kerry W. Gibson, Chair
Weber County Commission

Ricky D. Hatch, CPA
Weber County Clerk/Auditor