

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

Tuesday, January 14, 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: David C. Wilson, Deputy County Attorney; Lynn D. Taylor, of the County Clerk/Auditor's Office; and Fátima Fernelius, of the Clerk/Auditor's Office, who took minutes.

A. WELCOME – Chair Gibson

B. PLEDGE OF ALLEGIANCE – Shannon Wixom

C. THOUGHT OF THE DAY – Chair Gibson

D. CONSENT ITEMS:

1. Purchase Orders for \$3,447,900.97
2. Warrants #305355 - #305550 for \$1,637,159.77
3. Minutes for the meeting held on January 7, 2014
4. Surplus office furniture from the USU Extension

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

E. ACTION ITEMS:

1. **CONTRACT WITH REVCO LEASING COMPANY, LLC, FOR A COPY MACHINE FOR THE WEBER ECONOMIC DEVELOPMENT PARTNERSHIP OFFICE – CONTRACT C2014-5**

Douglas Larsen, Weber Economic Development Partnership Director, presented this standard 60-month lease.

Commissioner Zogmaister moved to approve Contract C2014-5 with Revco Leasing Company, LLC, for a copy machine for the Weber Economic Development Partnership Office; Commissioner Bell seconded, all voting aye.

2. **CONTRACT WITH BRYAN R. BARON FOR AN INDIGENT DEFENSE ATTORNEY IN THE SECOND DISTRICT JUVENILE COURT – CONTRACT C2014-6**

3. **CONTRACT WITH LOGAN BUSHELL FOR AN INDIGENT DEFENSE ATTORNEY IN THE SECOND DISTRICT COURT – CONTRACT C2014-7**

David Wilson, Deputy County Attorney, presented items E.2 and E.3 together—a half contract for Mr. Baron for Juvenile Court and a half contract for Mr. Bushell for the Second District Court.

Commissioner Bell moved to approve Contract C2014-6 with Bryan R. Baron for an indigent defense attorney in the Second District Juvenile Court and Contract C2014-7 with Logan Bushell for an indigent defense attorney in the Second District Court; Commissioner Zogmaister seconded, all voting aye.

4. **CONTRACT WITH THE STATE OF UTAH, ATTORNEY GENERAL’S OFFICE, FOR AN ADDITIONAL \$20,000.00 IN A ONE-TIME FUNDING AMENDMENT TO UTAH STATE CONTRACT #110311 FOR GENERAL OPERATIONS AS OUTLINED IN THE ORIGINAL CONTRACT – CONTRACT C2014-8**

Rod Layton, with Children’s Justice Center, noted that the legislature allows the Children’s Justice Center to rollover unused funds and apply them to the following fiscal year.

Commissioner Bell moved to approve Contract C2014-8 with the State of Utah, Attorney General’s Office, for an additional \$20,000.00 in a one-time funding amendment to Utah State Contract #110311 for general operations as outlined in the original contract; Commissioner Zogmaister seconded, all voting aye.

5. **CONTRACT WITH ORMOND CONSTRUCTION FOR THE NRCS SOUTH FORK OGDEN RIVER GABION REPLACEMENT PROJECT – CONTRACT C2014-9**

Dana Shuler, with County Engineering, stated that this is an NRCS funded project.

Commissioner Zogmaister moved to approve Contract C2014-9 with Ormond Construction for the NRCS South Fork Ogden River Gabion replacement project; Commissioner Bell seconded, all voting aye.

6. **RESOLUTION APPOINTING TWO MEMBERS TO THE PLAIN CITY CEMETERY MAINTENANCE DISTRICT – RESOLUTION 2-2014**

Brooke Stewart, of the Commission Office, stated that State statute was followed regarding the notices of vacancy. Three applications were received. The Board requested that the two members whose terms expired be reappointed. These are 4-year terms and expire 12/31/2017.

Commissioner Bell moved to adopt Resolution 2-2014 appointing Jeff East and Monette Panter to the Plain City Cemetery Maintenance District; Commissioner Zogmaister seconded.

Roll Call Vote:

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

7. **INTERLOCAL AGREEMENT FOR THE PROVISION OF CERTAIN ADMINISTRATIVE SERVICES WITH THE MOSQUITO ABATEMENT DISTRICT – CONTRACT C2014-10**

Chair Gibson noted that the Mosquito Abatement District Board is made up of members representing cities throughout the county and includes a county representative. This is a 2-year contract and includes a 90-day termination clause. David Wilson, Deputy County Attorney, stated that the District will pay the county \$20,000/fiscal year in four quarterly equal installments.

Commissioner Bell moved to approve Contract C2014-10, Interlocal Agreement for the provision of certain administrative services with the Mosquito Abatement District; Commissioner Zogmaister seconded, all voting aye.

8. **RESOLUTION APPOINTING A MEMBER TO THE WEBER COUNTY FAIR ADVISORY BOARD – RESOLUTION 3-2014**

Chair Gibson stated that WACOG recommends appointing Plain City Mayor Bruce Higley.

Commissioner Bell moved to adopt Resolution 3-2014 appointing Plain City Mayor Bruce Higley to the Weber County Fair Advisory Board; Commissioner Zogmaister seconded.

Roll Call Vote:

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

9. RESOLUTION APPOINTING BOARD MEMBERS TO THE WEBER-MORGAN BOARD OF HEALTH – RESOLUTION 4-2014

Commissioner Gibson stated that WACOG recommends appointing Mayor Toby Mileski, of Pleasant View, and Mayor Brent Taylor, of North Ogden. Commissioner Zogmaister noted that the appointments are to fulfill the remainder of the vacant terms and asked about the terms. David Wilson, Deputy County Attorney, will check into it.

Commissioner Zogmaister moved to adopt Resolution 4-2014 appointing Mayor Toby Mileski and Mayor Brent Taylor to the Weber-Morgan Board of Health; Commissioner Bell seconded.

Roll Call Vote:

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

10. RESOLUTION MAKING AN APPOINTMENT TO THE WEBER AREA DISPATCH 911 AND EMERGENCY SERVICES DISTRICT ADMINISTRATIVE CONTROL BOARD – RESOLUTION 5-2014

Commissioner Bell stated that WACOG recommends appointing Mayor Toby Mileski, of Pleasant View, who will serve one year through 12/2014.

Commissioner Bell moved to adopt Resolution 5-2014 appointing Mayor Toby Mileski to the Weber Area Dispatch 911 and Emergency Services District Administrative Control Board; Commissioner Zogmaister seconded.

Roll Call Vote:

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

11. FINAL APPROVAL OF THE HILL VIEW ACRES SUBDIVISION 2ND AMENDMENT (3 LOTS) WITH A RECOMMENDATION TO DEFER CURB, GUTTER AND SIDEWALK IMPROVEMENTS ON HILL VIEW DRIVE, AND A RECOMMENDATION FOR THE VACATION OF ALL OF LOT 5 OF THE HILL VIEW ACRES SUBDIVISION & A PORTION OF LOT 2 OF HILL VIEW ACRES SUBDIVISION THAT LIES WITHIN HILL VIEW ACRES SUBDIVISION 2ND AMENDMENT INCLUDING ALL PUBLIC UTILITY EASEMENTS LOCATED THEREIN – ORDINANCE 2014-3

Ben Hatfield, of the County Planning Division, noted that the language of this item is recommended by the County Recorder/Surveyor’s Office. The property owners wish to reconfigure these two lots in the subdivision to create an additional one. There is no curb, gutter or sidewalk in the area.

Commissioner Bell moved to grant final approval of the Hill View Acres Subdivision 2nd Amendment with a deferral of curb, gutter and sidewalk improvements on Hill View Drive, and adopting Ordinance 2014-3 vacating all of lot 5 of the Hill View Acres Subdivision and that portion of lot 2 of Hill View Acres Subdivision that lies within Hill View Acres Subdivision 2nd Amendment, including all public utility easements located therein; Commissioner Zogmaister seconded.

Roll Call Vote:

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

F. ASSIGN PLEDGE OF ALLEGIANCE & THOUGHT OF THE DAY FOR TUESDAY, JANUARY 21, 2014, 10 A.M.

G. PUBLIC COMMENTS:

Sean Healey, of Eden, read from last Wednesday’s Standard Examiner article, “Commission Ignores Chair Rotation” and he invited the Commission to correct anything that was not correct. The article stated that in a 2-1 vote commissioners Kerry Gibson and Matthew Bell broke with many years of tradition and gave Commissioner Gibson another year as chair rather than moving vice chairwoman Jan Zogmaister into the position. Mr. Healy stated that there is a tradition of at least a couple decades of chair rotation, and he and others cannot help but notice that the person who is being squeezed out of the position, which she deserves after the years of public service, is a woman and that the two who squeezed her out are men. He said that after Commissioner Zogmaister pointed out that there is an established rotation, Commissioner Gibson countered that she was making it a little too personal, which to Mr. Healey sounded demeaning. He stated that he does not personally know Commissioner Zogmaister and sometimes disagrees with her but he has two daughters who may get pushed aside just as easily in this type of situation and this needs to be challenged now. Mr. Healey encouraged the commissioners to do the right thing.

H. CLOSE THE MEETING TO DISCUSS STRATEGY RELATING TO PENDING OR IMMINENT LITIGATION STRATEGY REAL ESTATE MATTERS

Commissioner Bell moved to close the meeting to discuss strategy relating to pending or imminent litigation and strategy relating to the purchase or sale of real estate; Commissioner Zogmaister seconded.

Roll Call Vote:

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

No action was taken on the closed executive session.

I. ADJOURN

Commissioner Bell moved to adjourn at 11:14 a.m.; Commissioner Zogmaister seconded, all voting aye.

Attest:

Kerry W. Gibson, Chair
Weber County Commission

Ricky D. Hatch, CPA
Weber County Clerk/Auditor