

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

Tuesday, May 20, 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 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:** Kerry W. Gibson, Chair, Jan M. Zogmaister and Matthew G Bell.

**OTHERS PRESENT:** Lynn D. Taylor, of the County Clerk/Auditor's Office; 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** – Jared Anderson

**C. THOUGHT OF THE DAY** – Robert Hunter

**D. PRESENTATION OF A PROCLAMATION DECLARING MAY AS "MENTAL HEALTH AWARENESS MONTH" IN WEBER COUNTY**

Roger Bruncker, of the Weber Human Services Foundation Board, noted the Foundation's focus on mental health awareness and expressed appreciation for the Commission's support. He introduced Kevin Eastman, Weber Human Services Executive Director, and Jed Burton, Clinical Director. Mr. Eastman thanked the Commission for recognizing this issue. He thanked Utah Senator Allen Christensen, who has done so much for mental health issues, particularly in the last legislative session. Mr. Eastman accepted the proclamation on behalf of the partnerships in the community and those that provide treatment. Chair Gibson read the proclamation and recognized Senator Christensen for his advocacy of mental health issues.

**E. CONSENT ITEMS:**

1. Purchase Orders for \$102,799.45
2. Ratify warrants #309116 - #309321 for \$757,467.98
3. Warrants #309322-#309524 for \$1,362,094.79
4. Minutes for the meeting held on May 7, 2014
5. Set the second public hearing for June 3, 2014 to allow citizens to provide input concerning the projects that were awarded under the 2014 Community Development Block Grant program (CDBG)
6. Set June 10, 2014, 10:00 am, for a public hearing to consider/take action on a request to amend the Weber County Land Use Code, Title 104 (Zones) Chapter 13 (Forest Residential Zone (FR-1), to allow the nightly rental of a condominium dwelling within a platted condominium project
7. Surplus a rock climbing wall from the Sheriff's Office
8. Request by the Weber County Tax Advisory Board to deny the request by Larry Taylor for a refund on interest and penalty paid on Parcel #30-100-4745

Commissioner Bell moved to approve the consent items with the correction to the ratified warrants' amount; Commissioner Zogmaister seconded, all voting aye.

**F. ACTION ITEMS:**

**I. PUBLIC COMMENTS:**

Brent Toller, Western Coating Manager, noted that the county just purchased the gun range (facility) next to Western Coating (Western) in the Weber Industrial Park (Park) and requested to be kept informed about the facility. Western purchases 40,000 tons of steel/year, and moves 15-20 semi loads in/out of the Park every day and does not believe a public gun range and the businesses in the Park are a good fit. He expressed concerns with increased traffic. Mr. Toller said that the level of noise coming from the facility has generally been acceptable with the use being limited to law enforcement, but when the six officers were shot the noise increased to an almost unbearable level for a few months afterward (with increased practice) and it disrupted Western's employees. The Park has covenants regarding noise and Western does not want the facility to become a public range. They do not want that kind of noise. There are also safety concerns. The outdoor range points right at Western and they are concerned with safety. He believes this purchase was rushed through and noted that the media has been critical of the Commission's actions. He wants the decision to go to the public on whether the facility is to be made public.

Mr. Toller commended Commissioner Zogmaister for requesting the operation's financial statements. She still has not received them. He believes that investments should not be approved until the financials are known, and he expressed concern that the gun range may only be viable if it is made a public facility. There are no public facilities in the Park. Chair Gibson said that unfortunately a lot of Mr. Toller's concerns have been perpetuated by one-sided newspaper reporting, but that this purchase had been thoroughly vetted for over a year, that there had been dozens of newspaper articles regarding the county's proposed purchase of the facility, and that it had been a public process. Chair Gibson said that the county has not made a decision on whether to make the facility public (which would be publicly discussed) nor does the county have firm figures on the facility.

Dale Bennion, of Roy, said that 2014's first quarter Gross Domestic Product (GDP) officially only eked out 0.1% gross. Quite a few highly respected economists believe we are experiencing negative GDP. He sells product online but his sales are almost non-existent now. He enumerated the large number of well known retailers in the county that are closing huge numbers of stores. He listed many countries that are currently in the process of dumping the U.S. dollar. He said that as this mess continues to unfold this year and in the next couple of years, life will become more difficult for almost all Americans. People will become poor, as has been happening, only at a faster rate. Americans have been warned by Alan Greenspan, former Federal Reserve Chairman, that money creation would hurt our economy if used for more than a short period, but it has been happening since 2008. He said that currently things are worse than during the great depression but we do not see it because of current federal government assistance programs (i.e., over 20% of American households received food stamps in 2013). He said that the county library spending issue is equivalent to arguing about which tune to play as the Titanic is sinking.

Karen Thurber stated that about a year ago she and a friend spent dozens of nights visiting hundreds of county residents in their homes to discuss the library bond. She and her friend had been given comprehensive materials and then explained how the money would be spent. If changes are made now that significantly reduces the amounts/projects, she will feel like a fraud. A promise was made by those who worked and voted for the bond and she asked the commissioners to follow it.

Marcel Lettre, of Ogden, referred to the motto on the Commission Chambers wall about ensuring efficient, effective equitable and appropriate services to the public. He has been in the construction industry all of his career, most of it with the U.S. Army Corps of Engineers, doing LEED-type construction, which he stated spends the public's money but does not produce much. He said that the same type of efficient facilities can be built without all the paperwork, without the expenses, and come out much better off. He asked how many people present had an all electric car but there were none. He stated that at the library there are many parking spots that are just left for electric cars, which is a waste of money. Another waste is the large lot behind the library that must be open space, a LEED requirement that calls for the re-infiltration of water from the parking lot and the building to that spoiled area—a lot of valuable space that could be used to build a proper facility. Because of his experience, he believes that LEED simply is not worth the money that the community paid for with the bond.

Robert Fudge, of Ogden, Weber State University Philosophy professor, stated that throughout the library projects process he heard a lot of good reasons as to why citizens want the larger libraries—they bring value to the community, are community gathering places, etc.—and citizens approved the library bond. The only reason he has heard from the commissioners for opposing it is that they do not want to build Taj Mahals. He asked if the commissioners would in the future present some substantive reasons for opposing building these facilities.

Brian Osborne, of South Ogden, said that last year when plans for the libraries were presented the only opposition he heard was from Commissioner Bell, who could not get his head wrapped around the projects/amount of money. The issue was put to a vote, it passed, and Mr. Osborn expects the commissioners to implement the plan and oversee that it is done properly. Since that time he continues to see delays and all types of obstacles being put up. He cannot understand why Commissioner Bell is adamantly opposed to the program.

Lynda Pipkin, of North Ogden, said that when bonding occurs, it is not just the current adult taxpayers that will pay for it. The library bond indebts our children/grandchildren for 20 years for a huge facility in Roy that is twice the size of the Pleasant Valley Branch. She asked why we need a 70,000 square foot library in Roy and stated that it does not make sense. She noted that about 17,000 people out of over 250,000 residents voted to indebt the rest of the residents for 20 years and said that there is something wrong with that.

Ms. Pipkin said that a lot of people in Farr West and Plain City are not going to benefit from these library projects, yet will be paying for them. She recently visited Davis County, which is building nice libraries for about \$4-\$6 million each. She spent a couple of hours with their library director at their new facility, reviewing their plans, how the money was spent, etc., and said that their facility offers the same services as Weber County and is very adequate, but they spent \$4.8 million for one facility, which also houses all of their staffing. Weber County is proposing to spend over \$20 million for one library, and she objects. She noted that Weber County conducted a special election for the library bond, which people are not accustomed to and that special elections bring out special interest groups. The issue should have been on the general election ballot. Many people with whom she had spoken were not aware of the special election and had not seen the ballot in the mail. Additionally, a lot of her conservative friends no longer read the Standard Examiner and were not aware of this issue. The proper role of government is not to take care of the people from cradle to grave or build a huge community center that offers free movies with food facilities, etc., and she said that it is wrong for government to compete with the private sector. Its proper role is to protect the people's right to life, liberty and property and indebting the people for 20 years is making it more likely that at some point people will no longer be able to pay the high property taxes, at which time the county will take away their properties.

Kaylie Larsen, 4-years old, introduced herself. Her mother said that the Commission should see one of the faces of those who will be paying for the library bond, one who has no voice and will not be able to vote for many years. The mother said that the voters did not get good information and many with whom she spoke did not know there was an election coming or what it was about—they only saw signs to vote “yes if you like libraries.” She loves libraries but does not agree that the huge amount of money set for them is necessary and stated that they are over-bloated projects and there is a need to be responsible, especially when spending the money of little ones who do not have the ability to vote on the issue.

Robert Hunter, former Weber County commissioner, would like to see a library in the northwest part of the county. The election is over and it was conducted legitimately. He pointed out that the Standard Examiner opposed the bond. He defends the right of any commissioner to ask questions about any county expenditure. He respects the diverse thinking and leadership of the County Commission.

Spencer Stokes, former Weber County commissioner, echoed Mr. Hunter's sentiments about the library bond and said that the time for that debate is over. He believed that no one in the political world would have thought that an all by-mail ballot, with a \$45 million bond, would pass, and he is surprised that it did. He is concerned that the projects approved by the voters are not going to be built. The commissioners put the issue on an all by-mail ballot because they thought the voter participation would be greater. In a recent Library Board meeting almost \$1 million dollars were cut from the projects.

Marion Horna, of Ogden Valley, stated that he has 10 grandchildren and when they visit, they go to the Huntsville Library, where he feels safe taking them. He also stated that the vote is over and asked the commissioners to move forward.

Christy, of Pleasant View, said that the public did not speak, that 17,000 is not “the” public. She said that Mr. Stokes is on the Library Board and has a conflict of interest. She said that when the County Republican Convention delegates found out what was going on with the library they were against it. When information finally came out and the public was starting to find out about the library bond, they thought it was for a library but not for the exorbitant \$45 million. People would like a library but not this excessive project that will indebt everyone. The public has cut back on expenses over the years, their pay has been cut in half over the past 5-6 years, and they have lost insurance and other things. She asked why people would want a \$45 million library when most students use the internet. There aren't even books in schools anymore—they go online. If the public looked at what is going on they would be disappointed that the Commission even put it on the ballot for 17,000 people to vote on. She is disgusted that it went that far. It disturbs her that they voted the commissioners in and trusted them.

Sylvia Salisbury, of Ogden, stated that we live in very uncertain economic times and do not know what is ahead but it does not look positive because of the financial position of our nation and the world. She wondered if the county can use the money in a wiser manner and supports the commissioners in being good stewards with the public's money.

Steven Harris, of Roy, stated that the vote for the library bond had been open to every county voter; that everyone had an opportunity. He believes that once the votes have been cast, the time for debate is over.

Rosina Lettre, of Ogden, expressed concern with whose needs are being filled with all the money being spent, that only certain cities are getting a library but all residents have to pay for the bond. She wants the money to be used wisely, for all citizens to be treated fairly, and the rest of the population not to be ignored.

Kathy Gambles, of Ogden, expressed thanks for the many opportunities in the county, even if she has to drive a little ways to the venues. As a grandmother, she is elated that her vote for the \$45 million bond is doing so many things to enhance the lives of all citizens regardless of whether their vote is counted, knowing that the return on the money invested in the libraries is important. The 21<sup>st</sup> century libraries offer so much more than former libraries in meeting current and future needs. The Commission has a huge responsibility in overseeing how the money is spent. The savings resulting from lower utility building maintenance and repair costs will be sufficient to open and run the new facilities without an increase in the library operating tax rate. When money is tight, she is grateful to have a place where families can enjoy a movie, etc. She noted the County Library System's positive track record.

Loretta Shupe, of North Ogden, stated that her city had a similar situation regarding constructing a new public works building; the one suggested was quite expensive and the city was also seeking a bond. The citizens were very concerned with the high cost and asked that the city reevaluate it. One of the new council members said that a bond is an indication that there was not forward planning. Ms. Shupe asked that the commissioners follow the city's example. The bond passed but the city has found many ways that they can pay for the building and has not yet used bond money. She asked the commissioners to spend as little as possible but get the best value for their loved libraries.

Sylvia Newman, of Ogden City, noticed that everyone who spoke did so with great respect for the commissioners and said that she was dismayed at the disrespect with which Chair Gibson showed Mr. Fudge when he spoke earlier by the derisive reference to him reading too many newspapers. It seems that Chair Gibson wants it both ways because earlier he spoke positively of the newspaper saying that the gun range was thoroughly vetted, that there were dozens of related articles in the newspapers—inferring that those who read the newspaper would have been informed about the process. She noted that the Standard Examiner's editorial board opposed the bond. Chair Gibson apologized to Mr. Fudge if his comment had been rude to him; it had not been his intention.

Kaden Gibson, of Ogden, noted that often people her age do not come to Commission meetings because they are in school. After the library bond passed, she took the question to her high school Journalism and English classes to see how many students actually use the libraries. She had never been to a library. Out of the 64 students there was only one student, and he had gone because his mother had forced him to go with her. Ms. Gibson stated that she has a library, and more, in the palm of her hand through her phone. There are five libraries in the county and after \$45 million there will still only be five libraries. It impacts her future because she will have to pay for the bonds. The bonds, which were a mistake, have been approved, and she asked the commissioners to use her future money wisely.

Dr. Paul Sonntag, of McKay Dee Hospital, stated that there are really civically/culturally conscious people in this county, which puts many other Utah counties to shame. He is proud of Ogden, which has a vision that stands as a model. He knows that many people struggle financially in Ogden and the library enriches lives and helps to bring the community forward. He is appalled by the pessimism about the library bond.

**9. RATIFICATION & NOTICE TO PROCEED WITH A CONSTRUCTION CONTRACT WITH R & O CONSTRUCTION FOR COMPLETION OF THE SOUTHWEST BRANCH/HEADQUARTERS LIBRARY, INCLUDING: AIA DOCUMENT A101, STANDARD FORM OF AGREEMENT BETWEEN OWNER & CONTRACTOR; AIA DOCUMENT A201, GENERAL CONDITIONS OF THE CONTRACT FOR CONSTRUCTION; AND NOTICE TO PROCEED, DATED MAY 20, 2014 – CONTRACT C2014-126**

Lynnda Wangsgard, County Library Director, noted that the ground breaking for the headquarters library occurred last Friday. It had a large turnout and during that time people updated the library staff on their hopes/desires for that new facility.

R&O was selected by the review committee from seven pre-qualified contractors. The committee unanimously recommended R&O as the best value. R&O's bid was \$1.1 million below the authorized amount. The first page 5 of the contract now includes adding Nate Pierce, County Operations Department Director, as a county representative. After the review committee's recommendation, at the request of the Commission, library managers met with Prescott Muir Architects and R&O and spent weeks working as a team in order to further cut project costs. On May 6 it was recommended to the Library Board that an additional \$647,003 be removed from R&O's contract, and this has been approved. The total cost per sq. ft. of the headquarters library is estimated at \$275.81. Ms. Wangsgard noted that Salt Lake County has constructed four libraries in the past 4 years, while construction costs were historically low, and their average cost/sq. ft. was \$317.69. This contract calls for substantial completion of the library in 490 days after notice to proceed with a goal to cut costs wherever possible. The headquarters library will proceed with approximately \$2 million under budget.

Ms. Wangsgard noted that the first project in the 5-year capital plan added street parking at the Ogden Valley Branch and was completed timely and under budget. Members of the Library Management team, representatives from Prescott Muir Architects, and executives from R&O were present today.

Commissioner Zogmaister stated that there has been a lot of discussion, exploration, and hard work to try to look at every aspect of the contract and how it might move forward. She expressed confidence in those awarded this contract and the team they are bringing to the table. She thanked everyone who has been involved in this process and asked that the citizens continue to stay engaged. Chair Gibson said that looking back he would have done things differently, but that a lot of progress has been made with a lot of collaboration/compromise and hard work on the part of many. He expressed frustration that some do not seem to want a positive story told. The voters wanted the library system enhanced and the project started out ambitiously, but the Commission will continue to be fiscally responsible. He noted that this contract exhibits a significant effort to trim unnecessary items, while maintaining the basic framework provided to the voters during the bond election. He hopes that the community will be able to come together to bring in the type of investment/addition to these buildings to make them stellar. Commissioner Bell expressed appreciation for all the emails/communication during this process. He said that the Commission has never been against building libraries or tried to slow down the process since the voters voted for the library bond. The commissioners reiterated that they will honor the vote of the people, the library projects will be done as represented and they will be fiscally responsible.

Commissioner Bell moved to approve ratification and notice to proceed with a construction Contract C2014-126 with R & O Construction for completion of the Southwest Branch/Headquarters Library, including: AIA Document A101, Standard Form of Agreement between Owner and Contractor; AIA Document A201, General Conditions of the Contract for Construction; and Notice to Proceed, Dated May 20, 2014 with the changes to the first page 5; Commissioner Zogmaister seconded, all voting aye.

1. **CONTRACTS WITH THE FOLLOWING FOR RECREATION, ARTS, MUSEUMS, PARKS (RAMP) GRANTS:  
WEBER PATHWAYS – CONTRACT C2014-127; NORTH OGDEN CITY – CONTRACT C2014-128  
OGDEN SCHOOL FOUNDATION – CONTRACT C2014-129**

Shelly Halacy, of the Commission Office, stated that these major contracts are for less than the amount requested by the entities. The County Attorney's Office had reviewed them.

Commissioner Bell moved to approve RAMP Contracts C2014-127 - 129 as listed; Commissioner Zogmaister seconded, all voting aye.

2. **REQUEST FOR CONTRACT WITH SALZBURGER ECHO FOR ENTERTAINMENT AT THE 2015 HOF GERMAN FEST**

This item was held.

3. **REQUEST FOR CONTRACT WITH GOLDEN SPIKE GEM & MINERAL SOCIETY FOR THE GEM STONE JUNCTION AT THE GOLDEN SPIKE EVENT CENTER APRIL 8-12, 2015**

This item was held.

Chair Gibson was excused at this time to attend another obligation.

4. **CONTRACT WITH GOAL FOUNDATION TO HOLD THE HURT IN THE DIRT EVENT AT FORT BUENAVENTURA PARK ON JULY 25 & 26, 2014 – CONTRACT C2014-130**

Jim Carter, with County Parks, briefly presented the contract for this annual event.

Commissioner Bell moved to approve C2014-130 with GOAL Foundation to hold the Hurt in the Dirt event at Fort Buenaventura Park on July 25-26, 2014; Vice Chair Zogmaister seconded, both voting aye.

5. **CONTRACT WITH CRS CONSULTING ENGINEERS FOR THE SURVEYING, CONCEPTUAL DESIGN & RIGHT OF WAY ACQUISITION SERVICE ON 1200 SOUTH FROM 4700 WEST TO LITTLE MOUNTAIN – CONTRACT C2014-131**

Jared Andersen, County Engineer, briefly presented this contract.

Commissioner Bell moved to approve C2014-131 with CRS Consulting Engineers for the surveying, conceptual design and right-of-way acquisition service on 1200 South from 4700 West to Little Mountain; Vice Chair Zogmaister seconded, both voting aye.

6. **CONTRACT WITH SUMMERS & SUMMERS, LLC, FOR A 1-YEAR EXTENSION OF LEASE OF PROPERTY ADJACENT TO THE WEBER COUNTY UPPER VALLEY ROAD SHOPS – CONTRACT C2014-132**

Chris Zimmerman, of County Operations, briefly presented this contract stating that Summers & Summers uses the property to store some of their excavating materials.

Commissioner Bell moved to approve C2014-132 with Summers & Summers, LLC, for a one year extension of lease of property adjacent to the Weber County Upper Valley Road Shops; Vice Chair Zogmaister seconded, both voting aye.

7. **REQUEST ON INTERLOCAL AGREEMENTS WITH THE FOLLOWING CITIES FOR A RECYCLING AGREEMENT WITH NORTH OGDEN CITY; FARR WEST CITY**

This item was held.

8. **FINAL APPROVAL OF THE SILVER SUMMIT ESTATES SUBDIVISION, CONSISTING OF 13 LOTS AND ACCEPTANCE OF A FINANCIAL GUARANTEE OF \$243,323.30 FOR SUBDIVISION IMPROVEMENTS AND A MONUMENTATION ESCROW OF \$4,200.00**

Jim Gentry, with County Planning, briefly presented this item, which comes with a unanimous recommendation for approval from the Ogden Valley Planning Commission.

Commissioner Bell moved to grant final approval of the Silver Summit Estates Subdivision, consisting of 13 lots and acceptance of a financial guarantee of \$243,323.30 for subdivision improvements and a monumentation escrow for \$4,200.00; Vice Chair Zogmaister seconded, both voting aye.

**G. PUBLIC HEARING:**

1. Commissioner Bell moved to adjourn the public meeting and convene the public hearing; Vice Chair Zogmaister seconded, both voting aye.

2. **PUBLIC HEARING TO AMEND THE WEBER COUNTY LAND USE CODE TITLE 104 (ZONES) CHAPTER 9 (FOREST ZONES F-5, F-10, AND F-40), SECTION 2 (PERMITTED USES), BY INCREASING THE ALLOWED SIZE OF A SHED FROM 100 SQUARE FEET TO 200 SQUARE FEET AND SECTION 3 (CONDITIONAL USES) BY REMOVING NUMBER 16 (RECREATION RESORT) AND RENUMBERING TO REFLECT THAT CHANGE**

Jim Gentry, of the County Planning Division, stated that Sunridge Property Owners Association requested to increase the shed size. Originally, the 100 sq. ft. was to allow people who did not have a home there to have a place to store their tools while they worked on their lots. They are requesting the sq. ft. increase because of the larger RVs. He said that 200 sq. ft. or less does not require a building permit. Both Planning Commissions unanimously recommended approval. The other change to the ordinance removes the Recreation Resort from the Forest Zones. The recreation lodge definition is more focused on the recreation uses versus the commercial uses and is more appropriate in the Forest Zones.

- 3. **PUBLIC COMMENTS:** Vice Chair Zogmaister invited public comments and none were offered.
- 4. Commissioner Bell moved to adjourn the public hearing and reconvene the public meeting; Vice Chair Zogmaister seconded, both voting aye.

5. **ACTION ON PUBLIC HEARING:**

**G.2.- AMEND THE COUNTY LAND USE CODE TITLE 104, SECTION 2, BY INCREASING THE ALLOWED SIZE OF A SHED FROM 100 SQUARE FEET TO 200 SQUARE FEET AND SECTION 3 BY REMOVING NUMBER 16, AND RENUMBERING TO REFLECT THAT CHANGE – ORDINANCE 2014-14**

Commissioner Bell moved to adopt Ordinance 2014-14 amending the Weber County Land Use Code Title 104 (Zones), Chapter 9 (Forest Zones F-5, F-10, and F-40), Section 2 (Permitted Uses), by increasing the allowed size of a shed from 100 square feet to 200 square feet, and Section 3 (Conditional Uses) by removing number 16 (Recreation Resort), and renumbering to reflect that change; Vice Chair Zogmaister seconded.

Roll Call Vote:

Commissioner Bell ..... aye  
 Vice Chair Zogmaister ..... aye

**H. ASSIGN PLEDGE OF ALLEGIANCE & THOUGHT OF THE DAY FOR TUESDAY, MAY 27, 2014, 10 A.M.**

**J. ADJOURN**

Commissioner Bell moved to adjourn; Vice Chair Zogmaister seconded, both 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