

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

Tuesday, June 24, 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:** Ricky D. Hatch, County Clerk/Auditor; David C. Wilson, Deputy County Attorney; and Fátima Ferneliuss, of the Clerk/Auditor's Office, who took minutes.

**A. WELCOME** – Commissioner Zogmaister

**B. PLEDGE OF ALLEGIANCE** – Shelly Halacy

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

**D. CONSENT ITEMS:**

1. Ratify purchase orders for \$85,663.57 dated June 17, 2014
2. Purchase orders for \$252,533.89
3. Ratify warrants #310221-#310420 for \$1,568,420.58 dated June 17, 2014
4. Warrants #310421-#310627 for \$1,050,696.32
5. Surplus two Search and Rescue snow-cat's from the Weber County Sheriff Office
6. Set public hearing for July 15, 2014, 10 a.m., on a request to amend the Weber County Land Use Code, Title 108 (Standards), Chapters 5 (Planned Unit Residential Development), 7 (Supplementary and Qualifying Regulations), and 8 (Parking and Loading Space, Vehicle Traffic and Access Regulations) to provide ordinance clarifications regarding nightly rental requirements, generally.
7. Retirement agreements: John A. Morrow - Contract C2014-152; Vickie S. Day - Contract C2014-153  
Commissioner Bell moved to approve the consent items; Commissioner Zogmaister seconded, all voting aye.

**E. ACTION ITEMS:**

1. **REQUEST FOR FINAL READING OF AN ORDINANCE ADDING CERTAIN FEES TO THE WEBER COUNTY FEE ORDINANCE RELATING TO THE SHERIFF'S OFFICE**

Steffani Ebert, of the County Sheriff's Office, noted that she had presented the first reading on 6/10/14 to add a few fees to the Sheriff's Office fee schedule. Ms. Ebert addressed Commissioner Bell's question stating that there were no fee increases, they only added fees for the inmate online video visiting and instituted the fees for the gun range. The latter remains the same as previously being charged under the private entity. Chair Gibson said that this is not what the newspaper reported yesterday. The Commission took no action.

2. **CONTRACT WITH THE STATE OF UTAH, ADMINISTRATIVE OFFICE OF THE COURTS, TO PROVIDE BAILIFF AND COURT SECURITY SERVICES FOR THE OGDEN DISTRICT AND JUVENILE COURTS – CONTRACT C2014-154**

Reed Richards, of the County Sheriff's Office, stated that there's been discussion for many years about the fact that the county subsidizes these services, paying more than half of the costs. Last year the courts notified the county that they intended to pay even less but expected the same services. The counties and sheriffs approached the last legislature and were able to receive support to increase the surcharge statewide for traffic citations by \$10 effective 7/1/14. The increase in fees allowed the courts to significantly increase the county's contract rather than reduce it as was projected. The county is still paying more than its fair share.

Commissioner Bell moved to approve Contract C2014-154 with the State of Utah, Administrative Office of the Courts, to provide bailiff and court security services for the Ogden District and Juvenile Courts; Commissioner Zogmaister seconded, all voting aye.

**3. RESOLUTION CREATING A BAIL SCHEDULE FOR CERTAIN WEBER COUNTY ORDINANCES – RESOLUTION 18-2014**

Reed Richards, Deputy County Attorney, stated that most criminal violations that the county cites fall under the State code and for those the State sets the bail amounts. If they are county code violations, the county needs to have set its bail amounts. The officers have not been writing tickets on county violations. Commissioner Zogmaister moved to adopt Resolution 18-2014 creating a bail schedule for certain Weber County ordinances; Commissioner Bell seconded.

Roll Call Vote:

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

**4. APPROVE NOTICE TO SMG THAT THE COUNTY IS TERMINATING THE OGDEN ECCLES CONFERENCE CENTER (OECC) MANAGEMENT AGREEMENT WITH SMG EFFECTIVE DECEMBER 31, 2014**

David Wilson, Deputy County Attorney, stated that on 10/2006 the county entered into an agreement with SMG to manage the OECC. Commissioner Zogmaister reiterated that SMG is doing a great job and this has nothing to do with its performance but is an effort to obtain proposals to ensure the best use of the public dollars. The county will seek proposals and this termination needs to be done before 7/1/14. Marty Smith, OECC Director, was present.

Commissioner Bell moved to approve the notice to SMG that the county is terminating the Ogden Eccles Conference Center Management Agreement with SMG effective December 31, 2014; Commissioner Zogmaister seconded, all voting aye.

**5. AMENDMENT TO ASSESSMENT ORDINANCE NO. 2013-21 TO CORRECT THE LEGAL DESCRIPTION OF A PORTION OF THE ASSESSMENT AREA; AND RELATED MATTERS – ORDINANCE 2014-15**

Douglas Larsen, Weber Economic Development Partnership (EDP) Director, stated that the Assessment Area was created to allow public infrastructure at Powder Mountain (roads, water and sewer). This is to update the legal descriptions of the various zones within that Assessment area. The overall assessment acreage from the original boundary description has changed minimally from 1,685 to 1,701 acres. The Surveyor's Office did a lot of work on this item.

Commissioner Bell moved to adopt Ordinance 2014-15, amendment to assessment ordinance no. 2013-21 to correct the legal description of a portion of the assessment area; and related matters; Commissioner Zogmaister seconded.

Roll Call Vote:

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

**6. RATIFY THE TAX SALE FOR PARCEL 02-042-0007 AND PARCEL 02-003-0012**

Tammy Aydelotte, of the Clerk/Auditor's Office, stated that written dispute for parcel #02-003-0012 had been submitted and the county had pulled it from the ratification list, but no grounds had been found. The former property owner subsequently wished to redeem the property but the statutory timeframe had passed. Parcel 02-042-007 is in the process of being struck to the county; no bids were received.

Commissioner Zogmaister Bell moved to ratify the tax sale for parcel 02-042-0007 and parcel 02-003-0012; Commissioner Bell seconded, all voting aye.

7. **CONTRACTS WITH THE FOLLOWING ENTITIES FOR RECREATION, ARTS, MUSEUMS AND PARKS (RAMP) GRANTS: ROY CITY – CONTRACT C2014-155; WEST HAVEN CITY (item held)**

Shelly Halacy, of the County Commission Office, stated that recipients of major grants are asked to inform the county about how they plan to use the RAMP funds because they received a lesser amount than requested. Once this occurs, the County Attorney's Office prepares the contract.

Commissioner Bell moved to approve the Contract C2014-155 with Roy City for Recreation, Arts, Museums and Parks grants; Commissioner Zogmaister seconded, all voting aye.

8. **RATIFY A RELEASE OF NOTICE OF NON-COMPLIANCE AND SUSPENSION OF FINAL PLAT APPROVAL FOR THE NORTH FORK MEADOWS SUBDIVISION ON PARCEL #S 22-272-0001 THROUGH 22-272-0012**

Chad Meyerhoffer, of County Engineering, noted that the notice was filed in 2009 against this subdivision to inform anyone inquiring about the property that improvements were incomplete. The developer had failed to complete all the improvements and when the county called in the escrow the county was unsuccessful. In 2012 an individual purchased the property and entered into an existing subdivision improvement agreement with the county. The improvements have been completed excepted for landscaping and there is a 10% contingency in the escrow for those improvements.

Commissioner Zogmaister moved to ratify a Release of Notice of Non-Compliance and Suspension of Final Plat Approval for the North Fork Meadows Subdivision on parcel #s 22-272-0001 - 22-272-0012; Commissioner Bell seconded, all voting aye.

9. **CONTRACT WITH MIKE VAN ALFEN FOR THE PRODUCTION OF THE 2014 DEMOLITION DERBY AT THE 2014 WEBER COUNTY FAIR – CONTRACT C2014-156**

Jan Wilson, of the County Fair, presented this contract for \$3,800.

Commissioner Bell moved to approve Contract C2014-156 with Mike Van Alfen for the production of the 2014 Demolition Derby at the 2014 Weber County Fair; Commissioner Zogmaister seconded, all voting aye.

10. **CONTRACT WITH BROKEN HEART RODEO COMPANY, LLC, FOR THE PRODUCTION OF THE RODEO AT THE 2014 WEBER COUNTY FAIR – CONTRACT C2014-157**

Jan Wilson, of the County Fair, presented this contract for \$7,300 plus \$12/run.

Commissioner Bell moved to approve Contract C2014-157 with Broken Heart Rodeo Company, LLC, for the production of the Rodeo at the 2014 Weber County Fair; Commissioner Zogmaister seconded, all voting aye.

11. **CONTRACT WITH GREAT BASIN ANTIQUE MACHINERY FOR AN ANTIQUE DISPLAY, TRACTOR GAMES AND A TRACTOR PARADE AT THE 2014 WEBER COUNTY FAIR – CONTRACT C2014-158**

Jan Wilson, of the County Fair, presented this contract for \$800.

Commissioner Zogmaister moved to approve Contract C2014-58 with Great Basin Antique Machinery for an antique display, tractor games and a tractor parade at the 2014 Weber County Fair; Commissioner Bell seconded, all voting aye.

12. **CONTRACT WITH JEREMY HORN'S ELITE FIGHT NIGHT FOR THE PRODUCTION OF A MIXED MARTIAL ARTS SHOW TO BE HELD AT THE 2014 WEBER COUNTY FAIR – CONTRACT C2014-159**

Jan Wilson, of the County Fair, presented this contract for \$25,000.

Commissioner Bell moved to approve Contract C2014-159 with Jeremy Horn's Elite Fight Night for the production of a Mixed Martial Arts Show to be held at the 2014 Weber County Fair; Commissioner Zogmaister seconded, all voting aye.

**13. REQUEST FROM THE CLERK/AUDITOR FOR HIS ADMINISTRATIVE ASSISTANT/COMPTROLLER POSITION TO BE EXEMPTED FROM THE UTAH RETIREMENT SYSTEM'S DEFINED BENEFIT PROGRAM. THIS EXEMPTION IS ALLOWED UNDER MEMBERSHIP-EXEMPTING, ALLOWABLE POSITION EXEMPTIONS. THE EXEMPTION OF THE APPOINTMENT MUST BE RECORDED IN MEETING MINUTES.**

Brad Dee, Human Resources Department Director, stated that the Clerk/Auditor hired an Administrative Assistant/ Comptroller to fill the recently vacated position. The new employee is currently in the Defined Contribution program with the State (URS) and wishes to be exempted from the URS Defined Benefit program and be allowed to participate in the Defined Contribution program.

Commissioner Zogmaister moved to exempt an Administrative Assistant/Comptroller position in the Clerk/Auditor's Office from the Utah Retirement System's Defined Benefit program as allowed under Membership-Exempting, Allowable Position Exemptions; Commissioner Bell seconded, all voting aye.

**14. REQUEST FOR CONTRACT WITH ROY MICHAEL AND JULIE ATWATER FOR A PERPETUAL EASEMENT AS PART OF THE 3500 WEST RECONSTRUCTION PROJECT**

**15. REQUEST FOR CONTRACT WITH JOHN ALTON AND LINDA M. TURNBOW FOR A PERPETUAL EASEMENT AS PART OF THE 3500 WEST RECONSTRUCTION PROJECT**

Items 14 and 15 will be handled next week on the consent calendar.

**F. ASSIGN PLEDGE OF ALLEGIANCE & THOUGHT OF THE DAY FOR TUESDAY, JULY 1, 2014, 10 A.M.**

**G. PUBLIC COMMENTS:**

Kathy McKitrick, of the Standard Examiner, stated that she would love to have two-way communication with the Commission. She said that when there is a problem with one of her stories that she would really appreciate speaking with the commissioners and that she can run a correction.

**H. ADJOURN**

Commissioner Bell moved to adjourn at 10:47 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