

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

Tuesday, July 9, 2013 - 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 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: Jan M. Zogmaister, Kerry W. Gibson and Matthew G Bell.

OTHERS PRESENT: Ricky D. Hatch, County Clerk/Auditor; 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** – Fátima Fernelius
- C. **THOUGHT OF THE DAY** – Commissioner Bell

D. CONSENT ITEMS:

- 1. Purchase Orders for \$214,798.71
- 2. Warrants #299414-#299621 for \$2,522,507.04
- 3. Minutes for the meeting held on July 2, 2013

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

E. ACTION ITEMS:

- 1. **MEMORANDUM OF UNDERSTANDING AND AGREEMENT BY/AMONG WEBER COUNTY, DAVIS COUNTY, MORGAN COUNTY, DAVIS CONSERVATION DISTRICT, MORGAN CONSERVATION DISTRICT, WEBER CONSERVATION DISTRICT, UTAH ASSOCIATION OF CONSERVATION DISTRICTS AND WEBER BASIN CONSERVANCY DISTRICT OUTLINING EACH PARTY'S ROLES AND RESPONSIBILITIES FOR IMPLEMENTATION OF THE WEBER RIVER CANAL DATA COLLECTION PROGRAM – CONTRACT C2013-206**

Reed Smith, Davis & Weber Conservation Districts Project Manager, noted that in 2010 the State Legislature passed two House Bills requiring that water conveyance facilities map their location and assess their risk. Through this contract Weber County will provide GIS maps as needed; it also provides for a repository for all of the information. The website will be maintained by Weber Basin Conservancy District and will be available to county staff.

Commissioner Bell moved to approve Contract C2013-206, Memorandum of Understanding and Agreement by/among Weber County, Davis County, Morgan County, Davis Conservation District, Morgan Conservation District, Weber Conservation District, Utah Association of Conservation Districts and Weber Basin Conservancy District outlining each party's roles and responsibilities for implementation of the Weber River Canal Data Collection program; Commissioner Zogmaister seconded, all voting aye.

- 2. **CONTRACTS WITH JUNCTION CITY ROLLER DOLLS TO HOLD DERBY BOUTS AT THE GOLDEN SPIKE EVENT CENTER (GSEC): JULY 13, 2013 – CONTRACT C2013-207; AUGUST 24, 2013 – CONTRACT C2013-208**

Jim Harvey, with GSEC, presented these contracts.

Commissioner Bell moved to approve Contracts C2013-207 and C2013-208 with Junction City Roller Dolls to hold Derby Bouts at the Golden Spike Event Center on July 14 and August 25, 2013, respectively; Commissioner Zogmaister seconded, all voting aye.

3. CONTRACT WITH THE STATE OF UTAH ATTORNEY GENERAL'S OFFICE FOR SERVICES AS APPROPRIATED BY THE UTAH STATE LEGISLATURE AND ADMINISTERED BY THE UTAH ATTORNEY GENERAL'S OFFICE – CHILDREN'S JUSTICE DIVISION – CONTRACT C2013-209

Roberta Dustin, with the Children's Justice Center, presented this annual contract for \$220,442.

Commissioner Zogmaister moved to approve Contract C2013-209 with the State of Utah Attorney General's Office for services as appropriated by the Utah State Legislature and administered by the Utah Attorney General's Office; Commissioner Bell seconded, all voting aye.

4. INTERLOCAL AGREEMENT WITH PLAIN CITY FOR ROAD MAINTENANCE SERVICES - CONTRACT C2013-210

Kelly Hipwell, of County Roads, presented this contract renewal for the county to provide street sweeping and chip seal work.

Commissioner Bell moved to approve Contract C2013-210. Interlocal Agreement with Plain City for road maintenance services; Commissioner Zogmaister seconded, all voting aye.

5. APPROVAL OF THE WEBER COUNTY BOARD OF CANVASS – 2013 SPECIAL ELECTION

Jennifer Morrell, County Elections Director, reported that all of the ballots for the two propositions have been counted. There were 17,090 votes for and 14,296 against the library bond and 5,057 votes for and 3,588 against the Ogden School District swimming pool. Ms. Morrell stated that 31,979 votes were cast (31%). It was a success to have so many participate. Commissioner Zogmaister said that it is impressive how well this election was run, being the first totally by-mail election, which was due to the great people carrying out the work. Ms. Morrell stated that many county staff and even other counties and cities assisted by giving advice or helping inform their voters. She has a small staff and expressed appreciation for their many personal sacrifices during the election.

Commissioner Zogmaister moved to approve the June 25, 2013 Special Election Weber County Board of Canvass; Commissioner Bell seconded, all voting aye.

6. DISCUSSION AND/OR ACTION ON REVISIONS TO AN ADMINISTRATIVE APPLICATION, CONDITIONAL USE PERMIT (CUP) 2013-03, SUMMIT AT POWDER MOUNTAIN PHASE 1, CONSISTING OF 154 UNIT PLANNED RESIDENTIAL UNIT DEVELOPMENT (PRUD)

Sean Wilkinson, of the County Planning Division, noted that the County Commission approved CUP 2013-03 on 4/9/2013. The developers have recently proposed minor amendments to that plan that include the following:

- The first bridge crossing near the P. R.U.D. entrance was removed & remaining 3 crossings were renumbered;
- Lot 7 was divided into Lots 7A & 7B (increasing the number of Estate Family lots to 26);
- The shared driveway access for lots 1, 2, 3, 4, 9 & 10 was moved further to the east on Lots 9 & 10 due to the division of Lot 7;
- Building envelopes were adjusted on Lots 8, 21, 22, 28, 32, and 63-72;
- The boundaries of Lots 18-20 were adjusted and the shared access for Lot 19 was eliminated;
- The boundary between Lots 34 & 35 was adjusted, making Lot 34 larger and adjusting its building envelope;
- Lot 50 was removed to create an open space gap;
- Lots 57, 60, 61, 89 and 94 were each divided into two lots and several other lots in the Village area were adjusted to accommodate those divisions;
- The five nest units associated with the conference center on Lot 76 have been eliminated.

The overall P.R.U.D. boundary, the number of lots and units remain the same. The Ogden Valley Planning Commission recommended approval of this item on 6/25/2013. The development team was notified of today's meeting but no one was present. Commissioner Zogmaister had hoped that the developer was present because the county really needs to know about secondary access.

Commissioner Zogmaister moved to approve the revisions to the administrative application, Conditional Use permit (CUP) 2013-03, Summit at Powder Mountain Phase 1, consisting of 154 unit Planned Residential Unit Development; Commissioner Bell seconded, all voting aye.

7. CONTRACT WITH PRESCOTT MUIR AND ASSOCIATES, P.C., TO PROVIDE DESIGN, CONSTRUCTION & OVERSIGHT SERVICES FOR THE NEW HEADQUARTERS LIBRARY IN ROY – CONTRACT C2013-211

Lynnda Wangsgard, County Library Director, noted that this contract details the responsibilities of the architect and owner for the project and includes the Standard Form of Agreement between Owner and Architect and General Conditions of the Contract for Construction. Ms. Wangsgard highlighted the various sections of the contract, which include that the preliminary time line to complete the bidding documents has been amended from 10 to 8 months. The Library Board approved the contract on 6/18/2013 subject to final approval by legal counsel, who has now signed off on it with a note that insurance indemnification and subrogation will be amended in the document either when the building site is deeded to the owner or when the final contract is signed with a construction company. All changes to the scope/contract will be brought before the County Commission for approval.

Commissioner Bell moved to approve Contract C2013-211 with Prescott Muir and Associates, P.C., to provide design, construction and oversight services for the new Headquarters Library in Roy; Commissioner Zogmaister seconded, all voting aye.

F. ASSIGN PLEDGE OF ALLEGIANCE & THOUGHT OF THE DAY FOR TUESDAY, JULY 16, 2013, 10 A.M.

G. PUBLIC COMMENTS:

Marsha Harris, resident of unincorporated southeast Weber County, expressed concerns about several fires in her area due to fireworks. Ms. Harris' understanding is that her area is not covered by the ban on fireworks east of Harrison Blvd., and that it is up to the County Commission to enact it, which she requested. Chair Gibson stated that the unincorporated area was not covered by a fireworks ban and that State statute requires the State Forester to make those declarations—the county governing body does not have that authority. The Commission is in contact/consultation with the State's Fire Marshall, the State Forester and the local fire team. A fireworks restriction is anticipated for the unincorporated county in a couple of days. David Wilson, Deputy County Attorney, noted that County Commissions used to have that authority but the Legislature removed it.

Susan, a Shadow Valley resident, stated that for several nights in a row fireworks are being shot into the air in her neighborhood. She has contacted Ogden Police but they have not been very responsive. Commissioner Gibson reiterated that cities have authority to regulate fireworks within their boundaries. Since the Police has been unresponsive, she asked with whom she should address this issue. Chair Gibson suggested the Mayor's Office.

H. ADJOURN

Commissioner Bell moved to adjourn at 10:57 a.m.; Commissioner Zogmaister seconded, all voting aye.

Attest:

Kerry W. Gibson, Chair
Weber County Commission

Ricky D. Hatch, CPA
Weber County Clerk/Auditor