

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

Tuesday, September 10, 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: Kerry W. Gibson, Chair, Jan M. Zogmaister and Matthew G Bell.

OTHERS PRESENT: David C. Wilson, Deputy County Attorney; Ricky D. Hatch, Clerk/Auditor; and Fátima Fernelius, of the Clerk/Auditor's Office, who took minutes.

- A. **WELCOME** – Chair Gibson
- B. **PLEDGE OF ALLEGIANCE** – Shelly Halacy
- C. **THOUGHT OF THE DAY** – Commissioner Bell

D. PRESENTATION ON THE COUNTY SEAT TV PROGRAM

This item was held.

E. CONSENT ITEMS:

- 1. Purchase Orders for \$121,518.81
- 2. Warrants #301464-#301665 for \$1,015,799.82
- 3. New business licenses
- 4. Set public hearing for October 1, 2013, 10 a.m., to consider a request to amend the County Zoning Map by rezoning property located at approximately 6300 South and 1500 East (South Ogden area) from the Gravel (G) Zone to the Agricultural -1 (A-1) Zone. The subject property consists of approx. 55 acres.

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

F. ACTION ITEMS:

- 1. **CONTRACT WITH THE JUNCTION CITY ROLLER DOLLS FOR THE SEPTEMBER BOUT ON SEPTEMBER 21, 2013 AT THE GOLDEN SPIKE EVENT CENTER (GSEC) – CONTRACT C2013-241**

Jim Harvey, with GSEC, presented this standard contract.

Commissioner Zogmaister moved to approve Contract C2013-241 with the Junction City Roller Dolls for the 9/21/2013 bout at the Golden Spike Event Center; Commissioner Bell seconded, all voting aye.

- 2. **INTERLOCAL AGREEMENT BY/AMONG WEBER COUNTY, OGDEN CITY & UTAH TRANSIT AUTHORITY FOR SKI BUS SERVICE IN WEBER COUNTY – RESOLUTION 22-2013, CONTRACT C2013-242**

Sara Toliver, Ogden/Weber Convention Visitors Bureau Director, stated that this has been an amazing collaboration that includes the lodging community, ski resorts, Rainbow Gardens, etc. The 2012-2013 trial season served 23,485 riders to Powder Mountain and Snowbasin and she thanked the two resorts and Rainbow Gardens for their participation and/or contribution. While this offers a missing service to locals, it also is a tremendous aid in helping to promote our destination to visitors who are looking for their next ski destination.

Commissioner Bell moved to adopt Resolution 22-2013, approving Contract C2013-242, Interlocal Agreement by and among Weber County, Ogden City and Utah Transit Authority for ski bus service in Weber County; Commissioner Zogmaister seconded.

Roll Call Vote:

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

3. **CONTRACT WITH DALE R. ROBINSON FOR THE EXCAVATION, REMOVAL AND DISPOSAL OF SAND BAR AND OTHER REFUSE ON RIVER BANKS FOR THE WEBER COUNTY EMERGENCY WATERSHED PROTECTION PROJECT (EWP) – CONTRACT C2013-243**

Jared Andersen, County Engineer, stated that this contract is for work to be done near the Bird Refuge. Commissioner Bell moved to approve Contract C2013-243 with Dale R. Robinson for the excavation, removal and disposal of sand bar and other refuse on river banks for the Weber County Emergency Watershed Protection Project; Commissioner Zogmaister seconded, all voting aye.

4. **CONTRACT WITH BOWEN, COLLINS AND ASSOCIATES FOR THE DESIGN, CONTRACT DOCUMENTS, AND CONSTRUCTION MANAGEMENT OF THE WILLARD DIVERSION STRUCTURE FOR THE WEBER COUNTY EMERGENCY WATERSHED PROTECTION PROJECT – CONTRACT C2013-244**

Jared Andersen, County Engineer, stated that this is to mitigate the flooding that occurs in western Weber County.

Commissioner Zogmaister moved to approve Contract C2013-244 with Bowen, Collins and Associates for the design, contract documents, and construction management of the Willard diversion structure for the Weber County Emergency Watershed Protection project; Commissioner Bell seconded, all voting aye.

5. **CONTRACT WITH RYAN KARTCHNER CONCRETE CONSTRUCTION FOR THE 2013 SIDEWALK REHABILITATION PROJECT – CONTRACT C2013-245**

Jared Andersen, County Engineer, stated that this year Uintah was chosen to have sidewalks evaluated and rehabilitated where necessary.

Commissioner Bell moved to approve Contract C2013-245 with Ryan Kartchner Concrete Construction for the 2013 sidewalk rehabilitation project; Commissioner Zogmaister seconded, all voting aye.

6. **FIRST AMENDMENT TO THE POWDER MOUNTAIN ZONING AND DEVELOPMENT AGREEMENT MADE BETWEEN SUMMIT MOUNTAIN HOLDING GROUP, LLC, & WEBER COUNTY – CONTRACT C2013-246**

David Wilson, Deputy County Attorney, stated that the county entered into a Zoning Development Agreement in November 2012 with Western America Holding, LLC, for the Powder Mountain development. This contract obligates Summit to take over all the rights and responsibilities of Western America in that Zoning Development Agreement. It also provides another safety measure to ensure that the county taxpayers would not be liable for the related financial obligations in case of default.

Mr. Wilson commends the Commission and the finance team for all their efforts to mitigate risk to county taxpayers and reiterated that all of the assessments would be paid by the property owners in the assessment area in the event of default. If any property owner goes into default, the Commission can sell the property to pay off the debt associated with that parcel but there is a reserve of two years of capitalized interest. There are three other reserve funds: one year of reserves through the bond issuance; the developer is putting up another year of interest and payments into a reserve; and as building permits are taken out, they will be assessed on the first 120 non-founding member units and will place \$6,000/building permit into another reserve to be placed with the trustee as well. Summit has signed this agreement.

Commissioner Zogmaister noted the tremendous amount of work that went into this item and stated that a lot of people were looking out for the interest of the county. She believes that the agreement in place is beneficial to both sides. She expressed thanks to everyone for their hard work.

Commissioner Zogmaister moved to approve Contract C2013-246, First Amendment to the Powder Mountain Zoning and Development Agreement made by and between Summit Mountain Holding Group, LLC, and Weber County; Commissioner Bell seconded, all voting aye.

7. FINAL READING OF THE COUNTY FEE ORDINANCE AMENDING CERTAIN FEES RELATING TO COUNTY PARKS, RECREATION AND GOLDEN SPIKE FACILITIES – ORDINANCE 2013-25

The first reading occurred last week.

Commissioner Bell moved to adopt Ordinance 2013-25, final reading of the County Fee Ordinance amending certain fees relating to County Parks, Recreation and Golden Spike facilities; Commissioner Zogmaister seconded.

Roll Call Vote:

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

8. CONTRACT FOR THE PURCHASE OF A PERMANENT SLOPE EASEMENT FOR THE REALIGNMENT OF OLD SNOWBASIN ROAD. THIS CONTRACT FALLS UNDER THE FEDERAL AID AGREEMENT, WHICH WAS APPROVED AS C2012-169 – CONTRACT C2013-247

Michael Tuttle, of County Engineering, stated that UDOT requires that all the property rights are acquired prior to bidding out the project for construction. This contract is for the first of three parcels for which the county needs to acquire either a slope easement or fee title. The county is waiting response on the other two parcels.

Commissioner Bell moved to approve Contract C2013-247 with J. Merrill and Joan Bean for the purchase of a permanent slope easement for the realignment of Old Snowbasin Road, which falls under the Federal Aid Agreement, which was approved as C2012-169; Commissioner Zogmaister seconded, all voting aye.

G. ASSIGN PLEDGE OF ALLEGIANCE & THOUGHT OF THE DAY FOR TUESDAY, SEPTEMBER 17, 2013, 10 A.M.

H. PUBLIC COMMENTS: None

I. ADJOURN

Commissioner Bell moved to adjourn at 10:35 a.m.; Commissioner Zogmaister seconded, all voting aye.

Attest:

Kerry W. Gibson, Chair
Weber County Commission

Ricky D. Hatch, CPA
Weber County Clerk/Auditor