

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

Tuesday, September 30, 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 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 Fernelius, of the County Clerk/Auditor's Office, who took minutes.

A. WELCOME – Chair Gibson

B. PLEDGE OF ALLEGIANCE – Scott Parke

C. THOUGHT OF THE DAY – Chair Gibson

D. CONSENT ITEMS:

1. Purchase orders for \$248,699.59
2. Warrants #313722 -#314059 for \$2,080,716.65
3. Minutes for the meeting held September 23, 2014
4. New business licenses
5. Surplus parcels #07-083-0046, #25-030-0036 & #03-023-0023 from the Operations Department
6. Approval of request by Operations Department for a Real Estate Disposition on parcel #13-128-0021
7. Interlocal Agreement with Harrisville City for a recycling incentive agreement – Contract C2014-195
8. Change Orders #1-6 on Powder Mountain road and utility project, Contract #C2013-213, to address changes to the road & utility construction project including modifications to communications & power infrastructure & bridge structure, and addition of a box culvert – Contract C2014-196
9. Change Orders #1-2 on Hidden Lake water project, Contract #C2013-226, to add water system interconnection, well head protection measures, and waterproofing compound – Contract C2014-197
10. Contract amendment with Horrocks Engineers for 3500 W reconstruction project – Contract C2014-198
11. Agreement with Union Pacific Railroad for the EWP culverts west project – Contract C2014-199

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

E. ACTION ITEMS:

1. **CONTRACT WITH SMHG LANDCO, LLC, FOR AN EASEMENT AGREEMENT FOR ACCESS TUNNEL (SUMMIT PASS) – CONTRACT C2014-200**

Dana Shuler, of County Engineering, stated that SMHG wanted to install a pedestrian underpass at their cost and has placed about \$167,000 into a county trust fund.

Commissioner Zogmaister moved to approve Contract C2014-200 with SMHG LANDCO LLC for an Easement Agreement for access tunnel (Summit Pass); Commissioner Bell seconded, all voting aye.

2. **CONTRACT WITH SUMMIT MOUNTAIN HOLDING GROUP, LLC, FOR A COLORED SLURRY SEAL AGREEMENT FOR SUMMIT PASS AND SPRING PARK – CONTRACT C2014-201**

Dana Shuler, of County Engineering, stated that this contract covers a cost upgrade because Summit Mountain wanted a red slurry seal rather than the standard chip and seal. SMHG has agreed to pay the cost difference.

Commissioner Bell moved to approve Contract C2014-201 with Summit Mountain Holding Group LLC for the colored slurry seal agreement for Summit Pass and Spring Park; Commissioner Zogmaister seconded, all voting aye.

3. CONTRACT WITH SUMMIT MOUNTAIN HOLDING GROUP LLC FOR A GUARDRAIL AGREEMENT FOR SUMMIT PASS AND SPRING PARK – CONTRACT C2014-202

Dana Shuler, of County Engineering, stated that Summit Mountain wishes to upgrade from the standard galvanized guardrail to the weathered steel look and will pay the cost difference.

Commissioner Zogmaister moved to approve Contract C2014-202 with Summit Mountain Holding Group LLC for the guardrail agreement for Summit Pass and Spring Park; Commissioner Bell seconded, all voting aye.

4. CONTRACT WITH SMHG PHASE I, LLC FOR AN EASEMENT AGREEMENT FOR ROAD CONSTRUCTION AND SLOPE MAINTENANCE – CONTRACT C2014-203

Dana Shuler, of County Engineering, stated that this allows the county to construct and maintain slopes associated with the county's public roads, Summit Pass and Spring Park, which extend into the SMHG Phase I property.

Commissioner Bell moved to approve Contract C2014-203 with SMHG Phase I, LLC, for an easement agreement for road construction and slope maintenance associated with Summit Pass and Spring Park; Commissioner Zogmaister seconded, all voting aye.

5. CONTRACT WITH SMHG LANDCO LLC FOR AN EASEMENT AGREEMENT FOR ROAD CONSTRUCTION AND SLOPE MAINTENANCE– CONTRACT C2014-204

Dana Shuler, of County Engineering, stated that this is the same as the preceding contract in E.4 but with a different entity.

Commissioner Bell moved to approve Contract C2014-204 with SMHG LANDCO LLC for an Easement Agreement for road construction and slope maintenance associated with Summit Pass and Spring Park that extend into SMHG property; Commissioner Zogmaister seconded, all voting aye.

6. CONTRACT WITH SUMMIT MOUNTAIN HOLDING GROUP LLC FOR AN EASEMENT AGREEMENT FOR UTILITY LINES – CONTRACT C2014-205

Dana Shuler, of County Engineering, stated that this is for Summit Mountain to install and maintain fiber optic and gas lines and casings/conduits for future utility lines. The county had been under the assumption that Century Link or another public utility would be providing the services, however, Summit Mountain has decided that they will possibly be creating their own utility company in the future and providing the services. Commissioner Zogmaister stated that each of these related contracts has been discussed for a long time, and that a lot of work has gone into these documents by County Engineering and legal counsel, and she expressed thanks for all of the hard work.

Commissioner Zogmaister moved to approve Contract C2014-205 with Summit Mountain Holding Group LLC for an Easement Agreement for the utility lines; Commissioner Bell seconded, all voting aye.

7. CONTRACT AMENDMENT WITH CRACAR CONSTRUCTION FOR THE WEBER COUNTY EMERGENCY STORM WATER PROJECT CONSTRUCTION MANAGEMENT CONTRACT – CONTRACT C2014-206

Jared Andersen, County Engineer, stated that this is to finalize work on the last three bank protection sites for the EWP projects in western Weber County. The funds will be paid through NRCS.

Commissioner Bell moved to approve Contract C2014-206, contract amendment with CraCar Construction for the Weber County Emergency Storm Water Project Construction Management Contract; Commissioner Zogmaister seconded, all voting aye.

8. CONTRACT AMENDMENT WITH HORROCKS ENGINEERS FOR THE 3500 WEST RECONSTRUCTION PROJECT – CONTRACT C2014-207

Jared Andersen, County Engineer, stated that this is for phase II of the project that goes from Kanesville Elementary to 12th Street for the 3500 West reconstruction project. Upon receiving additional funds through WACOG (Weber Area Council of Governments) earlier this month, the geotechnical work can now be conducted for the final design on the project.

Commissioner Zogmaister moved to approve Contract C2014-207, contract amendment with Horrocks Engineers for the 3500 West reconstruction project; Commissioner Bell seconded, all voting aye.

9. RESOLUTION APPOINTING A COUNTY REPRESENTATIVE & ALTERNATE REPRESENTATIVE FOR THE UTAH COUNTIES INDEMNITY POOL (UCIP) ANNUAL MEMBERSHIP MEETING – RESOLUTION 24-2014

David Wilson, Deputy County Attorney, noted that each year UCIP conducts an annual membership meeting and this is to appoint the county representative for that meeting.

Commissioner Bell moved to Resolution 24-2014 appointing Commissioner Kerry W. Gibson as the Weber County representative and Bradley L. Dee as an alternate representative for the Utah Counties Indemnity Pool Annual Membership Meeting; Commissioner Zogmaister seconded.

Roll Call Vote:

Commissioner Bell	aye
Commissioner Zogmaister	aye
Chair Gibson	aye

10. CONTRACT WITH UTAH GOVERNOR’S OFFICE OF ECONOMIC DEVELOPMENT TO PROVIDE FUNDING AS DIRECTED BY THE UTAH STATE LEGISLATURE TOWARD THE PURCHASE OF THE SWANSON TACTICAL CENTER – CONTRACT C2014-208

Chair Gibson stated that the county was successful in receiving some funding from the Legislature, to help toward the purchase of the Tactical Center. By policy they appropriated 75% of the maximum amount to be paid from the contract now with up to 25% to come at a later date in 2015.

Commissioner Bell moved to approve Contract C2014-208 with the Utah Governor’s Office of Economic Development to provide funding as directed by the Utah State Legislature toward the purchase of the Swanson Tactical Center; Commissioner Zogmaister seconded stating that a requirement, which should be kept in the forefront, is that at some point, a portion of this facility would be open to the public. All voted aye.

11. ACTION ON THE 2014 WEBER COUNTY LOCAL TRANSPORTATION FUND PROJECT PRIORITIES

Douglas Larsen, Weber Economic Development Partnership (Weber edp) Director, stated that there are two Weber County Local Transportation Funds that collectively the Weber Area Council of Governments (WACOG) and the County Commission manage/administer. Access to these funds began in 2008, subsequent to action that the Commission and the voters took in 2007. The annual application process for requesting use of local transportation funds to help support projects that are part of the Regional Transportation Plan for Utah has been improved. Weber edp works with WACOG’s Transportation Subcommittee, which held three meetings to review the application requests and subsequently made a recommendation to WACOG. WACOG approved all requests as recommended by the Subcommittee. These funds are regulated by statute. Individual Interlocal Cooperative Agreements will be presented in the future.

Although it may be a great project, Commissioner Bell expressed concern with a listed project for a tunnel at Hwy. 89 in South Ogden at Skyline Drive and 6200 S because it costs \$1 million and does not connect anywhere. He wants to ensure that we’re not so far ahead and end up with a tunnel under the road that may not be used until it is determined how it will connect to the other end.

Commissioner Bell had spoken with South Ogden representatives today and said that it is private property on both sides of the road, which has not been secured for this project. An easement could be achieved on the north end because the county owns a road there.

Mr. Larsen outlined the five criteria for prioritizing the local transportation funds and said that the subcommittee's acceptance of the application for the pedestrian tunnel project was mainly due to safety, the cost effectiveness, and the advantage of incorporating this project into an impending UDOT project within the same area of Hwy. 89 scheduled for next spring. Commissioner Zogmaister, a subcommittee member, stated that this project fits in with Pathways Master Plan and their efforts to acquire property and addresses safety concerns in that area, which has residential and commercial with a lot of highway traffic in between. The subcommittee looked at this very carefully and worked closely with UDOT, and they were assured that if this project is done now it would save a lot of money. The timing and partners involved need a little more clarification. Mr. Larsen said that there is opportunity for clarification as the cooperative agreement is developed between the county and UDOT. The pedestrian tunnel is not part of the long range master plan, however, Hwy 89 is. It is similar to a listed project in Riverdale seeking to deal with pedestrian safety by building sidewalks under I-84 and over I-15 and these improvements can be made because the corridor itself is on the transportation plan.

Chair Gibson noted that obviously there are a lot of worthy transportation needs in the county and the fund is small. He has been frustrated over the years because once the county has a funding source available UTA (Utah Transit Authority) tries to get in on that funding, but UTA has many such opportunities already, and he feels it a travesty that they go to a pot that has been previously identified. There is already a State fund for right-of-way preservation for those types of projects. The goal is to protect the integrity of the funds; these are already spent for years into the future for the many local needs. Although it is a worthy project, he does not want UTA to believe this is a funding source for them because that money will disappear quickly since UTA consumes huge amounts of money. He stressed that the small cities and unincorporated county cannot accomplish their projects without this funding source. Mr. Larsen explained that part of UTA's request is for a study to identify the appropriate corridor between the Ogden transit hub north to BDO, and a large portion of the projected cost is to acquire the real estate for the right-of-way for the rail.

Mr. Larsen also noted that the subcommittee looked closely at all requests and tried to be creative to support the projects; however, the funds are becoming limited and will be less able to support larger projects until funds build up. Commissioner Zogmaister said that the subcommittee discussed the same concerns now being discussed and the project passed because they believe it would benefit the community. She pointed out that the subcommittee goes back to the area representatives where the projects will be located to ensure they are a benefit to them. She also had difficulty with the UTA project—for a project of its size their match was only \$200,000. The project with UDOT was brought forth by the city because it was important to the city, which really wants to preserve that corridor at this time, and where UDOT did not have funds available they saw this as a way to work well within their city. She stated that these funds are meant for local control/benefit, and this needs to be kept in mind. Not all the projects were rated at the top of the list. Chair Gibson agrees that it is critical to secure the property for the UDOT project at this time for a phase already in progress. Commissioner Zogmaister noted that the county has the final decision and Mr. Larsen concurred—WACOG prioritizes the projects but the county makes the local decisions. Mr. Larsen said that one of the driver's on the UDOT request of up to \$400,000 for purchase of the right-of-way is that development is impending—a developer has noticed the pertinent entities that he intends to develop the property and the request is to purchase the right-of-way for a potential road, which will cost less now than in the future. Commissioner Zogmaister noted that the county may be partnering with UTA, UDOT, etc., but the value that comes into the community is tenfold.

Commissioner Bell would like the \$2,000,000 UTA project taken off the list. He said that the county already partners with UTA and pays sales taxes for transit projects. Chair Gibson reiterated that this is such a small pot of funds, which are so important for the local community, and he cannot support the UTA request at this time. Commissioner Zogmaister understands Chair Gibson's concerns but noted that this money is a tool for negotiating and the county should always partner/negotiate and make more with the limited funding and should not turn away these opportunities.

Commissioner Bell moved to approve the 2014 Weber County Local Transportation Fund project priorities list, with the exception of the UTA BDO transit project for \$2,000,000; Commissioner Zogmaister seconded expressing hope that if UTA brings the project forward they put more money on the table. All voted aye.

Commissioner Zogmaister does not want today's decision to reflect poorly on the work by the subcommittee, WACOG or those who have passed the UTA project forward because everyone worked diligently on this list. Chair Gibson agreed and appreciates the process.

12. APPROVING THE FOLLOWING RETIREMENT INCENTIVE WINDOWS:

- a. For county employees with at least 26 years but less than 30 years in the Utah Retirement System;
- b. For county employees with more than 30 years in the Utah Retirement System;
- c. For county public safety employees with more than 20 years in the Utah Public Safety Retirement System. Employees are required to have the requisite years noted above on or before 12/31/2014.

Brad Dee, County Human Resources Department Director, noted that from time to time the county offers a retirement window to those approaching retirement when there is a cost savings to the county. The window opens 10/1 and closes 11/30/2014. Those choosing this incentive window must retire on or before 1/16/2015. He addressed retirement incentive windows and payback to the county in terms of years. Commissioner Zogmaister asked what the time period for the savings payback is for public safety employees and Mr. Dee estimated an average of four years. Scott Parke, County Comptroller, explained that it depends on each employee, and the more employees that take this window the quicker the payback. Chair Gibson noted that there is no financial crunch and Mr. Dee agreed stating that this is wise financial planning, particularly when human resources can be 80% of the budget. He address Commissioner Zogmaister's question stating that past windows accomplished the desired goals. Chair Gibson noted that the county is extremely well managed, which is a result of great employees.

Commissioner Bell moved to approve the retirement incentive windows for a) county employees with at least 26 years but less than 30 years in the Utah Retirement System; b) for county employees with more than 30 years in the Utah Retirement System; c) for county public safety employees with more than 20 years in the Utah Public Safety Retirement System; Commissioner Zogmaister seconded, all voting aye.

G. ASSIGN PLEDGE OF ALLEGIANCE & THOUGHT OF THE DAY FOR TUES., OCTOBER 7, 2014, 10 A.M.

H. PUBLIC COMMENTS: None

I. ADJOURN

Commissioner Zogmaister moved to adjourn at 11:35 a.m.; Commissioner Bell seconded, all voting aye.

Attest:

Kerry W. Gibson, Chair
Weber County Commission

Ricky D. Hatch, CPA
Weber County Clerk/Auditor