

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

Tuesday, December 13, 2011 - 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 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:** Jan M. Zogmaister, Chair, Craig L. Dearden and Kerry W. Gibson.

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

- A. WELCOME** - Chair Zogmaister
- B. PLEDGE OF ALLEGIANCE** - Ricky D. Hatch
- C. THOUGHT OF THE DAY** - Commissioner Dearden

**D. CONSENT ITEMS:**

- 1. Purchase Orders for \$295,435.29
- 2. Warrants #280710-#280919 for \$1,019,681.14
- 3. Minutes for the meeting held on December 6, 2011
- 4. Set public hearing for December 20, 2011, 10 a.m., to open County's 2011 budget for adjustments
- 5. Cancel regular Commission meeting scheduled for December 27, 2011
- 6. Set public hearing for January 10, 2012, 10 a.m., on proposed amendments to County Subdivision Ordinance, Chapter 4, Subdivision Improvements Required
- 7. Set public hearing for January 3, 2012, 10 a.m., to consider amending chapters of the County Zoning Ordinance regarding Ogden Valley Heliport Regulations
- 8. Tax Review Committee's recommendations on land serial numbers 03-018-004 - 0008 and 03-018-0043  
Commissioner Dearden moved to approve the consent items; Commissioner Gibson seconded, all voting aye.

**E. ACTION ITEMS:**

- 1. **CONTRACT WITH OGDEN CITY CORP. TO ALLOW TRUCKS IN EXCESS OF 10,000 LBS. GVW TO ACCESS/EXIT BUSINESS DEPOT OGDEN BY WAY OF BILL BAILEY BLVD. - CONTRACT C2011-223**

Jennifer Graham, County Recreation Facilities Director, presented this contract renewal—a good neighbor act by the county because large trucks are not allowed on 1200 W. The City in turn provides some snow removal and roadwork. It is now a 5-year contract with a 30-day opt-out clause.

Commissioner Gibson moved to approve Contract C2011-223 with Ogden City Corp. to allow trucks in excess of 10,000 lbs. to access/exit Business Depot Ogden by way of Bill Bailey Blvd; Commissioner Dearden seconded, all voting aye.

- 2. **ADOPT THE WEBER COUNTY 2012 BUDGET - RESOLUTION 23-2011**

Dan Olsen, County Comptroller, noted that a public hearing was held on 11/22/2011 where a comprehensive presentation was made. Minor adjustments have been made to funding amounts for storm water and weed programs, one vacant position in the Recorder's Office was eliminated, hours were reduced on a vacant position in the Surveyor's Office, adjustments were made to the jail budget, and the amount of subsidy to the Ice Sheet was reduced.

Commissioner Dearden moved to adopt Resolution 23-2011 adopting the Weber County 2012 budget; Commissioner Gibson seconded.

Roll Call Vote:

Commissioner Dearden .....aye  
Commissioner Gibson .....aye  
Chair Zogmaister .....aye

- 3. **CONTRACT WITH PREMIER CLEANING SERVICE FOR THE THIRD OF 3 OPTIONAL ONE-YEAR EXTENSIONS OF A CUSTODIAL CONTRACT FOR WEBER CENTER & UTAH STATE UNIVERSITY EXTENSION BUILDING - CONTRACT C2011-224**

Doug Dickens, of County Property Management, noted that the cost has remained the same for four years.

Commissioner Gibson moved to approve Contract C2011-224 with Premier Cleaning Service for the third of three optional one-year extensions of a custodial contract for the Weber Center and Utah State University Extension building; Commissioner Dearden seconded, all voting aye.

**4. REQUEST FOR CONTRACT WITH RECYCLING WASTE SOLUTIONS, LLC, FOR PROCESSING, BUYING AND SELLING RECYCLABLE MATERIALS**

This item was held.

**5. APPROVE ACTION TAKEN BY WEBER AREA COUNCIL OF GOVERNMENTS (WACOG) ON 12/5/2011 REGARDING PRIORITIZATION OF LOCAL TRANSPORTATION DOLLARS - § 59-12-2217 AND 72-2-117.5**

Douglas Larsen, County Transportation Liaison, noted that on 12/5/2011 WACOG took action to support various requests from entities to fund transportation projects utilizing the county option sales and use tax for transportation along with the local transportation corridor preservation fund. Statute requires WACOG to submit requests to the Commission for approval. WACOG's direction calls for development of a formal MOU or Project Development Agreement (PDA) with each party delineating project scope, time lines and funding accountability. Mr. Larsen anticipates the majority of payouts will be less than the requested amounts. Accordingly, the agreements will state that funding will be "up-to" the amount approved and funds will be distributed based on the various actual costs.

Pleasant View City - requested \$200,000 in corridor preservation funds and \$850,000 from the 3<sup>rd</sup> quarter sales tax fund for capacity improvements to 600 W. - 2700 N. to Elberta Drive. WACOG recommended approval contingent upon statute modifications on sales tax for transportation that will allow funding facilities classified as collectors in non-rural areas.

Commissioner Dearden moved to approve Pleasant View City's request for local transportation dollars; Commissioner Gibson seconded, all voting aye.

Uintah City - requested up to \$500,000 from the corridor preservation fund for acquisition of real estate along 6600 South that will help facilitate significant interchange improvements in that area.

Commissioner Gibson moved to approve Uintah City's request for local transportation dollars; Commissioner Dearden seconded, all voting aye.

Utah Transit Authority - Mr. Larsen reiterated that the WACOG approval considered a modified request from UTA that differed from the original application/request. UTA's request is for \$150,000 from the 3<sup>rd</sup> quarter sales tax for preliminary mapping, surveying and engineering work on the commuter rail corridor between Ogden and Box Elder County line to identify the necessary right-of-way.

Commissioner Gibson moved to approve UTA's request for local transportation dollars; Commissioner Dearden seconded for discussion noting there was a process that should have been followed, but UTA circumvented it. The commissioner's concurred UTA should have followed the same process as all the others. Commissioner Gibson noted that the process was to ensure fairness for all, and what ensued was frustrating. Chair Zogmaister stated the subcommittee did not have the information to review after UTA revised its request to ensure it met the requirements among other considerations. The big question is whether this money will be used for a line within Weber County because UTA's purpose and need statement refers often to Box Elder County, but not much to Weber County. The agreement between WACOG, Weber County and UTA needs to carefully define where the money can be used and it has to be on a corridor that is on the transportation plan. Mr. Larsen said that a recommendation for next year will include that all applicants be required to attend the subcommittee meeting. It is also anticipated that as projects are completed, there will be a final reporting that may include an audit process to ensure that funds were spent appropriately. Commissioner Gibson was not certain that this funding source should be used for this type of project. Additionally, there are so many critical transportation projects in the county and to take any amount out, particularly when it is questionable, is a struggle. Mr. Larsen indicated there was a misunderstanding about the project being within a funded year on the long-range plan, but that issue was resolved, and the statute allows the funds to be used as requested. Commissioner Gibson said that the discussion for WACOG in the future is whether the funds should be—not whether they can be—used for this type of project and Chair Zogmaister agreed stating that UTA receives its own considerable funding from Weber County, and WACOG has to decide if they want to add to what UTA is already receiving. The commissioners did not agree with reaching into a different pot such as this one, which is so small, and stated that further discussion is needed. Commissioner Gibson voted aye, Commissioner Dearden voted nay, Chair Zogmaister voted nay.

West Haven City - originally presented two options for improvements along 4000 S.: one option goes from 1900 W. to 3900 W. and the other all the way to 5100 W. About \$3.8 million in STP funds are programmed for the project and WACOG approved up to \$10,018,700 from the 3<sup>rd</sup> quarter sales tax fund. The corridor is also classified as a “collector”, and approval will be contingent upon the legislature modifying the statute as well as additional funding being programmed to facilitate the project as identified on the long range plan, a five lane facility, no later than 2017. Commissioner Gibson said that this is a critical project and long overdue. Chair Zogmaister stated that this also supports the east/west transportation corridor study that identified it as critical. She iterated that two of the requests are on urban collectors--the 600 W. and 4000 S. and legislation will need to be passed to modify current statute.

Commissioner Dearden moved to approve West Haven City’s request for local transportation dollars; Commissioner Gibson seconded, all voting aye.

**6. FINAL APPROVAL OF J & L NELSON SUBDIVISION 1ST AMENDMENT, VACATION OF J & L NELSON SUBDIVISION AND THE ACCEPTANCE OF A FINANCIAL GUARANTEE FOR \$990 – ORDINANCE 2011-20**

Justin Morris, of County Planning Division, stated that this is to re-subdivide an existing subdivision (a 5± acre parcel) into 2 lots. Access to the lots is along 2975 W. A substandard private road agreement will have to be signed and recorded per the Bay View Ranchettes 5-acre agricultural divisions which states that when 80% of the original 32 lots of Bay View Ranchettes are approved for development, the owner agrees to accept responsibility, together with other owners fronting this road, to bring it up to county improvement standards. The public hearing for the vacation was held at the Planning Commission meeting. The financial guarantee of \$990 is to pipe and fill the front ditch. The Planning Commission recommended final approval and vacation on 10/11/1011. Staff also recommends approval.

Commissioner Gibson moved to grant final approval of J & L Nelson Subdivision 1st Amendment, and to adopt Ordinance 2011-20 vacating J & L Nelson Subdivision, and to accept the financial guarantee for \$990; Commissioner Dearden seconded.

Roll Call Vote:

Commissioner Dearden .....aye  
 Commissioner Gibson .....aye  
 Chair Zogmaister .....aye

**7. CONTRACT WITH LEXIPOL, LLC, TO PROVIDE POLICY MANUAL SUBSCRIPTION, UPDATES AND DAILY TRAINING BULLETINS - CONTRACT C2011-225**

Weber County Sheriff Terry Thompson stated that Lexipol specializes in policy. They provide current case law, best practices, and training for staff. Sheriff offices from Utah joined as a state organization and Lexipol has agreed to provide the service at a lesser cost. The cost is \$8,000 for the initial year and \$10,000 thereafter to renew. Commissioner Dearden asked if the Sheriff’s office would develop a policy manual to go along with the standards developed by Lexipol and whether there is duplication. Sheriff Thompson explained that there is no duplication.

Commissioner Dearden moved to approve Contract C2011-225 with Lexipol, LLC, to provide policy manual subscription, updates and daily training bulletins; Commissioner Gibson seconded, all voting aye.

**8. RESOLUTION APPROVING & AUTHORIZING THE EXECUTION OF A 5<sup>TH</sup> AMENDED INTERLOCAL COOPERATION AGREEMENT WITH OTHER MEMBERS OF UTAH COUNTIES INDEMNITY POOL RELATING TO THE ESTABLISHMENT, FUNDING AND OPERATION OF UTAH COUNTIES INDEMNITY POOL - RESOLUTION 24-2011, CONTRACT C2011-226**

David Wilson, Deputy County Attorney, noted that the Utah Counties Insurance Pool has not been an insurer for a couple of years. They are now an indemnity pool. The UCIP board voted to approve this at its 12/3/2011 meeting.

Commissioner Gibson moved to adopt Resolution 24-2011 approving and authorizing the execution of a fifth amended Interlocal Cooperation Agreement, Contract C2011-226, with other members of Utah Counties Indemnity Pool relating to the establishment, funding and operation of Utah Counties Indemnity Pool; Commissioner Dearden seconded.

Roll Call Vote:

Commissioner Dearden .....aye  
 Commissioner Gibson .....aye  
 Chair Zogmaister .....aye

**F. ASSIGN PLEDGE OF ALLEGIANCE & THOUGHT OF THE DAY FOR TUESDAY, DECEMBER 20, 2011, 10 A.M.**

**G. PUBLIC COMMENTS:** None

**H. ADJOURN**

Commissioner Dearden moved to adjourn at 10:39 a.m.; Commissioner Gibson seconded, all voting aye.

Attest:

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Jan M. Zogmaister, Chair  
Weber County Commission

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Ricky D. Hatch, CPA  
Weber County Clerk/Auditor