

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

Tuesday, May 27, 2014 - 10:12 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:** Jan M. Zogmaister, Vice Chair, and Matthew G Bell. Kerry W. Gibson was excused.

**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** – Vice Chair Zogmaister
- B. PLEDGE OF ALLEGIANCE** – David Wilson
- C. THOUGHT OF THE DAY** – Vice Chair Zogmaister

**D. CONSENT ITEMS:**

- 1. Purchase Orders for \$162,175.85
- 2. Ratify Purchase Orders for \$392,717.48 dated May 13, 2014
- 3. Warrants #309525 - #309786 for \$3,055,105.10
- 4. Business licenses
- 5. New beer license
- 6. Set public hearing for June 17, 2014, 10:00 a.m., on a request to amend the County Land Use Code, Title 108 (Standards), Chapters 5 (Planned Unit Residential Development), 7 (Supplementary and Qualifying Regulations), & 8 (Parking and Loading Space, Vehicle Traffic and Access Regulations) to provide ordinance clarifications regarding nightly rental requirements, generally

Commissioner Bell moved to approve the consent items; Vice Chair Zogmaister seconded, both voting aye.

**E. ACTION ITEMS:**

- 1. **RATIFY CONTRACT WITH IRENE REYNA FOR MATCH HORSE RACES AT THE GOLDEN SPIKE EVENT CENTER (GSEC) ON 5/25/2014 – CONTRACT C2014-133**

Jim Harvey, with GSEC, stated that the event did not occur but the county will hold the deposit. Commissioner Bell moved to ratify Contract C2014-133 with Irene Reyna for Match Horse Races that were to be held at the GSEC on 5/25/2014; Vice Chair Zogmaister seconded, both voting aye.

- 2. **CONTRACTS WITH JUNCTION CITY ROLLER DOLLS FOR DERBY BOUTS AT THE GOLDEN SPIKE EVENT CENTER ON THE FOLLOWING DATES:**

**MAY 18, 2014 – CONTRACT C2014-134 (RATIFICATION)**

**JUNE 22, 2014 – CONTRACT C2014-135**

**JULY 20, 2014 – CONTRACT C2014-136**

**AUGUST 24, 2014 – CONTRACT C2014-137**

**SEPTEMBER 21, 2014 – CONTRACT C2014-138**

**OCTOBER 19, 2014 – CONTRACT C2014-139**

Jim Harvey, with GSEC, presented this item.

Commissioner Bell moved to approve Contracts C2014-134–139 with Junction City Roller Dolls for derby bouts at the Golden Spike Event Center as listed; Vice Chair Zogmaister seconded, both voting aye.

- 3. **CONTRACT WITH SALZBURGER ECHO FOR ENTERTAINMENT AT THE 2015 HOF GERMAN FEST – CONTRACT C2014-140**

Jim Harvey, with GSEC, presented this item.

Commissioner Bell moved to approve Contract C2014-140 with Salzburger Echo for entertainment at the 2015 Hof German Fest; Vice Chair Zogmaister seconded, both voting aye.

**4. CONTRACT WITH GOLDEN SPIKE GEM & MINERAL SOCIETY FOR THE GEM STONE JUNCTION AT THE GOLDEN SPIKE EVENT CENTER AT THE GOLDEN SPIKE EVENT CENTER ON APRIL 8-12, 2015 – CONTRACT C2014-141**

Jim Harvey, with GSEC, presented this item.

Commissioner Bell moved to approve Contract C2014-141 with Golden Spike Gem & Mineral Society for the Gem Stone Junction at the Golden Spike Event Center on 4/8-12/2015; Vice Chair Zogmaister seconded, both voting aye.

**5. RETIRE PARCEL NUMBERS 22-049-0024 AND 22-049-0011**

Ernest Rowley, County Recorder/Surveyor, referred to his memo before the Commission describing the issue, including the erroneous creation of two parcels by the county based on county mapping errors. It resulted in double taxation and the county selling a parcel at tax sale. Parcel 22-049-0024 was deeded by tax deed in 1993 to Mike Rypien, who subsequently informed the Surveyor's Office of his purchase and that the Bachman's would not let him take possession of it. After research, the county discovered that the property was created erroneously and the property sold to Mr. Rypien was lying on the west side of an old fence line that has likely been in that location since the late 1800's in the Bachman family name. After about 20 years, and Mr. Rypien consulting with attorneys and title companies, he has conveyed any interest he had in the properties to the Bachman family, specifically to Margaret Wood. Mr. Rowley read a letter from David Bachman and Margaret Wood, which stated that two parcels were created that overlap their property due to a County Recorder mapping error, and that these parcels have encroached on parcel 22-049-0012 that has been in their family for four generations, resulting in double taxation. The owners requested that all outstanding taxes, penalties and/or interest related to these two parcels be waived.

Commissioner Bell moved to retire parcel numbers 22-049-0024 and 22-049-0011 and to waive the tax penalty and interest, if any is outstanding; Vice Chair Zogmaister seconded, both voting aye.

**6. MEMORANDUM OF UNDERSTANDING WITH OGDEN CITY CORP FOR THE PURPOSE OF DISTRIBUTING JUSTICE ASSISTANCE GRANT (JAG) FUNDS THROUGH A JOINT APPLICATION – CONTRACT C2014-142**

Steffani Ebert, of the County Sheriff's Office, stated that Ogden City is submitting application for the Edward Byrne Memorial Justice Assistance Grant (JAG), a grant that is allocated to agencies in each state based on population and number of violent crimes. Weber County does not qualify for the grant funds based on the criteria, but because it bears costs associated with incarceration of the inmates based on violent crimes, the county receives a portion of the grant. Ogden City will allocate \$6,100 to the Sheriff's as a disparate sub-grantee. The Sheriff's Office intends to use the funds to purchase GeoTab devices for patrol vehicles.

Commissioner Bell moved to approve C2014-142, Memorandum of Understanding with Ogden City Corp for the purpose of distributing Justice Assistance Grant funds through a joint application; Vice Chair Zogmaister seconded, both voting aye.

**7. WAIVE THE DEFERRAL OF ADDITIONAL ROAD IMPROVEMENTS ON MELANIE LANE FOR WOODLAND ESTATES SUBDIVISION UNIT, 2<sup>ND</sup> AMENDMENT (2 LOTS)**

Ben Hatfield, of the County Planning Division, noted that two weeks ago this subdivision came before the Commission. One lot owner is requesting that the county waive the requirement for deferral of 272.28 feet of curb, gutter and sidewalk in front of their property on Melanie Lane. There are no such improvements on Melanie Lane. Commissioner Bell noted that they could not install the improvements because as Melanie comes off of Woodland it goes around the corner and then goes straight uphill. Sean Wilkinson, County Planning Division Director, noted that the property owners were ready to record the subdivision when they were presented with the deferral agreement, typical for all county subdivisions.

Mr. Wilkinson explained that originally the subdivision was all of lot 43 of Woodland Estates Unit 2 and in the 1960's the lot was divided in half. Two homes were built around that time and the property has existed as is for the past 50+ years until it was recently discovered that the division that occurred never went through the amended subdivision process, which now triggered an amended subdivision plat, and the deferral agreement. There is no new development; this is to correct the boundary lines. The county requests that the deferral agreement be signed by all amended subdivisions. There are two options for the deferral agreement—the county can call in the improvements or the county has the option of creating a special improvement district in the area and recouping the cost of installing the improvements through an assessment on taxes. The latter is more likely to occur so that improvements can be made as a whole in a neighborhood. There are two property owners involved; one of them has taken the lead, been involved in the process, and signed the deferral agreement, while the other is not willing to sign the deferral agreement. Because it is an existing development, the Lelands do not wish to take on the liability that was never there in the past (simply because they now have to tweak a lot line due to something that occurred 50 years ago).

Ernest Rowley, County Recorder/Surveyor, said that the concern is that it is an existing subdivision and they are doing an amendment to that existing subdivision, which was never subject to those requirements. He suggested that this may be the time for the Commission, Planning, the Attorney's Office, etc., to review the county ordinance that requires curb, gutter and sidewalk to be installed.

Reed Leland, of Melanie Lane, said that the issue was well explained and he is comfortable with what was presented. Mr. Leland said that the language in the deferral that he saw for the first time two weeks ago when he came to record the subdivision, states that a lien can be put on his property in the event he could not come up with the money for the improvements; this was a concern to him. Mr. Wilkinson explained that the county would have to create a special improvement district in order to call in the improvements for the area.

Commissioner Bell moved to waive the deferral of additional road improvements on Melanie Lane for Woodland Estates Subdivision Unit, 2<sup>nd</sup> Amendment (2 lots); Vice Chair Zogmaister seconded, both voting aye.

**8. CONTRACTS WITH DOWNTOWN OGDEN INC. FOR THE FOLLOWING RECREATION, ARTS, MUSEUMS AND PARKS GRANTS (RAMP):**

**OGDEN'S FIRST FRIDAY ART STROLL – CONTRACT C2014-143**

**OGDEN THEATER BACKDROPS – CONTRACT C2014-144**

**LIVE! DOWNTOWN SUMMER CONCERT SERIES – CONTRACT C2014-145**

**HISTORIC 25<sup>TH</sup> STREET FARMERS AND ART MARKET – CONTRACT C2014-146**

Shelly Halacy, of the Commission Office, stated that originally the RAMP board approved the contract with Downtown Ogden, Inc. but subsequently legal counsel requested that Downtown Ogden Inc. amend its mission statement and their primary purpose to fit with RAMP, which has been done.

Commissioner Bell moved to approve RAMP Contracts C2014-143 -146 with Downtown Ogden Inc. as listed; Vice Chair Zogmaister seconded, both voting aye.

9. **RECREATION, ARTS, MUSEUMS AND PARKS EZ GRANT RECOMMENDATIONS:**

Boys & Girls Club	Music Equals Lifetime Learning
Boys & Girls Club	Odyssey Summer Art Program
Boys & Girls Club	Roy Summer Art Walk
Downtown Ogden Inc.	Jupiter Train
Downtown Ogden Inc.	Junction Plaza Concerts
Downtown Ogden Inc.	Junction Flower Baskets & Planters
Eccles Community Art Center	Art in the Classroom/Art to Go
Egyptian Theater Foundation, Inc.	Artspower Laura Ingalls Wilder Children's Touring Musical
Egyptian Theater Foundation, Inc.	Travis LeDoyt
Egyptian Theater Foundation, Inc.	The Big Lebowski Cult Classic Screening
Imagine Ballet	Dance R.E.A.C.H.
Imagine Ballet	Nutcracker "Refreshment" Phase Two
Nurture the Creative Mind	Freddie the Penguin Youth Theater
Ogden Friends of Acoustic Music	Kids Activities at OFOAM 2014 Events
Ogden Friends of Acoustic Music	Artist Fees for Free Public Outreach Duhks and Marley's Ghost
Ogden Friends of Acoustic Music	Artist Fees for Free Public Outreach-Jeffrey Broussard & Creole Cowboys
Ogden Nature Center	Brick Pavers for Wheelchair Accessibility
Ogden Nature Center	Umbrellas and Stands
Ogden Opera Guild	Utah Opera Resident Artists at Weber State
Ogden Weber Community Action Partnership	<i>Free Community Cultural Events</i>
Ogden Weber Community Action Partnership	Stage, Sound Equipment and Backdrop Curtain
Ogden's George S. Eccles Dinosaur Park	Dinosaur Paleontology Lab
Ogden's George S. Eccles Dinosaur Park	Indoor Dinosaur Quarry
Riverdale City	Historic Preservation Project
Riverdale City	Drinking Fountain.
Treehouse Children's Museum	All Aboard!
Treehouse Children's Museum	It's a Circus at Treehouse
Treehouse Children's Museum	Stage Right 2015
Union Station Foundation	26th Annual Hostler's Model Railroad Festival
Union Station Foundation	Jazz at the Station
Union Station Foundation	Celebration of National Train Day 2015
Utah Cowboy and Western Heritage Museum	Hall of Fame Induction Ceremony
Washington Terrace City	Terrace Days Band
Weber Arts Council	Utah Piano Team Festival
Weber Arts Council	Open Mic Nights
Weber Arts Council	Arts & Entertainment Stage
Weber Arts Council	Music Experience Tent
Weber County Heritage Foundation	Fall and Christmas Historic Home Tours

Shelly Halacy, of the Commission Office, stated that there were \$54,000 available in RAMP funds, which funded the above listed contracts. Vice Chair Zogmaister expressed appreciation for all the hard work that is done by the RAMP committees.

Commissioner Bell moved to approve the RAMP EZ grants as listed; Vice Chair Zogmaister seconded, both voting aye.

**F. ASSIGN PLEDGE OF ALLEGIANCE & THOUGHT OF THE DAY FOR TUESDAY, JUNE 3, 2014, 10 A.M.**

**G. PUBLIC COMMENTS:** None

**H. ADJOURN**

Commissioner Bell moved to adjourn at 10:40 a.m.; Vice Chair Zogmaister seconded, both voting aye.

Attest:

\_\_\_\_\_  
Kerry W. Gibson, Chair  
Weber County Commission

\_\_\_\_\_  
Ricky D. Hatch, CPA  
Weber County Clerk/Auditor