

**MINUTES**  
**WEBER COUNTY COMMISSION**  
Tuesday, July 2, 2019 - 10:00 a.m.  
Commission Chambers, Ogden, Utah

*In accordance with the requirements of Utah Code Annotated Section 52-4-203, the County Clerk records in the minutes the names of all persons 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.*

**WEBER COUNTY COMMISSIONERS:** Scott K. Jenkins, James "Jim" H. Harvey, and Gage Froerer.

**OTHER STAFF PRESENT:** Ricky D. Hatch, County Clerk/Auditor; Christopher Crockett, Deputy County Attorney; and Fátima Fernelius, of the Clerk/Auditor's Office, who took minutes.

- A. **WELCOME** - Chair Jenkins
- B. **INVOCATION** - Christopher Crockett
- C. **PLEDGE OF ALLEGIANCE** - Stacy Skeen
- D. **THOUGHT OF THE DAY** - Chair Jenkins

E. **PUBLIC COMMENTS:** None.

**F. CONSENT ITEMS:**

1. Warrants #1851-1857 and #440590-440795 in the amount of \$826,956.52.
2. Purchase orders in the amount of \$76,516.42.
3. Minutes for the meetings held on June 18 and 25, 2019.
4. Ratify a new beer license.
5. Severance Agreement with Ronda Kippen.
6. Retirement Agreement with Alicia Rizzi.
7. Contract with Gilmore Bell to review the uses of the 2013 and 2016 GO library construction bonds for compliance with appropriate post-issuance requirements.

Commissioner Froerer moved to approve the consent items; Commissioner Harvey seconded.  
Commissioner Harvey – aye; Commissioner Froerer – aye; Chair Jenkins – aye

**G. ACTION ITEMS:**

1. **RESOLUTION APPOINTING TRUSTEES TO GOVERNING BOARD OF THE LITTLE MOUNTAIN SERVICE AREA – RESOLUTION 44-2019.**

Stacy Skeen, of the Commission Office, said that she noticed the vacancy according to State statute and received one application from Kent Bradford, who has been serving.

Commissioner Harvey moved to adopt Resolution 44-2019 appointing trustee Kent Bradford to the governing board of the Little Mountain Service Area through 12/31/2022; Commissioner Froerer seconded.  
Commissioner Harvey – aye; Commissioner Froerer – aye; Chair Jenkins – aye

2. **RESOLUTION APPOINTING A MEMBER TO WEBER COUNTY AUDIT COMMITTEE – RESOLUTION 45-2019.**

Christopher Crockett, Deputy County Attorney, noted that this 7-member committee has a vacant rotating member position, which is appointed for a 2-year term. Mr. Crockett stated that the Committee unanimously recommends Heather Christopherson, and he read Ms. Christopherson's great qualifications.

Commissioner Harvey moved to adopt Resolution 45-2019 appointing Heather Christopherson to the Weber County Audit Committee through 6/30/2021; Commissioner Froerer seconded.  
Commissioner Harvey – aye; Commissioner Froerer – aye; Chair Jenkins – aye

3. **CONTRACT WITH UTAH ENGINEERING FOR INSTALLATION AND SETUP FOR NEW VENTILATION SYSTEM INSIDE THE GOLDEN SPIKE EVENT CENTER.**

Duncan Olsen, GSEC General Manager, presented the contract for installation/set up of the new ventilation system stating that they followed the procurement process.

Commissioner Froerer moved to approve the contract with Utah Engineering for installation and setup for the new ventilation system inside the Golden Spike Event Center; Commissioner Harvey seconded.  
Commissioner Harvey – aye; Commissioner Froerer – aye; Chair Jenkins – aye

4. **FINAL APPROVAL OF UINTAH VIEW ESTATES SUBDIVISION AND THE ASSOCIATED SUBDIVISION IMPROVEMENT AGREEMENT.**

Tammy Aydelotte, of the County Planning Division, stated that this item includes acceptance of a road dedication—there will be a cul de sac named 2275 East Street.

Commissioner Harvey moved to grant final approval of the Uintah View Estates Subdivision and the associated Subdivision Improvement Agreement; Commissioner Froerer seconded.  
Commissioner Harvey – aye; Commissioner Froerer – aye; Chair Jenkins – aye

5. **CONTRACT WITH WARDELL BROTHERS CONSTRUCTION FOR A SKYLINE DRIVE POTHOLE REPAIR.**

Jared Andersen, County Engineer, stated that there is a small section of road with two large areas where apparently water got under the roadway and needed quick attention. Mr. Andersen worked closely with county procurement on this item.

Commissioner Froerer moved to approve the contract with Wardell Brothers Construction for a Skyline Drive pothole repair; Commissioner Harvey seconded.

Commissioner Harvey – aye; Commissioner Froerer – aye; Chair Jenkins – aye

6. **CHANGE ORDER ON THE SAUNDERS CONSTRUCTION CONTRACT FOR OGDEN VALLEY BRANCH SITE AND UTILITY IMPROVEMENTS.**

Lynnda Wangsgard, County Library Director, stated that this change order authorizes interior work and that this had been costed and reviewed by the architect and Library staff.

Commissioner Harvey moved to approve Change Order #2 on the Saunders Construction contract for the Ogden Valley Branch site and utility improvements; Commissioner Froerer seconded.

Commissioner Harvey – aye; Commissioner Froerer – aye; Chair Jenkins – aye

7. **CONTRACT WITH ADVANCE PAVING FOR ASPHALT SEALING AND REPAIR AT OGDEN VALLEY BRANCH, SOUTHWEST BRANCH AND PLEASANT VALLEY BRANCH.**

Lynnda Wangsgard, County Library Director, stated that this contract includes removing and then replacing pavement in front of the Ogden Valley Branch as well as sealing and striping parking lots at the Pleasant Valley Branch and the Southwest Branch.

Commissioner Harvey moved to approve the contract with Advance Paving for asphalt sealing and repair at Ogden Valley Branch, Southwest Branch and Pleasant Valley Branch; Commissioner Froerer seconded.

Commissioner Harvey – aye; Commissioner Froerer – aye; Chair Jenkins – aye

8. **COOPERATIVE AGREEMENT WITH THE STATE OF UTAH, DIVISION OF PARKS AND RECREATION, REGARDING BOATING LAW ENFORCEMENT AT PINEVIEW RESERVOIR.**

Brandon Roundy, of the County Sheriff's Office, presented this contract renewal, which is a joint effort to plan, develop and manage boating enforcement safety laws at the Reservoir. The Sheriff's Office provides deputies and personnel to staff the boats, along with training and investigating all accidents and reporting to the State. The State provides the boats, equipment, fuel, training, etc., and some personnel if needed.

Commissioner Froerer moved to approve the Cooperative Agreement with the State of Utah, Division of Parks and Recreation, regarding boating law enforcement at Pineview Reservoir; Commissioner Harvey seconded.

Commissioner Harvey – aye; Commissioner Froerer – aye; Chair Jenkins – aye

9. **INTERLOCAL AGREEMENT WITH BRIGHAM CITY RELATING TO THE GOLDEN SPIKE STORM WATER ADVISORY COALITION EXECUTIVE DIRECTOR – RESOLUTION 46-2019.**

Braden Felix, of County Engineering, presented this contract.

Commissioner Harvey moved to adopt Resolution 46-2019 approving the Interlocal Agreement with Brigham City relating to the Golden Spike Storm Water Advisory Coalition Executive Director; Commissioner Froerer seconded.

Commissioner Harvey – aye; Commissioner Froerer – aye; Chair Jenkins – aye

**H. PUBLIC HEARING:**

1.

Commissioner Harvey moved to adjourn the public meeting and convene the public hearing; Commissioner Froerer seconded.

Commissioner Harvey – aye; Commissioner Froerer – aye; Chair Jenkins – aye

2. **PUBLIC HEARING FOR CONSIDERATION AND/OR ACTION ON A REQUEST FOR THE FIRST AMENDMENT TO THE POWDER MOUNTAIN ZONING DEVELOPMENT AGREEMENT, AMENDING THE TIMEFRAMES AND TRAIL LOCATIONS WITHIN THE ZONING DEVELOPMENT AGREEMENT THAT WERE PREVIOUSLY APPROVED AS CONTRACT #2016-6 AND ADDING LANGUAGE SPECIFIC TO SUPERSEDING, REINVESTMENT FEE AND THE DEVELOPMENT FUNDED RESERVE ACCOUNT.**

Steve Burton, of the County Planning Division, noted that the county entered into a development agreement with Summit Mountain Holding Group (SMHG) a few years back to allow them to keep their resort zoning. As development is occurring, the developer wishes to amend the development agreement, which Mr. Burton said are fairly minor and were reviewed with county legal counsel, John Bond, County Treasurer, and Sean Wilkinson, County Community Development Director. The Ogden Valley Planning Commission recommended approval of these changes last year.

Anne Winston, on behalf of SMHG, said that a broad range of issues were being addressed in this amendment, that its genesis was county staff, and that they have been trying to finalize it for over a year. The initial issue resulted because there were two items in the existing Zoning Development Agreement (ZDA) for which SMHG was out of compliance—the wildfire mitigation plan and the trails network. The ZDA trails map that SMHG was initially committed to construct had two regional connector trails which proved unfeasible and have been removed. They worked with the county and other stakeholders and came up with a revised trails map, and there are now more recreational trails at the top of the mountain. They added a requirement that SMHG is to submit a recreation facilities plan every two years to the county for review and they are to continue evaluating the feasibility of the two regional connector trails. SMHG had not complied with the completion date for the wild fire mitigation plan and this amendment changed the date to 6/30/2019, and it has been completed. She noted that in reviewing the ZDA for these two items staff and SMHG also made some needed changes.

The other issue raised by the county relates to the Assessment Bond Reserve Fund (4 reserve funds were established in the Assessment Bond) and the Development Funded Reserve Account is to start to be funded on the 51<sup>st</sup> building permit—this language was eventually found in the original ZDA with Western American Holdings, that had been amended when SMHG acquired the project, but was not carried over. It has now been added into this document and is very similar to the original but includes a beneficial procedure to the county by John Bond, County Treasurer, to which SMHG has agreed. Ms. Winston said that the reserve account is to be funded \$6,000 on each building permit issued from the 51<sup>st</sup> building permit (through the 170<sup>th</sup> building permit) until the total funds in the reserve account equal \$720,000. In the prior ZDA language the county was to issue an invoice to SMHG which was to pay the trustee directly for the \$6,000 as it came due. Mr. Bond's revisions make it a condition to the building permits being issued that the developer pays the county directly, which will then remit those funds to the trustee, so there is no chance that the building permits will be issued before the funds are delivered to the county. Mr. Bond said that as this process began with SMHG in 2013 the county had certain concerns regarding financial risk because the Commission of that time co-signed on this bond in essence making the county residents liable if SMHG defaulted. The county has since implemented three safe guards—the first was for SMHG to put the equivalent of a year's bond payment in a reserve account at Zions Bank of about \$1.5 million, then another \$1.5 million was added onto the bond itself as a second reserve element with Zions, thus currently there are two years of bond payments in reserve. A third safeguard is the equivalent of half of a year's bond payment or \$720,000. Now when the 51<sup>st</sup> building permit is pulled there is a \$6,000 payment due for each of the next 120 building permits. There are about 15 years left on that annual bond payment.

3. Public Comments: Chair Jenkins invited public comments and none were offered.

4.

Commissioner Harvey moved to adjourn the public hearing and reconvene the public meeting; Commissioner Froerer seconded.

Commissioner Harvey – aye; Commissioner Froerer – aye; Chair Jenkins – aye

5. **ACTION ON PUBLIC HEARING:**

#### **H2-FIRST AMENDMENT TO THE POWDER MOUNTAIN ZONING DEVELOPMENT AGREEMENT**

Commissioner Harvey moved to approve the First Amendment to the Powder Mountain Zoning Development Agreement, amending the timeframes and trail locations within the Zoning Development Agreement that were previously approved as Contract #2016-6 and adding language specific to Superseding, Reinvestment Fee and the Development Funded Reserve Account; Commissioner Froerer seconded.

Commissioner Harvey – aye; Commissioner Froerer – aye; Chair Jenkins – aye

**I. COMMISSIONER COMMENTS:** None.

**J. ADJOURN**

Commissioner Harvey moved to adjourn at 10:46 a.m.; Commissioner Froerer seconded.

Commissioner Harvey – aye; Commissioner Froerer – aye; Chair Jenkins – aye

Attest:

---

Scott K. Jenkins, Chair  
Weber County Commission

---

Ricky D. Hatch, CPA  
Weber County Clerk/Auditor