

MINUTES
WEBER COUNTY COMMISSION
Tuesday, July 31, 2018 - 10:00 a.m.
Commission Chambers, 2380 Washington Blvd., 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: James "Jim" H. Harvey and James Ebert. Scott K. Jenkins was excused.

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

- A. WELCOME** – Chair Harvey
- B. INVOCATION** – Duncan Olsen
- C. PLEDGE OF ALLEGIANCE** – Jennifer Graham
- D. THOUGHT OF THE DAY** – Chair Harvey

E. PUBLIC COMMENTS: Steve Parkinson, Roy City Planner, commented on the public hearing item stating that the City has concerns with vacating a single lot's public utility easement and requested to either deny the request or vacate the entire public utility easement along the west side of those properties. This subdivision will be annexed into Roy approximately at the end of the year.

Ernest Gonzalez, of Washington Terrace, wished to promote the marvelous musical theater currently performing *Annie Get Your Gun* at the Egyptian Theater. He thanked the Commission for their support of musical theater.

F. CONSENT ITEMS:

1. Ratification of warrants #1495-1506 and #430169-430351 for \$2,509,042.14 dated July 24, 2018.
2. Warrants #1507-1510 and #430352-430666 for \$3,005,445.89.
3. Purchase orders for \$82,460.40.
4. ACH payment to US Bank for \$138,396.54 for purchasing card transactions made through July 25, 2018.
5. Minutes for meeting held on July 17, 2018.
6. Surplus a Sharp AR-M350N copy machine from the Weber County Planning Department.
7. Surplus a desk, bookshelf and cabinet from the Weber County Assessor's Office.
8. Surplus a bookshelf and a file cabinet from the Weber County Attorney's Office.
9. Retirement Agreement with Lisa Panter.
10. Change of scope in Contract #C2013-211 to include addition of lightning protection system for the Southwest Branch/Headquarters Library (with Prescott Muir & Associates).
11. Change of scope in contract #C2013-220 to include a new septic tank and drain field at the Ogden Valley Branch Library (with Prescott Muir & Associates).
12. Ordinance relating to surplus real property disposal - this item moved to the end of the action items.
13. Conditional use amendment for the Bridges at Wolf Creek Resort PRUD located within the approved Wolf Creek Resort Master Development.

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

G. ACTION ITEMS:

1. **RESOLUTION MAKING APPOINTMENTS TO THE WEBER AREA DISPATCH 911 AND EMERGENCY SERVICES DISTRICT ADMINISTRATIVE CONTROL BOARD – RESOLUTION 33-2018.**

Commissioner Ebert noted a vacancy on this Board.

Commissioner Ebert moved to adopt Resolution 33-2018 appointing County Commissioner Scott Jenkins to the Weber Area Dispatch 911 and Emergency Services District Administrative Control Board through 12/31/2018; Chair Harvey seconded.

Commissioner Ebert – aye; Chair Harvey – aye

2. **RESOLUTION APPOINTING A MEMBER TO THE BEN LOMOND CEMETERY DISTRICT BOARD – RESOLUTION 34-2018.**

Stacy Skeen, of the Commission Office, noted the midterm vacancy due to a resignation. The statutory process was followed for the vacancy. Two applications were received.

Commissioner Ebert moved to adopt Resolution 34-2018 appointing David L. Gordon to the Ben Lomond Cemetery District Board through 12/31/2018; Chair Harvey seconded.

Commissioner Ebert – aye; Chair Harvey – aye

3. **RESOLUTION APPOINTING MEMBERS TO THE NORTHERN UTAH ENVIRONMENTAL RESOURCES AGENCY (NUERA) BOARD – RESOLUTION 35-2018.**

Chair Harvey noted a resignation on this Board.

Commissioner Ebert moved to adopt Resolution 35-2018 appointing County Commissioners Jim Harvey and Scott Jenkins to the Ben Lomond Cemetery District Board commencing August 1, 2018 and ending when replaced; Chair Harvey seconded.

Commissioner Ebert – aye; Chair Harvey – aye

4. **RESOLUTION APPOINTING A MEMBER TO UTAH COUNTIES INDEMNITY POOL – RESOLUTION 36-2018.**

Christopher Crockett, Deputy County Attorney, noted that according to the interlocal agreement governing UCIP one of the appointments for this Board is made by the Weber County governing body.

Commissioner Ebert moved to adopt Resolution 36-2018 appointing County Commissioner Scott Jenkins to the Utah Counties Indemnity Pool (UCIP) effective August 1, 2018 until another is appointed in his stead; Chair Harvey seconded.

Commissioner Ebert – aye; Chair Harvey – aye

5. **LOCAL FUNDING AGREEMENT WITH PLEASANT VIEW CITY FOR SKYLINE DRIVE (4300 N.) PROJECT.**

Brooke Stewart, with County Community Development, stated that the City received a little over \$228,000 in 2015 from sales tax funds for the first phase to construct the road on 4300 N. between 350 W.-500 W. In 2016 the City reapplied and was awarded approximately \$182,000 for the second phase from corridor preservation funds and \$375,000 from sales tax funds. The project is in the final stages and there have been unforeseen costs (i.e., needed storm drain modifications, additional fill, and burying deeper a shallow water line). The transportation subcommittee reviewed the City's amended request and WACOG approved an additional \$152,811 from sales tax funds on May 7, 2018 to cover those unanticipated costs.

Commissioner Ebert moved to approve the Local Funding Agreement with Pleasant View City for the Skyline Drive (4300 North) project; Chair Harvey seconded.

Commissioner Ebert – aye; Chair Harvey – aye

6. **RESOLUTION APPOINTING A MEMBER TO THE GOLDEN SPIKE EVENT CENTER ADVISORY BOARD – RESOLUTION 37-2018.**

Jennifer Graham, of County Culture, Parks and Recreation, presented the Board's recommendation for the vacancy.

Commissioner Ebert moved to adopt Resolution 37-2018 appointing Jeremy Dearden to the Golden Spike Event Center Advisory Board through 12/31/2018; Chair Harvey seconded.

Commissioner Ebert – aye; Chair Harvey – aye

7. **ADDENDUM TO HORIZON NEIGHBORHOOD PRUD IMPROVEMENT AGREEMENT.**

Jared Andersen, County Engineer, stated that the original escrow agreement from 8/15/2016 was for the subdivision's design. Since then there have been major approved changes to the subdivision, which eliminated a lot of utilities and roadway infrastructure, and the developer has requested for a release of the excess funds from that original escrow agreement. The engineering firm that did the design quantified the changes that have occurred and sent their escrow estimate to the county.

Commissioner Ebert moved to approve the addendum to Horizon Neighborhood PRUD Improvement Agreement with SMHG, LLC; Chair Harvey seconded.

Commissioner Ebert – aye; Chair Harvey – aye

F.12-**FINAL APPROVAL OF AN ORDINANCE AMENDMENT RELATED TO SURPLUS PROPERTY DISPOSAL AND MOVING TITLE 2, CHAPTER 9, ARTICLE X TO A NEW CHAPTER WITHIN TITLE 2 – ORDINANCE 2018-9.**

Bill Ross, of County Community Development, noted that the first ordinance reading occurred on 7/17/2018. The changes ensure compliance with state law for the distribution of money received from property acquired through a tax sale and also describe the process for selling surplus property to a preferential interest holder.

Commissioner Ebert moved to adopt Ordinance 2018-9 regarding amendments related to the Surplus Property Disposal and moving Title 2, Chapter 9, Article X to a new chapter within Title 2; Chair Harvey seconded.

Commissioner Ebert – aye; Chair Harvey – aye

H. PUBLIC HEARING:

1.

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

Commissioner Ebert – aye; Chair Harvey – aye

2. **PUBLIC HEARING TO CONSIDER & TAKE ACTION ON A REQUEST TO VACATE A PUBLIC UTILITY EASEMENT LOCATED AT REAR OF LOT 35 (5131 S. 3550 W., ROY) OF COUNTRY MEADOWS SUBDIVISION.**

Steven Burton, of the County Planning Division, stated that the lot owner, Dallas Rowe, requested to vacate a 7-foot public utility easement at the rear of his property to build an accessory structure about 3 feet to the rear property line. Planning staff recommends approval of this vacation based upon the findings in the staff report. According to State statute, the Commission may adopt an ordinance granting a petition to vacate some or all of a public easement if it finds that good cause exists for the vacation and neither the public interest nor any person will be materially injured by the vacation.

Commissioner Ebert asked for the purpose of placing this original easement (in 1977) and Mr. Burton explained that when development occurs the county likes to see easements along property lines and sometimes developers just place them arbitrarily on all property lines. Today a development would generally place utility easements at the front property lines. Commissioner Ebert noted that the rear of the property is undeveloped and asked about future development. Mr. Burton does not believe it would have any effect on that property, which currently is owned by Weber Basin Water and is a pond and has a road stub. If it were developed, utilities would likely follow that stubbed road. State code requires all affected entities to be sent notice, which the county did. Public utility companies, including Questar Gas, Rocky Mountain Power, Weber Basin Water Conservancy District, North Davis Sewer District, and Hooper Water Improvement District, have consented to the easement's vacation. Regarding drainage issues, Mr. Burton responded that County Engineering did a site inspection and determined that there is no need for a drainage easement there. If an easement is needed on future developable property, one could be placed as part of the development process. Mr. Rowe stated that he had done due diligence and contacted seven utility companies which gave permission to vacate the property. There are already structures closer than 3-ft. to that property line on the same side of the street.

3. Public comments: Steve Parkinson, of Roy City, said that Roy has a letter where the applicant can get all the utility companies to sign off and then the applicant can encroach into the easement but the easement stays. The City would like either to vacate the entire thing or have it denied. Commissioner Ebert asked what negative impact to the City Mr. Parkinson envisioned if the easement was granted, and he responded that if a utility company would need to go back there it would be easier to give a variance or have the letter stating that it can encroach within that easement than to go back and create the easement. Mr. Burton said that offering a variance of easement is an option but generally one has to show site-specific hardship (i.e., due to a ditch, slope) that warrants a variance to allow building within that easement, and this may be difficult to demonstrate because it appears to just be an arbitrary easement at the back of the property.

4. Commissioner Ebert moved to adjourn the public hearing and reconvene the public meeting; Chair Harvey seconded.
Commissioner Ebert – aye; Chair Harvey – aye

5. **ACTION ON PUBLIC HEARING: H.2-REQUEST TO VACATE A PUBLIC UTILITY EASEMENT**

Commissioner Ebert preferred to table this item and for county staff to reach out to Roy City to see if there are impacts, and if they can reach some type of resolution, and if not, for staff to work with Mr. Rowe to get the variance. Chair Harvey supported tabling the item.

- I. **COMMISSIONER COMMENTS:** Chair Harvey introduced Stan Berniche, who has exemplified great service/goes the extra mile in the county, as the next Stall of Fame user for the month of August.

J. **ADJOURN**

Commissioner Ebert moved to adjourn at 10:38 a.m.; Chair Harvey seconded.
Commissioner Ebert – aye; Chair Harvey – aye

Attest:

James "Jim" H. Harvey, Chair
Weber County Commission

Ricky D. Hatch, CPA
Weber County Clerk/Auditor