

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

Tuesday, April 19, 2016 - 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: Kerry W. Gibson, Matthew G Bell and James Ebert.

OTHERS 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 Gibson

B. INVOCATION – Pastor Dave Mallinak

C. PLEDGE OF ALLEGIANCE – Shelly Halacy

D. THOUGHT OF THE DAY – Chair Gibson

E. PRESENTATION OF A PROCLAMATION DECLARING THE WEEK OF APRIL 18-22, 2016 AS OGDEN-WEBER APPLIED TECHNOLOGY COLLEGE (OWATC) WEEK

Chair Gibson read the proclamation. He said that Collette Mercier, College President, is doing a great job and that the college has made tremendous strides under her leadership. Ms. Mercier thanked the Commission for recognizing the tech college, which is celebrating 45 years of commitment in fulfilling the technical education and employment needs of the county. She stated that this is accomplished in partnership with municipalities, the county, and employers. She thanked the commissioners, specifically Chair Gibson, for help in obtaining the funding for building improvements. The commissioners presented Ms. Mercier with the proclamation.

F. CONSENT ITEMS:

1. Purchase orders in the amount of \$131,199.01
2. Warrants #403812-#404042 in the amount of \$1,438,135.66
3. Minutes for the meetings held on March 22, 2016 and April 12, 2016
4. Reconciliation change order on the 3500 West project, Phase 1 – Granite Construction
5. Request by Tax Review Committee to approve extension to become current on tax payment for Parcel #14-038-0012
6. Request by Tax Review Committee to approve settlement of taxes for amount already paid on Parcel #13-022-0006
7. Request from the Sheriff's Office to surplus a 1994 TJ Trailer, with the funds from that surplus being returned to Search and Rescue for the purchase of a new trailer

Commissioner Bell moved to approve the consent items; Commissioner Ebert seconded.

Commissioner Ebert – aye; Commissioner Bell – aye; Chair Gibson – aye

G. ACTION ITEMS:

1. RESOLUTION APPOINTING A MEMBER TO THE WEST WEBER/TAYLOR CEMETERY BOARD – RESOLUTION 9-2016

Brooke Stewart, of the County Commission Office, noted that there was one vacancy. Notice and posting was done according to statute. One application was received from the current member whose term expired. This is a 4-year term expiring 12/31/2019.

Commissioner Bell moved to adopt Resolution 9-2016 appointing Larry Blanch to the West Weber/Taylor Cemetery Board; Commissioner Ebert seconded.

Commissioner Ebert – aye; Commissioner Bell – aye; Chair Gibson – aye

2. RE AGREEMENT WITH THE UPRR FOR THE 12TH STREET PROJECT

This agreement relates to the reconstruction plans for 12th Street between 4700 W. and 10000 W. Jared Andersen, County Engineer, stated that this agreement allows Union Pacific Rail Road to start their preliminary engineering services on the railroad crossing west of 12th Street.

Commissioner Bell moved to approve the RE Agreement with the UPRR for the 12th Street project; Commissioner Ebert seconded.

Commissioner Ebert – aye; Commissioner Bell – aye; Chair Gibson – aye

3. COOPERATION AGREEMENT WITH TAYLOR WEST WEBER WATER FOR THE 12TH STREET PROJECT, RESOLUTION 10-2016

Jared Andersen, County Engineer, stated that this agreement defines both parties' responsibilities on the 12th Street widening project. He addressed Commissioner Bell's question about cost to the county stating that there should be no cost to taxpayers.

Commissioner Ebert moved to adopt Resolution 10-2016 approving the Cooperation Agreement with Taylor West Weber Water for the 12th Street project; Commissioner Bell seconded.

Commissioner Ebert – aye; Commissioner Bell – aye; Chair Gibson – aye

5. AGREEMENT WITH BROKEN HEART RODEO COMPANY, LLC TO PRODUCE THE RODEO FOR THE 2016 WEBER COUNTY FAIR

Jennifer Graham, with County Culture, Parks & Recreation, presented this standard contract.

Commissioner Bell moved to approve the contract with Broken Heart Rodeo Company, LLC to produce the rodeo for the 2016 Weber County Fair; Commissioner Ebert seconded.

Commissioner Ebert – aye; Commissioner Bell – aye; Chair Gibson – aye

6. WEBER-MORGAN STRIKE FORCE PETITION TO THE WEBER COUNTY COMMISSION, PURSUANT TO UTAH CODE ANN. 24-3-103, FOR THE APPROPRIATION TO THE STRIKE FORCE OF \$3,928.05 CURRENTLY HELD IN THE STRIKE FORCE SEIZURE ACCOUNT

Christopher Crockett, Deputy County Attorney, explained that the Strike Force participates in drug-related arrests and the officers often find currency/other property related to the drug related activities. Through due process, they notify innocent claimants. When there is no identified claimant to those funds, the seizing agency may apply those funds to a public use after receiving permission from the county legislative body. The request under this item is to use the funds for the deposit for a future purchase of a canine, which can detect electronic devices, which can aid greatly in prosecution of those who commit child pornography/sexual child exploitation crimes, etc. County Sheriff Terry Thompson addressed Commissioner Bell's questions speaking to the canine's remarkable abilities.

Commissioner Bell moved to approve the release of \$3,928.05 to the Weber-Morgan Strike Force currently held in the Strike Force seizure account; Commissioner Ebert seconded.

Commissioner Ebert – aye; Commissioner Bell – aye; Chair Gibson – aye

H. PUBLIC COMMENTS: All the public comments related to item G.4.

Lewis Beck, of Eden, gave some background on the problems. He stated that there is a noise ordinance for that lake but it is not enforced. He said that the noise in the summer time is out of control, and the offenders concentrate on one location, which the residents call "Cocaine Cove" and law enforcement is familiar with it. The actual name is Spring Cove. He noted that most of those present today live near that area and hear that noise all summer long, and as the water is higher, the sound reverberates across the Valley. There was a recent letter on the reservoir issue by the Mayor of Eden, who is working and could not be present. Mr. Beck said that the residents can call the Sheriff's Office, which owns a boat and is not out there, but they can't do anything. He believes it is because there aren't sufficient resources. The problem is getting worse because the law is not enforced and so residents eventually stop calling the Sheriff's Office. He said that the Sheriff's Office and the commissioners' credibility is low and citizens feel they have to deal with this on their own. The resident's frustration is extremely high; this problem has been ongoing for many years and something needs to be done. The Sheriff's Office or the law enforcement body needs to be given the opportunity to enforce the law, even if for a short period so that the offenders will get the message. Closing the lake is not the right solution; it is failure of enforcement.

Robert Fuller, of Eden, lives directly west of "Cocaine Cove." He said that the commissioners may not understand the gravity of the situation, and would probably be shocked, at what occurs there. He stated that last Sunday it started again. All day long, and continuing until 2-3 in the morning, there was severe noise that rattled the light fixtures on the ceiling of his house. From speaking with Sheriff Deputies he understands it is a volatile situation, with the darkness, being on the water, the alcohol, etc., and too dangerous to enforce their police powers. Mr. Fuller said that if that cove is closed the offenders would

just migrate to another area. The Valley and lake really echo through there. He read from the current ordinance 26-3-4, Quiet Hours, “No activity or noise that causes unreasonable distraction to other users of the reservoir and campground facilities is allowed on the reservoir and in the surrounding campgrounds and shorelines from 10:00 p.m.-6:00 a.m. each day.” He said that more protection is needed in the ordinance; it is overly broad, and everyone should not be punished for the few offenders. There are 2-3 boats that are extremely noisy, racing up/down the lake all day long, and they are teeth-rattling. That particular cove should be a non-motorized area. It is popular to float and paddle around. It is also a unique wildlife habitat. He also recommended closing critical areas where there is wildlife habitat. He would appreciate the county controlling the noise for that unique recreational spot.

Elaine White, of Huntsville Town, lives on the peninsula where boaters tie-up, play loud music, go late into the night, and in the morning there are a lot of beer bottles and much trash to clean up. By closing off a certain area the offenders will just move to another, but she supports it because she can understand the challenges faced by law enforcement to try approaching several boats tied together with inebriated people.

Bill Wangsgard, of Huntsville, said that it is loud during the day but at night it is the worst. He supports the commission prohibiting watercraft use from 10 p.m.-6 a.m. on the reservoir.

Steve Waldrip, of Eden, does not live near the lake but has a lot of friends who do. When he heard of the proposed ordinance, he reached out to a number of them, which he listed (about 13 families). He said that they are all in favor of a solution. He said that if one cove is closed, the offenders will move to another and so forth. That cove used to be called Martini Cove many years ago and has continued to deteriorate. He supports this ordinance. The noise is a major issue on the lake. It keeps people awake at night. Children cannot sleep and are hearing things, which children should not be hearing.

G. 4. FIRST READING OF ORDINANCE AMENDING THE OVERNIGHT WATERCRAFT USE ORDINANCE FOR PINEVIEW RESERVOIR

Bryan Baron, Deputy County Attorney, stated that the ordinance is to prohibit watercraft use on the reservoir between 10 p.m. and 6 a.m. As he understands, noise is a large part of the problem. However, there are other problems such as people dumping their toilets at night in the reservoir, leaving their trash, having campfires on the beach, and racing in the middle of the night. The sheriff deputies just cannot enforce the current ordinance and the Sheriff’s Office asked to amend the ordinance. He noted that Lt. Toll, of the County Sheriff’s Office, was present to address questions.

Chair Gibson said that many of the things heard today indicate a much larger problem that has been getting worse for years and the Commission recognizes that the issue needs to be continually looked at and this ordinance is a good step/tool. Commissioner Bell brought up two items to address next week—whether the county can amend the fee ordinance to charge a fee to every boat that goes in the water to help pay for more enforcement on the reservoir, and about people sleeping in their boats in non-slips. Chair Gibson said that there should be discussion about people sleeping onboard at paid slips, but it may be a different issue than the one on the agenda. Commissioner Ebert noted that there is an overall plan, that Commissioner Bell has been studying parking in that area, and they will look at the lake in general as to where the best places are to drive a specific use.

Commissioner Ebert moved to approve the first reading of the ordinance amending the overnight watercraft use ordinance for Pineview Reservoir; Commissioner Bell seconded.
Commissioner Ebert – aye; Commissioner Bell – aye; Chair Gibson – aye

I. ADJOURN

Commissioner Bell moved to adjourn at 110:2 a.m.; Commissioner Ebert seconded.
Commissioner Ebert – aye; Commissioner Bell – aye; Chair Gibson – aye

Attest:

Kerry W. Gibson, Chair
Weber County Commission

Ricky D. Hatch, CPA
Weber County Clerk/Auditor