

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

Tuesday, June 27, 2017 - 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 Ebert, Kerry W. Gibson and Jim Harvey.

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

- A. **WELCOME** – Chair Ebert
- B. **INVOCATION** – Duncan Olsen
- C. **PLEDGE OF ALLEGIANCE** – Felix Lleverino
- D. **THOUGHT OF THE DAY** – Chair Ebert

**E. CONSENT ITEMS:**

1. Warrants #418011-418327 and #1104-1118 in the amount of \$2,177,232.38.
2. Purchase orders in the amount of \$373,422.37.
3. Minutes for the meeting held on June 13, 2017.
4. Surplus fourteen office chairs from the Weber County Clerk/Auditor's Office.
5. Resolution authorizing filing of cross-appeals for 2017 centrally assessed properties. Resolution 19-2017
6. Contract with the US Dept of Agriculture, Natural Resources Conservation Service for the Emergency Watershed Protection Project #5084.

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

**F. ACTION ITEMS:**

1. **CONTRACT WITH WILLIAM MORRIS ENDEAVOR ENTERTAINMENT, LLC FOR JORDAN ROGER TO PERFORM AT THE 2017 WEBER COUNTY FAIR.**

Jan Wilson, with the County Fair, briefly presented this contract.

Commissioner Harvey moved to approve the contract with William Morris Endeavor Entertainment, LLC for Jordan Roger to perform at the 2017 Weber County Fair; Commissioner Gibson seconded.  
Commissioner Gibson – aye; Commissioner Harvey – aye; Chair Ebert – aye

2. **LAW ENFORCEMENT CONTRACTS WITH CONTRACT WITH THE FOLLOWING CITIES:**

|                         |                           |
|-------------------------|---------------------------|
| Huntsville Town         | Plain City                |
| Washington Terrace City | Marriott-Slaterville City |
| Uintah City             | West Haven City           |
| Farr West City          | Hooper City               |

Steffani Ebert, with the County Sheriff's Office, stated that these 5-year contracts are renewals and there is a cost increase in each city. Hooper Councilwoman Brinkerhoff stated that the city had approved the contract and it was on its way to the county. Commissioner Harvey spoke of the work done to bring the contracts more in line with true costs.

Commissioner Harvey moved to approve the above listed law enforcement contracts with the eight cities; Commissioner Gibson seconded.  
Commissioner Gibson – aye; Commissioner Harvey – aye; Chair Ebert – aye

3. **CONTRACT WITH THE STATE OF UTAH/WEBER DISTRICT & JUVENILE COURT AMENDING THE ANNUAL CONTRACT WITH AMOUNT.**

Steffani Ebert, with the County Sheriff's Office, noted that this recurring contract is subject to an annual review for the amount. The courts were required to cut their budgets, which resulted in a decrease to the county's contract amount of \$83,724 and the county cut a position from the court. The amendment is effective July 1.

Commissioner Harvey moved to approve the contract with the State of Utah/Weber District & Juvenile Court amending the annual contract with amount; Commissioner Gibson seconded.  
Commissioner Gibson – aye; Commissioner Harvey – aye; Chair Ebert – aye

4. **CONTRACT WITH MARY ANNE ELLIS FOR AN ADDENDUM TO AN AGREEMENT FOR AN INDIGENT DEFENSE ATTORNEY IN JUVENILE COURT.**

Bryan Baron, Deputy County Attorney, stated that Ms. Ellis has agreed to take on additional responsibilities for three months. The JRI Bill becomes effective in August which impacts this item.

Commissioner Gibson moved to approve the contract with Mary Anne Ellis for an addendum to an agreement for an Indigent Defense Attorney in Juvenile Court; Commissioner Harvey seconded.

Commissioner Gibson – aye; Commissioner Harvey – aye; Chair Ebert – aye

5. **CONTRACT WITH BROKEN HEART RODEO FOR THE RED, WHITE & BLUE BUCK WILD ROUGH STOCK CHALLENGE AT THE GOLDEN SPIKE EVENT CENTER (GSEC) ON JUNE 30-JULY 1, 2017.**

Duncan Olsen, with the GSEC, briefly presented this contract.

Commissioner Gibson moved to approve the contract with Broken Heart Rodeo for the Red, White & Blue Buck Wild Rough Stock Challenge at the Golden Spike Event Center, June 30-July 1, 2017; Commissioner Harvey seconded.

Commissioner Gibson – aye; Commissioner Harvey – aye; Chair Ebert – aye

6. **FINAL APPROVAL OF GALLOP BEND SUBDIVISION, CONSISTING OF 20 LOTS, INCLUDING A SUBDIVISION IMPROVEMENT AGREEMENT WITH THE FINANCIAL GUARANTEE.**

Rick Grover, County Planning Division Director, noted that the associated road dedication will provide connectivity to development to the west. Mr. Grover explained that a road was desired to the north but there were topography issues and there will be a trail connection to the north.

Commissioner Gibson moved to grant final approval of Gallop Bend Subdivision, of 20 lots, with a Subdivision Improvement Agreement with the financial guarantee; Commissioner Harvey seconded.

Commissioner Gibson – aye; Commissioner Harvey – aye; Chair Ebert – aye

7. **AGREEMENT WITH WASATCH WIDGEONS ASSOCIATION TO PROVIDE WATERFOWL NEST STRUCTURES, PREDATOR MANAGEMENT, AND REMOVAL OF INVASIVE SPECIES AT THE KINGFISHER WETLANDS AREA OF OBSERVATORY PARK.**

Todd Ferrario, with County Parks & Recreation, stated that this is a stewardship agreement with this non-profit, which has expertise in this area. With the opening of Observatory Park, the traffic flow in that area is increasing dramatically and there have been concerns expressed by many regarding the wetlands.

Commissioner Harvey moved to approve the agreement with Wasatch Widgeons Association to provide waterfowl nest structures, predator management, and removal of invasive species at the Kingfisher wetlands area of Observatory Park; Commissioner Gibson seconded.

Commissioner Gibson – aye; Commissioner Harvey – aye; Chair Ebert – aye

8. **RESOLUTION APPOINTING MEMBERS TO WEBER COUNTY LIBRARY BOARD. RESOLUTION 20-2017**

Commissioner Harvey stated that there are two vacancies and the Board recommended Spencer Stokes and Cynthia Mattson.

Commissioner Gibson moved to adopt Resolution 20-2017 reappointing Spencer Stokes and appointing Cynthia Mattson to the Weber County Library Board; Commissioner Harvey seconded.

Commissioner Gibson – aye; Commissioner Harvey – aye; Chair Ebert – aye

9. **FIRST READING OF AN ORDINANCE OF THE BOARD OF THE COUNTY COMMISSIONERS OF WEBER COUNTY RELATING TO THE APPROPRIATIONS TO A PRIVATE ENTERPRISE PROJECT.**

David Wilson, Deputy County Attorney, stated that the Utah Code requires the county to adopt an ordinance setting forth the criteria which must be met in order to provide funding to private entities.

Commissioner Gibson moved to approve the first reading of an ordinance relating to the appropriations to a private enterprise project; Commissioner Harvey seconded.

Commissioner Gibson – aye; Commissioner Harvey – aye; Chair Ebert – aye

10. **REQUEST FOR FINAL READING OF AN ORDINANCE AMENDING TITLE 20 RELATING TO FIRE PREVENTION AND PROTECTION AND TO OPEN BURNING.**

This item was held.

## G. PUBLIC HEARING

1.

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

### 2. **PUBLIC HEARING TO TAKE PUBLIC INPUT ON PROPOSED AMENDMENT TO OGDEN VALLEY (VALLEY) LIGHTING ORDINANCE, ZTA 2016-06, DISCUSSION AND POSSIBLE DECISION ON THE PROPOSAL.**

Charles Ewert, of County Planning, noted that the Ogden Valley Planning Commission (OVPC) has been working on this item since last year. The current ordinance has been in place for 17 years and requires full cut of a light at the horizontal plain and is only applicable to commercial/industrial, public/quasi public and multi-family uses. His slide presentation showed the proposal which calls for downward directed lighting that is fully shielded (so as to not project light onto the night sky and onto neighboring property owners). The intent is to limit the bright intensity transition to the dark as much as possible. It addresses color temperature (the American Medical Association produced a report last year emphasizing health detriments of blue spectrum light), uses more user-friendly terms and is easier to enforce (containing execution and enforcement mechanisms and requirements for ongoing public outreach and education), addresses sign lighting, contains a lumen/sq. foot cap for certain commercial and recreational uses, and phase-out of nonconforming lights and signs.

The OVPC studied three alternatives and recommended Alternative One to the County Commission: It mandates compliance for all future commercial structures; offers 5-year phase-in for existing commercial structures; mandates compliance for all new residential construction, except that any light fixture modification on an existing residence needs to be modified in compliance with the ordinance. Alternative Two/voluntary compliance: it would exempt all non-multifamily residential and agricultural structures, focused on incentives/land use fee reduction (10%) to existing and future residential lighting changes, and requires a covenant to run with the land on dark sky. Alternative Three/voluntary compliance for all uses: it would be adopted by resolution that would create internal programs/review mechanisms where staff would work with applicants on the benefits of dark sky preservation.

Commissioner Gibson is a supporter of the dark sky designation and expressed thanks to Mr. Ewert and the OVPC. He said the planning commissioners had concern with the word “mandate.” There is current discussion to amend the Sign Ordinance and this Lighting Ordinance proposal refers to it. He is concerned that this ordinance locks in a certain result, but some area commercial businesses have expressed strong concerns to him about how this is going to impact them. This needs to be a consideration. Mr. Ewert referred to a difference between the current code amendment proposal and the Ogden Valley Business Association’s application to amend the Sign Code, and stated that if today’s proposal is adopted, that this subject may need to be revisited for minor adjustments. Commissioner Gibson is concerned that the ordinance calls for a Class C misdemeanor for violations and Mr. Ewert restated that a violation to the Land Use Code, in general, may constitute a Class C misdemeanor, and this ordinance expands enforcement procedures by requiring additional notifications and education before pursuing any criminal action. This proposal is modeled after resort-oriented communities in Idaho, Wyoming and Utah, which are stricter than this proposal.

### 3. Public comments:

Gage Froerer (Utah legislator), of Huntsville, supports dark skies and worked with Representative Rob Bishop’s office to ensure that the designation was given to North Fork Park, an integral part of Ogden Valley. He does not support mandates because they take away personal rights. He said that the cost of enforcement had not been discussed and that the Legislature had worked hard to reduce Class C misdemeanors. He recommends putting this item on hold until an incentive-based program can be used and also working with businesses. He believes that people will do the right thing.

Brian, of Ogden, does not oppose dark skies but opposes poorly lit streets, no lights on some of the highway ramps, etc. He uses public transportation daily where they use downward directed lighting and it is very insufficient. He feels that the cities used for the study are smaller than our area. He does not agree with the color temperature issue and the mandates. He asked for this item to be tabled for further discussion and believes that people will do the right thing with good education.

Lonnie Crockett, of Huntsville, strongly agrees with Mr. Froerer's comments and said that probably 100% of the Valley residents like dark sky, but he opposes mandates and asked that liberties be preserved. He referred to the dyers woad ordinance in the Valley and its lack of enforcement.

James Richardson, of the Middle Fork area, totally appreciates the night sky, which enhances the rural character of the Valley and which the residents support. He fixed his porch light with tin foil. There are some Valley yard lights, as well as interior lights, that shine out and he would like incentives rather than mandates. He would like to see the penalty decrease.

Dakota Hyde, Ogden resident and Ogden Valley business owner (one of which is a wedding venue utilizing string lighting) said that it is difficult to balance the new requirements with certain desired lighting. He fully supports the night sky ordinance stating that it is easy to pollute the night sky with light. He said that the Commission has an opportunity to do something very important now—the Valley population is to double in 15 years. He supports incentive-based solutions and Alternative 2. People's property rights need to be balanced against the neighbor's rights. He cannot find any deep sky objects in Ogden but is able to do so in the Valley. Residents should follow the rules as well as the businesses.

Grace Dulaney, of Huntsville, moved to the Valley for the rural experience and residential lighting is what is impacting the other residents. In the last few years multiple new homes have been built with excessive lights and very bright blue; she has an issue with that. She said that it had not been mentioned to just go around looking at residences and replacing bulbs—residences should also follow the lighting rules. She said that color has the greatest impact.

Richard Menzies, of Eden, stated that a lot of time/effort/input went into the General Plan and read from it that a goal of the county is to protect the night sky in order to preserve the Valley's rural character/heritage and to encourage programs for residential and agricultural dark-sky lighting compliance, and encourage astro/agric/ecotourism development. At build-out, the General Plan estimates the number of residences to increase by four times, which increases lighting pollution. He said that Mr. Ewert, working committees and the OVPC spent a tremendous amount of time on this item. Their recommendation was Alternative 1, and after attending many meetings he also supports it.

Zach Thomas, representing Ogden Valley Starry Nights, President of the Weber High Astronomy Club and Founder of Weber High Dark Sky Alliance, stated that they are working tirelessly to preserve the dark sky accreditation at North Fork Park and increase public awareness. Many people go to Ogden Valley to experience astrotourism. He supports this ordinance and increasing public awareness/education.

Louis Cooper agreed with many of the comments already made. In 2000 he and other Planning Commissioners and Planning staff spent an enormous amount of time driving around to various cities in the lower Valley to look at lighting to come up with a fair ordinance to businesses. These same discussions came up 17 years ago. They even discussed the residential issue and did not want mandates then either on new construction, etc., but to have a compromise on existing homes and have an educational process. He saw literature about yellow shielding, which removes a lot of the medical impacts, visibility, etc. He did not want to wait another 17 years before taking action on this issue.

Kimbal Wheatley, of Huntsville, was on the OVPC 17 years ago when they went through this same process and said that there is no additional commercial/industrial mandate in this ordinance compared to the current one. They worked on the General Plan for about two years and the current OVPC came forward with this first amendment after about a year's study and with tremendous input from the community that wants to continue the atmosphere and recreational place that the area provides, which cannot be experienced just a few miles away. This is a big deal in terms of the county's economy as well as Ogden Valley's long term economics, which competes with other recreation areas. The General Plan calls for preserving the area as a world class destination resort. The first thing to easily lose is the dark sky. He gave the example of St. George, which has voluntary ideas, but the dark sky has not succeeded.

Jeff Burton, of Huntsville, said that in reality there is no dark sky in the Valley, and that one has to go up east of Monte to truly experience it, that humans need lighting for safety and living circumstances and this ordinance takes away property rights, which is not the proper purpose of government. Police tell people to turn on lights and we do not need mandates but need education.

Gaye Creager, of Eden, saw the Milky Way the other night with a yard light 100 yards away. They need good lighting on the farms. Her family bales hay and irrigates at night during cooler temperatures, cows are calving, etc. They are afraid that today it is business and residential rights and tomorrow agriculture. Her mother had a questionable character knock on her door and the only way the police was able to see him crawling through a corral was because of their light. It takes tax dollars to enforce this. She disagrees with the punishment in the ordinance. Safety health and welfare is the Commission's job. She loves the night sky but the Commission needs to ensure that this is done right.

Gary Fullmer, of Eden, referred to the many comments and said it would be a difficult decision. He does not feel this should affect farming/agriculture and is concerned with the impact to businesses. Mandate is a difficult word for people, however, his long time neighbor, half a mile away, has powerful motion sensor lights and Mr. Fullmer can see the shadow on his hand in his living room in the middle of the night. This individual would not voluntarily change that light. There has to be some way to enforce the ordinance, to have education and some enticement. Decisions have to be made for the community as a whole; only one person spoke against night sky today. He referred to the tremendous amount of work done on the General Plan and community input.

Bonnie Hyde, of Eden and multiple business owner, said that the draw of the Valley for them is its rural aspect. She invited the commissioners to drive up there at night to appreciate it. If they give that away, it is gone forever. She can see Ogden's night sky glowing from the other side of Wasatch. She is happy to preserve the night sky for her home and businesses, which is beautiful, for the future.

Sharon Holmstrom, of Eden, was on the OVPC when the first dark sky ordinance was adopted. At that time Utah Power insisted that people have a large yard light because of possible predators. The Holmstroms looked at the studies and found that those kinds of lights create dark, sharp shadows behind which one cannot see a predator. They no longer push for those lights. The Valley residents put their hearts and souls into that General Plan and the only way for it to come to fruition is for the ordinances to become law, albeit it some people do not like laws. It is important to recognize how much that community put into that Plan that represents what they want for their community. Many years ago they were not adequately able to address the residential, but with the kind of growth that they will have the night sky will disappear very quickly, and it is critical to the overall picture and has to be addressed. She spoke with many Valley business owners, and although the OVBA has brought forth a request, she stressed it is by far not unanimous.

Laura Warburton, Valley Planning Commissioner, said that the proposed Weber County ordinance included the regulating of indoor lighting and was modeled after the resort-oriented community of Ketchum, Idaho, which she and planning staff visited. Ketchum has 70% second-homes and their fees are so high that only the very wealthy can afford to make changes. Our county already does not have enough money to control dyers woad and she asked how it is going to handle the budget and enforcement for this. She loves dark sky but does not like to be mandated and asked where the line will be drawn. She appreciates the General Plan but it was never discussed to have dark skies mandated. Everyone wants dark skies but she wants the incentive program and a committee to educate people who value property rights. She favors Alternative 2 or 3 but not 1.

Kelly Creager, of Eden, loves dark skies but opposes the mandate and had many concerns. She lives next to Valley Elementary and said that schools are put at risk due to insufficient night lighting, which invites crimes. There are problems at Valley Elementary at night. She sees kids/teenagers around the school and on the roof (and dragging ladders up there). There is a small gang there as well. It is scary going around a corner not knowing who is there. Due to the darkness, kids are not worried about being seen and can steal equipment, etc., and our tax dollars are not protected. During parent/teacher conferences this year only the three dim doorway lights were on and by the time she and her first grader left they were out and it was extremely dark for the many teachers, parents and students exiting. Her child could not see well and fell twice. This puts businesses/patrons at risk also. Dark skies invite criminals to the area.

Kirk Langford, of Eden, encouraged the Commission to make a decision today. The General Plan had thousands of people's input. This is the first of many ordinances to bring it to fruition. There are two resorts with a rural community in the middle, and they compete for dollars from all around the country. The neighbor's light shines into Mr. Langford's bedroom window, but he is uncomfortable going to his neighbor and asking him to change his lighting. Guidelines are needed because not everyone does what they should. There is not a single thing in this ordinance that states that people cannot have safety lighting, but that it needs to shine down on their own property and not to trespass somewhere else. He likes the incentive base and recommends a fine after three infractions.

Marion Horna, of Eden, Dark Skies Committee volunteer, said that every day he sees a new home being built in the Valley and something needs to be done quickly to put some teeth in this ordinance, but people do not need to be thrown in jail. The OVPC and Mr. Ewert have done a tremendous work on this and now is the time to move forward because otherwise we will lose the dark skies.

Miranda Menzies, of Eden, is involved in HOAs and one of the three things that come up most frequently is lights shining into a neighbor's bedroom. People also complain that there is no enforcement on weeds, lights, etc. The adopted ordinances preserve the Valley as a special place. She asked that this be made a mandate for new homes because they have a higher density of people. She supports Alternative 1.

Jeff Diehl, of Huntsville, believes in education not legislation, and that interest groups that want something like this should pay for the education process. He supports dark skies and security lights. Misdemeanors can cause military people to lose their jobs relating to security clearances and he does not support the Class C misdemeanors for a homeowner.

Lora Brinkerhoff, Hooper City Councilmember, agrees with this being incentive based. There are many things that the City hopes are voluntarily carried out, but this is not the case, and they often find that an ordinance is necessary. She agrees that action needs to be taken given the rate that the Valley is growing and some are not respectful neighbors. She supports Alternative 1 and suggested reminding people through letters/gentle reminders with a certain number of days for compliance. She appreciates the preparation and thought that went into this item.

Commissioner Harvey said that in an earlier discussion they had discussed a fourth option and today he asked the same questions as he had then. He spent many hours touring the Valley, and he understands the safety aspect—that public lighting needs to be adequate for safety. This ordinance is requiring downward directed lighting. He supports a civil, not criminal, penalty. He does not want to penalize businesses and recommends 10 years to become exterior light fixture compliant rather than 5 years. There was discussion regarding the term “mandate” and Mr. Ewert said it is a “requirement.” Commissioner Harvey continued saying, for existing residences, the ordinance requires dark sky compliance when replacing an exterior light fixture; there is no governing of interior lighting. Chair Ebert asked about other types of code requirements not specific to safety. Mr. Ewert responded that a lot of the Zoning Code can fall into the general welfare category.

Commissioner Gibson spoke of protecting property rights and opposes mandating lighting types. He reiterated that currently the Land Use ordinances have a criminal element and cost of enforcement had not been discussed. He feels that adopting a blanket ordinance regardless of the circumstances crosses the line. He supports Alternative 3, which best aligns with his values, with good incentives—a 50% building fee for a voluntary incentive-based program. It was noted today that the ordinance was adopted 17 years ago but was not very successful and the one missing point was a vigorous awareness/education campaign.

Chair Ebert restated that this ordinance just addresses downward-directed, fully shielded lighting and adds the residential component. The penalty remains the same. The Planning Commission's recommendation takes a softer approach requiring sending out a number of letters first, trying to encourage and educate. Chair Ebert agrees with not having language that creates divisiveness (i.e., overflow rather than trespass). He stated that the community has made it very clear that it wants to maintain a rural feel and has started the process of valuing night sky over the last 17 years. The question for him is whether a property right was being infringed upon, other than now requiring new residential to meet a night sky standard and Mr. Ewert noted that the county may in fact now be loosening some of those regulations because the current code addresses very specific lighting types and bulbs. Chair Ebert does not see this as a huge financial impact, which will occur when commercial/industrial, quasi public/public existing exterior lighting devices will need to be phased out through natural evolution of the fixtures or if there is at least 25% building exterior modification. He spoke of the need for codes, such as fire codes, etc., to be updated and Commissioner Gibson felt that is different than mandating an aesthetic. Chair Ebert noted that the community, through its General Plan, has adopted dark sky and especially with the population growth, it is a natural process to have a dark sky-compliant building code. He agrees with Commissioner Harvey and is somewhat concerned regarding looking into indoor lighting, even for commercial, at this time. He will look into the safety issues mentioned by Ms. Creager.

4.

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

**5. ACTION ON PUBLIC HEARING:**

**G.2.-AMENDMENT TO THE LAND USE CODE TO REVISE THE OGDEN VALLEY OUTDOOR LIGHTING REGULATIONS – ORDINANCE 2017-24**

Commissioner Gibson recommended that staff draft a solid resolution/internal policy that focuses heavily on education and a voluntary incentive-based program that is conducive to the wording in the General Plan and meets its desires and that it be addressed in a timely manner. The motion died for lack of a second. Commissioner Harvey moved to accept the Planning Commission's recommendation for Alternative 1, with the following amendments: that any non-conforming outdoor commercial lighting source will comply within 10 years, not five, after the effect of this ordinance, that it be a civil offense, not criminal, and to strike the commercial indoor lighting portion at this time; Commissioner Gibson expressed concerns with adopting an ordinance without first seeing the draft language. Chair Ebert seconded the motion restating that it was to adopt the Planning Commission's recommendation to accept Alternative 1 but adjusting from 5 years to 10 years for commercial exterior lighting compliance, striking the commercial indoor portion and changing the penalty from a Class B misdemeanor to an infraction. In response to Commissioner Gibson's question about feeling comfortable with changing the penalty in other Land Use Code sections, Chair Ebert was comfortable to move this ordinance forward, noting that the penalty section of the Land Use Code needs to be revisited to decriminalize violations as much as possible, retaining a sufficient level of penalty for compliance. Commissioner Harvey withdrew his motion. Mr. Ewert recommended not approving alternative enforcement mechanisms without new penalty language on the entire code and proposing that to the Commission. Commissioner Harvey restated his motion to adopt Ordinance 2017-24 accepting the Ogden Valley Planning Commission's recommendations with Alternative 1, with the following amendments: that any non-conforming outdoor commercial lighting source will comply within 10 years, not five, after the effect of this ordinance, to strike the commercial indoor lighting portion, and to revisit the Code's penalty section for lack of compliance at a future date; Commissioner Gibson made a substitute motion to instruct staff to address the mentioned concerns, especially those dealing with the penalty, and come back before the Commission with a recommendation and written language to adopt soon. The motion died for lack of a second. Commissioner Harvey's restated motion moved forward with a Class B misdemeanor, as is currently in the Land Use Code, which will be changed to decriminalize violations.  
Commissioner Gibson – nay; Commissioner Harvey – aye; Chair Ebert – aye

**H. PUBLIC COMMENTS:**

Rodney Egan, of Uintah Highlands, said that they have a problem in his area. He called County Roads two weeks ago explaining that there has been a cut across their road for six weeks (by Century Link) and asked how long it takes to get that issue repaired. Everyone who obtains a permit to cut across a road has 10 days to fill it in with asphalt. It still has not happened. Mr. Egan blames the contractors and utility companies and the residents are trying to put the gravel back in. He recommended requiring a \$2,000 deposit when they request the permit. There can be further discussion on this.

**I. ADJOURN**

Commissioner Gibson moved to adjourn at 1:39 p.m.; Commissioner Harvey seconded.  
Commissioner Gibson – aye; Commissioner Harvey – aye; Chair Ebert – aye

Attest:

\_\_\_\_\_  
James Ebert, Chair  
Weber County Commission

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