

**MINUTES**  
**OF THE BOARD OF COMMISSIONERS OF WEBER COUNTY**  
Tuesday, July 18, 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 Hatch, County Clerk/Auditor, County Clerk/Auditor; Chris Crockett, Deputy County Attorney; and Fátima Fernelius, of the Clerk/Auditor's Office, who took minutes.

**A. WELCOME** – Chair Ebert

**B. INVOCATION** – Kris Lewis

**C. PLEDGE OF ALLEGIANCE** – Shelly Halacy

**D. THOUGHT OF THE DAY** – Commissioner Ebert

**E. PRESENTATION ON THE RECORDER/SURVEYORS OFFICE.** This item will be addressed next week.

**F. CONSENT ITEMS:**

1. Warrants #418688-418851 and #1130-1134 in the amount of \$1,023,761.74.
2. Purchase orders in the amount of \$27,004.18.
3. Minutes for the meetings held on June 27, 2017 and July 11, 2017.
4. Surplus computer equipment from the Information Technology Department.
5. Retirement Agreement with James V. Landry.

Commissioner Gibson moved to approve the consent items; Commissioner Harvey seconded.

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

**G. ACTION ITEMS:**

1. **PRESENTATION FROM THE TOURISM TAX ADVISORY BOARD (TTAB) ON TRCC (TOURISM, RECREATION, CULTURAL & CONVENTION TAX) FUNDING RECOMMENDATIONS.**

Steven Ballard, Chair, and Sara Toliver, TTAB member, noted that the Board is comprised of staff of county venues and community members from the hospitality/tourism industry. For the first time, the TRCC collections exceeded expenditures. A task force evaluated the tourism facilities' funding trajectory to provide recommendations for the Weber Culture Parks and Recreation regarding facility needs and future growth. TRT recommendations included: CVB funded at 70% of total collection; Legacy Fund grow by 10% each year; GOAL funding; and the remaining to support TRCC uses. TRCC recommendations included 100% of remaining funds to capital improvements through 12/31/19 and as of 1/1/20, 50% of remaining allocated to capital improvements and 50% to Future Projects Fund. The OECC bond expires in 12/2019. The commissioners thanked the Board for their hard work. Commissioner Gibson noted the benefit of tourism to each household—a tax reduction of \$1,300/household. Commissioner Harvey said that the TTAB is small team but incredibly effective and is recognized regionally. Chair Ebert noted that the list with returns on investment that can be backed up with data brings up the county's comfort level, and he asked what had driven the increase over the last 10 years and what future projects had been identified/prioritized. Ms. Toliver responded that it was the development of their product and the combination of ski resorts, convention center, exposure of our destination, etc. They are evaluating many ideas in order to use those funds wisely.

**I. PUBLIC COMMENTS:**

Sharon Holmstrom, of Eden, referred to H.R.2810, the recent amendment to the National Defense Authorization Act for FY2018 stating that there were many questions and outrage from the public from the equestrian community, parks, the Ogden Nature Center, etc. (the amendment allows the removal of deed restrictions on Business Depot property and requires Ogden City and the county to identify properties where they could move displaced entities, such as the Nature Center and GSEC). The U.S. Defense Department specified the land must be preserved as a public park when it deeded the land to Ogden in the 1970s). She said that when there are restrictions on a piece of land that is for the benefit of public recreation and that restriction is in the process of being removed then the citizens feel that they should be part of the process. People are asking why they did not know about this and why it already passed in the U.S. House of Representatives. A second issue with the amendment was that the property description only said the "remaining property of the former Defense Depot Ogden" and this is very unclear. Supporters of the Golden Spike Event Center have asked if the county really wants to give up the 20+ acres there that might serve for future expansion. Once that land is gone it is gone.

Commissioner Gibson shared Ms. Holmstrom's frustrations. He is a strong advocate of the GSEC, Fairgrounds, Nature Center, and all the area deeded by the federal government, and the uses as currently prescribed, especially for the value to children. He thanked Congressman Rob Bishop who pulled back that legislation when he found out there were concerns. Commissioner Harvey stated that 300+ events are held annually at the GSEC/Fair, that it is a crowning jewel of the region, and that there is a lot of support for keeping that use. Chair Ebert said that many of the issues raised by Ms. Holmstrom were discussed with Ogden City and Congressman Bishop's Office,. The 22 acres used for much of the GSEC/Fair parking is not part of the 20-year lease that will expire. The Commission has put in a tremendous amount of work to make the Fairgrounds, the equestrian park, and the recreational facilities there solvent for 70 years. They have made an attempt to firm up a 70-year lease commitment from Ogden to that facility and include all of that property as one parcel/one agreement.

Shana Thomas, of Roy, thanked the commissioners' openness in letting the public discuss the annexation issues with them for the past two meetings because Roy City was not willing to do so. Residents had this issue settled with the City in the fall of 2016, where the majority stated they did not want to be annexed in, and then suddenly this bill took it away. Due to 1,500+ bills at the Legislature, the residents did not know of it. She asked the Commission to hold off on a decision until they can work to amend that bill so that the majority can be heard at the City level. The City has been difficult to work with, and would not narrow down the grandfathering issue. From working with them since last year, it appears they do not understand it.

**G.15. DISCUSSION/ACTION ON THE FOLLOWING RESOLUTIONS:**

- A. Resolution recommending the annexation of certain parcels within certain unincorporated islands into Riverdale City. Resolution 23-2017
- B. Resolution recommending the annexation of certain parcels within certain unincorporated islands into Harrisville City. Resolution 24-2017
- C. Resolution recommending the annexation of certain parcels within certain unincorporated islands into Uintah City. Resolution 25-2017
- D. Resolution recommending the annexation of certain parcels within certain unincorporated islands into North Ogden City. Resolution 26-2017
- E. Discussion-Resolution recommending the annexation of certain parcels within certain unincorporated islands into Roy City.
- F. Discussion-Resolution recommending the annexation of certain parcels within certain unincorporated islands into Ogden City.

Chair Ebert stated that during the original meeting specific questions were raised and the Commission tasked staff to go back and find concrete answers, noting that for some issues the cities have ultimate control.

Charles Ewert, of County Planning, showed a short video on the annexation process. He gave a presentation on the islands that were being modified from the original proposal and addressed recurring questions from the public. The commissioners stated that Mr. Ewert had done a tremendous amount of work on this item by specifically identifying each parcel and reviewing them multiple times regarding taxes, septic/sewer impacts, etc. In North Ogden changes included removing some parcels, including the Fish Farm (if these are developed in the future, they are likely to annex into the city); in Roy there were no changes. There is an agreement in effect between Roy, Hooper Water and the county recorded in 1986 which states that Roy agrees that it will not solicit culinary connection of the subdivisions presently serviced by the Water District until/unless the water user requests culinary connection and pays a certain sum to the District. Mr. Ewert had discussions with legal counsel for Hooper Water and for the county and non-essential service district boundaries do not automatically change with annexations. Chair Ebert referred to Ogden's noncommittal letter to work with homeowners regarding sewer connections. Mr. Ewert said that their ordinance requires residents within a certain distance of a sewer system to connect within 90 days of annexation and they will look at each property on a case by case basis. The City had noted that the new interchange will affect several properties on septic systems on Midland, 2550 S., and Pennsylvania, and is considering delaying the requirement for those properties for five years as well as the cost of extending laterals to the properties, but there will still be a cost to the property owners. The commissioners expressed concern that financial impacts were not addressed in the legislation.

Regarding grandfathering, Mr. Ewert stated that if property owners have legally established uses at the time of the zoning law change, which conflict with that change, they are allowed to continue as non-conforming uses/nonconforming structures. Per a City planner, Roy may propose the same zone that the county has currently but there is no certainty at this time. The commissioners stated that this is a difficult position for the county, which has to take the first step but does not know what actions the cities will take with the property owners. Commissioner Gibson said that the county has done its due diligence according to the statute and hopes with a strong recommendation that the cities hear the county's plea to treat the property owners fairly. Commissioner Harvey expressed concerns regarding the loss of current allowed uses in the future and compromising property owners' ability to continue making a living from their property.

Commissioner Gibson moved to adopt Resolutions 23-28 as listed above in item G.15. Commissioner Harvey seconded and made a substitute motion to approve items 15. A-D, Resolutions 23-26, as listed above respectively, but to pull items E-F at this time from a recommendation to the cities, and to address them at a later date when there is more of a formal written response from Ogden City regarding its intentions regarding sewer hook-ups and from Roy City regarding its intentions relating to the loss of current allowed uses in the future and compromising property owners' ability to continue making a living from their property. Commissioner Gibson seconded the substitute motion, reiterating that he supports every assurance that the cities will move forward in a more fair way with the property owners.

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

Commissioner Gibson was excused to participate in a round table discussion regarding centrally assessed taxes.

**2. FINAL READING OF AN ORDINANCE AMENDING TITLE 20 OF THE WEBER COUNTY CODE OF ORDINANCES, RELATED TO FIRE REGULATIONS. ORDINANCE 2017-26**

The Fire Marshall was not present. Chris Crockett, Deputy County Attorney, noted that the first reading occurred last month. There were no changes from the first reading. The commissioners' concerns were addressed regarding criminalization after conversations with county legal staff.

Commissioner Harvey moved to adopt Ordinance 2017-26 amending Title 20 of the Weber County Code of Ordinances, related to fire regulations; Chair Ebert seconded.

Commissioner Harvey – aye; Chair Ebert – aye

**3. AMENDMENT 1 TO CONTRACT WITH CRS ENGINEERS FOR ADDED SERVICES AT THE YOUTH DETENTION FACILITY.**

Sean Wilkinson, County Community Development Director, stated that this change order to the Juvenile Detention facility road on 12<sup>th</sup> Street is for \$9,200 to move power poles, etc.

Commissioner Harvey moved to approve Amendment 1 to contract with and CRS Engineers for added services at the Youth Detention Facility; Chair Ebert seconded.

Commissioner Harvey – aye; Chair Ebert – aye

**4. CONTRACT WITH GSH GEOTECHNICAL FOR GEOTECHNICAL SERVICES PROVIDED TO EVALUATE THE NORDIC VALLEY LAND SLIDE.**

Sean Wilkinson, County Community Development Director, stated that this contract is for \$4,950 to assess the landslide that occurred earlier this year in the Nordic Valley area. This contract will provide the county with better information on rebuilding the road.

Commissioner Harvey moved to approve Amendment 1 to approve the contract with GSH Geotechnical for geotechnical services provided to evaluate the Nordic Valley Land Slide; Chair Ebert seconded.

Commissioner Harvey – aye; Chair Ebert – aye

**5. FINAL APPROVAL OF THE PLAT AMENDMENT OF THE VILLAGE NESTS EAST AT POWDER MOUNTAIN PRUD PREVIOUSLY PLATTED AS VILLAGE NESTS AT POWDER MOUNTAIN, A CONDOMINIUM PLAT. THE PROPOSED AMENDMENT INCLUDES VACATION OF A 10' PUE THAT WILL BE RELOCATED IN PRIVATE RIGHT OF WAY KNOWN AS DAYBREAK RIDGE, A 10' DRAINAGE EASEMENT, AN ACCESS/GRADING EASEMENT RECORDED AS ENTRY #2774940 & WATER/SEWER LINE EASEMENT RECORDED AS ENTRY #2672955. S REQUEST INCLUDES APPROVAL OF A SUBDIVISION IMPROVEMENT AGREEMENT & FINANCIAL GUARANTEE.**

Ronda Kippen, of the County Planning Division, stated that this item was for consideration of an amendment to a previously recorded subdivision that exceeds the number of lots that can be administratively approved by the Planning Director and the financial guarantee, which exceeds \$25,000.

The Ogden Valley Commission unanimously recommended final approval of the Village Nests East at Powder Mountain PRUD subdivision plat. The development is in the DRR-1 Zone and will consist of 20 nest units. The previous plat was recorded on 2/5/2016 as condominium plats, which allowed for some units to have shared garages for other units. The new proposal is within a PRUD that will allow for shared parking structures rather than shared garages. The Village Nests East at Powder Mountain PRUD will identify some limited common area around each individual nest units so that decks, etc., can encroach into those common areas. Three of the platted PUE's will be vacated and replaced and all of the common area will become a public utility easement. The overall development area is approximately 2.059 acres with 1.056 acres preserved as dedicated common area. Due to the new configuration, the escrow has decreased to \$246,760.18 (from \$498,085.36). Due to some outstanding invoice payments owed to the county by Summit Mountain Holding Group, Phase 1, LLC, they have agreed to have the county withhold \$3,995.09 making the county whole, and \$247,330.09 will be released to Summit at the end of the recording process. This has been reviewed by the County Comptroller, County legal counsel, the County Community Development Director, the County Engineer, the County Treasurer, project engineer, etc. and they are in agreement with this proposal. Mr. Everson, the applicant's representative, was present.

Commissioner Harvey moved to grant final approval of the plat amendment of the Village Nests East at Powder Mountain PRUD previously platted as Village Nests at Powder Mountain, a Condominium Plat. The proposed amendment includes the vacation of a 10' PUE that will be relocated in the private right of way known as Daybreak Ridge, a 10' drainage easement, an access/grading easement recorded as entry #2774940 and water/sewer line easement recorded as entry #2672955. This request includes approval of a subdivision improvement agreement and a financial guarantee; Chair Ebert seconded.  
Commissioner Harvey – aye; Chair Ebert – aye

**6. ACTION ON REQUEST TO AMEND A PREVIOUSLY APPROVED CONDITIONAL USE FOR THE FAIRWAYS AT WOLF CREEK P.R.U.D. THE AMENDMENT WILL REDUCE DENSITY IN THE MULTI-PHASED PRUD FROM 115 TO 99 UNITS.**

Ronda Kippen, of the County Planning Division, noted that one year ago there was an amendment to the Zoning Development Agreement (ZDA) transferring five units from The Fairways to Trappers Ridge at Wolf Creek and leaving 11 units in perpetuity. In 2004 The Fairways was approved for 122 units. When the overall Wolf Creek Resort ZDA was brought together each developer took a loss on density and the developer, Mr. Watts' decreased from 122 to 115 units. This cleans up the conditional use permit that was put in place in 2004 to match the current ZDA and correct the entitlements. The HOA reached out to Ms. Kippen concerned about the county amending the CUP because of previous discussions with county legal counsel and staff. She sent the HOA letter to the Commission a few weeks ago. Some amenities had not been installed in Phase 3. Code does not require that a phase be completed before moving on to the next phase; it requires that the next phase be recorded in one year. A club house and tennis courts have not been completed in Phase 3. Ms. Kippen had numerous conversations with Mr. Watts and suggested processing the CUP with the condition of approval that prior to recording Phases 4 and 5 these outstanding amenities will be completed, and he agreed. Staff recommended to the Planning Commission that Mr. Watts have all amenities completed prior to May 1, 2018. The HOA is ready for them to be done and wants them installed by 1/1/2018. During the meeting with the Planning Commission, legal counsel pointed out that if the county is going to put a solid date on this condition that there needs to be a finding in code supporting it. There are deadlines in code for final subdivision plat approval and recording. Mr. Watts has 12 months to get final approval and is in favor of supporting code.

Commissioner Harvey moved to amend a previously approved conditional use for the Fairways at Wolf Creek P.R.U.D. The amendment will reduce the density in the multi-phased PRUD from 115 to 99 units; Chair Ebert seconded.  
Commissioner Harvey – aye; Chair Ebert – aye

**7. CONTRACT WITH AND NORTH OGDEN CITY FOR A LOCAL TRANSPORTATION FUNDING AGREEMENT-400/450 EAST PROJECT.**

**8. CONTRACT WITH NORTH OGDEN CITY FOR A LOCAL TRANSPORTATION FUNDING AGREEMENT-2600 NORTH PROJECT.**

Douglas Larsen, Weber County Economic Development Partnership Director, stated that for item G.7. North Ogden is requesting \$625,000 to widen 400/450 E. with funds from the Weber County Local

Transportation Fund approved last year by WACOG in 11/2016 and was included in the Commission's priority list in 12/2016. For item G.8., the amount is \$1,030,000 million.

Commissioner Harvey moved to approve the Local Transportation Funding Agreements with North Ogden City for the 400/450 East project and the contract with North Ogden City for the 2600 North project; Chair Ebert seconded.

Commissioner Harvey – aye; Chair Ebert – aye

9. **CONTRACT WITH JEREMY HORN'S ELITE FIGHT NIGHT TO HAVE JEREMY HORN'S ELITE FIGHT NIGHT AT THE 2017 WEBER COUNTY FAIR.**

Jan Wilson, with the County Fair, presented this contract for \$20,000.

Commissioner Harvey moved to approve the contract with Jeremy Horn's Elite Fight Night to have Jeremy Horn's Elite Fight Night at the 2017 Weber County Fair; Chair Ebert seconded.

Commissioner Harvey – aye; Chair Ebert – aye

10. **CONTRACT WITH MIKE VAN ALFEN TO PRODUCE THE DEMOLITION DERBY FOR THE 2017 WEBER COUNTY FAIR.**

Jan Wilson, with the County Fair, presented this contract for \$5,500

Commissioner Harvey moved to approve the contract with Mike Van Alfen to produce the Demolition Derby for the 2017 Weber County Fair; Chair Ebert seconded.

Commissioner Harvey – aye; Chair Ebert – aye

11. **CONTRACT WITH SECURUS TECHNOLOGIES TO PROVIDE INMATE TELEPHONE/VIDEO VISITING SERVICES.**

Steffani Ebert, with the County Sheriff's Office, stated that there was an extensive process to select a new contract for inmate video visiting and telephone services at the Sheriff's Office. A protest letter had been received as part of this process from the current provider and the item came before the Commission. The county did not believe the allegations were valid or accurate. Not further appeals were received from the current provider. A contract has been negotiated with Securus.

Commissioner Harvey moved to approve the contract with Securus Technologies to provide inmate telephone and video visiting services; Chair Ebert seconded.

Commissioner Harvey – aye; Chair Ebert – aye

12. **INTERLOCAL AGREEMENT WITH HUNTSVILLE TOWN REGARDING THE PROCESSING AND PARKING CITATIONS AND COLLECTION AND DISBURSEMENT OF FINES.**

Steffani Ebert, with the County Sheriff's Office, stated that Huntsville Town adopted the county's parking ordinance and is asking the county to help them process citations and collect their fines for a percentage of collected fines.

Commissioner Harvey moved to approve the Interlocal Agreement with Huntsville Town regarding the processing and parking citations and collection and disbursement of fines; Chair Ebert seconded.

Commissioner Harvey – aye; Chair Ebert – aye

13. **RESOLUTION APPOINTING A MEMBER TO THE WESTERN WEBER PLANNING COMMISSION. RESOLUTION 27-2017**

Rick Grover, County Planning Division Director, noted that Mark Whaley's term expired and that he wishes to be reappointed to a 4-year term.

Commissioner Harvey moved to adopt Resolution 27-2017 appointing Mark Whaley to a 4-year term to the Western Weber Planning Commission; Chair Ebert seconded.

Commissioner Harvey – aye; Chair Ebert – aye

14. **RESOLUTION APPOINTING MEMBERS TO THE OGDEN VALLEY PLANNING COMMISSION. RESOLUTION 28-2017**

Rick Grover, County Planning Director, noted that there is a vacancy for a 4-year term as well as an unfulfilled term expiring in 2019. He gave an overview of the applicants.

Commissioner Harvey moved to adopt Resolution 28-2017 appointing Chris Hogue to fill the remainder term and Steve Waldrip to a 4-year term to the Ogden Valley Planning Commission; Chair Ebert seconded.

Commissioner Harvey – aye; Chair Ebert – aye

16. **APPROVAL OF THE 2017 TAX RATES.**

Ricky Hatch, County Clerk/Auditor, stated that the tax increase was discussed in two public hearings last year, with the Commission approving the tax increase in the November Commission meeting. State law prevents the county from exceeding the tax rates that were approved in November.

Commissioner Harvey moved to approve the 2017 tax rates; Chair Ebert seconded.  
Commissioner Harvey – aye; Chair Ebert – aye

17. **PRESENTATION OF THE 2017 INTERIM FINANCIAL STATEMENTS.**

Scott Parke, County Comptroller, stated that in 2016 the General Fund balance ended with about 22%. The ideal range is between 16%-24%. There were a lot of capital needs discussed in a public hearing but the county did not commit to anything until there was funding to support them, which is why Weber is one of very few counties with a AAA bond rating. He noted that the county is right where it is expected at this point in the year.

**H. PUBLIC HEARING:**

1.

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

Commissioner Harvey – aye; Chair Ebert – aye

2. **PUBLIC HEARING TO DISCUSS AMENDMENTS TO THE OPERATING AND CAPITAL BUDGET OF WEBER COUNTY FOR THE 2017 CALENDAR YEAR.**

Scott Parke, County Comptroller, referred to the summary of budget changes before the Commission. Mr. Parke stated that all budget changes had been reviewed by all three commissioners and he outlined them. There are about \$18 million of capital projects approved and funded in the prior year but due to construction timing etc., they did not get completed last year and continued to 2017. Library construction and transportation projects make up the vast majority. He said that \$1 million of new grants were received and authorization was needed to spend the funds, the bulk of which include funds for flood control projects, body camera grants for the Sheriff’s Office (\$40,000), and a weed control grant (10,000). New expenditure items include a new Transfer Station Director (funded with the increased fee revenue), defunct copy machines that need replacing, a broken water line in Ogden Valley, marketing and economic development activities. In capital projects, the county would like to accelerate the purchase of four dump trucks that were to be purchased in 2018 with the Fleet Fund towards the end of 2017 to have them in place prior to the winter season.

3. Public comments: None

4.

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

Commissioner Harvey – aye; Chair Ebert – aye

5. **ACTION ON PUBLIC HEARING:**

**H.2.-AMENDMENTS TO THE OPERATING AND CAPITAL BUDGET OF WEBER COUNTY FOR THE 2017 CALENDAR YEAR. RESOLUTION 29-2017**

Commissioner Harvey moved to adopt Resolution 29-2017, amendments to the operating and capital budget of Weber County for the 2017 calendar year; Chair Ebert seconded.

Commissioner Harvey – aye; Chair Ebert – aye

**J. ADJOURN**

Commissioner Harvey moved to adjourn; Chair Ebert seconded.

Commissioner Harvey – aye; Chair Ebert – aye

Attest:

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James Ebert, Chair  
Weber County Commission

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Ricky D. Hatch, CPA  
Weber County Clerk/Auditor