

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

Tuesday, September 6, 2016 - 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.

COMMISSIONERS: Matthew G Bell, Kerry W. Gibson and James Ebert.

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

- A. WELCOME** – Chair Bell
- B. INVOCATION** – Commissioner Ebert
- C. PLEDGE OF ALLEGIANCE** – Sheriff Terry Thompson
- D. THOUGHT OF THE DAY** – Commissioner Gibson

E. PRESENTATION

1. **PRESENTATION TO RIVERDALE CITY POLICE OFFICERS RUSTY BINGHAM AND TRENT THOMPSON RECOGNIZED BY KSL FOR GOING "BEYOND THE BADGE."**

Commissioner Ebert noted that these officers were recognized last week by KSL. Officer Bingham was not able to be present today. Riverdale Police Chief Scott Brenkman said that these officers always seek opportunities to serve others. Recently they went over and beyond to help an elderly homeless man. Commissioner Ebert has witnessed these types of acts several times by Officer Thompson.

2. **WEBER COUNTY SHERIFF'S OFFICE AWARDS PRESENTED TO THE FOLLOWING INDIVIDUALS:**

Lt. Jeff Pledger - Career Achievement	Citizen Achievement Appreciation:
Deputy Terance Lavelly - Medal of Valor	Dr. Brian Brzowski
Hannah Gaskill - Medal of Merit	Dr. Jeff Bailey & Farr West Animal Hospital
Sgt. Mike Streker - Life Saving Award	Clarence Socewell
Deputy Tyrel Dalton - Deputy of the Year	Dr. Kelly Stagg
Lt. Lane Findlay - Sheriff's Medal	Jacob McMichael

County Sheriff Terry Thompson read the remarkable things that each recipient did to merit the award.

F. CONSENT ITEMS:

1. Purchase orders in the amount of \$181,333.68.
2. Warrants #408729-#408899 in the amount of \$1,755,991.73.
3. Minutes for the meeting held on August 15, 2016.
4. ACH payment to US Bank for \$150,769.57 for purchasing card transactions through 8/25/2016.
5. Set public hearing for September 27, 2016, 10 a.m., to consider & take action on a proposal (ZTA 2016-02) to amend the Planned Residential Unit Development, PRUD Chapter (Title 108, Chapter 5), within the Weber County Land Use Code.
6. Real Estate Purchase and Sale Agreement with Kidztown Enterprises, LLC, for Parcel #13-029-0028.

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

G. ACTION ITEMS:

1. **FINAL READING OF AN ORDINANCE GOVERNING PARKING - ORDINANCE 2016-11**

Bryan Baron, Deputy County Attorney, recapped this item, which was discussed last week. This ordinance changes how parking citations are handled in the county; it takes them out of the criminal system and the justice court and converts them to an administrative system that will be handled and run through the Sheriff's Office. He explained the process for contesting and appealing citations.

Commissioner Gibson moved to adopt Ordinance 2016-11, final reading of an ordinance governing parking citations; Commissioner Ebert seconded.
Commissioner Ebert – aye; Commissioner Gibson – aye; Chair Bell – aye

2. FINAL APPROVAL OF EAST LAKE MEADOWS SUBDIVISION (5 LOTS) AT APPROXIMATELY 8600 E. 500 S.

Rick Grover, County Planning Division Director, stated that this item had met the final approval requirements. There is no curb, gutter and sidewalk in this area and he said that County Engineering recommends a deferral agreement for those improvements in this subdivision.

Commissioner Ebert moved to grant final approval of East Lake Meadows Subdivision (5 lots) at approximately 8600 East 500 South with a deferral agreement for curb, gutter and sidewalk; Commissioner Gibson seconded.
Commissioner Ebert – aye; Commissioner Gibson – aye; Chair Bell – aye

3. TWO CONTRACTS WITH UTAH YOUTH RODEO ASSOCIATION FOR THE UTAH YOUTH RODEO 2016-2017 SEASON EVENTS AT THE GOLDEN SPIKE EVENT CENTER. (TWO CONTRACTS TO COVER ALL BUILDINGS BEING USED DURING THE SEASON).

Jennifer Graham, with County Culture, Parks & Recreation, stated that these two contracts are for one series of events. The Association will use different buildings based upon the time of year.

Commissioner Gibson moved to approve the two contracts with Utah Youth Rodeo Association for the Utah Youth Rodeo 2016-2017 season events at the Golden Spike Event Center; Commissioner Ebert seconded.
Commissioner Ebert – aye; Commissioner Gibson – aye; Chair Bell – aye

4. MEMORANDUM OF UNDERSTANDING (MOU) WITH OGDEN CITY REGARDING MAIN LIBRARY.

Commissioner Ebert stated that this MOU relates to the building renovation. The City was willing to reduce the building permit and other fees, a savings of over \$73,000. There is a stipulation for the parking lot modification whereby the City has adopted an amendment to its east central planning area map that will allow the county to extend the parking lot when the time comes for that agreement. County Engineering and Planning and the City will coordinate to move the project forward. The commissioners gave the City credit for working together and saving taxpayer dollars.

Commissioner Ebert moved to approve the Memorandum of Understanding with Ogden City regarding the Main Library at 2464 Jefferson Avenue; Commissioner Gibson seconded.
Commissioner Ebert – aye; Commissioner Gibson – aye; Chair Bell – aye

I. PUBLIC COMMENTS:

Pleasant View City Mayor Toby Mileski read a letter signed by Mayors Mike Caldwell, Ogden City, Willard Cragun, Roy City, James Minster, South Ogden City, Bruce Richins, Harrisville City, Norm Searle, Riverdale City, Brent Taylor, North Ogden City, and himself, expressing deep concern about the recent county property tax increase proposal to fund law enforcement salaries stating that a general property tax increase on all county residents is not the proper mechanism. A large segment of the Sheriff's deputies are providing municipal law enforcement under voluntary contracts with various cities (a high number compared to other urban Utah counties) to provide local police services and those costs should be borne fully by those cities—for deputies/detectives, vehicles, equipment, support staff & all overhead costs—that use the services and not the general county taxpayer through a property tax increase, especially when many of those taxpayers are already paying for their local police through their city taxes. In urban areas the county has a secondary law enforcement role but generally patrolling and investigating are done by the local police and the Sheriff focuses on county-wide services for the unincorporated areas. None of the costs associated with the county voluntarily providing municipal police services should be passed onto the county-wide taxpayers. Unfortunately, this has been occurring for many years. The proposed tax increase pushes the true cost of providing the services away from the contracting cities and onto the taxpayers of the entire county. He appreciates the Sheriff addressing the long-time subsidy and making progress by raising the costs nearer to the true cost but there is still a large subsidy from the General Fund and the county-wide tax dollars in this proposal. The Sheriff's 2012 comprehensive review of contracted law enforcement in the county reported numerous legal problems with using county-wide

tax dollars to pay for voluntary services delivered only to certain cities. Some county taxpayers living in cities with existing police departments pay city taxes and fees for those departments. If their property tax money goes to the county General Fund, which also funds the Sheriff's law enforcement, they are essentially paying for two police agencies but typically only receive the services of one, while unincorporated residents pay only a portion of the law enforcement costs. The 25% proposed tax increase is a huge concern for economic development as it falls more heavily on commercial businesses that do not receive the residential tax exemption like residences. Residents would be facing thousands and tens of thousands of additional county property taxes each year under the proposal, driving up the cost of doing business in Weber County, which includes businesses in the cities that are already paying for their police departments and should not continue to subsidize services in other cities. The mayors support raises for the Sheriff's Office but county-wide taxes should be used for raises associated with deputies providing county-wide services. They asked that the county General Fund subsidy of local police services by the Sheriff's Office be eliminated completely before considering the general property tax increase, which will put significant money back into the General Fund for the salary increases. Commissioner Gibson had previously voted to hold off on this tax increase to try and address this challenge but does not believe the cost difference of what the contracted cities are paying is very large. He said that the Commission needs to find out what it is and what change can be made in order to ensure there is parity across the board.

Chair Bell said that about 20% of the Sheriff's Office services are law enforcement, the remainder includes corrections, courts, and animal control, which are considered county-wide services. He has placed this item on WACOG's agenda for Monday.

H. PUBLIC HEARINGS:

1.

Commissioner Gibson moved to adjourn the public meeting and convene the public hearings; Commissioner Ebert seconded.

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

2. **PUBLIC HEARING FOR CONSIDERATION & DECISION ON A PROPOSAL TO AMEND THE FOLLOWING SECTIONS OF THE COUNTY LAND USE CODE: DEFINITIONS (§101-1-7), GENERAL PROVISIONS (§102-1), NATURAL HAZARDS OVERLAY DISTRICTS (§104-27), SUPPLEMENTARY & QUALIFYING REGULATIONS (§108-7) & HILLSIDE DEVELOPMENT REVIEW PROCEDURES & STANDARDS (§108-14) TO CLARIFY THAT THE PLANNING COMMISSION IS NOT THE ONLY LAND USE AUTHORITY OVER PROJECTS WITH NATURAL HAZARDS, & TO PROVIDE CLARITY, REMOVE REDUNDANCIES, AND INCLUDE PROCESS STEPS AND APPEAL PROVISIONS FOR NATURAL HAZARDS REVIEWS.**

Charles Ewert, of the County Planning Division, stated that the current Natural Hazards Overlay Ordinance specifies that the Planning Commission is the only land use authority for development located within a natural hazard study area; however, this is not the case for most building permits. This proposal will allow those permits to follow the process without having to go before the Planning Commission for simple building permits. This amendment is the biggest change to the ordinance.

Years ago the UGS (Utah Geological Survey) used to do third party reviews for the county for natural hazards and geologic hazards studies but terminated that service. The county then hired a couple of geologists to review geologic hazard reports that came to the county but this drove up the cost to developers. He noted that there is artistic interpretation among various geologists.

UGS completed a map, as a result of the county's hydrogeology study, with more detail and broad boundaries of where suspected hazards could exist, and this gives the county a point of reference on whether more additional studies are needed prior to permitting new development. Chair Bell expressed concern with different results by different geologists. Mr. Ewert stated that the county should not be determining what is unbuildable but rather the project professionals, geologist and civil engineer, working with the County Engineer. Commissioner Ebert expressed concern with being less restrictive under this proposal and Mr. Ewert said that staff is satisfied with the result on balancing that risk.

Public comments: David Feldbaumer, Ogden Valley property owner, expressed concern with the cost of the geological studies and the county adding thousands of dollars to individual lot owners. He said that collaboration is needed so that the county can ensure its goal for safety and also keep the cost to the landowner at a minimum by perhaps hiring a geological team for clearing areas. His neighbors on both sides had full geological studies and he is being told he has to have a full geological study, however, that goes against common sense, and he asked why should each individual owner have to go through this process. He suggested taking soil samples on a subdivision or smaller area and setting guidelines for those conditions. Commissioner Gibson does not want to make things more difficult for property owners and asked about costs. Mr. Ewert said that it seems like an onus to put on a lot owner and in his previous employment they tried to address this at the subdivision level and the developer. He said that this ordinance is intended to clarify the land use authority and eliminates a county staff geologist conducting peer review of the private market. This process eliminates the county geologist's cost to the developer. Mr. Ewert explained the process for check and balances which includes the requirement for the geologist to submit a stamped/sealed letter to the county stating that the review has been conducted with best industry practices/in accordance with the law. The designer will then work with the geologist to verify it addresses any concerns, and they also submit a letter to the county that the concerns have been addressed.

Mr. Feldbaumer said that now many more lots will have to go through this process, that the majority of lots will be affected by the new geological map, and that he was told by geologists that the county will no longer accept a geological reconnaissance letter. Mr. Ewert stated that the county does require site reconnaissance and that more lots are not being affected; it does depend on where development is occurring. Mr. Feldbaumer said that his developer had done a geological study for the subdivision but the county told him that he could not get a waiver with it.

3. **PUBLIC HEARING FOR CONSIDERATION & ACTION TO VACATE THE RETENTION BASIN EASEMENT ON LOTS 4, 5, 6 & 14 OF MALLARD SPRINGS SUBDIVISION AT APPROXIMATELY 2475 SOUTH 4000 WEST.**

This item was held.

4. Public comments: None

5.

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

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

6. **ACTION ON PUBLIC HEARINGS:**

H.2.- CONSIDERATION ON AMENDMENTS TO THE COUNTY LAND USE CODE

The commissioners needed some questions addressed prior to adopting the ordinance (i.e., how much more land is affected, how many landowners were previously unaware that they were in hazards study areas, new area impacts to large developments, cost information, if this can be addressed better at the subdivision level).

H3- VACATE THE RETENTION BASIN EASEMENT - MALLARD SPRINGS SUBDIVISION

This item will be addressed next week.

J. **ADJOURN**

Commissioner Ebert moved to adjourn at 11:49 a.m.; Commissioner Gibson seconded.

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

Attest:

Matthew G Bell, Chair
Weber County Commission

Ricky D. Hatch, CPA
Weber County Clerk/Auditor