

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

Tuesday, September 19, 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, Bryan Baron, Deputy County Attorney; and Fátima Ferneliuss, of the Clerk/Auditor's Office, who took minutes.

**A. WELCOME** – Chair Ebert

**B. INVOCATION** – Chair Ebert

**C. PLEDGE OF ALLEGIANCE** – Bryan Baron

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

**E. CONSENT ITEMS:**

1. Warrants #1197-1203 and #420816-421066 in the amount of \$1,694,128.91.
2. Purchase orders in the amount of \$46,969.45.
3. Minutes for the meeting held on September 12, 2017.
4. Delete Parcel Numbers from Tax Roll: 04-029-0046; 09-075-0210; 11-015-0010; 19-011-0104; 15-027-0042  
Commissioner Gibson moved to approve the consent items; Commissioner Harvey seconded.  
Commissioner Gibson – aye; Commissioner Harvey – aye; Chair Ebert – aye

**F. ACTION ITEMS:**

**1. CONTRACT WITH PARK CITY POLKA PLAYERS FOR ENTERTAINMENT AT THE 2018 HOF GERMANFEST.**

Cari Montgomery, with GSEC, presented this contract for \$1,500.

Commissioner Harvey moved to approve the contract with the Park City Polka Players for entertainment at the 2018 Hof Germanfest; Commissioner Gibson seconded.

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

**2. CONTRACT WITH THE GRUBER FAMILY BAND FOR ENTERTAINMENT AT 2018 HOF GERMANFEST.**

Cari Montgomery, with GSEC, presented this contract for \$3,500.

Commissioner Harvey moved to approve the contract with the Gruber Family Band for entertainment at the 2018 Hof Germanfest; Commissioner Gibson seconded.

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

**3. CONTRACT WITH EDEN HEIGHTS, LLC, FOR REVENUE SHARING.**

Bryan Baron, Deputy County Attorney, presented this revenue sharing agreement and an easement agreement. This item has been in the works for years. In 1968 the county signed an agreement with Alvin/June Cobabe for a piece of property in Eden where the county installed a television/transmission tower. Through an oversight back then, the property was not transferred to the name of Weber County. This was discovered in 2008 and the county has been negotiating with Eden Heights since then. An agreement has now been reached whereby Eden Heights will transfer the television tower property to the county in exchange for this revenue sharing agreement. The term is 25 years at which time the property will belong to the county free and clear. The county does not have to pay them anything unless the county earns revenue from the property, at which time the county would share 35% of that revenue. Eden Heights is granting an easement which allows the county access to the subject property.

Commissioner Gibson moved to approve the contract with Eden Heights, LLC, for revenue sharing; Commissioner Harvey seconded.

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

**4. FINAL SUBDIVISION APPROVAL OF THE MOUNTAINSIDE PRUD PHASE 1 INCLUDING APPROVAL OF THE IMPROVEMENT GUARANTEE AGREEMENT WITH A LETTER OF CREDIT.**

Ronda Kippen, of the County Planning Division, stated that Mountainside is one of the six communities in The Bridges PRUD approved last year for 364 units as a multi-phase development with a variety of housing options with 143 acres of open space. Mountainside PRUD Phase 1 will consist of 24 lots and about 1.649 acres of common area, including a 4-foot soft trail. This subdivision has been through an extensive review process, including zoning and lot yard setbacks. The PRUD was approved for 15-ft. front yards, 7½ ft. side yards and 20 ft. rear yards, and the homes with two front yards due to being on a

corner will have 15-ft. for both side and front yards for clear site along those streets. This subdivision was also reviewed against the Ogden Valley’s Sensitive Lands and Natural Hazards Overlay Zone and a few lots that will have to have additional geological and geotechnical work done at the building permit level were identified. The extensive review process helped streamline the process for the remaining lots. There is the possibility that three lots still have the “R” designation; they may have slopes that exceed 25% and Ms. Kippen is waiting to receive those results. Approvals have been received for culinary, irrigation, sanitary sewer, etc., and all reviewing agencies have approved the proposed subdivision. This subdivision has been approved for nightly rentals and a pertinent note will be on the plat, along with a note that geological and geotechnical reports are on record with the County Planning Division for public review. A separate notice of potential hazard will be recorded against the title with the County Recorder’s Office to notify future property owners. The improvement guarantee includes a Letter of Credit in the remaining amount of \$834,254.46 and this was reviewed by the County Planning Director, the Engineer, Treasurer, Comptroller, and Attorney’s Office.

Commissioner Gibson moved to grant final subdivision approval of the Mountainside PRUD Phase 1 including approval of the Improvement Guarantee Agreement with a Letter of Credit; Commissioner Harvey seconded.

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

**5. FINAL SUBDIVISION OF THE PARKSIDE PRUD PHASE 1 INCLUDING APPROVAL OF THE IMPROVEMENT GUARANTEE AGREEMENT WITH A LETTER OF CREDIT.**

Ronda Kippen, of the County Planning Division, presented the second community within The Bridges to move forward. This subdivision has 14 lots with approximately 2.97 acres of common area (33.9% of 8.74 acres of Phase 1) and will consist of three phases with 72 units overall. This item went through the same vetting process as item F.4 above. It was reviewed against all land use, zoning regulations and natural hazards overlay. There will be one additional note on the plat (it was missed during printing) stating that the two “building pads” that border the exterior boundary of Phase 1 have a 7.5 ft. side yard setback. Four building pads will have to have additional geological and geotechnical investigation prior to submission for a building permit and a note has been placed on the plat. A notice will also be filed against the title and recorded to provide notice to future property owners. All review agencies recommended approval. The Improvement Guarantee Agreement includes a Letter of Credit for \$979,185.98.

Commissioner Harvey moved to grant final subdivision approval of the Parkside PRUD Phase 1 including approval of the Improvement Guarantee Agreement with a Letter of Credit; Commissioner Gibson seconded.

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

**6. CONTRACT WITH CATERPILLAR FINANCIAL SERVICES CORPORATION (DEALER: WHEELER MACHINERY) FOR A SOLID WASTE HEAVY EQUIPMENT 5-YEAR LEASE.**

Sean Wilkinson, County Community Development, stated that this is to lease new equipment for the Transfer Station (8 items that include excavators, loaders & skid steers). This equipment has been needed for a very long time. The annual contract is \$447,045, which includes maintenance and repairs for the five years of the contract. Commissioner Gibson stated that this is a need and had been discussed by the Transfer Station subcommittee, organized by WACOG, and vetted by them.

Commissioner Gibson moved to approve the contract with Caterpillar Financial Services Corporation for a solid waste heavy equipment five year lease; Commissioner Harvey seconded.

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

**7. INTERLOCAL AGENCY AGREEMENT BY/AMONG WEBER COUNTY, MORGAN COUNTY, MORGAN CITY, HUNTSVILLE TOWNSHIP AND WASATCH FRONT REGIONAL COUNCIL TO ESTABLISH THE MORGAN COUNTY-OGDEN VALLEY RURAL PLANNING ORGANIZATION.**

Chair Ebert stated that presently the lower valley—Ogden & participating municipalities in WACOG (Weber Area Council of Governments)—participate in a Municipal Planning Organization (MPO) and they work with the State through Wasatch Front Regional Council (WFRC) to provide planning and other resources for all of the transportation corridors, economic development, etc. The Upper Valley traditionally has not been included under the MPO structure. Morgan County approached Weber County to work together to create a rural planning organization that would work with WFRC to help provide better planning for transportation corridors in the Upper Valley.

Through the study completed last summer, it became evident that there are specific issues with transportation corridors in the Upper Valley and there is a concern that within the next 10 years there may be structure failure between 12<sup>th</sup> street and the North Ogden Divide and Trapper's Loop, thus it is imperative to be proactive. UDOT is the only agency currently doing any type of planning and it is important to have local representation on a planning organization. UDOT is willing over the next three years to assist in establishing this organization with an estimated \$50,000 contribution, which would leave about a \$30,000 total match (approximately \$10,000/year) from Weber and Morgan Counties. Of that \$10,000, Morgan County has agreed to pay \$5,000 which would leave Weber County and the Upper Valley to pick up the remaining \$5,000. This was proposed to WACOG, which felt that the \$5,000 for the yearly cost falls within the planning purpose for funding and is willing for next three years to pick up Weber County's match. Doug Larsen, Weber County Economic Development Partnership Director, stated that Weber County's match will come from the quarter cent preservation fund for transportation.

Commissioner Harvey moved to approve the Interlocal Agency Agreement by/among Weber County, Morgan County, Morgan City, Huntsville Township and Wasatch Front Regional Council to establish the Morgan County-Ogden Valley Rural Planning Organization; Commissioner Gibson seconded.

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

#### 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 FOR CONSIDERATION AND ACTION ON AN APPLICATION TO VACATE THE RETENTION BASIN EASEMENT ON LOTS 4, 5, 6 AND 14 OF MALLARD SPRINGS SUBDIVISION AT APPROXIMATELY 2475 SOUTH 4000 WEST.**

Ronda Kippen, of County Planning Division, noted that this item was briefly addressed last week. Mallard Springs Subdivision (21 lots) was recorded in 2015 and when they began excavating for the retention basin improvements that is along the rear of these four lots, the basin filled with water and remained filled through the year due to the high ground water in the area. The applicant has relocated the detention basin to the Cameron Cove Subdivision and it will serve Cameron Crossing, Cameron Cove and Mallard Springs. The new basin will release storm water at a gradual rate into the storm drain system on 2200 S. Prior to recording the ordinance vacating the easement, the new easement for the storm detention areas from Mallard Springs to Cameron Cove must be in place. The county is responsible for these detention basins. Jason Hamblin, applicant representative, was present.

3. Public Comments: Chair Ebert invited public comments and none were offered.

4.

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

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

5. **ACTION ON PUBLIC HEARING:**

**G.2.-VACATE RETENTION BASIN EASEMENT-MALLARD SPRINGS SUBDIVISION – ORDINANCE 2017-29.**

Commissioner Harvey moved to adopt Ordinance 2017-29 vacating the retention basin easement on Lots 4, 5, 6 and 14 of Mallard Springs Subdivision at about 2475 S. 4000 W.; Commissioner Gibson seconded.

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

H. PUBLIC COMMENTS: None.

#### I. ADJOURN

Commissioner Gibson moved to adjourn at 10:51 a.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