

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

Tuesday, September 27, 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; David C. Wilson, Deputy County Attorney; and Fátima Fernelius, of the Clerk/Auditor's Office, who took minutes.

A. WELCOME – Chair Bell

B. INVOCATION – Commissioner Gibson

C. PLEDGE OF ALLEGIANCE – Ronda Kippen

D. THOUGHT OF THE DAY– Commissioner Ebert

E. CONSENT ITEMS:

1. Ratify warrants #409087 - #409347 in the amount of \$4,667,555.26 dated September 20, 2016.
2. Warrants #409348 - #409661 in the amount of \$1,213,796.72.
3. Purchase orders in the amount of \$190,734.04.
4. Minutes for the meeting held on and September 13, 2016.
5. New business licenses.
6. Surplus garage equipment and vehicles from the Weber County Garage.
7. Surplus office equipment from the Weber County Attorney's Office.
8. Surplus office equipment from the Weber County Treasurer's Office.
9. Change Order No. 7 for Wardell Brothers on the Skyline Drive project.

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

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

F. ACTION ITEMS:

1. **REPORT FROM THE WEBER COUNTY ATTORNEY'S OFFICE VICTIM'S ADVOCATE ON THE QUARTERLY STATISTICS FOR THE VOCA (UTAH OFFICE FOR VICTIMS OF CRIMES ACT) GRANT**

Chair Bell outlined the services performed under this grant and stated that for the 2015-2016 grant year 2,108 victims were helped.

Commissioner Ebert moved to approve the report from the Weber County Attorney's Office Victim's Advocate on the quarterly statistics for the VOCA grant; Commissioner Gibson seconded.

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

2. **CONTRACT WITH WASATCH SLOPES CHARIOT RACING ASSOCIATION FOR THE 2016-2017 CHARIOT RACING SEASON HELD AT THE GOLDEN SPIKE EVENT CENTER**

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

Commissioner Gibson moved to approve the contract with Wasatch Slopes Chariot Racing Association for the 2016-2017 Chariot Racing season at the Golden Spike Event Center; Commissioner Ebert seconded.

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

3. **CONTRACT WITH THE GRUBER FAMILY BAND FOR ENTERTAINMENT AT THE 2017 HOF WINTERFEST**

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

Commissioner Ebert moved to approve the contract with the Gruber Family Band for entertainment at the 2017 Hof Winterfest; Commissioner Gibson seconded.

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

4. **RIGHT-OF-WAY CONTRACTS FOR THE 12TH STREET PROJECT:**

Parcel #'s 9, 10, 12, 13–Randy/Anna Giordano; Parcel #14–West Warren Water Improvement District

Jared Andersen, County Engineer, briefly presented these right-of-way contracts.

Commissioner Ebert moved to approve the listed right-of-way contracts for the 12th Street project; Commissioner Gibson seconded.

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

5. **ACTION ON A REQUEST FOR PRELIMINARY PLAN APPROVAL OF FALL WIDOW SUBDIVISION PHASE 2**

Ronda Kippen, with County Planning, noted that the applicant had appealed the Planning Commission's recommendation to stub roadway to the east and to the west. The County Commission heard the appeal on 3/29/2016 and tabled the item giving staff direction to see if an agreement could be reached whereby the Land Use Code could be met and the applicant, Clifton Bell, would not be unduly burdened financially. There were multiple meetings with the applicant, the County Attorney's Office and County Engineering. The applicant subsequently redesigned the subdivision based on the original subdivision layout consisting of 7 lots with road dedication extending to the north, east and west subdivision boundaries.

Ms. Kippen said that a couple of court cases were considered regarding adjudicative land-use exactions, wherein the courts deemed that an adjudicative exaction requiring dedication of private property must also be "roughly proportional" to the impact of the proposed development (Nollan/Dolan Jurisprudence). The applicant submitted estimates for the cost of improvements to install the roadway both to the east and west, and the cost without those improvements. It was deemed to be grossly more for him to put them in.

The agreement is for the applicant to dedicate to the county the right-of-way to the east and west but it will not be improved. The applicant will be stubbing to the north to create the remainder of the frontage for lot 11, creating a little bit of a stub to the west for the hammerhead turnaround for emergency vehicles, and improving 150 feet to create the frontage for lot 10—these will be installed for the subdivision and the remainder of the right-of-way will be left unimproved but dedicated to avoid eminent domain in the future when it is deemed necessary to have the connecting road go through. The County Attorney's Office, Engineering and the Planning Division recommend approval of the revised design with two conditions: the county receiving a capacity assessment letter and a construction permit from the State for the expansion of the water system, and that the final subdivision plat and improvement drawings will be submitted based on the revised proposal included in the staff report as Exhibits A and B. She iterated that the primary finding is that the literal enforcement of the standard to install all improvements within the dedicated roadway is not roughly proportionate when compared to the cost of the exaction and the public expense to address the impact. The commissioners appreciate the work done on this item.

Commissioner Gibson moved to grant preliminary plan approval of the Fall Widow Subdivision Phase 2; Commissioner Ebert seconded.

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

6. **REQUEST ON REQUEST FOR FINAL APPROVAL OF EDGEWATER BEACH RESORT SUBDIVISION, PHASE 2, PRUD, 20 LOTS, AND A SUBDIVISION IMPROVEMENT AGREEMENT WITH A FINANCIAL GUARANTEE**

This item was held.

7. **EASEMENT AGREEMENT WITH SUMMIT MOUNTAIN HOLDING GROUP, LLC, FOR A SKI LIFT TO BE BUILT TO CROSS A COUNTY ROAD**

Jared Andersen, County Engineer, stated that elevations were checked for the crossing and the agreement was reviewed by county legal counsel.

Commissioner Ebert moved to approve the Easement Agreement with Summit Mountain Holding Group, LLC, for a ski lift to be built to cross a county road; Commissioner Gibson seconded.

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

8. **RESOLUTION APPOINTING A REPRESENTATIVE AND ALTERNATE TO ATTEND THE (UCIP) UTAH COUNTIES INDEMNITY POOL MEMBERSHIP MEETING – RESOLUTION 31-2016**

David Wilson, Deputy County Attorney, briefly presented this annual item.

Commissioner Ebert moved to adopt Resolution 31-2016 appointing Commissioner Kerry Gibson as the representative and Brad Dee as the alternate to attend the Utah Counties Indemnity Pool membership meeting; Commissioner Gibson seconded.

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

9. **RESOLUTION APPOINTING MEMBERS TO THE WEBER COUNTY RECREATION ARTS MUSEUMS AND PARKS COMMITTEES (RAMP) – RESOLUTION 32-2016**

Holin Wilbanks, RAMP Liaison, stated that this item is to make reassignments and to make appointments. Only two members were up for reappointment (Danette Pulley, Ann Parry). There were 32 applicants. She listed the RAMP Board's recommendations.

Commissioner Gibson moved to adopt Resolution 32-2016 accepting the RAMP Board's recommendations as follows: Heather Carlson-Chair of the Advisory Board, Ann Parry-Chair of the Arts and Museums Committee, and Maresha Bosgieter-Chair of the Parks and Recreation Committee. These appointments shall be for one year beginning on 10/1/2016; Jeremy Dunn, Raquel Lee, Danette Pulley, and Ryan Wilkinson-reassigned to the Advisory Board to serve the remainder of their terms; David Owen and Jolene Zito-appointed members of the Arts and Museums Committee beginning on 10/1/2016 and continuing for a period of three years; Colby Bockwoldt, Tim Hunter, Steven Schoof, and Karla Woodward-appointed members of the Parks and Recreation Committee beginning on 10/1/2016 and continuing for a period of three years; Commissioner Ebert seconded.

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

G. PUBLIC HEARING:

1.

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

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

2. **PUBLIC HEARING TO CONSIDER & TAKE ACTION ON A REQUEST (ZTA 2016-02) TO AMEND THE COUNTY LAND USE CODE, TITLE 108, CHAPTER 5, PLANNED RESIDENTIAL UNIT DEVELOPMENT (PRUD)**

Scott Mendoza, of the County Planning Division, noted that the applicant, Brad Blanch, was present and that he had submitted a request to amend the PRUD code by adding language that provides for an open space plan approval process, individual ownership and preservation methods for open space parcels, financial guarantee standards, and open space parcel maintenance. He also requested increasing the existing bonus density opportunity from a 10% bonus to a maximum of 50% in the Western Weber Planning area only. The new language was taken from the county's Cluster Subdivision code. Staff has made minor grammatical amendments and eliminated bonus density opportunities in the Ogden Valley Planning area. He said that the Ogden Valley bonus density issue should be taken back to the Planning Commission and brought back before the County Commission for further discussion to determine exactly what should be done for an incentive to gain these bonus densities, then place them in the code prior to offering them. Currently, there is no standard to be met to get a bonus density.

Mr. Blanch, of North Ogden, said that the problem with considering developing large parcels under the existing Cluster Ordinance is that it creates parcels that become unusable, either agriculturally or for parks. The recently updated Cluster Ordinance requires a maximum of approximately 20 housing units/lots surrounded by about 70-foot wide areas of open space. The 70-foot areas become unproductive. He is looking at purchasing a 160-acre parcel in western Weber County but to follow the Cluster Ordinance would not make it attractive. He came up with a plan that still has the same open space (70-80 acres) but the open space parcels would become very useful and unique. He said that the plan is modeled after a development in Arizona, which has maintained a development theme that brings in agriculture elements with a friendly neighborhood environment.

1. Public Comments: Chair Bell invited comments and none were offered.
- 2.

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

3. **ACTION ON PUBLIC HEARING:**

G.2.-AMEND TITLE 8, CHAPTER 5, PRUD – ORDINANCE 2016-13

In response to Commissioner Ebert’s question, Mr. Mendoza noted that both of the Planning Commissions and the County Planning Division staff recommend approval.

Commissioner Ebert moved to adopt Ordinance 2016-13 urn the public meeting and convene the public hearing; Commissioner Gibson seconded.

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

H. PUBLIC COMMENTS: Cynthia Steadman, of Uintah Highlands, asked for the status on the stop signs she had requested in her neighborhood (see 8/30/16 minutes). She started making phone calls in April on this issue after she moved into the neighborhood because of the immediate concern. From talking with neighbors, concerns have been expressed since 1984 by the Elementary School principal and secretaries at the school receive calls every year. Sean Wilkinson, County Community and Economic Development Director, stated that he received emails from County Engineering and the Roads Department Director and his understanding, as well as Chair Bell’s, is that once the Skyline project is completed that 4-way stop signs will be installed on Skyline and Eastwood Blvd. Mr. Wilkinson plans to meet with the County Engineer and the Roads Department Director today and to respond to the Commission this afternoon. The County Engineer had indicated to Ms. Steadman that the traffic study was done primarily to ascertain speed. The residents’ primary concern is the safety of their children crossing Jared Way and Eastwood, which is the most dangerous intersection; 4-way stop signs are needed and the cost is less than \$1,000. She recently counted 60 students crossing and stated that drivers do no stop for the crosswalk. Chair Bell said that with Combe Road’s current closure there is more traffic in that area but Ms. Steadman reiterated that this is a main drop off for school and there is always the high number of people through that intersection. Mr. Wilkinson noted that the process is a little more involved than to just put up stop signs—there are engineering standards and safety concerns. The commissioners assured Ms. Steadman that staff is listening and working on the issue. Commissioner Ebert said that they have to be careful and not create a bigger problem because data indicates that sometimes by creating a higher expectation of right-of-way there are more pedestrian fatalities. They are looking at various options, such as flashing lights. She said that both students hit in crosswalks in the last 60 days were not during school hours. She is an eyewitness every morning to the dire situation and the near misses.

Julie Clark, resides on Combe Road, and is a parent who walks her children to the elementary school through that intersection. She expressed concerns. Everyone funnels to the school through that intersection. At the 2-way stop quite frequently there are 5-7 cars backed up trying to turn left because Eastwood has the right-of-way and people do not stop. Then people waiting for their turns are not quite sure whose turn it is and they also have to stop for crossing students. A 4-way stop there would help clarify the situation. They would love a crossing guard.

I. ADJOURN

Commissioner Gibson moved to adjourn at 11:01 a.m.; Commissioner Ebert seconded.
Commissioner Gibson – aye; Commissioner Ebert – aye; Chair Bell – aye

Attest:

Matthew G Bell, Chair
Weber County Commission

Ricky D. Hatch, CPA
Weber County Clerk/Auditor