

**MINUTES**  
**WEBER COUNTY COMMISSION**

Tuesday, July 10, 2018 - 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 "Jim" H. Harvey and Scott K. Jenkins. James Ebert was excused.

**OTHER STAFF PRESENT:** Ricky D. Hatch, County Clerk/Auditor; Courtlan Erickson, Deputy County Attorney; and Fátima Ferneliu, of the Clerk/Auditor's Office, who took minutes.

**A. WELCOME** – Chair Harvey

**B. INVOCATION** – Quinn Fowers

**C. PLEDGE OF ALLEGIANCE** – Chair Harvey

**D. THOUGHT OF THE DAY** – Chair Harvey

**E. PRESENTATION - UPDATE FROM UTAH GEOLOGICAL SURVEY ON OGDEN VALLEY HYDROGEOLOGY STUDY.**

Lucy Jordan, Hydrogeologist, with Utah Geological Survey (UGS), presented the major findings of this 3-year study. She showed maps and graphs of the study area that comprised the principal aquifer potentiometric surface, stable isotopes of water, sub-watershed water budget components, and predicted septic tank impacts in future growth scenarios. There are about 2,200 septic tanks in Ogden Valley (Valley). The entire drainage basin was studied. The study overview included a comprehensive hydrogeologic study, use of chemistry and environmental isotopes, water levels, stream gaging and existing data analysis to understand the extent of the surface water/groundwater interaction, to estimate water budget components by sub-watershed and to evaluate impacts to water quality. When the Ogden City wells were sampled, they were found to contain a very tiny amount of tritium and UGS's hypothesis included that water may be getting to those wells recharged at the surface from the mountains to the west of Pineview Reservoir or water may be leaking through the confining unit. According to the data, 1.7 people per household was estimated on average in the Valley (Weber County's average is 3 people/household), and that permanent residence is underestimating the number of people that is actually contributing to the nitrate levels in the Valley. Regarding the predicted septic tank impact in future growth scenarios, UGS took a guess that second homes were used 50% of the time and the result was 2.4/people/household and by building more houses on septic tanks there could be about 4.4 acres/household/septic tank if the county wanted to have 1 milligram/liter degradation as the average. She cautioned to not do that because once houses are built there may actually be 3/people/household and suggested putting 3/people/household on all the existing houses and start adding more septic tanks which would be another 2,000, and that the county may want to limit development to about 5.8 acres/households on septic tanks.

Ms. Jordan responded the following to questions: from Miranda Menzies, with Wolf Creek Water & Sewer District, that 3.5 acres was not very protective for the very long term and this was ignoring any second homeowners and recreational use in the Valley; from Pen Hollist, of Liberty, that nitrates can travel through the confined aquifer to the Ogden City well field and eventually end up in the Reservoir but the level is low because it has so much clean surface coming in; from Steve Waldrip, of Eden, regarding nitrates, that no mass balance had been done on converting farm land to homes with septic tanks and USU did a lot of work on this; UGS believes that septic tanks are the main contributor of nitrates; from Kim Harvey, of Eden, that UGS did a good cross-section sampling that included 57 wells for general chemistry, a subset for filtered metals, 43 samples for nutrients, 224 samples of water isotopes, and about less than 10% of those wells were deeper than 200 feet; from Zane Froerer, of Mountain Canal Irrigation, that UGS did a seepage run on the Ogden Valley Canal in 7/2016, measuring the flow and documenting and measuring any take-outs from that quantifying what was going in and out of the Canal, and also comparing Weber Basin Conservancy District's measurements (from several places along the canal), and where both entities had measurements, UGS was within 10% of those. Overall, where the Canal takes off from South Fork ending at the highway to Powder Mountain, there were 18 cfs of loss along the canal (about ½ of the canal's flow or 3,300-acre ft./year) that is not take-offs for irrigation; from Commissioner Jenkins, that UGS took samples from South Fork and nitrate measurements were low. Both commissioners expressed concern with the assumption of 2.4/people/household and that the Valley would develop at the remaining county rate. Ms. Jordan believes that the permanent resident figure is reasonable at 3/people/household. UGS can adjust the figure for the remaining households on developed parcels if there is better data available; they were trying to add in all the recreation (i.e., parks & campgrounds). Jim Richardson, of Mountain Canal Irrigation, said that about four years ago they had a big discussion with Weber Basin regarding leakage on their canal and confirmed what UGS found. They have plans to pipe but for this huge project it will be years down the road. Recharge should then decrease a little bit. Chair Harvey requested that as much in-depth information be posted as possible on this item. Today's presentation is to be posted by County Planning on its webpage and UGS will release the study when it has been published; it will be available on its website and the county can link to it.

**H. PUBLIC COMMENTS:** None.

**F. CONSENT ITEMS:**

1. Warrants #1491 and #429790-429960 in the amount of \$1,054,328.88.
2. Purchase orders in the amount of \$61,224.57.
3. Minutes for meetings held on June 26, 2018 and July 3, 2018.
4. A new business license.

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

**G. ACTION ITEMS:**

**1. LOCAL TRANSPORTATION FUNDING AGREEMENT WITH MARRIOTT-SLATERVILLE CITY FOR 1200 W. PROJECT.**

Brooke Stewart, with County Community Development, stated that the project is to widen/improve 0.6 miles of 1200 W. from 400 N. heading North to the Farr-West City boundary, which ends approximately 86 feet just before Billy Bailey Drive. BDO donated a 30-foot buffer from the edge of the right-of-way, which will allow the project to include a meandering pathway with pathway lights on one side of the street. Total project cost is estimated at \$6,779,300 and the project has been awarded \$3,762,110 in STP funds from WFRC. The project was recommended by WACOG on 12/4/2017 to receive \$3,017,190 in sales tax funds, and it was approved by the Commission as part of the 2017 priority list on 12/12/2017.

Commissioner Jenkins moved to approve the Local Transportation Funding Agreement with Marriott-Slaterville City for the 1200 West project; Chair Harvey seconded.  
Commissioner Jenkins – aye; Chair Harvey – aye

**2. LOCAL TRANSPORTATION FUNDING AGREEMENT WITH MARRIOTT-SLATERVILLE FOR THE PIONEER ROAD (PHASE 1) PROJECT.**

Brooke Stewart, with County Community Development, stated that the project is to improve the road by enlarging the turning radius, improve the design speed, raise the road, improve the bridge at Warren Canal to avoid future closures due to flooding, and to bring the roadway into compliance with the American Association of State Highway and Transportation Officials' geometric design standards. In 2015 this phase of the project was awarded \$250,000 in corridor Preservation Funds and \$1,950,000 in Sales Tax Funds to realign the first of the two phases. In 2017 Marriott-Slaterville City submitted a second request seeking additional funds to address recommendations from the geotechnical report and the U.S. Army Corp of Engineers to include a retaining wall and for over-excavation to a depth of 5-feet throughout the wetland area. The project was recommended by WACOG on 12/4/2017 to receive an additional \$246,000 in Corridor Preservation Funds and \$902,918 in Sales Tax Funds to cover the unexpected costs. This project was approved by the Commission as part of the 2017 priority list on 12/12/2017.

Commissioner Jenkins moved to approve the Local Transportation Funding Agreement with Marriott-Slaterville City for the Pioneer Road (Phase 1) project; Chair Harvey seconded.  
Commissioner Jenkins – aye; Chair Harvey – aye

**3. RESOLUTION APPOINTING MEMBERS TO THE OGDEN VALLEY PARK SERVICE AREA BOARD – RESOLUTION 31- 2018.**

Shelly Halacy, of the County Commission Office, stated that the statutory process for vacancies was followed. Two appointments need to be made today and the other at a later date. Bryan Baron, Deputy County Attorney, explained that the current recommended individual from Huntsville does not live within the district boundaries.

Commissioner Jenkins moved to adopt Resolution 31-2018 appointing Gregory Graves and Victoria Malmborg to the Ogden Valley Park Service Area Board through 12/31/2022; Chair Harvey seconded.  
Commissioner Jenkins – aye; Chair Harvey – aye

**4. FINAL READING OF ORDINANCE ADDING A PROVISION TO PURCHASING CODE – ORDINANCE 2018-8.**

Brianna Sederholm, County Purchasing Agent, stated that this provision allows the county to hire contractors, architects, and engineers who recently worked on a construction project for the county to perform additional work that is reasonably related to the original project without going through a procurement process. The project has to have been completed within the last five years. An amendment was made as requested last week that the new contract amount is not to exceed 10% of the original contract.

Commissioner Jenkins moved to adopt Ordinance 2018-8 adding a provision to the Purchasing Code; Chair Harvey seconded.  
Commissioner Jenkins – aye; Chair Harvey – aye

**5. SUBDIVISION IMPROVEMENT AGREEMENT AND ESCROW WITH MICHAEL CROOKSTON FOR THE REMAINING IMPROVEMENTS TO BE INSTALLED IN THE ELK RIDGE ESTATES CLUSTER SUBDIVISION.**

This item is related to item G.7 below. Steve Burton, of the County Planning Division, explained that this subdivision was platted and recorded in 2007 but the improvements were not installed. In 2009 the county called in the letter of credit established to get the funds to install the remaining improvements but the funds were not there. The county placed a notice of non-compliance on the subdivision and no lots could be sold. The new owner put up an escrow of \$37,329.60 for those improvements.

Commissioner Jenkins moved to approve the Subdivision Improvement Agreement and escrow with Michael Crookston for the remaining improvements for Elk Ridge Estates Cluster Subdivision; Chair Harvey seconded. Commissioner Jenkins – aye; Chair Harvey – aye

**6. SUBDIVISION IMPROVEMENT AGREEMENT WITH SADDLEBACK DEVELOPMENT, LLC, FOR IMPROVEMENTS TO BE INSTALLED WITHIN SUNSET EQUESTRIAN CLUSTER SUBDIVISION PHASE 1.**

Steve Burton, of the County Planning Division, stated that this subdivision is located at 3075 W. 2200 S., Taylor. The escrow is for \$1,204, 004.86. Final subdivision approval did not get on today’s agenda and will be on next week’s agenda.

Commissioner Jenkins moved to approve the Subdivision Improvement Agreement with Saddleback Development, LLC, for \$1,204, 004.86 for Sunset Equestrian Cluster Subdivision Phase 1 improvements; Chair Harvey seconded.

Commissioner Jenkins – aye; Chair Harvey – aye

**7. RELEASE OF NOTICE OF NON-COMPLIANCE AND SUSPENSION OF FINAL PLAT APPROVAL.**

This item is related to item G.5 above. Steve Burton, of the County Planning Division, stated that, the County Engineering Division prepared this Release of Notice of Non-Compliance for the subdivision.

Commissioner Jenkins moved to approve the Release of Notice of Non-Compliance and suspension of final plat approval; Chair Harvey seconded.

Commissioner Jenkins – aye; Chair Harvey – aye

**8. NOMINATIONS FOR UTA BOARD MEMBERS.**

Chair Harvey stated that a process was followed that related to the Senate Bill reorganizing the UTA. Weber, Davis and Box Elder Counties collectively met those legislative requirements. He thanked Andrew Gruber, of WFRC, for helping facilitate these UTA appointments. The position was noticed for nearly six weeks and the applicants were vetted and interviewed. The selected top two were Beth Holbrook and Bret Milburn, whose names will be submitted to the Governor’s Office. The other two commissions are handling this item today as well.

Commissioner Jenkins moved to forward the UTA Board nominations of Beth Holbrook and Bret Milburn to the Governor’s Office; Chair Harvey seconded.

Commissioner Jenkins – aye; Chair Harvey – aye

**I. ADJOURN**

Commissioner Jenkins moved to adjourn at 11:15 a.m.; Chair Harvey seconded.

Commissioner Jenkins – aye; Chair Harvey – aye

Attest:

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James “Jim” H. Harvey, Chair  
Weber County Commission

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Ricky D. Hatch, CPA  
Weber County Clerk/Auditor