

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

Tuesday, January 13, 2015 - 10:00 a.m.

Commission Chambers, 2380 Washington Blvd., Ogden, Utah

In accordance with the requirements of Utah Code Annotated Section 52-4-7(1)(d), the County Clerk records in the minutes the names of all citizens 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: Kerry W. Gibson, Chair, Matthew G Bell and James Ebert.

OTHERS PRESENT: Ricky D. Hatch, County Clerk/Auditor; David C. Wilson, Deputy County Attorney; and Fátima Ferneliuss, of the Clerk/Auditor's Office, who took minutes.

A. WELCOME – Chair Gibson

B. INVOCATION – Pastor Dave Mallinak

C. PLEDGE OF ALLEGIANCE – David Wilson

D. THOUGHT OF THE DAY – Commissioner Ebert

E. CONSENT ITEMS:

1. Purchase orders for \$6,075,526.39
2. Warrants #317146 - #317367 for \$2,008,192.68
3. Minutes for the meeting held on January 6, 2015

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

F. ACTION ITEMS:

1. **RESOLUTION APPOINTING THE COUNTY REPRESENTATIVE TO THE WEBER COUNTY MOSQUITO ABATEMENT DISTRICT BOARD – RESOLUTION 7-2015**

Commissioner Bell moved to adopt Resolution 7-2015 appointing Commissioner James Ebert as the county representative to the Weber County Mosquito Abatement District Board; Commissioner Ebert seconded.

Roll call vote:

Commissioner Bell aye
Commissioner Ebert aye
Chair Gibson..... aye

2. **RESOLUTION APPROVING PARTICIPATION OF WEBER HUMAN SERVICES (WHS) IN UTAH COUNTIES INDEMNITY POOL (UCIP) AS A SEPARATE COUNTY RELATED ENTITY MEMBER – RESOLUTION 8-2015**

Chair Gibson noted that recently the UCIP Board has allowed county-related entities to have the insurance coverage when sponsored by a county. This results in a cost savings to WHS.

Commissioner Bell moved to adopt Resolution 8-2015 approving participation of Weber Human Services in the Utah Counties Indemnity Pool as a separate county-related entity member; Commissioner Ebert seconded.

Roll call vote:

Commissioner Bell aye
Commissioner Ebert aye
Chair Gibson..... aye

3. **RESOLUTION CONFIRMING THE APPOINTMENT OF ROBERT HUNTER AND JULIE SOUTHWICK TO THE BOARD OF DIRECTORS OF WEBER HUMAN SERVICES – RESOLUTION 9-2015**

Chair Gibson noted that Morgan County had agreed with the county's appointment recommendations.

Commissioner Ebert moved to adopt Resolution 9-2015 confirming the appointment of Robert Hunter and Julie Southwick to the Board of Directors of Weber Human Services; Commissioner Bell seconded.

Roll call vote:

Commissioner Bell aye
Commissioner Ebert aye
Chair Gibson..... aye

4. ECONOMIC DEVELOPMENT AGREEMENT WITH SCREID, LLC – CONTRACT C2015-4

The commissioners stated that the county is desirous to retain this firm’s expertise to further economic development within the county.

Commissioner Ebert moved to approve Contract C2015-4, Economic Development Agreement with SCREID, LLC; Commissioner Bell seconded;
Commissioner Bell – aye; Commissioner Ebert – aye; Chair Gibson - aye

5. CONTRACT WITH COMMERCIAL MECHANICAL FOR HVAC PREVENTATIVE MAINTENANCE FOR THE WEBER CENTER – CONTRACT C2015-5

Nate Pierce, County Operations Department Director, stated that this company has been instrumental in the upgrades recently made to the HVAC systems. This is a 3-year agreement and the total annual cost is about \$5,000 with a 2% increase/year for those three years. There are two 1-year renewal options that can be exercised at the end of the initial 3-year agreement.

Commissioner Bell moved to approve Contract C2015-5 with Commercial Mechanical for HVAC preventative maintenance for the Weber Center; Commissioner Ebert seconded;
Commissioner Bell – aye; Commissioner Ebert – aye; Chair Gibson - aye

6. EXECUTION OF ZONING DEVELOPMENT AGREEMENT ASSOCIATED WITH A PREVIOUSLY AND CONDITIONALLY APPROVED REQUEST (ZMA#2014-01) TO REZONE CERTAIN POWDER MOUNTAIN PROPERTY TO OGDEN VALLEY DESTINATION & RECREATION RESORT ZONE – CONTRACT C2015-6

Scott Mendoza, of the County Planning Division, noted that this agreement accompanies Powder Mountain’s request made to the Commission on 12/23/2014. During that public hearing, the County Planning Division, along with Powder Mountain representatives, presented Summit Mountain Holding Group’s vision and future master plan for about 6,100 acres in the Powder Mountain area. The rezone was approved at that time with the condition that the Zoning Development Agreement come back before the County Commission, satisfying Weber County, its review agencies and the applicant. This agreement very closely resembles the Development Agreement approved in November 2012. New language has been added to provide some clarity and new sections to address conditions that Planning Division staff and the Ogden Valley Planning Commission recommended. The commissioners noted that a lot of work has been spent on this item and they watch this project every step of the way to ensure that the interests of the taxpayers are represented and protected.

Commissioner Bell moved to approve Contract C2015-6, Zoning Development Agreement associated with a previously and conditionally approved request (ZMA#2014-01) to rezone certain Powder Mountain property to the Ogden Valley Destination and Recreation Resort Zone; Commissioner Ebert seconded;
Commissioner Bell – aye; Commissioner Ebert – aye; Chair Gibson - aye

G. PUBLIC COMMENTS: All comments were regarding the 12th Street proposed project.

Mark Davis gave the commissioners copies of related statute (Utah Code Title 17-27a-406 and 72-5-402) and a map of the current Weber County General Plan for western Weber County. He read that after the legislative body has adopted a general plan, no street, park or other public way or space, no publicly owned building and utility, whether publicly or privately owned, may be constructed or authorized until and unless it conforms to the current general plan. Referring to the map, he stated that the proposed route of the 12th Street corridor down to 1150 S. and 900 W. has no actions about construction in that area, and any such construction did not comply with the above noted State statute.

Eldon Davis read from Title 72-5-2 that the Legislature declares that the acquisition of private property rights for the preservation of transportation corridors should be done on a voluntary basis and not by eminent domain powers. He said that residents had been told that if they do not sell their properties that it would end with eminent domain powers. He expressed concern and requested that the Commission review this issue and get in touch with the affected residents.

Carissa Heaps said that she is a member of a group of concerned citizens who has met a few times and they had spoken with more than half of the 130 affected property owners. She said that they had tried obtaining information from the county about what is happening but generally get no response. She wanted to present the view of the people to help the Commission understand their concerns including that they question the timing and necessity of the proposed expanded right-of-way (ROW) and widening of 12th Street. The county has a taskforce going house to house but many residents feel this is a level of intimidation because they come in a group, some are meeting with them alone, and the residents do not feel they can express their concerns. The residents' biggest concern is the purchase of an additional 100 ft. ROW for a 5-lane expansion, if needed. They oppose this purchase for a project that may be 10+ years in the future. The additional ROW comes within 10-20 feet from many of the residents' front door, and one taskforce member conceded that they probably would not be able to sell their homes now. She referred to the negative impact this can have on their community. The word from the county is that homeowners are acting too soon, that the potential for a 5-lane highway is still more than 10 years away, that the road design is still in process and that construction will not start for three years. She feels that the county must be quite confident in its design plans and is offering to purchase property there. The residents do not object to improving the road (she counted 45 potholes today in her normal driving) and would like the county to give more attention to 12th Street—to have full time patrolling to improve safety and to maintain the road. Most agree that the road is dangerous and hope the county will widen the shoulders, fill in the potholes and enforce the laws of speeding and passing. Residents are required to cover their loads to the landfill but the big dump trucks do not, and garbage flies out of them. Another taskforce member had said that most property owners along that corridor support the project but after speaking with them, no one has told her they are in favor of selling property to the county for a project that may be decades in the future. Some feel it pointless to express their opinions because the county would not listen. She requested that the Commission consider their concerns valid, that they look for less intrusive ways to plan for the future, rather than purchase people's front yards in haste, that they protect the people's property where this is not an imminent need. They would appreciate open discussion, especially with Chair Gibson, who is their neighbor, which would help improve the people's trust.

Chair Gibson said that their concerns are valid to him and this project will impact him and his family. He noted that the County Engineer was present and invited people to speak with him. The county is gaining a better understanding of the project and how specifics will affect residents, which will be taken into account as they move forward.

H. ASSIGN PLEDGE OF ALLEGIANCE & THOUGHT OF THE DAY FOR TUESDAY, JANUARY 20, 2015, 10 A.M.

I. CLOSED EXECUTIVE SESSION TO DISCUSS STRATEGY RELATING TO PENDING OR IMMINENT LITIGATION

Commissioner Bell moved to convene a closed meeting to discuss strategy relating to pending or imminent litigation; Commissioner Ebert seconded.

Roll call vote:

Commissioner Bell	aye
Commissioner Ebert	aye
Chair Gibson.....	aye

No action was taken on the closed executive session.

J. ADJOURN

Commissioner Bell moved to adjourn; Commissioner Ebert seconded;
 Commissioner Bell – aye; Commissioner Ebert – aye; Chair Gibson - aye

Attest:

Kerry W. Gibson, Chair
 Weber County Commission

Ricky D. Hatch, CPA
 Weber County Clerk/Auditor