

MINUTES
WEBER COUNTY COMMISSION
Tuesday, February 6, 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: Kerry W. Gibson and James Ebert. James H. "Jim" Harvey was excused.

OTHER STAFF PRESENT: Lynn Taylor, of the Clerk/Auditor's Office; Courtlan Erickson, Deputy County Attorney, and Fátima Fernelius, of the Clerk/Auditor's Office, who took minutes.

- A. WELCOME** – Commissioner Gibson
- B. INVOCATION** – Sean Wilkinson
- C. PLEDGE OF ALLEGIANCE** – Rick Grover
- D. THOUGHT OF THE DAY** – Commissioner Ebert

E. CONSENT ITEMS:

1. Warrants #1340-1343 and #425311-425487 in the amount of \$539,512.51.
 2. Purchase orders in the amount of \$85,455.67.
 3. Minutes for the meeting held on January 30, 2018.
 4. New business licenses.
 5. Surplus eight office chairs from the Assessor's Office.
 6. Surplus a 1994 Minolta microfilm machine from the Clerk/Auditor's Office.
 7. Surplus a 2006 Caterpillar 950H from the Weber County Fleet Department.
 8. Contract with Triple H Construction for removal of sediment from the Weber River.
- Commissioner Ebert moved to approve the consent items; Commissioner Gibson seconded.
Commissioner Ebert – aye; Commissioner Gibson – aye

F. ACTION ITEMS:

1. **LOCAL TRANSPORTATION AGREEMENT WITH MARRIOTT-SLATERVILLE CITY ESTABLISHING TERMS RELATED TO THE PIONEER ROAD PHASE 2 PROJECT.**

Brooke Stewart stated that the City is seeking to realign some dangerous "S" curves along this road and requested \$971,712 from corridor preservation funds. This project was prioritized/approved in 2016.

Commissioner Ebert moved to approve the Local Transportation Agreement with Marriott-Slaterville City establishing terms related to the Pioneer Road Phase 2 project; Commissioner Gibson seconded.
Commissioner Ebert – aye; Commissioner Gibson – aye

2. **RESOLUTION APPOINTING MEMBERS TO THE WEBER COUNTY VETERAN'S ADVISORY COMMITTEE – RESOLUTION 11-2018.**

Stacy Skeen, of the Commission Office, noted that this committee was created at the last Commission meeting and she presented five names for the committee. Commissioner Ebert drew names for the terms.

Commissioner Ebert moved to adopt Resolution 11-2018 appointing the following to the to the Weber County Veteran's Advisory Committee: Sheri Morreale with a term expiring term 12/31/2018, Dennis Howland and Frank Maughan with terms expiring 12/31/19, Terry Schow and Jerry Ingalsbe with terms expiring 12/31/2020; Commissioner Gibson seconded.
Commissioner Ebert – aye; Commissioner Gibson – aye

3. **RESOLUTION APPOINTING MEMBERS TO THE OGDEN MUSICAL THEATER ADVISORY BOARD – RESOLUTION 12-2018.**

Kassi Bybee, Ogden Eccles Conference Center General Manager, presented eight names for this board. Commissioner Gibson drew names for the terms.

Commissioner Ebert moved to adopt Resolution 12-2018 appointing the following to the Ogden Musical Theater Advisory Board: Pam Higginson and Earnest Gonzalez with terms expiring 12/31/2018, Taylor Knuth and Mickie Larsen with terms expiring 12/31/2019, Sasha Clarke and Jolene Zitto with terms expiring 12/31/2020, Maurie Tarbox and Karen Bristol with terms expiring 12/31/2021; Commissioner Gibson seconded.

Commissioner Ebert – aye; Commissioner Gibson – aye

4. **CONTRACT WITH WEBER SCHOOL DISTRICT TO HOLD THE 2018 WEBER SCHOOL DISTRICT MATH & SCIENCE OLYMPIAD AT THE GOLDEN SPIKE EVENT CENTER (GSEC).**
5. **CONTRACT WITH WEBER SCHOOL DISTRICT TO HOLD THE 2018 IRON KID COMPETITION AT THE GOLDEN SPIKE EVENT CENTER (GSEC).**

Duncan Olsen, with the GSEC, presented these two contracts.

Commissioner Ebert moved to approve the contracts with the Weber School District for the 2018 Weber School District Math & Science Olympiad and for the 2018 Iron Kid Competition at the Golden Spike Event Center; Commissioner Gibson seconded.

Commissioner Ebert – aye; Commissioner Gibson – aye

6. **CONTRACT WITH JACKSON HOLE SHRINER'S CHARIOT RACING FOR THE 2018 JACKSON HOLE SHRINER'S CHARIOT RACES TO BE HELD AT THE GOLDEN SPIKE EVENT CENTER (GSEC).**

Duncan Olsen, with the GSEC, presented this contract.

Commissioner Ebert moved to approve the contract with Jackson Hole Shriner's Chariot Racing for the 2018 Jackson Hole Shriner's Chariot Races at the Golden Spike Event Center; Commissioner Gibson seconded.

Commissioner Ebert – aye; Commissioner Gibson – aye

7. **CREDIT AGREEMENT BY/AMONG UTAH SMALL BUSINESS GROWTH INITIATIVE, LLC, DBA, BUSINESS LOANS OF UTAH AS BORROWER, UTAH SMALL BUSINESS GROWTH INITIATIVE, LLC, DBA BUSINESS LOANS OF UTAH AS ADMINISTRATIVE AGENT, UTAH SMALL BUSINESS GROWTH INITIATIVE LLC, DBA BUSINESS LOANS OF UTAH AS CLASS A LENDER, CITY OF OREM, OGDEN CITY CORPORATION, PROVO CITY, SPANISH FORK CITY, WEBER COUNTY AS CLASS B LENDERS & UTAH SMALL BUSINESS GROWTH INITIATIVE LLC, DBA BUSINESS LOANS OF UTAH AS A CLASS C LENDER.**

Holin Wilbanks, noted that a few weeks ago the Commission adopted a resolution that paved the way to participation in the Small Business program. This is the ensuing credit agreement. Michael Plaizier, Utah Center for Neighborhood Stabilization Executive Director, outlined the program stating that the U.S. government signed the Small Business Jobs Act of 2010 after the recession and gave States money for small business lending. His organization was a successful bidder and did loans, guarantees, etc. The program ended in 2016. He said that their board saw the program's success and the need of small businesses to obtain financing in amounts between \$50,000-\$250,000. They work with cities and counties giving them a way to lend to small businesses without having to staff the program. For every \$50,000 a city or county puts in they get access to \$350,000 to loan to small businesses. The county will have a say whether the business is a good fit and then authorize for underwriting. He outlined the voting and veto powers of the committee members.

Commissioner Ebert moved to approve the Credit agreement by and among Utah Small Business Growth Initiative, LLC, DBA, Business Loans of Utah as Borrower, Utah Small Business Growth Initiative, LLC, DBA Business Loans of Utah as Administrative Agent, Utah Small Business Growth Initiative LLC, DBA Business Loans of Utah as Class A Lender, City of Orem, Ogden City Corporation, Provo City, Spanish Fork City, Weber County as Class B Lenders and Utah Small Business Growth Initiative LLC, DBA Business Loans of Utah as a Class C Lender; Commissioner Gibson seconded.

Commissioner Ebert – aye; Commissioner Gibson – aye

G. PUBLIC HEARINGS:

1. Commissioner Ebert moved to adjourn the public meeting and convene the public hearings; Commissioner Gibson seconded.
Commissioner Ebert – aye; Commissioner Gibson – aye
2. **PUBLIC HEARING REGARDING A PROPOSAL TO AMEND THE FOLLOWING WEBER COUNTY CODE SECTIONS: DEFINITIONS (§101-1-7), ADDITIONS AND ENLARGEMENTS (§108-12-3), SUBDIVISION PLAT REQUIREMENTS FOR NONCONFORMING LOTS; EXEMPTIONS (§108-12-11), AND ENLARGING NONCONFORMING LOTS (§108-12-12). THE PROPOSED AMENDMENT WILL ALLOW PARCELS CREATED PRIOR TO JULY 1, 1992 CONTAINING A PERMITTED SINGLE FAMILY DWELLING TO BE CONSIDERED A LOT OF RECORD.**

Charles Ewert, of the County Planning Division, noted that there is a small amount of lots in western Weber County and in the Ogden Valley that have existing single family dwellings that have been permitted but the property boundaries have changed making them potentially illegally-created nonconforming lots. Today's action designates those lots prior to 1992, when the State code changed to require subdivisions for all changes of this nature, as non-conforming lots. Commissioner Ebert wanted to ensure that in making them

nonconforming lots they would not create future transportation, infrastructure issues, etc. Mr. Ewert explained that there are a lot of nonconforming lots throughout the county and this does not extend to vacant lots. There are lots that were created prior to zoning and those that were unintentionally reduced in size without the owner's knowledge. This amendment makes an illegally created lot a nonconforming lot.

3. PUBLIC HEARING REGARDING A PROPOSAL TO AMEND THE FOLLOWING COUNTY CODE SECTIONS: DEFINITIONS (§101-1-7), CONDITIONAL USES (§104-22-3, §104-23-3, §104-24-3, §104-25-3) TO DEFINE OUTDOOR STORAGE & TO INCLUDE IT AS A CONDITIONAL USE IN THE M-1, MV-1, M-2, & M-3 ZONES.

Charles Ewert, of the County Planning Division, explained that this is to allow outdoor storage in the manufacturing zones. Currently, the county does not have zones that allow outdoor storage—contractor storage yards, RV yard storage, etc.—for commercial gain.

4. Public comments: Commissioner Gibson invited public comments on the public hearings. Brent Hipwell, of West Weber, expressed concern with nonconforming lots if those properties or adjacent properties would be involved in rezoning, subdivision or clustering. He said that this should be addressed to make them conforming lots. He also expressed concern with outdoor storage stating that farm equipment could fall under that category. Mr. Ewert stated that the agriculture zones allow storage of agriculture equipment onsite; the above item is for commercial/manufacturing types of outdoor storage. Mr. Hipwell asked who makes the determination whether it is construction or farming. Mr. Ewert spoke of regulations and said that if someone in an agriculture area stored unrelated farm equipment that would be outdoor storage. He further addressed the commissioners' questions regarding nonconforming lots and outdoor storage.

5. Commissioner Ebert moved to adjourn the public hearings and reconvene the public meeting; Commissioner Gibson seconded.
Commissioner Ebert – aye; Commissioner Gibson – aye

6. ACTION ON PUBLIC HEARINGS:

G2.-AMENDING THE FOLLOWING WEBER COUNTY CODE SECTIONS: DEFINITIONS (§101-1-7), ADDITIONS AND ENLARGEMENTS (§108-12-3), SUBDIVISION PLAT REQUIREMENTS FOR NONCONFORMING LOTS; EXEMPTIONS (§108-12-11), AND ENLARGING NONCONFORMING LOTS (§108-12-12). THE PROPOSED AMENDMENT WILL ALLOW PARCELS CREATED PRIOR TO JULY 1, 1992 CONTAINING A PERMITTED SINGLE FAMILY DWELLING TO BE CONSIDERED A LOT OF RECORD – ORDINANCE 2018-2.

Commissioner Ebert moved to adopt Ordinance 2018-2 amending the following Weber County Code sections: Definitions (§101-1-7), Additions and enlargements (§108-12-3), Subdivision plat requirements for nonconforming lots; Exemptions (§108-12-11), and Enlarging nonconforming lots (§108-12-12); Commissioner Gibson seconded.
Commissioner Ebert – aye; Commissioner Gibson – aye

G3.-REQUEST TO AMEND THE FOLLOWING WEBER COUNTY CODE SECTIONS: DEFINITIONS (§101-1-7), CONDITIONAL USES (§104-22-3, §104-23-3, §104-24-3, §104-25-3) TO DEFINE OUTDOOR STORAGE AND TO INCLUDE IT AS A CONDITIONAL USE IN THE M-1, MV-1, M-2, AND M-3 ZONES.

Commissioner Ebert moved to table this item for further discussion; Commissioner Gibson seconded.
Commissioner Ebert – aye; Commissioner Gibson – aye

H. PUBLIC COMMENTS:

Shelly Halacy referred to item F.1 and recognized that many local transportation projects are not just about convenience for the communities but also about safety and even life-saving. She noted personal experience with road safety issues and thanked Ms. Stewart and the commissioners for their work on these items.

I. ADJOURN

Commissioner Ebert moved to adjourn at 10:53 a.m.; Commissioner Gibson seconded.
Commissioner Ebert – aye; Commissioner Gibson – aye

Attest:

James H. "Jim" Harvey, Chair
Weber County Commission

Ricky D. Hatch, CPA
Weber County Clerk/Auditor