

MINUTES
OF THE BOARD OF COMMISSIONERS OF WEBER COUNTY
Tuesday, February 15, 2011 - 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: Jan M. Zogmaister, Chair, Craig L. Dearden and Kerry W. Gibson.

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

- A. WELCOME** - Chair Zogmaister
- B. PLEDGE OF ALLEGIANCE** - Douglas Larsen
- C. THOUGHT OF THE DAY** - Commissioner Gibson

Chair Zogmaister noted that the Commission Office received requests to comment on today's agenda items and she proposed moving the public comment period to the beginning of the meeting.

D. CONSENT ITEMS:

- 1. Purchase Orders \$2,183,629.48
- 2. Warrants #271050-#271233 in the amount of \$996,865.80
- 3. New beer licenses
- 4. New business licenses

Commissioner Dearden moved to approve the consent items; Commissioner Gibson seconded, all voting aye.

H. PUBLIC COMMENTS: None were offered.

E. ACTION ITEMS:

- 1. **CONTRACT WITH ACCENA GROUP TO PROVIDE TRAINING REGARDING STORMWATER QUALITY IN ORDER TO MEET THE REQUIREMENTS OF THE UTAH STORMWATER GENERAL PERMIT – CONTRACT 2011-21**

Curtis Christensen, County Engineer, stated that the county has an opportunity to receive training during an upcoming conference of State building code enforcement officers. The contract amount is \$2,250.00.

Commissioner Gibson moved to approve Contract C2011-21 with Accena Group to provide training regarding stormwater quality in order to meet the requirements of the Utah Stormwater General Permit; Commissioner Dearden seconded, all voting aye.

- 2. **CONTRACT WITH CIVIL SCIENCE INC., FOR A MODIFICATION INCREASING ENGINEERING FEES TO COMPLETE ADDITIONAL DESIGN WORK NEEDED FOR THE HIGHWAY PROJECT– CONTRACT 2011-22**

(See minutes, 8/11/2009) Curtis Christiansen, County Engineer, stated that the county contracted with Civil Science to do the design and environmental work on SR158. The bulk of the federal funding is in place and the State is providing all the matching funds. There is no out of pocket funding from the county. UDOT has reviewed this contract.

Commissioner Dearden moved to approve Contract C2011-22 with Civil Science Inc., for a modification increasing engineering fees to complete additional design work needed for the Highway Project; Commissioner Gibson seconded, all voting aye.

3. **CONTRACTS WITH GOLDEN SPIKE GEM & MINERAL SOCIETY FOR THE GEM STONE JUNCTION TO BE HELD AT THE GOLDEN SPIKE EVENT CENTER ON THE FOLLOWING TWO DATES:
APRIL 7-10, 2011 – CONTRACT C2011-23
APRIL 12-15, 2012 – CONTRACT C2011-24**

Jim Harvey, GSEC, presented these standard contracts.

Commissioner Gibson moved to approve Contracts C2011-23 and 24 with Golden Spike Gem & Mineral Society for the Gem Stone Junction to be held at the Golden Spike Event Center; Commissioner Dearden seconded, all voting aye.

4. **ACTION ON AN APPEAL OF THE RECOMMENDATION OF PRELIMINARY APPROVAL OF LISA ESTATES SUBDIVISION BY THE WESTERN WEBER PLANNING COMMISSION**

Justin Morris, of the County Planning Division, stated that this 5-lot development is not within a 1½ mile radius of any school. The Western Weber County Planning Commission recommended a deferral of curb, gutter and sidewalk along the existing frontage on 5500 West but required the improvements to be installed on the proposed interior road; they determined it would be useful to have the improvements available for future phases. Mr. Morris said that the Commission had three options: uphold the Planning Commission's recommendation; grant a deferral of curb, gutter and sidewalk for the entire subdivision; or table the item until a policy is established to guide such decisions for curb, gutter and sidewalk installations.

Mr. Morris clarified that the Planning Commission recommended approval of this subdivision with a 6-0 vote and to grant deferral along 5500 West but requiring the improvements to be installed on the interior road with a 4-2 vote. He said that the county has been consistent in taking action regarding these improvements and gave examples, such as requiring them when subdivisions are within a 1½ miles of a school or are larger subdivisions.

Chair Zogmaister stated that the Commission has been discussing these deferrals for some time and desires to develop a policy on these deferrals, but it has not yet been done.

Jared Preisler, petitioner, stated that there was discussion at the Planning Commission as to when the property owner would have to pay for curb, gutter and sidewalk, that if they did not require this now the property owners would have to pay for it in the future. Mr. Preisler said that the property owner would have to pay for it either way. He said that those interested in property in this area desire a more rural atmosphere but the improvements take away from that. Commissioner Dearden stated that the question is when they pay and when the improvements are called in that same owner may no longer live there. He noted that their proposal shows a swell to absorb the water and they do not see any advantage to having the curb and gutter over the swell.

The Planning Commission wanted the residents within this development to have the ability to walk from house to house but these are 1-acre lots with a lot of frontage and there should not be much traffic, except for those right in that subdivision. Students do not walk to school. The Planning Commission had asked if they wanted to put in a pathway and they had not been approached with that idea before. Chair Zogmaister asked if there was a plan to further that road through the cul de sac and Mr. Preisler said that it was a temporary cul de sac. Within the subdivision there are no main roads that connect to other subdivisions. There is only one home that faces 5500 West.

Curtis Christensen, County Engineer, stated that there are many deferrals and the county has never called any in. The county has had to install these improvements, paying out of its budget, in the last couple of years where new schools have been built because islands of the county resulted. He said that piece meal curb, gutter and sidewalk create problems for existing roads but not so much for new ones. Commissioner Dearden stated that notifying property owners and when they will pay for the improvements need to be determined because the same owner may not even be there when those improvements are called in. Mr. Christensen responded that was correct. Commissioner Dearden noted that with this subdivision there would be improvements for 340 feet and then just end and agrees that in this case it makes sense to defer them. He would be more inclined to require the improvements if this was a larger subdivision.

Commissioner Gibson moved to grant deferral on 5500 West and on the interior road of the Lisa Estates Subdivision because it makes sense for the area and community, and encouraged the county to move forward with discussion to create the policy; Commissioner Dearden seconded, all voting aye.

5. ACTION ON AN APPEAL OF THE PRELIMINARY APPROVAL OF FENSTER FARM SUBDIVISION BY THE WESTERN WEBER PLANNING COMMISSION

Justin Morris, of the County Planning Division, noted that this item is very similar to the above item and basically had the same discussion. This is the only phase in this subdivision. The Western Weber County Planning Commission recommended deferral of curb, gutter and sidewalk on 5500 West but that they be installed on the interior road. Chair Zogmaister asked if there had been any discussion at the Planning Commission meeting about having rolled curb with no sidewalk. Mr. Morris said that during the discussion it did not appear to make a difference to the applicant's agent between the improvements.

Commissioner Dearden stated that as the subdivisions increase in size that he would not be inclined to defer these improvements. Chair Zogmaister noted that the homeowners do not like the additional expense that will come later. Allan Karras, applicant for this and the previous item, stated that not everyone wants curb and gutter and they are generally deferred in rural areas because that is the desire of those residents. He will put language in the restrictive covenants for both properties that will be attached to the properties for a number of years, informing homeowners that they are responsible for the swells and maintaining the pipes and the flow.

Commissioner Dearden moved to grant the deferral on 5500 West and the interior road of the Fenster Farm Subdivision; Commissioner Gibson seconded, all voting aye.

F. PUBLIC HEARING

1. Commissioner Gibson moved to adjourn the public meeting and convene the public hearing; Commissioner Dearden seconded, all voting aye.
2. **PUBLIC HEARING TO CONSIDER AND/OR TAKE ACTION REGARDING AMENDMENTS TO THE WEBER COUNTY ZONING ORDINANCE CHAPTER 24 - PARKING AND LOADING SPACE, VEHICLE TRAFFIC AND ACCESS REGULATIONS BY ADDING EXCEPTIONS TO THE PUBLIC PARKING LOT STANDARDS**

Ben Hatfield, of the County Planning Division, stated that on 3/2/2010 the Weber County Commission approved an amendment to the Zoning Ordinance, Chapter 1, Definitions, whereby some definitions were removed and the definition for parking standards was inadvertently not moved

to Chapter 24. This amendment corrects that, adds an exception for seasonal, temporary or transient uses, and that the Building Official will determine appropriate bumper guards, curbs, etc.

Both Planning Commissions recommend approval of these amendments. Commissioner Dearden asked why park and ride lots are included as an exception and Mr. Hatfield responded that currently the county has one such lot and it was submitted as a temporary use in a commercial area. The property owner did not wish to encumber his entire property with asphalt because he does not have a future design for developing it. The ski resort is leasing that property and has installed a gravel parking lot on a temporary basis. The park and ride lot is only used for 3-4 months of the year. Staff had felt that other locations, such as in an agricultural zone, could also work as a temporary park and ride lot. Chair Zogmaister asked for the definitions of temporary and Mr. Hatfield responded that the Zoning Ordinance defines temporary as 6 months.

Chair Zogmaister invited public comments and none were offered.

3. Commissioner Dearden moved to adjourn the public hearing and reconvene the public meeting; Commissioner Gibson seconded, all voting aye.

4. **ACTION ON PUBLIC HEARING:**

F.2. - AMENDMENTS TO ZONING ORDINANCE, CHAPTER 24 - ADDING EXCEPTIONS TO PUBLIC PARKING STANDARDS - ORDINANCE 2011-3

Commissioner Dearden moved to adopt Ordinance 2011-3 amending the Zoning Ordinance, Chapter 24, Parking and Loading Space, Vehicle Traffic and Access Regulations; Commissioner Gibson seconded. Commissioner Gibson seconded

Roll Call Vote:

Commissioner Dearden	aye
Commissioner Gibson	aye
Chair Zogmaister	aye

G. ASSIGN PLEDGE OF ALLEGIANCE & THOUGHT OF THE DAY FOR TUESDAY, FEBRUARY 22, 2011, 10 A.M.

I. ADJOURN

Commissioner Gibson moved to adjourn at 10:54 a.m.; Commissioner Dearden seconded, all voting aye.

Jan M. Zogmaister, Chair
Weber County Commission

Ricky D. Hatch, CPA
Weber County Clerk/Auditor