

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

Tuesday, May 9, 2017 - 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 Jim Harvey. James Ebert was excused.

OTHER STAFF PRESENT: Ricky D. Hatch, County Clerk/Auditor, Christopher Crockett, Deputy County Attorney; and Fátima Fernelius, of the Clerk/Auditor's Office, who took minutes.

A. WELCOME – Commissioner Harvey

B. MOMENT OF SILENCE

C. PLEDGE OF ALLEGIANCE – Shelly Halacy

D. THOUGHT OF THE DAY – Commissioner Gibson

E. CONSENT ITEMS:

1. Ratify warrants #416456-416675 and #1064-1070 in the amount of \$1,351,515.88 for May 2, 2017.
2. Warrants #416676-416853 and #1071-1073 in the amount of \$2,099,768.24 for May 9, 2017.
3. Purchase orders in the amount of \$335,985.32.
4. Surplus a 2000 Caterpillar, AP-1055B and asphalt roller from the Weber County Roads Department.
5. Surplus an office chair from the Weber County Human Resources Department.
6. Surplus cameras from the Weber County Golden Spike Event Center.
7. Surplus a Brother Fax, Model #2820, from the Weber County Treasurer's Office.
8. New business licenses.
9. * Set public hearing for 5/30/2017, 10 a.m., to discuss/take public comment on a proposal to amend the following sections of County Code: Definitions (101-1-7), Ogden Valley Lighting (108-16) & Ogden Valley Signs (110-2) to provide clearer standards for outdoor light & outdoor lighting devices in Ogden Valley in order to support dark sky-viewing, astrotourism, the Dark Sky accreditation of North Fork Park, & Ogden Valley General Plan. *Item was pulled from the agenda.
10. Set public hearing for May 30, 2017, 10 a.m., to discuss & take public comment on a proposal to annex various unincorporated islands into adjacent cities.
11. Consideration & action on an administrative application regarding an amendment to the Farm Stay and Development Agreement as part of an approved conditional use permit for an Agri-Tourism operation identified as the Dancing Moose Farms Art & Ecology Center.
12. Consideration & action on a request to amend & renew expired Wolf Creek Zoning Development Agreements previously approved and affecting The Ridge Townhomes development parcel. The request is that the county considers renewing the agreements & extends the project completion date (5 years) to the last day of February, 2022 for the Ridge Townhomes development only.
13. Amendment to the Impact Fee Facilities Plan (IFFP) and Impact Fee Analysis (IFA) study C2031-227. There have been some additional services needed to complete the study.
14. Final approval of the Favero's Legacy Cluster Subdivision Phase 1 with a \$29,471.70 financial guarantee.
15. Training reimbursement contracts: Matthew Webster II, Jacob Everett, Kolby Kirk, Christie Rowley & Karlee Drake.

Commissioner Gibson moved to approve the consent items, excluding item E.9; Commissioner Harvey seconded.

Commissioner Gibson – aye; Commissioner Harvey – aye

F. ACTION ITEMS:

1. **RATIFICATION OF "STANDARD FORM OF AGREEMENT BETWEEN WEBER COUNTY LIBRARY AND R&O CONSTRUCTION FOR THE NORTH BRANCH LIBRARY (AIA DOCUMENT A101)", INCLUDING "GENERAL CONDITIONS OF THE CONTRACT FOR CONSTRUCTION (AIA DOCUMENT A201)"**

Lynnda Wangsgard, County Library Director, stated that the contract had been reviewed by county legal counsel and the Library Board. The contract is the result of a highly competitive process that garnered outstanding responses from qualified general contractors that were interviewed by a board that unanimously recommended R&O, which submitted the lowest bid of \$4,369,860 and earned the highest number of interview points. Commissioner Harvey congratulated Ms. Wangsgard on leading a great team that is doing a phenomenal job and Commissioner Gibson echoed those sentiments.

Commissioner Gibson moved to ratify the "Standard form of Agreement with R&O Construction for the North Branch Library (AIA Document A101)", including "General Conditions of the Contract for Construction (AIA Document A201)"; Commissioner Harvey seconded.

Commissioner Gibson – aye; Commissioner Harvey – aye

2. **CONTRACT WITH MARTY MOBLEY FOR THE WEBER COUNTY LIVESTOCK SHOW AT THE GOLDEN SPIKE EVENT CENTER (GSEC) ON MAY 19-20, 2017**

Duncan Olsen, of GSEC, presented this contract.

Commissioner Gibson moved to approve the contract with Marty Mobley for the Weber County Livestock Show at the Golden Spike Event Center on May 19-20, 2017; Commissioner Harvey seconded. Commissioner Gibson – aye; Commissioner Harvey – aye

3. **INTERLOCAL AGREEMENT WITH THE STATE OF UTAH FOR THE DFCM PROJECT, JUVENILE JUSTICE SERVICES WEBER VALLEY MULTI-USE YOUTH CENTER, ROAD TO BE CONSTRUCTED**

Kevin McLeod, of County Operations, said that this contract is to use Layton Construction, which is the contractor onsite (hired by the State to construct its juvenile justice facility), thereby making the process more efficient. It is for the extension of the county road commonly called “Depot Drive” to be constructed under the State’s contract and which the State will use for its project. The county will reimburse the Division of Facilities Construction and Management.

Commissioner Gibson moved to approve the Interlocal Agreement with the State of Utah for the DFCM project, Juvenile Justice Services Weber Valley Multi-Use Youth Center, for road construction; Commissioner Harvey seconded.

Commissioner Gibson – aye; Commissioner Harvey – aye

4. **INTERLOCAL AGREEMENT WITH OGDEN CITY FOR USE OF WEBER COUNTY TACTICAL TRAINING CENTER**

Commissioner Gibson briefly noted the benefits of this facility.

Commissioner Gibson moved to approve the Interlocal Agreement with Ogden City for use of the Weber County Tactical Training Center; Commissioner Harvey seconded.

Commissioner Gibson – aye; Commissioner Harvey – aye

5. **LEASE AGREEMENT WITH CLAS ROPES FOR LEASE OF THE ROPES COURSE AT NORTH FORK PARK**

Todd Ferrario, County Ice Sheet Manager, presented this contract.

Commissioner Gibson moved to approve the Lease Agreement with CLAS Ropes for the lease of the Ropes Course at North Fork Park; Commissioner Harvey seconded.

Commissioner Gibson – aye; Commissioner Harvey – aye

6. **CONTRACT WITH ATLANTIC SPECIALTY INSURANCE COMPANY TO ESTABLISH A TENANT USER LIABILITY INSURANCE PROGRAM (TULIP) FOR RESIDENTS TO CONSIDER AS AN OPTION WHEN INSURING SPECIAL EVENTS HELD AT WEBER COUNTY FACILITIES**

Christopher Crockett, Deputy County Attorney, was recently contacted by Utah Counties Indemnity Pool (UCIP). In the past, they operated a TULIP Program where Weber County residents who wanted to use county facilities could obtain insurance for many of the contracts such as for the Golden Spike Event Center, the Weber County Fair, or to rent one of the park venues. UCIP is no longer managing those and is giving the counties the option to establish their own TULIP policies or direct residents to different companies. UCIP will help the county establish a policy through Arthur J. Gallagher with Atlantic Insurance Company where residents can apply online and receive a certificate of insurance. There is no cost to the county. Marty Smith, County Cultural Parks & Recreation Director, stated that this process is fairly common in the event arena and he noted that this affects a small percentage of users.

Commissioner Gibson moved to approve the contract with Atlantic Specialty Insurance Company to establish a Tenant User Liability Insurance Program (TULIP) for residents to consider as an option when insuring special events held at Weber County facilities; Commissioner Harvey seconded.

Commissioner Gibson – aye; Commissioner Harvey – aye

G. PUBLIC HEARING

1.

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

Commissioner Gibson – aye; Commissioner Harvey – aye

2. **PUBLIC HEARING FOR DISCUSSION & DECISION ON THE FOLLOWING PROPOSED LAND USE CODE AMENDMENTS:**

2.1. ZTA 2016-04: Proposal to amend Section 101-1-7 (Definitions), 108-10 (Public Buildings and Public Utility Substations [or] Structures, and 104-29-2 (Ogden Valley Destination and Recreation Resort Zone DRR-1) to provide the definition of “utility” to modify the front setback requirement for utility structures when not on a lot abutting a public right of way, and to clarify provisions for public utility substations and structures.

2.2. ZTA 2017-02: Proposal to amend Section 101-1-7 (Definitions), to eliminate redundancies and provisions no longer relevant in the definition of “lot of record.”

2.3. ZTA 2017-03: Proposal to amend Section 101-1-7 (Definitions), to clarify that a “recreation lodge” includes sleeping rooms intended for nightly rentals.

2.4. ZTA 2017-04: Proposal to amend Part I of the County Code of Ordinances, Chapter 2-17 (Township Planning Districts) and Section 102-5 (Rezone Procedures) to remove irrelevant references to “townships” from the Weber County Code.

***2.5. ZTA 2017-05:** Proposal to amend Section 101-1-7 (Definitions), 102-4-3 (Land Use Permit Revocation), and 108-4 (Conditional Uses) to clarify permit or approval time limits before commencement of construction or commencement of use. *Item was pulled from the agenda.

2.6. ZTA 2017-06: Proposal to amend Section 102-1-5 (Hearing and Publication Notice for County Commission, 106-1-6 (Agency Review and Public Notice), and 106-1-8 (Final [Subdivision] Plat Approval Procedure) to extend the timeframe between application submittal and Planning Commission review (from 30 to 45 days), to correct old references, to clarify that a public meeting is required for a subdivision but not a public hearing, and to clarify the code generally.

2.7. ZTA 2017-07: Proposal to amend Section 101-1-7 (Definitions), to eliminate irrelevant or conflicting provisions regarding the definition of a “restricted lot.”

2.8. ZTA 2015-02: Proposal to amend Title 108 (Standards), Chapter 15 (Standards for Single Family Dwellings), of the Weber County Land Use Code, by eliminating some standards, exempting specific project types from certain standards, and improving overall organization.

2.9. ZTA 2015-04: Proposal to amend Title 108 (Standards), Chapter 7 (Supplementary and Qualifying Regulations) of the Weber County Land Use Code by adding a new section that would allow buildings, in certain situations, to encroach into private road rights-of-ways.

Charles Ewert, of County Planning, gave an overview of each amendment.

3. **Public Comments:**

Jill Hipwell suggested adding a link to utahlegals.com on the county’s website, expressed concern with changing that a subdivision be heard at a public meeting rather than at a public hearing, and stated that some counties require the applicant to put a public notice at the physical site for certain time periods. This item is being amended because some time ago the Legislature defined the difference between a public meeting and a public hearing. Mr. Ewert explained that a hearing connotes a legislative item (having broader discretion) and a subdivision is an administrative item (having less broad discussion). Mr. Ewert expounded on those differences, as well as Commissioner Gibson. Commissioner Harvey would like to explore the idea of posting notice on/near the property. Mr. Ewert noted that this is done a lot for legislative items and there is a requirement to post when it relates to a right-of-way vacation. Chris Crockett, Deputy County Attorney, noted that statute delegates the authority to the county to determine what third party notice to use and that the ordinance can be amended, if so desired.

Robert Favero expressed concern with the wording in ZTA 2017-06 to extend the timeframe between application submittal and Planning Commission review. Currently, the item goes twice to the Planning Commission, and then twice to the County Commission. This extends the process a very long time and now adding another 15 days makes it even longer. Mr. Ewert responded that County Planning, Engineering, and Recorder/Surveyor are already in the process to solve this problem by doing a comprehensive rewrite of the Subdivision Code, including a more streamlined process.

4.

Commissioner Gibson moved to adjourn the public hearing and reconvene the public meeting; Commissioner Harvey seconded.
Commissioner Gibson – aye; Commissioner Harvey – aye

5. ACTION ON PUBLIC HEARINGS:

G.2-2.1. ZTA 2016-04 – ORDINANCE 2017-11

Commissioner Gibson moved to adopt Ordinance 2017-11 amending the Weber County Land Use Code to update and clarify provisions related to public utility substations or structures and provide related clerical edits; Commissioner Harvey seconded.
Commissioner Gibson – aye; Commissioner Harvey – aye

G.2.2. ZTA 2017-02 – ORDINANCE 2017-12

Commissioner Gibson moved to adopt Ordinance 2017-12 amending the Weber County Land Use Code to update and clarify provisions related to the definition of a lot of record; Commissioner Harvey seconded.
Commissioner Gibson – aye; Commissioner Harvey – aye

G.2.3. ZTA 2017-03 – ORDINANCE 2017-13

Commissioner Gibson moved to adopt Ordinance 2017-13 amending the Weber County Land Use Code to update and clarify provisions related to the definition of a recreation lodge; Commissioner Harvey seconded.
Commissioner Gibson – aye; Commissioner Harvey – aye

G.2.4. ZTA 2017-04 – ORDINANCE 2017-14

Commissioner Gibson moved to adopt Ordinance 2017-14 amending the Weber County Land Use Code to update and clarify provisions related to Planning Townships and Special Event; Commissioner Harvey seconded.
Commissioner Gibson – aye; Commissioner Harvey – aye

G.2.6. ZTA 2017-06 – ORDINANCE 2017-15

Commissioner Gibson moved to adopt Ordinance 2017-15 amending the Weber County Land Use Code to update and clarify provisions related to the submittal and approval timeframe for a subdivision application; Commissioner Harvey seconded.
Commissioner Gibson – aye; Commissioner Harvey – aye

G.2.7. ZTA 2017-07 – ORDINANCE 2017-16

Commissioner Gibson moved to adopt Ordinance 2017-16 amending the Weber County Land Use Code to update and clarify provisions related to the definition of restricted lot; Commissioner Harvey seconded.
Commissioner Gibson – aye; Commissioner Harvey – aye

G.2.8. ZTA 2015-02 – ORDINANCE 2017-17

Commissioner Gibson moved to adopt Ordinance 2017-17 amending the Weber County Land Use Code to update and clarify provisions related to standards for single family dwellings; Commissioner Harvey seconded.
Commissioner Gibson – aye; Commissioner Harvey – aye

G.2.9. ZTA 2015-04 – ORDINANCE 2017-18

Commissioner Gibson moved to adopt Ordinance 2017-18 amending the Weber County Land Use Code to update and clarify provisions related to projections into a private right-of-way; Commissioner Harvey seconded.
Commissioner Gibson – aye; Commissioner Harvey – aye

H. PUBLIC COMMENTS: None

I. CLOSED MEETING TO DISCUSS STRATEGY RELATING TO THE PURCHASE OR SALE OF REAL ESTATE

No meeting was actually held and no action was taken.

J. ADJOURN

Commissioner Gibson moved to adjourn at 11:43 a.m.; Commissioner Harvey seconded.
Commissioner Gibson – aye; Commissioner Harvey – aye

Attest:

James Ebert, Chair
Weber County Commission

Ricky D. Hatch, CPA
Weber County Clerk/Auditor