

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

Tuesday, June 10, 2014 - 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 unreported 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 PRESENT:** Kerry W. Gibson, Chair, and Matthew G Bell. Jan M. Zogmaister was excused.

**OTHERS PRESENT:** Ricky D. Hatch, County Clerk/Auditor, and David C. Wilson, Deputy County Attorney.

**A. WELCOME** – Chair Gibson

**B. PLEDGE OF ALLEGIANCE** – Steffani Ebert

**C. THOUGHT OF THE DAY** – Chair Gibson

**D. PRESENTATION OF THE SEAL OF SERVICE AWARD TO WEBER COUNTY INFORMATION TECHNOLOGY EMPLOYEE, LISA STRINGHAM**

Leonard Call, Information Technology Department Director, read the very positive comments from the County Assessor's Office, which made this nomination. Ms. Stringham stated that she thoroughly enjoys working with everyone in the county and appreciates the Assessor's Office for taking the time to nominate her. She thanked everyone in the I.T. Department for their help. She was presented with a Seal of Service pin, a plaque and \$100 for her devoted work for the county.

**E. CONSENT ITEMS:**

1. Purchase Orders for \$139,191.22
2. Warrants #310041-#310220 for \$834,207.01
3. Minutes for the meeting held on June 3, 2014

Commissioner Bell moved to approve the consent items; Chair Gibson seconded, both voting aye.

**F. ACTION ITEMS:**

**1. FIRST READING OF AN ORDINANCE ADDING CERTAIN FEES TO THE WEBER COUNTY FEE ORDINANCE RELATING TO THE SHERIFF'S OFFICE**

Steffani Ebert, of the County Sheriff's Office, stated that fees for inmate visiting (additional or online visiting) and for the firearms training complex are being added. There are no other changes. She addressed the commissioners' questions including that the inmates will still receive their free visits.

Commissioner Bell moved to approve the first reading of the ordinance adding certain fees to the Weber County Fee Ordinance relating to the Sheriff's Office; Chair Gibson seconded, both voting aye.

**2. FIRST READING OF AN ORDINANCE ADDING CERTAIN FEES TO THE WEBER COUNTY FEE ORDINANCE RELATING TO ANIMAL CONTROL AND OTHER COUNTY ORDINANCE VIOLATIONS**

Reed Richards, Deputy County Attorney, presented the uniform bail schedule for unincorporated Weber County offenses, which do not have an equivalent State offense. Generally, when the county cites violations the State Code is followed, which also sets the suggested bail amount. He noted that these are new bail amounts, not new offenses. Because no set bail amount had been set by the county, the offenses were not being cited. There was discussion about making this a resolution rather than an ordinance and Chair Gibson recommended that a resolution be drafted for next week.

**3. CONTRACT WITH HORROCKS ENGINEERS TO COMPLETE THE BID DOCUMENTS FOR THE ENTIRE CORRIDOR. THIS MODIFICATION CHANGES HORROCKS ORIGINAL SCOPE SHOULDER IMPROVEMENTS TO FULL ROADWAY DESIGN – CONTRACT C2014-149**

Nate Pierce, County Operations Department Director, stated that this is a modification to the existing contract for 3500 West to engage Horrocks in a more comprehensive analysis and acquisition of right-of-way, development of that roadway, etc. This was presented to WACOG last week.

Commissioner Bell moved to approve Contract C2014-149 with Horrocks Engineers to complete the bid documents for the entire corridor and change Horrocks’ original scope shoulder improvements to full roadway design; Chair Gibson seconded, both voting aye.

**4. CONTRACT WITH THM REMODELING SERVICES FOR REMODELING THE ROADS DIVISION RESTROOM – CONTRACT C2014-150**

Nate Pierce, County Operations Department Director, noted that this item is for compliance with the Americans with Disabilities Act (ADA).

Commissioner Bell moved to approve Contract C2014-150 with THM Remodeling to remodel the Roads Division restrooms; Chair Gibson seconded, both voting aye.

**5. RATIFY 2014 TAX SALE PROPERTIES**

Tammy Aydelotte, of the County Clerk/Auditor’s Office, stated that this year the tax sale process started with over 300 properties. By tax sale day there were 17, a result of property owners redeeming their properties and collaborative efforts by various county offices. She noted that today’s list included three properties for which the county received written dispute and parcel #s 02-003-0012, 02-003-0031 and 02-042-0007 are not to be ratified today.

Commissioner Bell moved to ratify the 2014 tax sale properties less parcels 02-003-0012, 02-003-0031 and 02-042-0007; Chair Gibson seconded, both voting aye.

**6. CONTRACT WITH WESTLAND FORD FOR PURCHASE OF VEHICLES – CONTRACT C2014-151**

Kevin McLeod, with the County Operations Department, noted that there is a State bidding process for purchasing county fleet vehicles and this contract is based on the State’s contract. The State selects one dealership for each brand of vehicle. By purchasing from a local vendor the county can save money or break even.

Commissioner Bell moved to approve Contract C2014-151 with Westland Ford for purchase of vehicles; Chair Gibson seconded, both voting aye.

**7. RESOLUTION APPOINTING A MEMBER TO THE UTAH COMMUNICATIONS AUTHORITY – RESOLUTION 17-2014**

Chair Gibson stated that the Utah Communications Authority was established this year by the legislature.

Commissioner Bell moved to adopt Resolution 17-2014 appointing Tina Scarlet to the Utah Communications Authority; Chair Gibson seconded.

Roll Call Vote:

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

**8. DISCUSSION CONCERNING THE WEBER HOUSING AUTHORITY**

Chair Gibson said that in the last couple days he had obtained the information he needed. The commissioners did not need to have discussion on this item.

## G. PUBLIC HEARING:

1. Commissioner Bell moved to adjourn the public meeting and convene the public hearing; Chair Gibson seconded, both voting aye.
2. **PUBLIC HEARING ON A REQUEST TO AMEND THE WEBER COUNTY LAND USE CODE, TITLE 104 (ZONES) CHAPTER 13 (FOREST RESIDENTIAL ZONE (FR-1), TO ALLOW THE NIGHTLY RENTAL OF A CONDOMINIUM DWELLING WITHIN A PLATTED CONDOMINIUM PROJECT**

Charles Ewert, of the County Planning Division, stated that the applicant, Scott Littlefield, is requesting to amend the Forest Residential-1 Zone to allow nightly rentals in condominiums in the future. Mr. Littlefield was not present today.

The Ogden Valley Planning Commission had separated the application into two issues—whether the FR-1 Zone (which only exists in Ogden Valley) was a compatible zone for nightly rentals in a condominium complex and consideration on general code clarifications relating to nightly rentals in other areas of the code. Today's item deals only with the first issue; the second was forwarded to the Western Weber Planning Commission for their recommendation prior to the County Commission's formal consideration to occur next week. Mr. Ewert said that the Ogden Valley Planning Commission unanimously voted to recommend not allowing the nightly rentals in the FR-1 Zone. He noted that the Cobbles Condominiums HOA has been vocal about their majority being against this proposal and have banned the use in their complex.

3. Public Comments: Chair Gibson invited comments and following is a summary:

Richard Jones, attorney for Cobbles, said that they agree with the Ogden Valley Planning Commission's decision. The purpose of the Forest Residential-1 Zone is to provide residential development and a hotel-like commercial business is not consistent with residential development. He noted that the majority of owners have voted and passed an amendment that states that rentals of units must be for a period of 30 days or longer and the operation of a bed and breakfast or nightly rentals is prohibited. Only 3 of 16 owners are in favor of nightly rentals and this proposal is based on a desire for a commercial venture in a residential zone, which is not consistent with the FR-1 Zone. He referred to a similar court case four years ago in Park City and the Court of Appeals upheld the HOA's Covenant language of no timeshare, nightly rental or similar use on any single family residential lot. He noted that the condominium concept is to share the common area and sharing with all the rentals does not sit well with the owners.

Collette Malan stated that they live there because they like the peace/serenity and want to get away from all the commotion of commercial properties, etc., and this is how the majority of residents feel. She asked the commissioners to consider that.

Greg Johnson, President of Cobbles, stated that the majority of the residents are opposed to the ongoing daily rentals (going on for about 3½ years). There have been problems with them and the Sheriff has been there. The rentals bring motorcycles, etc., and the residents live there for the peace and serenity. Of the three in favor, it is because of monetary gain. Currently one owner lives there; the other two are not onsite.

Diane Taylor opposes this proposal. She has been on the HOA board most of the time since 1989. On 4/22/14 Ms. Littlefield came to her home and in front of the Johnsons, threatened and called her names, and injured her. She said that the residents of the community do not know who the transients are, which have come from various parts of the country. She spoke about a recent incident of a rental threatening to kill someone, and of extra fees for septic tank cleaning, dumpster service, and condo fees increasing for liability due to the renters, and yet the owners who rent out are making quite a bit of money.

Norris Taylor stated his opposition to the proposal stating that it is an aggravation to have all the rentals causing raucous and negatively impact their lives and their peace. Prior to purchasing their home, they verified that there were no nightly rentals allowed. The HOA does not allow rentals but it is difficult to enforce.

Chris Barnard stated that the last two years of living there have been a living nightmare, that the Littlefields are a menace to everyone and literally have made life miserable for them.

Mark Malan stated that he has been a homeowner for 34 years in Cobbles and was present when they created the condominium status, very intentionally made it a single family neighborhood, and gated it. He has been an HOA board member for most of his residency there and served four terms as president. Part of the dilemma is people doing illegal activities. They have reported it to the county but no action was taken. He asked if there is legal remedy when people break the law. The ones who want to do nightly rentals purchased them during the time that there was a economic downturn and a couple of units were purchased on repossession. These are investors and want to change the character of their beautiful neighborhood but do not take care of it. He is a doctor who treats sex offenders but they are difficult to identify and the owners cannot do so by law, thus the owners do not know who the transient rentals are.

Mr. Ewert addressed Commissioner Bell's questions stating that Mr. Bachman owns a few residences in the Cobbles, is in favor of nightly rentals, but Mr. Ewert did not know if he is currently renting. Commissioner Bell supports people's property rights, however, this is a condominium association and the group of residents set the rules. The majority has spoken for what they want in their community.

Mr. Ewert found that the FR-1 Zone currently allows nightly rentals for certain types of uses (i.e., bed and breakfast, and a P.R.U.D. could request a conditional use permit for nightly rentals), thus the FR-1 has not been exclusive to eliminating the use for nightly rentals and he had not submitted a staff recommendation until he heard from the Planning Commission and the public.

Chair Gibson expressed thanks to all for their comments.

4. Commissioner Bell moved to adjourn the public hearing and reconvene the public meeting; Chair Gibson seconded, both voting aye.
5. **ACTION ON PUBLIC HEARING:**

**G.2.- AMENDING THE WEBER COUNTY LAND USE CODE, TITLE 104 TO ALLOW NIGHTLY RENTALS**

Commissioner Bell moved to adopt the Ogden Valley Planning Commission's findings and deny the request to allow nightly rentals in the FR-1 Zone; Chair Gibson seconded, both voting aye.

**H. ASSIGN PLEDGE OF ALLEGIANCE & THOUGHT OF THE DAY FOR TUESDAY, JUNE 17, 2014, 10 A.M.**

- I. **PUBLIC COMMENTS:** James Ebert, of Farr West, suggested using technology to get the information from these meetings, etc., to the public. Chair Gibson noted that the county is working on this, including the ability to live stream meetings as well as view archived ones.

**J. ADJOURN**

Commissioner Bell moved to adjourn at 10:36 a.m.; Chair Gibson seconded, both voting aye.

Attest:

---

Kerry W. Gibson, Chair  
Weber County Commission

---

Ricky D. Hatch, CPA  
Weber County Clerk/Auditor