

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

Tuesday, June 14, 2016 - 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.

COMMISSIONERS: Kerry W. Gibson, Matthew G Bell and James Ebert.

OTHERS PRESENT: Ricky D. Hatch, County Clerk/Auditor; Bryan Baron, Deputy County Attorney; and Fátima Fernelius, of the Clerk/Auditor's Office, who took minutes.

A. WELCOME – Chair Gibson

B. INVOCATION – Ricky Hatch

C. PLEDGE OF ALLEGIANCE – Candace Warren

D. THOUGHT OF THE DAY – Commissioner Ebert

E. CONSENT ITEMS:

1. Purchase orders in the amount of \$80,713.80
2. Warrants #405685-#405904 in the amount of \$2,114,609.44
3. Minutes for the meeting held on June 7, 2016
4. Second Amendment to the Wolf Creek Resort Zoning Development Agreement to amend the "Conceptual Development Plan" as part of the Zoning Development Agreement approved as Contract #2015-31 & amended as Entry #2784398 to allow the transfer of 5 density rights/units from "The Fairways" to the "Trapper's Ridge" & hold the remaining 11 density rights/units in reserve to be sold, assigned or transferred at a later date
5. Administrative application regarding a Farm Stay Development Agreement as part of an approved conditional use permit for an Agri-Tourism operation identified as the Cold Springs Trout Farm
6. Retirement Agreement with Dale E. Bridges
7. Weber-Morgan Strike Force petition to the County Commission pursuant to the Utah Code Ann. 24-3-103, for the appropriation to the Strike Force of \$9,238.48, currently held in Strike Force seizure account
8. Amended Cooperative Agreement with UDOT for Converted TAP funds for the purpose of constructing a pathway along SR-158 from Wolf Creek to Eden

Commissioner Ebert moved to approve the consent items; Commissioner Bell seconded.

Commissioner Ebert – aye; Commissioner Bell – aye; Chair Gibson – aye

F. ACTION ITEMS:

1. RATIFICATION OF THE BIDS FROM THE WEBER COUNTY TAX SALE HELD ON MAY 26, 2016

Lynn Taylor, of the Clerk/Auditor's Office, said that the process started with a few hundred delinquent parcels and on the day of the sale there were 23. The process is a result of 6-months of exhaustive efforts involving the assistance of various county offices. He expressed thanks to those involved. No one contested the tax sale.

Commissioner Ebert moved to ratify the bids from the Weber County tax sale held on May 26, 2016; Commissioner Bell seconded.

Commissioner Ebert – aye; Commissioner Bell – aye; Chair Gibson – aye

2. CONTRACT WITH JASON B. RICHARDS TO PROVIDE A PARENTAL DEFENSE ATTORNEY IN PRIVATELY FILED CASES IN JUVENILE COURT

Bryan Baron, Deputy County Attorney, stated that in the past the county had the obligation to provide attorneys to parents when the government filed petitions to terminate parental rights. This was changed this year by the State Legislature and the county must now provide attorneys for privately filed cases as well. The county reached out to several attorneys who practice in the Juvenile Court and offered contracts. This is the first contract.

Commissioner Bell moved to approve the contract with Jason B. Richards to provide a parental defense attorney in privately filed cases in Juvenile Court; Commissioner Ebert seconded.

Commissioner Ebert – aye; Commissioner Bell – aye; Chair Gibson – aye

3. **CONTRACT WITH PACIFIC WEST, LLC, FOR WORK AT WEBER COUNTY SPORT SHOOTING COMPLEX**

Deputy Eric Jones, Weber County Sport Shooting Complex Director, stated that this is the first of three contracts awarded to complete modifications to the rifle range. This went out to bid and Pacific West was selected. Commissioner Bell noted that a recent newspaper article reported that money from the Paramedic Fund was used for the gun range, and he emphasized that no money from that fund had been used. Deputy Jones said that the funds were specifically budgeted for this. There is also a RAMP grant.

Commissioner Bell moved to approve the contract with Pacific West, LLC, for work at the Weber County Sport Shooting Complex; Commissioner Ebert seconded.

Commissioner Ebert – aye; Commissioner Bell – aye; Chair Gibson – aye

4. **CONTRACT WITH WILLIAM MORRIS ENDEAVOR ENTERTAINMENT, LLC, TO HAVE THE BROTHERS OSBORNE PERFORM AT THE 2016 WEBER COUNTY FAIR**

Jennifer Graham, with County Culture, Parks & Recreation, presented this contract for \$25,000.

Commissioner Bell moved to approve the contract with William Morris Endeavor Entertainment, LLC, for the Brothers Osborne performance at the 2016 Weber County Fair; Commissioner Ebert seconded.

Commissioner Ebert – aye; Commissioner Bell – aye; Chair Gibson – aye

5. **FIRST READING OF AN ORDINANCE AMENDING THE OVERNIGHT WATERCRAFT USE ORDINANCE FOR PINEVIEW RESERVOIR**

Lt. Brandon Toll, of the County Sheriff's Office, said that the Sheriff's Office was asked to come up with ideas/solutions to help prevent the problems on the water at the reservoir relating to complaints of excessive noise from watercraft at night. The initial proposal to shut down the noise with cost effectiveness and officer safety was for everyone to vacate the water from 10 p.m.-6 a.m. Subsequently, a lot of input was received from the public and law enforcement and many meetings were held to come up with a different plan. Robert Sanchez, Forest Service District Ranger, said that it is a well known fact that Pineview use has increased tremendously. The Forest Service appreciates the collaborative discussions about the challenges about noise, garbage on the beach, etc., and about improving the safety of the users and those managing that resource. He said that this proposal lines up well with the Forest Service's goals. Holin Wilbanks, with County Public Affairs, said that this has been a great process, which has informed the public that there are a number of jurisdictions involved in managing this recreational resource. The process resulted in a lot of information and suggestions being received beyond managing the lake such as parking, events, etc., and these are ongoing processes. As a result, no-parking signs along the road on a more crowded area were installed for safety. There were a couple of boat tours by Commissioner Ebert, residents, boaters and law enforcement to see some areas of concerns for homeowners and law enforcement. There was a meeting with an Ogden Valley group comprised mainly of homeowners. The county addressed emails and telephone calls. The Town of Huntsville worked closely with its residents.

Commissioner Ebert stated that input was obtained from the different pertinent entities in order to help manage and create a great experience at this recreation resource, understanding that its use is expected to increase by 35-40% in the next 15-20 years. Many meetings were held and the issue brought up in every one was enforcement, and a big component is funding for that enforcement, thus the anchoring permit concept arose. The county has a commitment from the Forest Service to start a comprehensive management plan that should be completed within a year and will encompass overnight stays, day and beach usage, parking, etc. In the mean time, they plan to draft a short term usage plan in the next couple of months to start addressing issues. The plan is to allow more restrooms, garbage facilities, parking, address noise issues, etc., and make it pleasant for both the individuals using the reservoir and the Valley residents. This is the first step of a multi-phase solution to the lake issues. This waterway has not been tightly managed and the management plan will turn this recreation jewel into a pristine destination. The ability to fund law enforcement is necessary because that is a big issue. Scott Parke, County Comptroller, had drafted a comprehensive matrix estimating the number of boats/week (300-350), at four nights of enforcement during heavy usage (Thurs.-Sun.) and the number of officers needed on the Reservoir.

It was determined that a \$15/night anchoring permit is reasonable. The initial discussion was for a \$25 fee but several groups felt it was too high. Violators can have their permits revoked and be denied future permits. The proposed ordinance regulates watercraft use on the reservoir between 10 p.m.-6 a.m., which shall be docked in a paid slip, Anderson Cove or anchored 20 feet from the shoreline with a permit.

Chair Gibson emphasized the length of time spent studying the issues, noting that while on the surface some seemed simple, they proved to be challenging. He reiterated that this is a first step and will continue to be evaluated. Public comments were taken at this time; they all pertained to this item.

G. PUBLIC COMMENTS:

Steve Luger, of Uintah, a boater at the reservoir, said that many boaters are offended because garbage is tagged as a boater issue in the Standard Examiner and in Commission meetings. There are no garbage receptacles and the AL&L is not handling the issue. Generally, the boating community takes care of more garbage than they bring in. The issue is that noise disturbance at night has never been enforced at the lake. Since this issue arose boaters are doing a good job of self policing. He would like boaters to be involved in the discussions for solutions and asked why they have not been; they want their ideas heard. He does not know if his email was read by the county; he received a standard thanks for his input. He asked where the advance notice was for this item—people received the email yesterday and did not have an opportunity to attend today's meeting. Chair Gibson recognizes that it is not only the boaters creating issues, and that this item came up short notice but with the upcoming holidays the Commission wants to bring up these new ideas to get the discussion moving. Commissioner Ebert pointed out that the Commission has been accused of only listening to the boaters, but there were 2-3 meetings with law enforcement, Forest Service, residents and members of the boating community. The latter went for a boat ride and pointed out areas of the reservoir that are best for overnight anchoring, why certain proposed areas will or will not work, etc. Members of the boating community that use the reservoir weekly were in several specific meetings to discuss their issues. The commissioners received a tremendous amount of emails from both sides of the community that expressed similar concerns; they did read and respond to them. Lt. Toll said that the Yacht Club and a couple other boaters have been engaging with the Sheriff's Office and Commissioner Bell wants to ensure that others are also involved. A member of the audience said that he belongs to a large boating group but no one is communicating with them, and they have not been part of the multiple meetings. Lt. Toll noted that a lot of the meetings were set up by the boaters and the Sheriff's Office was simply invited to attend.

Michelle Scrip, of Riverdale, joined the Yacht Club this year and expressed concern with the anchoring fee because there are already hefty fees/dues for the Yacht Club and Port Ramp slips. She saw the agenda yesterday and searched for the proposed ordinance online but it was not posted. Commissioner Ebert said that it would be up to the Yacht Club to include overnight anchoring fees as part of its fees. Mr. Sanchez noted that the Yacht Club has a permit through the Forest Service that allows specific uses within certain land and reservoir areas. He stated that Pineview is a public facility and through the permit with the Yacht Club, members can utilize the facilities within the permit. They have the ability to overnight in their slip with no fee. Once they leave the permitted areas, they are operating as any member of the public. Commissioner Ebert emphasized that the fee is enforcement specific to night usage and stated that if a boat is on the reservoir at night it needs to pay the anchoring fee to help with enforcement costs. Ms. Scrip expressed objection that if they are out in the water drinking and then decide to stay overnight that they have to drive back to get an anchor permit. Since this issue arose it has been quiet at night at the lake. Lack of enforcement has been the problem and she feels that if a ticket is issued it would resolve the issue. She said that the garbage problems are created by day users and that the beaches should be policed. There used to be a fee for "surfer beach" and the garbage diminished tremendously, but when it was removed the garbage returned. Lt. Toll said that it has been quiet for a couple of weekends up there and the weather has not been great but bringing out the issue has probably helped.

Commissioner Ebert reiterated that there is a specific enforcement issue at night and the anchoring fee helps to fund it. There are also officer safety concerns and the ability to issue a citation to an individual in that particular circumstance is extremely difficult. The anchoring permit is much easier for law enforcement to enforce.

Clay Perschon, of Riverdale/former game warden, has been involved in the resource management business, and commends the county's efforts on this. He appreciates/supports the focused enforcement of the problems. He agrees with violators being denied permits stating that it can be an effective tool. He suggests that those who violate the law not be allowed to put their vessels on the water. From past experience, he has seen violators get their friends to cover for them and they still end up on the water.

Jeff Carter, of Ogden, is a boater and said that there is a Pineview boaters' page on facebook, which he believes most big boaters use, and suggests the county use it for noticing so that they can have some involvement in the process. Chair Gibson said this will be done. Mr. Carter supports the \$15 anchoring fee, stating that it is better than the initially proposed \$85 fine, which would probably not even be enforced. He suggests not charging the anchoring fee to those who already pay the exorbitant fees to dock and for dry storage costs, but to put them on those without permits because they don't outlay the money that others do.

Terry Larson, of Farr West, has been boating at Pineview for years. He questions charging the \$15 fee to a certain number of boaters who stay overnight to pay for the thousand others who use it. He asked why they are going after the boaters. He already pays a lot of money to boat there. He asked who monitors AL&L and its management stating that there is no management, that AL&L very rarely does anything up there. He said that it was great when the Forest Service managed it but it has gone down hill since—the pump station is always broken, the garbage cans are missing or full, there is no maintenance on the docks, etc. Commissioner Ebert said that there has been discussion with the Forest Service, and they are in the process of addressing it. Mr. Larson wondered about accountability—he wanted to know how much money the AL&L brings in daily and where it is going. Commissioner Bell responded that that is federal government, not county. Mr. Larson said that the garbage problem is caused by day beach users. Commissioner Ebert said that it will cost the county \$1000/night to provide enforcement—the number one issue that everyone agrees needs to start occurring. The user fee will allow law enforcement to respond and to enforce the anchoring permit.

Greg Schneidewend, of Washington Terrace, has been a boater on Pineview for 40 years (the last 20 staying the night with his family). He agrees that there is a definite need for enforcement and commends the Sheriff's office and the Forest Service for what they try to accomplish but the biggest problem is the ability to patrol and enforce existing regulations. He does not know of anyone who has been cited over the years for excessive noise. He is a member of the Pineview Boating community, which has almost 450 people and none were approached by the Sheriff's Office or the Forest Service about the meetings that have occurred since this issue came before the Commission about six weeks ago. The Yacht Club may have been asked to participate but his community is not associated with them. He pays \$1000/annually for a slip at Port Ramp (there are 50 slips), a \$135 season pass, plus a fee for dry storage to park a trailer. He stated that the slips are not being maintained by AL&L. He feels that the anchoring fee is in excess. He suggests adding an additional fee onto the season pass for slip owners. He feels, however, that slip owners should be exempt from paying the anchoring fee. He said that there has been no communication between the Sheriff's Office and the boating community, and the latter wants to participate with the Sheriff's Office to enforce the noise ordinance. He said that they are policing themselves. He stated that there been no notice for the first Commission meeting discussing this item and so no one was there to speak to the item. He agrees with the amendment to the restriction from 10 p.m.-6 a.m. Commissioner Ebert responded that currently there is no enforcement after 10 p.m. He pointed out that night enforcement on the lake still has to be paid for, and the review process resulted in that it needs to be a user fee.

Chair Gibson said that this item should be back on the agenda in 3-4 weeks and the commission will put the notice out by every means available.

Commissioner Ebert moved to approve the first reading of an ordinance amending the Overnight Watercraft Use Ordinance for Pineview Reservoir; Commissioner Bell seconded.
Commissioner Bell – aye; Chair Gibson – aye

H. ADJOURN

Commissioner Ebert moved to adjourn at 11:26 a.m.; Commissioner Bell seconded.
Commissioner Bell – aye; Chair Gibson – aye

Attest:

Kerry W. Gibson, Chair
Weber County Commission

Ricky D. Hatch, CPA
Weber County Clerk/Auditor