

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

Tuesday, July 7, 2015 - 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: Kerry W. Gibson, Chair, Matthew G Bell and James Ebert.

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

- A. WELCOME** – Chair Gibson
- B. INVOCATION** – Commissioner Ebert
- C. PLEDGE OF ALLEGIANCE** – Courtlan Erickson
- D. THOUGHT OF THE DAY** – Commissioner Bell

E. CONSENT ITEMS:

- 1. Purchase orders for \$55,213.56
 - 2. Warrants #322677-#322853 for \$1,032,908.26
 - 3. New business licenses
 - 4. Ratification: Right-of-way Contract with Terry Tedder/Kathy Tedder, Parcel #127- Contract C2015-284
- Commissioner Ebert moved to approve the consent items; Commissioner Bell seconded.
Commissioner Bell – aye; Commissioner Ebert; Chair Gibson – aye

F. ACTION ITEMS:

- 1. **DISCUSSION AND/OR ACTION ON NORTH FORK MASTER PLAN**

This item was held.

- 2. **CONTRACT WITH GRANITE CONSTRUCTION FOR 3500 WEST ROADWAY IMPROVEMENTS - CONTRACT C2015-285**

Jared Andersen, County Engineer, stated that the funds for the project were obtained through WACOG. Due to the size of the project, the contractors were prequalified. The project came about 10% below estimate. The cost for Phase 1 is about \$1.8 million. Mr. Andersen said that minor clarifications were needed and the contract was subject to approval by the County Attorney's Office.

Commissioner Ebert moved to approve Contract C2015-285 with Granite Construction for the 3500 W. road improvements subject to approval by the County Attorney's Office; Commissioner Bell seconded.

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

- 3. **RIGHT-OF-WAY CONTRACTS WITH THE FOLLOWING PROPERTY OWNERS:**

Blaine Wade/Illene Wade, Parcels #142, 41, 42, 43, 44, 177 & 143 - Contracts C2015-286, 286.1-286.3
MCS Holdings, Parcel #80 - Contract C2015-287
Carlos Soto/Maria Soto, Parcel #95 - Contract C2015-288
Timothy S. McKissen/Kitty J. McKissen, Parcel #40 Contract C2015-289

Jared Andersen, County Engineer, presented these contracts for 3500 W. and 12th Street projects.

Commissioner Bell moved to approve right-of-way Contracts C2015-286 through C2015-289 with the above listed property owners; Commissioner Ebert seconded.

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

4. REQUEST FROM RECORDER/SURVEYOR'S OFFICE TO TERMINATE THE FOLLOWING PARCEL IDENTIFICATION #S:

11-014-0060, 11-020-0069, 15-013-0032, 18-063-0026: mapped incorrectly
07-092-0038, 09-086-0043, 12-029-0018, 12-077-0025: difference in legal descriptions
02-020-0070, 06-028-0005, 22-008-0012: located directly underneath an existing public alley or roadway
08-156-0013: improperly created holding strip

Devron Andersen, of the County Recorder/Surveyor's Office, stated that the Clerk/Auditor's Office annually gives the Recorder/Surveyor's Office a list of parcels, which have delinquent taxes, to review as to whether they are valid parcels. The Office identified the above parcels for the listed reasons and they should not be on the tax rolls.

Commissioner Ebert moved to terminate the listed parcel identification numbers; Commissioner Bell seconded.

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

5. REQUEST FROM RECORDER/SURVEYOR'S OFFICE TO EXECUTE 5 QUIT CLAIM DEEDS TO PROPERTY OWNERS IN THE TOWN OF UINTAH

Devron Andersen, of the County Recorder/Surveyor's Office, stated that Weber County was recently petitioned by Commerce Real Estate Solutions regarding parcel #07-101-0104, which currently shows this easement crossing five properties on the county's records. After research, a quit claim deed was found from 1929, which created a 16.50' by approximately 300-400' strip of land in favor of Weber County through the five parcels. The deed offers no explanation for granting the strip to the county. The Recorder/Surveyor's Office worked with County Engineering and a contracted engineer for Uintah on this item. The legal description of the strip runs in the general direction of a natural waterway called Spring Creek, and the most plausible reason for granting the strip could have been for preservation/maintenance of that waterway but there is no solid evidence. The easement does not seem necessary to maintain that strip, which is an island, having dead ends on the north and south sides, and it does not connect any other county easements or land. The strip has been ignored for 76 years when development occurred over it. Uintah concurs that if indeed the strip was intended to protect that waterway it is adequately protected during development processes and there is no need to encumber those private property owners. Mr. Andersen addressed Commissioner Ebert's question stating that it is Uintah's responsibility to protect the waterway. Current code requires preservation of these waterways through the development processes.

Commissioner Ebert moved to approve execution of five quit claim deeds to property owners in the Town of Uintah; Commissioner Bell seconded.

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

6. VACATE A PORTION OF AN EASEMENT AT 750 W. 12TH STREET

Devron Andersen, of the County Recorder/Surveyor's Office, stated that this item is to vacate the portion of a 1999 easement that crosses into the corner of lot 1 (and runs down the current access to the Weber County Sheriff's Complex/Correctional Facility). This is in order to sell a piece of property to the State that is unencumbered, and it will allow for the creation of a legal buildable parcel to accommodate the State's desire to construct its new Juvenile Detention Center north of the Sheriff's Complex.

Commissioner Bell moved to vacate a portion of an easement at 750 W. 12th Street; Commissioner Ebert seconded.

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

7. QUIT CLAIM DEED OF A PROPERTY TO THE CITY OF WASHINGTON TERRACE

Sean Wilkinson, County Planning Division Director, noted that a similar item was handled in March 2015 for South Ogden City for a portion of Adams Avenue that was originally given to the county in 1896. When the cities incorporated, the road was not deeded to the cities at that time. The City has been maintaining the portion within its boundary. The quit claim deed had been signed by the City.

Commissioner Bell moved to approve the quit claim deed to Washington Terrace City for a portion of Adams Avenue Parkway; Commissioner Ebert seconded.

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

8. APPROVE THE WEBER FIRE MARSHALL’S NOTICE OF FIRE RESTRICTIONS DATED JULY 1, 2015 WITH THE NOTED RESTRICTIONS TO BE EFFECTIVE BEGINNING 7/10 THROUGH 8/31/2015

Chair Gibson stated that fire restrictions for unincorporated county need to be created with the State Fire Marshall and the Weber Fire District with approval by the County Commission. Earlier in the month, the District decided there was no justification for fireworks restrictions through July fourth. However, conditions have changed. The recommendation is to implement fireworks restrictions generally east of Harrison Boulevard. This does not affect campfire sites at county campsites.

Commissioner Bell moved to approve the Weber Fire Marshall’s Notice of Fire Restrictions dated July 1, 2015 with the noted restrictions to be effective beginning 7/10 through 8/31/2015; Commissioner Ebert seconded.

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

G. ASSIGN PLEDGE OF ALLEGIANCE & THOUGHT OF THE DAY FOR TUESDAY, JULY 14, 2015, 10 A.M.

H. PUBLIC COMMENTS: None

I. CLOSED MEETING TO DISCUSS STRATEGY RELATING TO PENDING OR IMMINENT LITIGATION

Commissioner Ebert moved to convene a closed executive session in the adjoining training room to discuss strategy relating to pending or imminent litigation; Commissioner Bell seconded.

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

No action was taken on the closed meeting.

J. ADJOURN

Commissioner Bell moved to adjourn at 11:10 a.m.; Commissioner Ebert seconded.

Commissioner Bell – aye; Chair Gibson – aye

Attest:

Kerry W. Gibson, Chair
Weber County Commission

Ricky D. Hatch, CPA
Weber County Clerk/Auditor