

MINUTES
WEBER COUNTY COMMISSION
Tuesday, August 27, 2019 - 10:00 a.m.
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: Scott K. Jenkins, James "Jim" H. Harvey, and Gage Froerer.

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

A. WELCOME – Chair Jenkins

B. INVOCATION – Matt Wilson

C. PLEDGE OF ALLEGIANCE – Commissioner Harvey

D. THOUGHT OF THE DAY – Commissioner Froerer

E. PUBLIC COMMENTS: None.

F. CONSENT ITEMS:

1. Warrants #1961-1980 and #442155-442503 in the amount of \$2,359,649.02.
2. Purchase orders in the amount of ~~\$7,440,078.93~~ \$109,355.28.
3. Minutes for the meeting held on August 20, 2019.
4. Surplus baby scales and a tablet from the Weber-Morgan Health Department.
5. Surplus a 2003 White Ford Explorer from the Weber-Morgan Health Department.

Commissioner Harvey moved to approve the consent items with a correction to F.2.; Commissioner Froerer seconded.

Commissioner Harvey – aye; Commissioner Froerer – aye; Chair Jenkins – aye

G. ACTION ITEMS:

1. AMEND THE CONDITIONAL USE PERMIT FOR THE TERAKEE VILLAGE PRUD.

Steve Burton, of the County Planning Division, stated that the developers are required to either hook up to secondary water or create their own secondary water system. They wish to create their own secondary water system by taking some of the open space that was originally designated as common area in the development in an agriculture parcel. They will take one acre of that and make it into a pond for secondary water. The Western Weber Planning Commission, which has some discretion in granting bonus density, recommended approval but did not want the pond to be considered open space. If it is not considered open space, it takes away some of the originally approved density. Mr. Burton said that if the Commission was to accept the Planning Commission's recommendation, staff recommended that they consider taking away some density, at least one lot, because if it is not open space, there should not be as much bonus density granted. Prior to this item going before the Planning Commission, staff recommended that it be called open space and to not alter the density. He addressed Chair Jenkins's question stating that the PRUD code does not state that there cannot be a secondary water pond as part of open space.

Brad Blanch/applicant, said that Mr. Burton summarized the item well but the requirement from Taylor-West Weber Water District does not require connection to a secondary water district. The plan is to build their own system and stop the secondary water design into 900 S for the future when a secondary water provider is in the area and takes over the system. The Planning Commission also discussed front yard setbacks. For the larger Terakee Farm project, front yard setbacks are approved at 20 instead of 30 feet, and the developer requested that the setbacks for the Village also be that size, primarily because the approved right-of-ways are 50 ft. rather than the normal 60 ft. and that it helps on the amount of water that they would use for ponds. He likes the Commission's previous idea to place on each lot of the plat the amount of secondary water that each lot would be metered and will do that. He addressed Commissioner Froerer's question stating that his preference is to consider the pond open space—the project has 80 approved lots with four designated as accessory dwelling units and they would lose 1-2 accessory dwelling units. Subsequent to the Planning Commission meeting, he discovered that the pond must be fenced (5 ft. high). The Planning Commission required landscaping the pond area. Commissioner Harvey asked how code requires the developer to maintain the area around the water source to protect it and beautify the subdivision, and he asked about private ownership moving forward. Mr. Blanch said that it is a 60-acre project and about 30 of it is open space, most of which is contained on the west side. The pond is to be placed permanently on the agricultural open space. There is still a lot of wildlife in that area and it is important that the pond fit into that landscape. He said that they will make sure that it is permanently used appropriately, and that all of the open space for both of his projects will be owned by a nonprofit, Terakee Farms, Inc., which will also own all of the Hooper Irrigation water shares and the surface water rights from the Weber river. For this development, owners will pay a secondary water impact fee at the time of real estate closing that will go into a fiduciary account for ongoing maintenance and service of the secondary water pond and system, as well as annual fees for ongoing maintenance/service.

Mr. Burton said that the county requires an open space maintenance plan and his understanding is that there is one for this development and that this pond's maintenance needs to be addressed in that plan.

Commissioner Froerer moved to approve the amended conditional use permit for the Terakee Village PRUD, with the original staff recommendation that the pond be considered open space. He sees no problem with the pond with the proper equipment, and since it's in the best interest of the developer to do right by it, he does not wish to overregulate it; Commissioner Harvey seconded, agreeing with the motion but wanting to ensure that there is a level of pride of ownership, that there is a revenue source required to beautify that water source and area moving forward, and that it does not get full of Phragmite, until a secondary water company takes over.

Commissioner Harvey – aye; Commissioner Froerer – aye; Chair Jenkins – aye

2. RESOLUTION TO SUPPORT THE INITIATION OF PENDING LEGISLATION RELATED TO OUTDOOR STORAGE AND STORAGE UNITS IN UNINCORPORATED AREAS OF WEBER COUNTY – RESOLUTION 51-2019.

Rick Grover, County Planning Division Director, noted that the county has been working on the storage unit ordinance to achieve better regulations to address the issues. This resolution allows a bit more time for the county to prepare it. It does not allow additional applications until the ordinance is completed.

Commissioner Harvey moved to adopt Resolution 51-2019 to support the initiation of pending legislation related to outdoor storage and storage units in unincorporated areas of Weber County; Commissioner Froerer seconded.

Commissioner Harvey – aye; Commissioner Froerer – aye; Chair Jenkins – aye

3. RESOLUTION CONFIRMING THE APPOINTMENT OF CLINT THURGOOD TO THE BOARD OF DIRECTORS OF WEBER HUMAN SERVICES – RESOLUTION 52-2019.

Matt Wilson, Deputy County Attorney, highlighted the appointment process noting that it initially started in Weber County, that it was then confirmed by Morgan County and was back before Weber County.

Commissioner Harvey moved to adopt Resolution 52-2019 confirming the appointment of Clint Thurgood to the Board of Directors of Weber Human Services; Commissioner Froerer seconded.

Commissioner Harvey – aye; Commissioner Froerer – aye; Chair Jenkins – aye

4. FIRST READING OF AN ORDINANCE AMENDING THE WEBER COUNTY FEE ORDINANCE AS IT RELATES TO RECORD REQUEST FEES FOR THE COUNTY ATTORNEY'S OFFICE AND USER FEES FOR THE WEBER COUNTY SPORTS SHOOTING COMPLEX.

Christopher Crockett, Deputy County Attorney, stated that the first amendment relates to the County Attorney's Office regarding records request copy charges to include digital copies. The other amendments relate to the codification of the Sports Shooting Complex fees. Commissioner Harvey said that State agencies have been very complimentary of the Complex's management, which has received national accolades. He complimented Todd Ferrario for the fantastic job since it has been under his direction.

Commissioner Froerer moved to approve the first reading of an ordinance amending the Weber County Fee Ordinance as it relates to record request fees for the County Attorney's Office and user fees for the Weber County Sports Shooting Complex; Commissioner Harvey seconded.

Commissioner Harvey – aye; Commissioner Froerer – aye; Chair Jenkins – aye

5. CONTRACT WITH POST BROS., LLC, FOR LEASE OF A COMMERCIAL BUILDING FOR PROPERTY MANAGEMENT TO USE FOR STORING EQUIPMENT.

Bryce Taylor, with County Property Management, presented this 1-year lease of the commercial building.

Commissioner Harvey moved to approve the contract with Post Bros., LLC, for lease of a commercial building to store County Property Management equipment; Commissioner Froerer seconded.

Commissioner Harvey – aye; Commissioner Froerer – aye; Chair Jenkins – aye

6. CONTRACT WITH HORROCKS ENGINEERS TO EVALUATE THE WILDWOOD BRIDGE IN ITS CURRENT CONDITION AND PROVIDE RECOMMENDATIONS FOR IMPROVEMENTS.

Branden Felix, of County Engineering, stated that this bridge is in disrepair and needs to be evaluated. Commissioner Froerer asked if the county is 100% certain that it is a county bridge as he has been told it has never been Weber County's. Sean Wilkinson, County Community Development Director, stated that in the 1970s the Wildwood Subdivision was created. At that time the roads were private within the subdivision and were so dedicated, but in the minutes the County Commission agreed to maintain the bridge and there is no other detail. Staff spoke with Chair Jenkins and it was decided that the county will conduct the study and on a one-time basis bring the bridge up to UDOT's required standards with a contract. The county will then have completed its maintenance requirement and be out of it and the citizens will take it over from then on, and it becomes a private asset. Chair Jenkins said that it is in the minutes that the Commission agreed to maintain the bridge, although it is unknown why they did that. He felt that the county had a legal responsibility, but once, to bring it up to standard and be done with it.

Commissioner Froerer asked for a contractual agreement with those land owners that they will sign off on prior to accepting the maintenance contract, that they understand that after said maintenance work is done that this is their asset and not the county's. Christopher Crockett, Deputy County Attorney, said that his opinion is that there is no legal obligation by the county, given the amount of time, a lack of consideration, etc. Commissioner Froerer agreed with doing this one time and be done with it. Chair Jenkins said that the study is for a couple thousand dollars.

Commissioner Harvey moved to approve the contract with Horrocks Engineers to evaluate the Wildwood Bridge's current condition and provide improvement recommendations; Commissioner Froerer seconded. Commissioner Harvey – aye; Commissioner Froerer – aye; Chair Jenkins – aye

7. CONTRACT WITH STAKER PARSONS FOR RECONSTRUCTION OF 12TH STREET FROM THE WEBER RIVER BRIDGE TO APPROXIMATELY 7140 WEST.

Jared Anderson, County Engineer, noted that this includes upgrades to Weber Basin Water line, which will reimburse the county for its portion. The contract amount is \$10.5 million. The procurement process was followed.

Commissioner Froerer moved to approve the contract with Staker Parsons for reconstruction of 12th Street from the Weber River Bridge to approximately 7140 West; Commissioner Harvey seconded. Commissioner Harvey – aye; Commissioner Froerer – aye; Chair Jenkins – aye

8. MEMORANDUM OF UNDERSTANDING (MOU) WITH OGDEN CITY FOR DETERMINATION AND DISTRIBUTION FOR ANTICIPATED GRANT FUNDS.

Chief Brandon Roundy, of the County Sheriff's Office, stated that this Justice Assistance Grant (JAG grant) was applied for through Ogden City and the Sheriff's Office will receive approximately 10% (\$5,600) of the award that will go towards purchase of law enforcement enhancement services.

Commissioner Harvey moved to approve the Memorandum of Understanding with Ogden City for determination and distribution for anticipated grant funds; Commissioner Froerer seconded. Commissioner Harvey – aye; Commissioner Froerer – aye; Chair Jenkins – aye

9. FINAL APPROVAL OF SHEPHERD ESTATES SUBDIVISION, CONSISTING OF FOUR LOTS.

Steve Burton, of the County Planning Division, stated that this is a 4-lot subdivision and includes a Subdivision Improvement Agreement for \$22,203.39. The Planning Commission recommended approval. Commissioner Froerer moved to grant final approval of Shepherd Estates Subdivision, consisting of four lots; Commissioner Harvey seconded.

Commissioner Harvey – aye; Commissioner Froerer – aye; Chair Jenkins – aye

10. SUBDIVISION IMPROVEMENT AGREEMENT FOR THE OVERLOOK SUBDIVISION PHASES 1 AND 2.

Steve Burton, of the County Planning Division, stated that this subdivision came before the Commission last month. Today the developer gave the funds, \$2,009,482.13, for the county to ensure proper installation of improvements. Don Guerra, petitioner, with Summit Powder Mountain, addressed Commissioner Harvey's question stating that all are private roads within the subdivision.

Commissioner Froerer moved to approve the Subdivision Improvement Agreement for the Overlook Subdivision Phases 1 and 2; Commissioner Harvey seconded. Commissioner Harvey – aye; Commissioner Froerer – aye; Chair Jenkins – aye

H. COMMISSIONER COMMENTS: Commissioner Harvey complimented the former commissioners who started the annual Weber County Charity Golf Tournament stating that since its inception 17 years ago the Commission has given about \$300,000 to local nonprofits. The other two commissioners concurred and stated that Commission staff works very hard on this project to make it a success.

I. ADJOURN

Commissioner Froerer moved to adjourn at 10:55 a.m.; Commissioner Harvey seconded. Commissioner Harvey – aye; Commissioner Froerer – aye; Chair Jenkins – aye

Attest:

Scott K. Jenkins, Chair
Weber County Commission

Ricky D. Hatch, CPA
Weber County Clerk/Auditor