

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

Tuesday, September 4, 2012 - 10:00 a.m.
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 PRESENT: Craig L. Dearden, Chair, Jan M. Zogmaister and Kerry W. Gibson.

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

A. WELCOME - Chair Dearden

B. PLEDGE OF ALLEGIANCE - David Wilson

C. THOUGHT OF THE DAY - Commissioner Zogmaister

D. PRESENTATION OF THE AMERICAN LANDS COUNCIL - No one was present for this item.

E. CONSENT ITEMS:

1. Purchase Orders for \$124,982.67
2. Warrants #289357 - #289603 for \$1,733,014.04
3. Minutes for the meeting held on August 28, 2012
4. New business licenses

Commissioner Gibson moved to approve the consent items; Commissioner Zogmaister seconded, all voting aye.

F. ACTION ITEMS:

1. CONTRACT WITH AND J & M REAL PROPERTIES FOR A SUBDIVISION IMPROVEMENT AGREEMENT FOR NORTH FORK MEADOWS CLUSTER SUBDIVISION - CONTRACT C2012-176

Chad Meyerhoffer, of County Engineering, stated that this item is related to an existing Subdivision Improvement Agreement for a development located off of Highway 162 in Ogden Valley. The Commission approved a Notice of Non-Compliance and Suspension of Final Plat Approval for North Fork Meadows Subdivision on 9/29/2009, which was recorded. In 2011 the county received some funds from FDIC. Since then a new owner has acquired the property. Chair Dearden asked for clarification on the Contract Summary Sheet amount and requested that it reflect \$79,689.51, the amount that is actually going to the developer.

Commissioner Zogmaister moved to approve Contract C2012-176 with and J & M Real Properties for a Subdivision Improvement Agreement for North Fork Meadows Cluster Subdivision with the Contract Summary reflecting the noted amount; Commissioner Gibson seconded, all voting aye.

2. APPROVE A TRANSFER OF DEVELOPMENT RIGHTS AND ACCEPT AN IRREVOCABLE TRANSFER OF DEVELOPMENT RIGHTS CONSERVATION EASEMENT PROPOSED BY SNOWBASIN RESORT COMPANY

Scott Mendoza, of the County Planning Division, presented the proposed transfer of development rights by Snowbasin Resort Company (Snowbasin). Mr. Mendoza noted that the transfer of development rights deed and a transfer of development rights easement were before the commissioners. There are three parties involved—Snowbasin, the county (grantee), and Weber Basin Water Conservancy District (which has already signed the easement accepting it as a grantee). Staff reviewed Snowbasin's application, including compliance with Chapter 44 of the Zoning Ordinance, certified the transferable development rights (there are 521), and the easement. Staff found the proposal in full compliance and recommends approval.

Clint Ensign, John Loomis, and Kent Lyons, representatives from Snowbasin were present. On behalf of Snowbasin, Mr. Ensign expressed thanks to Mr. Mendoza and other county staff that have worked on this item. He said that it has been a long process but a good one—that they were able to resolve the issues and keep the faith of the stakeholders and their intent. Commissioner Zogmaister stated that a lot of work has gone into this item and that it is very well done.

Commissioner Gibson moved to approve a Transfer of Development Rights and accept an Irrevocable Transfer of Development Rights Conservation Easement proposed by Snowbasin Resort Company; Commissioner Zogmaister seconded, all voting aye.

3. RATIFY A CONTRACT WITH THE DEPARTMENT OF WORKFORCE SERVICES HOUSING & COMMUNITY DEVELOPMENT DIVISION, COMMUNITY DEVELOPMENT BLOCK GRANTS (CDBG) AND WEBER HOUSING AUTHORITY TO PROVIDE LOW TO MODERATE INCOME HOUSEHOLDS WITH DOWN PAYMENT ASSISTANCE - CONTRACT C2012-177

Commissioner Zogmaister stated that a CDBG grant for county residents (\$5,000 each), outside of Ogden City, was awarded to the Weber Housing Authority. This is the second year of receiving this grant. The applicants are required to complete a home ownership course.

Commissioner Zogmaister moved to approve Contract C2012-177 with the Department of Workforce Services Housing & Community Development Division, Community Development Block Grants and Weber Housing Authority to provide low to moderate income households with down payment assistance; Commissioner Gibson seconded, all voting aye.

5. FIRST READING OF AN ORDINANCE ADDING CERTAIN FEES (STORMWATER) TO THE WEBER COUNTY FEE ORDINANCE RELATING TO THE ENGINEERING OFFICE

Jared Andersen, County Engineer, stated that this item is for storm sewer service fees. The county adopted an ordinance in 2005 indicating the need to charge a storm sewer service fee for unincorporated areas, however, no fee has been charged and funds have been withdrawn from the general fund to partially fix stormwater emergency projects. Greg Seegmiller, of JUB Engineers, stated that JUB performed a study and determined that the equivalent service unit should be 6,200 square feet, and he explained how they came up with that figure. He noted that there are a lot of large lots in the unincorporated county. JUB evaluated the hard surface for 200+ commercial properties. They also evaluated some of the fees that would be needed to maintain the storm water utility for the county as well as the capital improvements that have been evaluated or that need to be completed for both the lower and upper valleys. They recommend that the county charge \$16/month per residence and commercial business for the next 30 years for operations and maintenance of storm water. Mr. Andersen compared that amount with incorporated areas in the county and it is exorbitant. He gave examples of other entities' fees including Layton City (\$4.60), Bountiful (\$3), Farmington (\$6), and Kaysville (\$6.50). A lot of these entities use 3,000-3,500 sq. ft. area for measurement. Mr. Andersen recommends charging \$5/month.

Commissioner Gibson noted that he has heard numerous complaints that the county has not been able to complete the challenges related to stormwater. He stated that there is a backlog.

Commissioner Zogmaister moved to approve the first reading of an ordinance to add certain fees to the Weber County Fee Ordinance relating to storm sewer service fees; Commissioner Gibson seconded, all voting aye.

G. ASSIGN PLEDGE OF ALLEGIANCE & THOUGHT OF THE DAY FOR TUESDAY, SEPTEMBER 11, 2012, 10 A.M.

H. PUBLIC COMMENTS: None

I. CLOSED EXECUTIVE SESSION TO DISCUSS STRATEGY RELATING TO IMMINENT OR PENDING LITIGATION

Commissioner Zogmaister moved to convene a closed executive session to discuss strategy relating to imminent or pending litigation; Commissioner Gibson seconded.

Roll Call Vote:

Commissioner Zogmaister.....aye

Commissioner Gibsonaye

Chair Dearden.....aye

No action was taken on the closed executive session.

J. ADJOURN

Commissioner Zogmaister moved to adjourn at 11:06 a.m.; Commissioner Gibson seconded, both voting aye.

Attest:

Craig L. Dearden, Chair
Weber County Commission

Ricky D. Hatch, CPA
Weber County Clerk/Auditor