

MINUTES
WEBER COUNTY COMMISSION

Tuesday, September 18, 2018 - 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.

WEBER COUNTY COMMISSIONERS: James "Jim" H. Harvey, James Ebert, and Scott K. Jenkins.

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

- A. WELCOME** – Chair Harvey
- B. INVOCATION** – Caleb Rivera
- C. PLEDGE OF ALLEGIANCE** – Felix Lleverino
- D. THOUGHT OF THE DAY** – Commissioner Jenkins

E. PUBLIC COMMENTS: Ron Gleason, of Huntsville, spoke about the serious traffic and other issues that occurred last Saturday. It was the second year in a row that there were three large events—the Huntsville Marathon, Xterra, Regional High School Mountain Races—occurring in the Ogden Valley on the same day with very large numbers of people. He said that due to the lack of signage people were caught unaware, and he hopes that better ways are implemented to notice special events. Mr. Gleason stated there is a calendar on the county's website that is not easily found or accessible. Organizers need to do a better job with newspaper articles and the permitting process needs to be done timely—applications were submitted so late that there was not enough time to notice them. Mr. Gleason said that staff is looking at the Special Events Ordinance, and he hopes for the Commission's support.

F. CONSENT ITEMS:

1. Warrants #1540-1553 and #431827-431992 in the amount of \$1,977,107.97,
2. Purchase orders in the amount of \$150,054.56 less \$50,859.41 for Midwest Interiors – to be held for 1 week.
3. Request from County Clerk/Auditor-Election's Office to approve poll workers for the 2018 General Election.
4. New business licenses.

Commissioner Jenkins moved to approve the consent items, except for Midwest Commercial Interiors, stating his amazement that the Sheriff was buying 107 chairs for \$51,000 and wants to inspect this further. Mr. Hatch will forward the email of explanation and chair photos to the Commission. Commissioner Ebert seconded. Commissioner Ebert – aye; Commissioner Jenkins – aye; Chair Harvey – aye

G. ACTION ITEMS:

1. TOURISM TAX ADVISORY BOARD RECOMMENDATION (TTAB).

Steve Ballard, TTAB Chair, noted that this was the first time that the TRCC (Tourism Recreation Culture and Convention tax) collection had exceeded TRCC expenses. Sara Toliver, Vice Chair, stated that currently three taxes fall under the tourism tax collection pool (transient room tax, restaurant tax, leased vehicle tax). On 12/2019 the bond payment on the Ogden Eccles Conference Center will expire and will free up some money. The TTAB provides recommendations to the county on how the funds are allocated and wants to do so early for strategic decision making. The tax force for this recommendation included part of the county's Culture Parks and Recreation (CP&R) team, which looked back 10 years to determine what the growth curve should look like if they continue on the same path. The TRCC has an annual growth rate of 6% rate and TRT of 5%. The recommendations include that the CVB be funded at 70% of the transient room tax collection, that the Legacy Fund grow by 10% annually, that funding GOAL continues, that any remaining funds to support the TRCC pool, that CP&R facilities' operations/overhead be 100% covered by TRCC taxes, that 50% of remaining funds be allocated to capital improvements, and the remaining 50% be earmarked for the Future Projects Fund. The recommendations are based on the current portfolio and the TRCC asked that if additional facilities/venues are to be added to the CP&R portfolio that the county's Strategic Planning Committee involve the TTAB in that conversation before such additions. In FY2017 there were \$273 million in taxable sales, an increase of 9% from 2016. Those taxable sales result in a \$1,223 tax credit for each county household and business. She addressed Chair Harvey's question stating that GOAL's funding is \$60,000/year and TTAB could consider placing them on a percentage. CP&R Department Directors were present and are comfortable with the recommendations. Ms. Toliver spoke of the massive coordination efforts for special events.

Commissioner Jenkins moved to approve the TTAB's recommendation; Commissioner Ebert seconded. Commissioner Ebert – aye; Commissioner Jenkins – aye; Chair Harvey – aye

2. RATIFY A CONTRACT WITH THE UTAH YOUTH RODEO ASSOCIATION FOR THE 2018-2019 SEASON TO BE HELD AT THE GOLDEN SPIKE EVENT CENTER (GSEC).

Duncan Olsen, GSEC Director, presented this standard contract.

Commissioner Jenkins moved to ratify the contract with the Utah Youth Rodeo Association for the 2018-2019 Season at the Golden Spike Event Center; Commissioner Ebert seconded.

Commissioner Ebert – aye; Commissioner Jenkins – aye; Chair Harvey – aye

3. DISCUSSION REGARDING THE WESTERN WEBER FUTURES PUBLIC INVOLVEMENT AND OUTREACH.

Charles Ewert, of the County Planning Division, noted that the Commission had tasked Planning staff to engage with the western Weber public regarding current/future land uses, development, etc. Staff held four meetings, spoke with the public, took surveys and hundreds of comments, etc., and created maps to show what they garnered from the public's desire for their future neighborhoods. As documented in the West Central Weber County General Plan, there remains a dichotomy between large and small land owners. Currently, the majority of western Weber is zoned for one dwelling unit for about every acre, which is potentially 16,000 additional dwelling units (a little less with wetlands, streets, etc.). Mr. Ewert showed the 2003 General Plan's future land use map, future residential conditions based on current zoning, traditional 1-acre lots vs. cluster subdivisions, area maps/slides that included scenarios with one dwelling unit per ½ acre, about one unit for every two acres, and one unit/acre, and desired future land uses, transportation, parks and recreation. The public wants to preserve the large farm acreage and the rural community character but does seem to understand well that all of the farmland has development rights and potential. He had repeatedly heard that 1-acre lots or even 5-acre lots are too small to farm and too large to mow. The current farmland could potentially be divided into 358 additional 1-acre lots and areas that could be divided one or two more times could potentially add 56 more 1-acre lots. Some did not want large lot/agriculture but they could not pin down what that is (in the legend one acre equals large) and Commissioner Ebert said that farmers told him that three acres are not enough. This needs to be narrowed down.

When asked if growth should occur in their community, some said yes, but not next door; the majority responded it should be within a certain distance of where the sewer lines are. Staff took the future standard or clustered residential information back out to the public with 1/3 or 1/2 acre lots but they only want 1-acre lots in that area. Commissioner Jenkins said that two weeks ago, of the five developers in his office, three were large property area owners and each told him they wanted density, and several farmers also told him they want their rights to develop. Mr. Ewert noted that some say "don't take existing rights away" and some want more rights. Staff recommended no additional rights than what already exists. Some large landowners may have talked with commissioners but did not speak with Planning. About ¼ of large property owners participated in the process. Mr. Ewert only received comments from 2-3 large landowners who spoke about additional density. Staff's recommendations are based on the residents' requests and include creating a new western Weber future land use map that designates small mixed use commercial areas/villages at primary transportation intersections, including at the intersections of 900 S. and the planned West-Weber Corridor, 2550 S. and/or 2200 S. and the planned Corridor, 1150 S. and 4700 W. Staff heard repeatedly in this process that the west side of 4700 W. & 12th Street would not develop and the landowner did not want to develop. The landowner told Mr. Ewert last week that he would like to develop a 10-acre commercial village at least in the southwest of that intersection, and is working on an application. Staff recommendations for transportation include working with UDOT's planning of the Corridor to move their proposed alignment (between 5900-6700 S.) westward to better connect to the Little Mountain manufacturing areas and avoid prime agricultural lands. One idea that staff received was for a huge park in the large area by the Ogden Bay and when this was presented to the public all supported it. There were also a number of requests for shoulders on the right-of-ways, a Weber River Parkway or an extension from Ogden to the Ogden Bay, and trails on old rail beds, along canals, the Weber River and for every major street corridor were highly desirable (65%-85%). He stated that today's recommendations are a good start but may not come from a broad enough public cross-section that would result from a general plan process. Commissioner Ebert said that a current issue for development is that there is no infrastructure in western Weber to provide the appropriate corridors. Chair Harvey referred to Mr. Ewert's comment on more needed public involvement and asked him to involve The Dicio Group and even establish a social media page providing all of this information and where people can ask questions and make comments.

4. CONTRACT WITH CALDWELL RICHARDS SORENSEN (CRS) FOR 12TH STREET UTILITY RECONSTRUCTION SEGMENT 3.

Jared Anderson, County Engineer, stated that this went through the procurement process and is for storm drain and culinary water line reconstruction on 12th Street from the Weber River to 7500 W. CRS's ratings came out on top.

Commissioner Ebert moved to approve the contract with Caldwell Richards Sorensen for the 12th Street utility reconstruction segment 3; Commissioner Jenkins seconded.

Commissioner Ebert – aye; Commissioner Jenkins – aye; Chair Harvey – aye

H. PUBLIC HEARING:

1.

Commissioner Jenkins moved to adjourn the public meeting and convene a public hearing; Commissioner Ebert seconded.

Commissioner Ebert – aye; Commissioner Jenkins – aye; Chair Harvey – aye

2. **PUBLIC HEARING TO CONSIDER AND TAKE ACTION ON A REQUEST TO VACATE PUBLIC UTILITY EASEMENTS LOCATED ON THE SIDES AND REAR OF LOTS 1-6 AND ON THE SIDES OF LOTS 7-12 WITHIN HENRY FLATS CLUSTER SUBDIVISION.**

Felix Lleverino, of the County Planning Division, stated that this subdivision is in Taylor. The 10-ft. easements are no longer needed because all utilities are already in place in the public right-of-way. The applicant, Phil Hancock, had obtained approval letters from Questar Gas, Rocky Mountain Power and CenturyLink. Staff recommended approval. County Engineering, Planning and the Surveyor reviewed this and also recommend approval based on the findings in the report.

Commissioner Jenkins moved to adjourn the public hearing and reconvene the public meeting; Chair Harvey seconded.

Commissioner Ebert – aye; Commissioner Jenkins – aye; Chair Harvey – aye

Commissioner Ebert moved to adjourn the public meeting and reconvene the public hearing to take public comments; Commissioner Jenkins seconded.

Commissioner Ebert – aye; Commissioner Jenkins – aye; Chair Harvey – aye

3. **Public Comments:**

--Susan Hancock, West Weber resident, lives directly across from the subject property and would like the easements to remain or that the developer be allowed less homes on the property. Area residents have to have huge septic systems in their yards and she does not understand how such a septic system would fit on less than ½ of an acre. Mr. Lleverino responded to Commissioner Jenkins' questions stating that part of the public utility easements actually on the lots would be vacated and easements on the fronts of lots 1-6 and along the front and rear of lots 7-12 will remain for utilities. Central Weber Sewer services are in place in the public right-of-way. This action does not change anything but will allow Mr. Hancock at a future time to amend the dedication plat to develop in a manner consistent with the Cluster Code and utilize his property as it was designed for. For an unknown reason in the dedication plat they placed buildable areas which are restricted.

--Phil Hancock, of West Weber, owner/developer, said that normally when engineers draw a subdivision they assume that there will be easements needed for public utilities and they put them all around a lot. In this case, it was not considered that there is no need for public easements in those areas. By putting them in, it further restricts the landowner from using his property to the full extent intended by the Cluster Subdivision Ordinance and results in confiscation of his property and is an unfair application in this case. There is no public need to keep these easements because they are not going to be used. He addressed Commissioner Ebert's question stating that the Health Department has approved individual waste disposal systems.

4.

Commissioner Ebert moved to adjourn the public hearing and reconvene the public meeting; Commissioner Jenkins seconded.

Commissioner Ebert – aye; Commissioner Jenkins – aye; Chair Harvey – aye

5. **ACTION ON PUBLIC HEARING:**

H.2-VACATE PUBLIC UTILITY EASEMENTS WITHIN HENRY FLATS CLUSTER SUBDIVISION – ORDINANCE 2018-16

Commissioner Ebert moved to adopt Ordinance 2018-16 vacating public utility easements located on the sides and rear of lots 1-6 and on the sides of lots 7-12 within Henry Flats Cluster Subdivision; Commissioner Jenkins seconded.

Commissioner Ebert – aye; Commissioner Jenkins – aye; Chair Harvey – aye

I. COMMISSIONER COMMENTS: None.

J. CLOSED MEETING

Commissioner Ebert moved to convene a closed meeting to discuss pending or imminent litigation; Commissioner Jenkins seconded.

Commissioner Ebert – aye; Commissioner Jenkins – aye; Chair Harvey – aye

There was no action on the closed meeting.

K. ADJOURN

Commissioner Ebert moved to adjourn at 12:22 p.m.; Chair Harvey seconded.

Commissioner Ebert – aye; Commissioner Jenkins – aye; Chair Harvey – aye

Attest:

James "Jim" H. Harvey, Chair
Weber County Commission

Ricky D. Hatch, CPA
Weber County Clerk/Auditor