

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

Tuesday, April 15, 2014 - 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.*

- A. WELCOME** – Chair Gibson
- B. PLEDGE OF ALLEGIANCE** – Brooke Stewart
- C. THOUGHT OF THE DAY** – Commissioner Bell

**D. CONSENT ITEMS:**

- 1. Purchase Orders for \$124,431.80
- 2. Warrants #308208 - #308433 for \$1,449,461.10
- 3. Minutes for the meeting held on April 8, 2014
- 4. New business licenses

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

- I. PUBLIC COMMENTS:** Chair Gibson said that there had been a suggestion to move the public comment portion to the beginning of the meeting rather than at the end; there may be benefits at the beginning as well as at the end. Further discussion will occur in the future.

Sylvia Salisbury asked if it would be possible to have public comments both at the beginning and at the end.

Frances Bush spoke about articles in the Standard Examiner newspaper concerning Commissioner Bell's reaction to the proposal to raise bond money for the public libraries and not to have so much money dedicated to this item. She supports that 100%. Ms. Bush, a teacher for 37 years, said that public libraries are indispensable, that school libraries do not have the needed resources, that she has held meetings at libraries for several organizations, and that any investment in public libraries is money well spent.

**E. ACTION ITEMS:**

- 1. **REQUEST FOR CONTRACTS WITH THE FOLLOWING FOR RECREATION ARTS MUSEUMS & PARKS (RAMP) GRANT AWARDS:**

Ogden City Arts-Ogden's First Friday Art Stroll; Ogden City Arts-LIVE! Downtown Summer Concert Series  
Ogden City Arts-Ogden Theater Backdrops; Ogden City Arts-Historic 25<sup>th</sup> Street Farmers & Art Market

This item was held.

- 2. **CONTRACT WITH ROCKY MOUNTAIN POWER FOR THE OGDEN BAY WATERFOWL MANAGEMENT AREA PROJECT AS PART OF THE WEBER COUNTY EMERGENCY WATERSHED PROTECTION PROJECT – CONTRACT C2014-110**

Jared Andersen, County Engineer, presented this contract for Rocky Mountain to pull and connect lines to existing structures.

Commissioner Bell moved to approve Contract C2014-110 with Rocky Mountain Power for the Ogden Bay Waterfowl Management Area Project as part of the Weber County Emergency Watershed Protection Project; Commissioner Zogmaister seconded, all voting aye.

3. **REQUEST ON AMENDMENT TO A CONTRACT WITH CRACAR CONSTRUCTION FOR THE BANK PROTECTION PROJECT AS PART OF THE WEBER COUNTY EMERGENCY PROTECTION PROJECT**

This item was held.

4. **CONTRACT WITH UTAH DEPARTMENT OF TRANSPORTATION (UDOT) TO ESTABLISH FUNDING TERMS AND CONDITIONS FOR PROJECT NO F-0037 (10) 10, SR 37 (5100 WEST TO SR108) & PROJECT NO S0108 (30) 11, SR-108-SR37 TO SR-79 FOR ROAD CONSTRUCTION AND WIDENING PROJECTS – CONTRACT C2014-111**

Douglas Larsen, Weber Economic Development Partnership (EDP) Director, stated that this is for 4000 South from Midland Dr. west to 5100 West (a major east-west corridor) with planned capacity improvements that will provide a 5-lane facility to 4700 West and a 3-lane structure from 4700 to 5100 West. The environmental phase or study is essentially complete and it is anticipated that the design and right-of-way work will commence this year through 2015 with construction phases starting possibly in 2016 but no later than 2017. The contract provides \$10,018,700 from the county's third quarter percent sales tax for transportation and was previously prioritized and approved by the Weber Area Council of Governments in 2011.

Commissioner Zogmaister moved to approve Contract C2014-111 with Utah Department of Transportation to establish funding terms/conditions for Project No F-0037 (10) 10, SR37; 5100 West to SR-108 & Project No S0108 (30) 11, SR-108; Sr-37 to SR-79 for road construction and widening projects; Commissioner Bell seconded, all voting aye.

5. **CONTRACT WITH MARRIOTT-SLATERVILLE TO PROVIDE ROAD MAINTENANCE SERVICES FOR MARRIOTT-SLATERVILLE CITY – CONTRACT C2014-112**

Kelly Hipwell, of the County Roads Department, presented this contract renewal.

Commissioner Bell moved to approve Contract C2014-112 with Marriott-Slaterville to provide road maintenance services to the city; Commissioner Zogmaister seconded, all voting aye.

6. **CONTRACT WITH K&H ELECTION SERVICES TO PROVIDE ELECTION BALLOT PRINTING, PROCESSING, AND MAILING SERVICES – CONTRACT C2014-113**

Jennifer Morrell, County Elections Director, presented this three-year contract.

Commissioner Zogmaister moved to approve Contract C2014-113 with K&H Election Services to provide election ballot printing, processing, and mailing services; Commissioner Bell seconded, all voting aye.

7. **CONTRACT WITH CRYSTAL JOJOLA FOR A VAPOR FEST TO BE HELD AT THE GOLDEN SPIKE EVENT CENTER (GSEC) ON 6/21/2014 – CONTRACT C2014-114**

Jim Harvey, with GSEC, presented this contract.

Commissioner Bell moved to approve Contract C2014-114 with Crystal Jojola for a Vapor Fest to be held at the Golden Spike Event Center on 6/21/2014; Commissioner Zogmaister seconded, all voting aye.

8. **CONTRACT WITH JUNCTION CITY ROLLER DOLLS TO HAVE A ROLLER DERBY AT THE GOLDEN SPIKE EVENT CENTER (GSEC) ON 4/26/2014 – CONTRACT C2014-115**

Jim Harvey, with GSEC, presented this contract.

Commissioner Zogmaister moved to approve Contract C2014-115 with Junction City Roller Dolls for a Roller Derby at the Golden Spike Event Center on 4/26/2014; Commissioner Bell seconded, all voting aye.

9. **GRANT A DEED OF EASEMENT TO BONA VISTA WATER IMPROVEMENT DISTRICT TO REPLACE OLD PIPING WITHIN THE WEBER INDUSTRIAL PARK**

Chad Meyerhoffer, of County Engineering, noted that the District requested easements for new lines that it is installing in the Industrial Park.

Commissioner Bell moved to grant a Deed of Easement to Bona Vista Water Improvement District to replace old piping within the Weber Industrial Park; Commissioner Zogmaister seconded, all voting aye.

**F. PUBLIC HEARING:**

1. Commissioner Bell moved to adjourn the public meeting and convene the public hearing; Commissioner Zogmaister seconded, all voting aye.
2. **PUBLIC HEARING ON REQUEST TO REZONE PROPERTY AT APPROXIMATELY 156 N. & STATE ROAD 158 (EXTENDING FROM THE AREA NEAR THE OGDEN CITY WATER TREATMENT PLANT, EASTERLY TO THE PINEVIEW CARETAKER'S HOUSE) FROM FOREST-40 (F-40) ZONE TO FOREST RESIDENTIAL-1 (FR-1) ZONE FOR THE PURPOSE OF CREATING 1 BUILDING LOT & IMPLEMENTING DEVELOPMENT STANDARDS THAT ARE MORE COMPATIBLE WITH RELATIVELY SMALL BUILDING LOTS**

Scott Mendoza, of the County Planning Division, introduced David Clapier, the applicant. Mr. Mendoza referred to the photograph of the rezone area stating that this strip of land, located at the top end of Ogden Canyon, is about 1,300 feet wide and about one mile long. The Clapiers have owned this F-40 zoned property (about 3½ acres) for decades and until 1991 it was a grandfathered parcel. In 1991 the Clapiers accommodated a neighbor with good intentions—a home was either built across property lines or very close and the two parties swapped properties to make it good on the ground, but in doing so the Clapiers found that they had disqualified their parcel as a legal building lot.

The Clapiers are entering into a Zoning Development Agreement, which restricts the land that they own to one building lot and clarifies that the land will be regulated consistent with the FR-1 Zone standards. The Clapiers, county staff and the Planning Commission are in agreement since there has only been one development right, and that it is reasonable to continue with one development right and restrict the property in the future from developing three lots.

Mr. Mendoza stated that there are a total of six parcels within the rezone area. Three of the parcels are privately owned and three are owned by the USDA Forest Service, the latter owns about 143 acres. The Clapiers own two parcels consisting of about 3.68 total acres. The other parcel (on north side of SR158) is approximately two acres but about .75 of an acre is developable and belongs to the Ogden River Water Users Association (ORWUA) and is occupied by one single-family dwelling. Originally, the Forest Service preferred not rezoning their land due to concerns that the county may have some impact on their overall plans and management of their lands. The county did not wish to create a 4-acre island of FR-1 Zone but prefers to connect to the existing FR-1 in Ogden Canyon and extend easterly to take in the Clapiers' property. The ordinance that facilitates the rezoning states that the county has no intent or desire to regulate the Forest Service land. The Forest Service is now amenable to the rezoning proposal and their email of approval was included in the commissioners' packets.

Commissioner Bell wondered if it was prudent to restrict the Clapier property and Mr. Mendoza responded that the Ogden Valley General Plan's guidance is to preserve as much open space as possible, while not creating additional density. He reiterated that there has only been one development right for decades, that the Clapiers have been entitled to one building lot, and it is preferred to respect the right that was once there and the willingness of the two parties to work together to correct the property issues.

Mr. Clapier, Executor of the family-owned parcel, said that this rezone helps tie together with the FR-1 Zone, which calls for one residence. He addressed Commissioner Zogmaister's question stating that he agreed to this, that the developable area of the parcel is about 1¾ acres and the remainder is very steep—greater than 30 degrees to the west and south—and is ideal for one home. He said they do not have a problem with this and that it brings everything up to code. He expressed thanks for Mr. Mendoza stating that he has gone over and beyond in his efforts to facilitate this issue. Chair Gibson invited public comments and none were offered.

- 3. Commissioner Bell moved to adjourn the public hearing and reconvene the public hearing; Commissioner Zogmaister seconded, all voting aye.

**G. ACTION ON PUBLIC HEARING:**

**REZONE PROPERTY AT APPROXIMATELY 156 N. & STATE ROAD 158 (EXTENDING FROM THE AREA NEAR THE OGDEN CITY WATER TREATMENT PLANT, EASTERLY TO THE PINEVIEW CARETAKER'S HOUSE) FROM THE FOREST-40 (F-40) ZONE TO THE FOREST RESIDENTIAL-1 (FR-1) ZONE FOR THE PURPOSE OF CREATING ONE BUILDING LOT AND IMPLEMENTING DEVELOPMENT STANDARDS THAT ARE MORE COMPATIBLE WITH RELATIVELY SMALL BUILDING LOTS – ORDINANCE 2014-8, CONTRACT C2014-116**

Commissioner Bell moved to adopt Ordinance 2014-8 and Contract C2014-116, Zoning Development Agreement, rezoning property located at approximately 156 N. and State Road 158 (extending from the area near the Ogden City water treatment plant, easterly to the Pineview caretaker's house) from the Forest-40 (F-40) Zone to the Forest Residential-1 (FR-1) Zone to create one building lot and implement development standards that are more compatible with relatively small building lots; Commissioner Zogmaister seconded.

Roll Call:

Commissioner Bell ..... aye  
Commissioner Zogmaister..... aye  
Commissioner Gibson ..... aye

**H. ASSIGN PLEDGE OF ALLEGIANCE & THOUGHT OF THE DAY FOR TUESDAY, APRIL 22, 2014, 10 A.M.**

**J. ADJOURN**

Commissioner Bell moved to adjourn at 10:48 a.m.; Commissioner Zogmaister seconded, all voting aye.

Attest:

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Kerry W. Gibson, Chair  
Weber County Commission

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Ricky D. Hatch, CPA  
Weber County Clerk/Auditor