

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

Tuesday, May 5, 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 Wilson, Deputy County Attorney; and Fátima Fernelius, of the Clerk/Auditor's Office, who took minutes.

A. WELCOME – Chair Gibson

B. INVOCATION – Brad Dee

C. PLEDGE OF ALLEGIANCE – Ricky Hatch

D. THOUGHT OF THE DAY – Commissioner Ebert

E. CONSENT ITEMS:

1. Purchase orders for \$125,892.47
2. Warrants #320770- #320925 for \$1,855,560.23
3. Minutes for the meeting held on April 28, 2015
4. ACH payment to US Bank for \$88,635.51 for purchasing card transactions made through April 15, 2015
5. Surplus 124 metal ballot boxes from the Elections Department
6. Surplus office furniture from the Treasurer's Office
7. Surplus 3 filing cabinets from the Assessor's Office

Commissioner Ebert moved to approve the consent items; Commissioner Bell seconded.
Commissioner Bell – aye; Commissioner Ebert – aye; Chair Gibson – aye

F. ACTION ITEMS:

1. SECOND READING OF UPDATED CONFLICT OF INTEREST ORDINANCE 2.9.1H. – ORDINANCE 2015-6

Lynn Taylor, of the County Clerk/Auditor's Office, stated that when reviewing polices and ordinances recently, the Clerk/Auditor discovered that language was missing from this ordinance. Weber County is adding the same language used by Salt Lake County.

Commissioner Bell moved to adopt Ordinance 2015-6, second reading of the updated Conflict of Interest Ordinance 2.9.1h; Commissioner Ebert seconded.
Commissioner Bell – aye; Commissioner Ebert – aye; Chair Gibson – aye

2. CONTRACT WITH WESTLAKE DEVELOPMENT TO PROVIDE GENERAL CONTRACT WORK – CONTRACT C2015-152

Nate Pierce, County Operations Department Director, stated that this is for assistance with remodeling sections of the Weber Center. The contract is for an as needed basis for the next two years.

Commissioner Ebert moved to approve Contract C2015-152 with Westlake Development to provide general contract work; Commissioner Bell seconded.
Commissioner Bell – aye; Commissioner Ebert – aye; Chair Gibson – aye

3. INTERLOCAL AGREEMENT WITH RIVERDALE CITY FOR LOCAL TRANSPORTATION FUNDING AGREEMENT-4400 SOUTH, RIVERDALE CITY WORK – CONTRACT C2015-153

Douglas Larsen, Weber County Economic Development Partnership Director, said that this is for a safety project to provide pedestrian/bicyclist path under I-84. The county has committed \$1,598,612 from its transportation third quarter sales tax for the project. Roger Worthen, of Riverdale City, said that this is a great safety enhancement for this area, which is a confluence of three cities.

Commissioner Ebert moved to approve Contract C2015-153, Interlocal Agreement with Riverdale City for a Local Transportation Funding Agreement for 4400 S., Riverdale City; Commissioner Bell seconded.
Commissioner Bell – aye; Commissioner Ebert – aye; Chair Gibson – aye

4. **COOPERATIVE AGREEMENT WITH THE UTAH DIVISION OF WATER RIGHTS TO DEVELOP A STUDY OF THE GROUNDWATER SYSTEM OF THE OGDEN VALLEY, UT – CONTRACT C2015-154**

Charles Ewert, of the County Planning Division, stated that during a recent public involvement process with Ogden Valley residents to discuss their General Plan, a recurring theme was regarding water concerns. This contract is for a 2-year study for about \$240,000, of which \$30,000 (\$15,000/year) is the county's responsibility. He noted that this is not a county project but is a partnership between the Utah Geological Survey (UGS), Utah Division of Water Rights (DWRi), Weber Basin Conservancy District, Ogden City and the county.

Mike Lowe, Manager of Groundwater and Paleontology Program with UGS, said that the hydrogeology study of Ogden Valley would have an emphasis on developing a water budget. He presented the study's primary goals, which included characterizing the hydrogeology of the Valley's drainage basin relating to underground water and developing a water budget for the drainage basin. The large study area encompasses the boundaries between Morgan Valley, Rich Valley, Cache Valley and Box Elder County and then runs down the crest of the Wasatch Range. He outlined the project tasks including compiling a geologic map of the drainage basin and collecting underground water samples and writing a report summarizing the findings. This study will assist the various entities. It is effective July 1 through June 30, 2017. For this multi-agency study, the UGS will provide \$60,000/year with an in-kind match, the DWRi \$10,000/year, the Weber Basin \$20,000/year and Ogden City has agreed to match the county's amount. He said that this will be a real benefit to the county.

Commissioner Bell moved to approve Contract C2015-154, Cooperative Agreement with the Utah Division of Water Rights to develop a study of the groundwater system of the Ogden Valley; Commissioner Ebert seconded.

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

5. **CONTRACT WITH BLACK SUN, LLC, FOR LEASE OF PROPERTY LOCATED AT 2520 NORTH 1500 WEST, OGDEN, UT 84404 – CONTRACT C2015-155**

Eric Jones, Weber County Shooting Sports Training Complex Director (Swanson Tactical Training Range), stated that this 30,000 square of warehouse space is very important to the Training Complex—it contains the Simunition Village, the defensive tactics area, classrooms and the TI Training Lab, which are integral parts of the Complex. Agencies from all over the county use this training facility, including Weber State Police Academy, as well as other police agencies outside of the county.

Commissioner Bell moved to approve Contract C2015-155 with Black Sun, LLC, for lease of property located at 2520 North 1500 West, Ogden, UT; Commissioner Ebert seconded.

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

G. PUBLIC HEARINGS:

1.

Commissioner Ebert moved to adjourn the public meeting and convene the public hearings; Commissioner Bell seconded.

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

2. **PUBLIC HEARING TO CONSIDER AND TAKE ACTION ON A REQUEST TO AMEND THE COUNTY LAND USE CODE TO PROVIDE CLARIFICATIONS IN THE REGULATIONS AND PERMISSIONS OF MAIN BUILDINGS, AND MAIN USES AND ACCESSORY USES**

Charles Ewert, of the County Planning Division, stated that the current County Land Code does not appear to allow an accessory building to be placed on a lot that does not have a main building. This is to clarify the code that incidental buildings that are intended to support an existing permitted use on a property are indeed permitted. This is only applicable to properties that do not currently have other structures. He read some of the substantial language changes.

3. **PUBLIC HEARING TO CONSIDER AND TAKE ACTION ON AN ORDINANCE AMENDING THE COUNTY LAND USE CODE TITLE 108, CHAPTER 12, TO ADD PROVISIONS FOR LOTS AND BUILDINGS MADE NONCONFORMING OR NON-COMPLYING DUE TO PUBLIC RIGHT-OF-WAY EXPANSIONS, AND TO PROVIDE RELATED ADMINISTRATIVE CLARIFICATIONS**

Charles Ewert, of the County Planning Division, stated that this clarifies that if a lot standard or building setback standard is made non-compliant by a public right-of-way expansion, they automatically become legal, nonconforming. A notice of non-conformance document will be recorded against such properties affected by right-of-way-expansions to help give notice to current and future property owners that their right to existing and new uses on the properties will not be affected by the right-of-way expansions.

4. Public Comments: None

5.

Commissioner Ebert moved to adjourn the public hearings and reconvene the public meeting; Commissioner Bell seconded.
Commissioner Bell – aye; Commissioner Ebert – aye; Chair Gibson – aye

6. **ACTION ON PUBLIC HEARINGS:**

G.2-AMEND THE COUNTY LAND USE CODE TO PROVIDE CLARIFICATIONS IN REGULATIONS & PERMISSIONS OF MAIN BUILDINGS, AND MAIN USES AND ACCESSORY USES – ORDINANCE 2015-7

Commissioner Bell moved to adopt Ordinance 2015-7 amending the Weber County Land Use Code to provide clarifications in the regulations and permissions of main buildings, and main uses and accessory uses; Commissioner Ebert seconded.

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

G.3-AMEND THE COUNTY LAND USE CODE TITLE 108, CHAPTER 12 – ORDINANCE 2015-8

Commissioner Ebert moved to adopt Ordinance 2015-8 amending the Weber County Land Use Title 108, Chapter 12, to add provisions for lots and buildings made nonconforming or non-complying due to public right-of-way expansions, and to provide related administrative clarifications; Commissioner Bell seconded.

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

H. ASSIGN PLEDGE OF ALLEGIANCE & THOUGHT OF THE DAY FOR TUESDAY, MAY 12, 2015, 10 A.M.

I. PUBLIC COMMENTS:

Ron Gleason, of Huntsville, thanked the Commission for funding the water study (item F.4) which is a very important issue. There is a process underway to review the existing Ogden Valley General Plan. He requested that the Commission take no action on any potential changes to that Plan until the water study is completed to have a clear understanding of water availability. He referred to Mr. Lowe’s presentation point which stated that the goal of the study is that if groundwater supply is an issue it will help to determine the total number of lots or development units for the Valley—a central theme of the Plan.

J. ADJOURN

Commissioner Ebert moved to adjourn at 11:28 a.m.; Commissioner Bell seconded.
Commissioner Bell – aye; Commissioner Ebert – aye; Chair Gibson – aye

Attest:

Kerry W. Gibson, Chair
Weber County Commission

Ricky D. Hatch, CPA
Weber County Clerk/Auditor