

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

Tuesday, October 29, 2013 - 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 unreported 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, Jan M. Zogmaister and Matthew and Matthew G Bell.

**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 Gibson
- B. PLEDGE OF ALLEGIANCE – Brooke Stuart
- C. THOUGHT OF THE DAY – Commissioner Bell

**D. PRESENTATIONS**

**PROCLAMATION DESIGNATING OCTOBER 2013 AS DISABILITY EMPLOYMENT AWARENESS MONTH**

Chair Gibson read the proclamation, which included recognizing the contributions that people with disabilities provide to our community.

**PROCLAMATION DESIGNATING NOVEMBER 2013 AS PANCREATIC CANCER AWARENESS MONTH**

Chair Gibson read the proclamation, which encourages the Utah delegation to provide sustained adequate funding for the National Institutes of Health and the National Cancer Institute.

**E. CONSENT ITEMS:**

- 1. Purchase Orders for \$237,163.25
  - 2. Warrants #302971-#303199 for \$2,017,769.79
  - 3. Minutes for the meeting held on October 22, 2013
  - 4. Request by the Recorder/Surveyor's Office to surplus Parcel Number 23-012-0051
  - 5. Set public hearing for Tues., November 26, 6:00 pm, to take input on the Weber County 2014 budget
- Commissioner Zogmaister moved to approve the consent items; Commissioner Bell seconded, all voting aye.

**F. ACTION ITEMS:**

- 1. **INTERLOCAL TRANSPORTATION FUNDING AGREEMENT SUPPORTING THE NEPA (NATIONAL ENVIRONMENTAL POLICY ACT) PHASE OF THE OGDEN/WEBER STATE TRANSIT PROJECT – CONTRACT C2013-260**

Douglas Larsen, Weber County Development Partnership Executive Director, stated that the Weber Area Council of Governments (WACOG) considered the 2013 local transportation funding priority list in September. The other participating partners in this project are the UTA, UDOT, IHC, Weber State University (WSU), Ogden City, and Wasatch Front Regional Council. The total estimated cost for this study phase is \$845,410. WACOG recommended local transportation funds from the sales tax fund in the amount of \$252,705. One route and one mode will be identified for the project. Mr. Larsen addressed Commissioner Bell's question stating that if Ogden City does not agree to the NEPA phase recommendations then WSU would get its contribution back. However, this is unlikely.

Commissioner Bell moved to approve Contract C2013-260, Interlocal Transportation Funding Agreement supporting the NEPA Phase of the Ogden/Weber State Transit Project by Utah Transit Authority, Wasatch Front Regional Council, Ogden City, Weber State University, Intermountain Health Care, Inc., dba McKay Dee Hospital, Utah Department of Transportation and the county; Commissioner Zogmaister seconded, all voting aye.

**2. FINAL APPROVAL OF THE RETREAT AT WOLF CREEK SUBDIVISION INCLUDING A FINANCIAL GUARANTEE FOR \$182,487.93**

Sean Wilkinson, of the County Planning Division, stated that the Retreat Subdivision (a 45-lot cluster subdivision) has received several time extensions. The new owner has completed the necessary subdivision improvements and the financial guarantee is for the few remaining. Phase 1 contains 18 lots, which are smaller than the typical zoning allows, but as a cluster subdivision, it has open space set aside. The right-of-ways are 50 feet rather than the typical 60 but County Engineering has approved this. All other agency review comments have been addressed. Staff recommends approval.

Commissioner Bell moved to grant final approval of The Retreat at Wolf Creek Subdivision with a financial guarantee for \$182,487.93; Commissioner Zogmaister seconded, all voting aye.

**3. RESOLUTION APPOINTING MEMBERS TO THE GOLDEN SPIKE EVENT CENTER ADVISORY BOARD – RESOLUTION 26-2013**

Jim Harvey, of the GSEC, noted that three positions are expiring at the end of the year and the current members desire to serve an additional term.

Commissioner Bell moved to adopt Resolution 26-2013 appointing Greg Boyer, Susan Cross and Gary Kapp to the Golden Spike Event Center Advisory Board with terms expiring 12/31/2017; Commissioner Zogmaister seconded.

Roll Call Vote:

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

**4. ACTION ON THE WEBER COUNTY EMERGENCY OPERATIONS PLAN/EMERGENCY ACTION PLAN FOR UTABA DAM AND RESERVOIR**

Lance Peterson, with County Emergency Management, gave a presentation on this county-owned dam/reservoir. He outlined the updated Plan intended to help emergency officials in the event of an incident, and also the ongoing maintenance. There is a small leak that may be coming from a spring and it is being monitored; the turbidity of the water is clear, which indicates there is no erosion. The dam is classified as a moderate hazard dam by the State.

Commissioner Zogmaister moved to approve the Weber County Emergency Operations Plan/Emergency Action Plan for the Utaba Dam and Reservoir; Commissioner Bell seconded, all voting aye.

**5. CONTRACT WITH SAMAREL FAMILY INVESTMENT COMPANY, LLC TO PURCHASE PROPERTY AND A PERMANENT SLOPE EASEMENT FOR REALIGNMENT OF OLD SNOWBASIN RD. – CONTRACT C2013-261**

Jared Anderson, County Engineer, noted that there are three properties being purchased by the county for a permanent slope easement for this project. This is the contract for the second property and the third will be presented next week.

Commissioner Bell moved to approve Contract C2013-261 with Samarel Family Investment Company, LLC, to purchase property and a permanent slope easement for realignment of the Old Snowbasin Road; Commissioner Zogmaister seconded, all voting aye.

**6. CONTRACT WITH OGDEN PUBLISHING CORP. FOR THE STANDARD EXAMINER FALL HOME SHOW AT THE GOLDEN SPIKE EVENT CENTER (GSEC) 10/30/2013-11/2/2013 – CONTRACT C2013-262**

Jim Harvey, with GSEC, presented this contract.

Commissioner Zogmaister moved to approve Contract C2013-262 with Ogden Publishing Corp. for the Standard Examiner Fall Home Show at the Golden Spike Event Center from 10/30/2013-11/2/2013; Commissioner Bell seconded, all voting aye.

7. **CONTRACT WITH REVCO LEASING COMPANY FOR A COPY MACHINE LEASE AT THE GOLDEN SPIKE EVENT CENTER – CONTRACT C2013-263**

Jim Harvey, with GSEC, presented this contract.

Commissioner Bell moved to approve Contract C2013-263 with Revco Leasing Company for a copy machine lease at the Golden Spike Event Center; Commissioner Zogmaister seconded, all voting aye.

8. **APPROVE THE WEBER COUNTY 2014 TENTATIVE BUDGET**

Dan Olsen, County Comptroller, noted that copies of the budget summaries were available by the entrance to the Chambers and additional information will be available today on the county's website. A public hearing will be held 11/26 to receive comments on the tentative budget. Property tax revenue growth is estimated at 2% and sales tax revenue growth at 3.5% for 2014, a slight increase over last year. Several capital projects are funded in the budget, including the first phase of the library expansion projects. There is funding in the budget for 3500 West (funded from transportation grants), for repairs for Old Snowbasin Road (from federal & state grants), for the flood mitigation project in western Weber County (funded through NRCS), and for completion of the Summit Mountain Special Assessment Area improvements. Commissioner Zogmaister expressed appreciation to the Clerk/Auditor's Office and those involved in putting this budget together—for its accuracy and tremendous amount of work involved. Chair Gibson echoed that and stated that the county is run frugally and effectively.

Commissioner Zogmaister moved to approve the Weber County 2014 Tentative Budget; Commissioner Bell seconded, all voting aye.

**G. PUBLIC HEARINGS**

1. Commissioner Bell moved to adjourn the public meeting and convene the public hearings; Commissioner Zogmaister seconded, all voting aye.

2. **PUBLIC HEARING REGARDING AMENDING THE COUNTY LAND USE CODE, TITLE 104 (ZONES), CHAPTER 12 (SINGLE-FAMILY RESIDENTIAL ZONES R-1-12, R-1-10), BY REDUCING THE MINIMUM FRONT AND REAR YARD SETBACKS IN THE R-1-10 ZONE FROM 30 FEET TO 20 FEET**

Sean Wilkinson, of the County Planning Division, noted that the R-1-10 zone is very small and only applies to a few properties in the Uintah Highlands area. An applicant is requesting the change in setbacks for a new subdivision, Combe South Estates No. 2. Currently the R-1-10 zone provides an exception to the minimum front yard setback that allows it to be reduced to a minimum of 20 feet based on the average setbacks of existing buildings where 50% of the frontage is developed. However, all existing lots have at least 30 foot setbacks and that exception cannot be used in this case. With the proposed reductions, the building envelope on a typical lot will increase from 3,900 ft. to 5,100 ft.

Mr. Wilkinson said that these changes are fairly minimal. There are only five single family dwellings within that zone with a potential for seven more. The Western Weber Planning Commission unanimously recommended approval and staff also recommends approval of this text amendment based on the fact that this change affects such a small number of units and that it allows more flexibility in home design when lots are created with irregular boundaries, or on curved streets or cul-de-sacs. Several of the lots in this new subdivision front on the cul-de-sac. Commissioner Gibson invited public comments and none were offered.

3. **PUBLIC HEARING REGARDING ACTION ON ZMA 2013-03 TO REZONE PROPERTY LOCATED AT 2150 EAST MEGAN CIRCLE (UINTAH HIGHLANDS AREA) FROM RESIDENTIAL ESTATES-15 (RE-15) ZONE TO SINGLE-FAMILY RESIDENTIAL-1-10 (R-1-10) ZONE FOR THE PURPOSE OF DEVELOPING A SUBDIVISION, COMBE SOUTH ESTATES NO. 2, WITH CONSISTENT ZONING**

Sean Wilkinson, of the County Planning Division, noted that the large majority of the Combe South Estates No. 2 is already zoned R-1-10. There is one lot and a portion of what will become two new lots zoned RE-15. This request is being made in order to have consistent zoning within that subdivision boundary. The Western Weber Planning Commission unanimously recommended approval and staff also recommends approval. The rezone will not significantly increase density, traffic, noise, etc. Most improvements are installed and the lots will have appropriate access from county roads. Commissioner Gibson invited public comments and none were offered.

4. Commissioner Bell moved to adjourn the public hearings and reconvene the public meeting; Commissioner Zogmaister seconded; all voting aye.

5. **ACTION ON PUBLIC HEARINGS:**

**G.2.-AMENDING THE COUNTY LAND USE CODE TITLE 104, CHAPTER 12, TO REDUCE THE MINIMUM FRONT & REAR YARD SETBACKS IN THE R-1-10 ZONE FROM 30 TO 20 FEET – ORDINANCE 2013-29**

Commissioner Zogmaister moved to adopt Ordinance 2013-29 amending the County Land Use Code, Title 104 (Zones), Chapter 12 (Single-Family Residential Zones R-1-12, R-1-10) by reducing the minimum front and rear yard setbacks in the R-1-10 Zone from 30 feet to 20 feet; Commissioner Bell seconded.

Roll Call Vote:

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

**G-3.-REZONE PROPERTY AT APPROXIMATELY 2150 EAST MEGAN CIRCLE FROM RESIDENTIAL ESTATES-15 ZONE TO SINGLE-FAMILY RESIDENTIAL-1-10 ZONE TO DEVELOP THE COMBE SOUTH ESTATES NO. 2 WITH CONSISTENT ZONING – ORDINANCE 2013-30**

Commissioner Bell moved to adopt Ordinance 2013-30 rezoning property located at approximately 2150 East Megan Circle from the Residential Estates-15 (RE-15) Zone to the Single-Family Residential-1-10 (R-1-10) Zone for the purpose of developing Combe South Estates No. 2 with consistent zoning; Commissioner Zogmaister seconded.

Roll Call Vote:

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

**H. ASSIGN PLEDGE OF ALLEGIANCE & THOUGHT OF THE DAY FOR TUESDAY, NOVEMBER 5, 2013, 10 A.M.**

**I. PUBLIC COMMENTS:** None

**J. ADJOURN**

Commissioner Zogmaister moved to adjourn at 10:58 a.m.; Commissioner Bell seconded, all voting aye.

Attest:

\_\_\_\_\_  
Kerry W. Gibson, Chair  
Weber County Commission

\_\_\_\_\_  
Ricky D. Hatch, CPA  
Weber County Clerk/Auditor