

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

Tuesday, January 18, 2011 - 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: Jan M. Zogmaister, Chair, Craig L. Dearden and Kerry W. Gibson.

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

- A. **WELCOME** - Commissioner Zogmaister
- B. **PLEDGE OF ALLEGIANCE** – David Wilson
- C. **THOUGHT OF THE DAY** - Chair Zogmaister

D. PRESENTATION ON THE POINT-IN-TIME COUNT OF THE HOMELESS IN WEBER COUNTY THAT WILL BE TAKING PLACE ON JANUARY 26, 2011

No one was present for this item.

E. CONSENT ITEMS

1. Purchase Orders in the amount of \$1,226,297.05
2. Warrants #27028-#270420 in the amount of \$1,865,566.06
3. New business licenses
4. New beer licenses
5. Surplus a 2002 Dodge Stratus from the Weber-Morgan Health Department
6. Surplus a Fellowes Paper Shredder from the Commission Office for approval to that is broken and a small Office Depot Paper Shredder that is too small for their office
7. Weber County Tax Review Committee's recommendation to waive tax, penalty and interest on the following two land serial numbers: 09-545-0022, 10-117-0037

E.7.-John Bond, County Treasurer, stated that the Tax Review Committee reviewed an item brought by Hooper City. The city approved two subdivisions—in 2005 and 2007. Behind them is a canal and the intention of the city's approval and the developer's was to have the area along the canal on the north side of the subdivisions be treated as open space to be deeded to the city. On one subdivision the open space was not deeded to the city and on the other the open space was not exempted on the county's records, and taxes accrued.

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

F. ACTION ITEMS

1. **CONTRACT WITH WHEELER MACHINERY FOR A 2-YEAR, 2000-HOUR PREMIUM WHEELER MAINTENANCE PLAN PACKAGE DEAL - CONTRACT C2011-6**

Gary Laird, County Solid Waste Management, presented this contract for maintenance on equipment at the Transfer Station, Compost Facility, etc. It is for eight service performances on each piece of equipment.

Commissioner Dearden moved to approve Contract C2011-6 with Wheeler Machinery for a 2-year, 2000-hour Premium Wheeler Maintenance Plan Package Deal; Commissioner Gibson seconded, all voting aye.

2. **CONTRACT WITH WEBER STATE RODEO TEAM FOR AN INTERCOLLEGIATE RODEO COMPETITION TO BE HELD AT THE GOLDEN SPIKE EVENT CENTER ON MARCH 3-4, 2011 - CONTRACT C2011-7**

Jim Harvey, GSEC, presented this contract.

Commissioner Gibson moved to approve Contract C2011-7 with Weber State Rodeo Team for an Intercollegiate Rodeo Competition to be held at the Golden Spike Event Center on 3/3-4, 2011; Commissioner Dearden seconded, all voting aye.

3. **CONTRACT WITH AROMA SENSES FOR A SUPER LIQUIDATION SALE BEING HELD AT THE GOLDEN SPIKE EVENT CENTER ON JANUARY 21-23, 2011 - CONTRACT C2011-8**

Jim Harvey, GSEC, presented this contract.

Commissioner Dearden moved to approve Contract C2011-8 with Aroma Senses for a super liquidation sale being held at the Golden Spike Event Center on 1/21-23, 2011; Commissioner Gibson seconded, all voting aye.

G.

PUBLIC HEARING

1. Commissioner Gibson moved to adjourn the public meeting and convene a public hearing; Commissioner Dearden seconded, all voting aye.

2. **PUBLIC HEARING REGARDING PROPOSED AMENDMENTS TO CHAPTER 3 (RESIDENTIAL ESTATES ZONES RE-15, RE-20) OF THE ZONING ORDINANCE TO ADD A PRIVATE DOG KENNEL AS A CONDITIONAL USE**

Justin Morris, County Planning Division, stated that this proposed amendment, submitted by Tamara Hart, is to add a dog kennel on a minimum of five acres to the list of conditional uses. The Western Weber County Planning Commission and the Ogden Valley Planning Commission recommended adding a private dog kennel for non-commercial purposes, which is subject to the following conditions: that the kennel have no more than 10 dogs older than 10 weeks and a minimum of 25 feet from any lot line, 100 feet from a property line adjacent to a street, and 75 feet from a dwelling on an adjacent lot. The two Planning Commissions felt that the requirement that animals may not be kept closer than 40 feet from any dwelling on the same lot was not necessary. Other Zoning Ordinance chapters already list dog kennels as a conditional use.

Chair Zogmaister invited public comments and none were offered.

3. Commissioner Dearden moved to adjourn the public meeting and convene a public hearing; Commissioner Gibson seconded, all voting aye.

Chair Zogmaister read the applicant's statement that "a kennel permit on an RE-15 zoned parcel allows quality breeders and dog trainers to practice their hobby and/or business." She said that this amendment is for non-commercial use and asked how this would be monitored so that a commercial use is not placed in a subdivision. Mr. Morris responded that both Planning Commissions, staff and legal had concerns and considered not allowing boarding or sales of dogs but they all felt it was too restrictive. Non-commercial use allows selling dogs if they have a litter but it must not be the main use, whereas with a commercial use the intent is to repeatedly have litters for the purpose of selling. Breach of this regulation would have to be complaint driven. He said that Ms. Hart has stated to staff and both Planning Commissions that her dogs are neutered/spayed and her intent is not a commercial or business venture but it is so she can have more than the three statutorily allowed dogs.

Commissioner Dearden noted that Ms. Hart has had a kennel license for 10 years and asked her to address Chair Zogmaister's question. Ms. Hart responded that she has had a kennel license for almost 11 years and has never had a litter of pups and that all her dogs are spayed/neutered. She just has more dogs than the statutory limit, currently having 8 dogs—2 have been used as therapy dogs and 6 are retired show dogs.

Regarding monitoring, Ms. Hart said that Animal Control requires a kennel permit issued by Animal Control, which visits annually, checks out the kennel and dogs and any dog over 6 months must be licensed. A dog must have a rabies shot to be licensed and must be 6 months old to have the shot, thus in her opinion the age should be 6 months. She has 10 acres but there are kennel permits issued for smaller areas for 35 dogs. When Ms. Hart wrote the amendment application she used text applicable to everyone, not just for herself. Chair Zogmaister expressed concern stating that if this conditional use is put into the ordinance than it will be allowed by everyone and Mr. Morris said that it is for non-commercial purpose, that it is not meant for a business. Commissioner Gibson stated that what matters is that the amendment language states that it cannot be for commercial use, not what Ms. Hart may have written on her application. Commissioner Dearden said that this amendment language is not different from other language that already allows this, and Mr. Morris said that the only difference is that it states it clearly is not for commercial purposes.

4. ACTION ON PUBLIC HEARING

G.2.-AMENDMENTS TO ZONING ORDINANCE, CHAPTER 3-ADD PRIVATE DOG KENNEL AS A CONDITIONAL USE - ORDINANCE 2011-2

Commissioner Dearden moved to adopt Ordinance 2011-2 amending the Zoning Ordinance, Chapter 3 (Residential Estates Zones RE-15 and 20) by adding private kennel with no more than 10 dogs older than 10 weeks, and on a minimum of 5 acres as a conditional use; Commissioner Gibson seconded.

Roll Call Vote:

Commissioner Dearden	aye
Commissioner Gibson	aye
Chair Zogmaister	aye

H. ASSIGN PLEDGE OF ALLEGIANCE & THOUGHT OF THE DAY FOR TUESDAY, JANUARY 25, 2011, 10 A.M.

I. PUBLIC COMMENTS: None

I. ADJOURN

Commissioner Gibson moved to adjourn; Commissioner Dearden seconded, all voting aye.

Jan M. Zogmaister, Chair
Weber County Commission

Ricky D. Hatch, CPA
Weber County Clerk/Auditor