

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

Tuesday, April 30, 2013 - 10:00 a.m.
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 PRESENT: Kerry W. Gibson, Chair, Jan M. Zogmaister, and Matt G Bell.

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

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

D. PRESENTATIONS:

1. **COUNTY GOVERNMENT THEME FOR 2013 "SMART JUSTICE CREATING SAFER COMMUNITIES."**

Commissioner Bell read the proclamation recognizing April 2013 as County Government Month in Weber County with a focus on "Smart Justice Creating Safer Communities."

2. **"CRYSTAL BOWL AWARDS" TO RECOGNIZE CITIZENS OR GROUPS THAT HAVE MADE SIGNIFICANT CONTRIBUTIONS IN WEBER COUNTY**

Commissioner Zogmaister stated that the purpose of County Government Month is to raise awareness of the county government role and that County elected officials visited 4th graders to help educate them. An individual and a group are selected that positively contributed to the quality of life in the county—Rhett Potter (of PAAG-Positive Action Assistance Group) and the Weber County Mental Health Court. They were presented with a Quartz bowl. Commissioner Zogmaister noted that quartz crystals amplify sound and those recognized amplify and enhance our county. Mr. Potter said that he is privileged to work with PAAG and Judge Hyde, speaking for the Mental Health Court, stated that it is a great privilege to be a part of the court and that it has been quite successful.

3. **PRESENTATION OF THE STATE OF THE COUNTY**

Chair Gibson said that the state of Weber County is strong and our county has become a premier location to live and do business. Because of good planning before and during years of recession, the county has emerged stronger and more prepared for the future. It has healthy funds balances that exceed the industry standards, has maintained a flat General Fund budget for several years and received a "AAA" bond rating in 10/2012. He outlined project expansions and listed companies that are significantly expanding in the county. He acknowledged elected officials for notable achievements, expressed appreciation to the citizens and employees and read an article honoring Sergeant Nathan Hutchinson, of the County Sheriff's Office, for his courageous efforts during the tragic shootout on January 4, 2012.

E. CONSENT ITEMS:

- 1. Purchase Orders for \$224,243.71
 - 2. Warrants #297122-#297458 for \$2,722,896.00
 - 3. Minutes for the meeting held on April 23, 2013
 - 4. Request from County Engineering Department to schedule the second public hearing for the Community Development Block Grants Program for May 14, 2013, 10 a.m.
 - 5. Declare Parcel (LSN) #15-010-0008 as surplus property
- Commissioner Bell moved to approve the consent items; Commissioner Zogmaister seconded, all voting aye.

F. ACTION ITEMS:

1. REPORT RELATING TO A GRANT WITH THE OFFICE FOR VICTIMS OF CRIME SHOWING THE QUARTERLY STATISTICS AND RESPONSIBILITIES OF THE WEBER COUNTY ATTORNEY'S OFFICE

Jamie Pitt, of the County Attorney's Office, presented the required quarterly statistics, and reported on the types of services provided. They assisted 724 victims over the last six months.

Commissioner Bell moved to accept the report relating to the grant with the Office for Victims of Crime; Commissioner Zogmaister seconded, all voting aye.

2. CONTRACT WITH REDD ROOFING TO REPLACE WEBER CENTER'S ROOF – CONTRACT C2013-137

Nate Pierce, County Operations Department Director, stated that this was the low bid for \$181,978.

Commissioner Zogmaister moved to approve Contract C2013-137 with Redd Roofing to replace Weber Center's roof; Commissioner Bell seconded, all voting aye.

3. CONTRACT WITH MARTY MOBLEY/KARL OELKE FOR THE WEBER COUNTY LIVESTOCK SHOW, ON 5/17/2013 AT THE GOLDEN SPIKE EVENT CENTER – CONTRACT C2013-138

Jim Harvey, of the GSEC, presented this contract.

Commissioner Bell moved to approve Contract C2013-138 with Marty Mobley/Karl Oelke for the Weber County Livestock Show on 5/17/2013 at the Golden Spike Event Center; Commissioner Zogmaister seconded, all voting aye.

4. CONTRACT WITH COLORFEST FOR THE GO COLOR FEST EVENT AT THE GOLDEN SPIKE EVENT CENTER ON 5/11/2013 – CONTRACT C2013-139

Jim Harvey, of the GSEC, presented this contract.

Commissioner Zogmaister moved to approve Contract C2013-139 with Colorfest for the Go Color Fest event at the Golden Spike Event Center on 5/11/2013; Commissioner Bell seconded, all voting aye.

5. CONTRACT WITH WEBER COUNTY DAIRY DAYS FOR THE DAIRY DAY EVENT AT THE GOLDEN SPIKE EVENT CENTER ON 5/9-11/2013 – CONTRACT C2013-140

Jim Harvey, of the GSEC, presented this contract.

Commissioner Bell moved to approve Contract C2013-140 with Weber County Dairy Days for the Dairy Day Event at the Golden Spike Event Center 5/9-11/2013; Commissioner Zogmaister seconded, all voting aye.

6. CONTRACT WITH STIRRIN' DIRT RACING FOR THE MAY MANIA DEMOLITION DERBY AT THE GOLDEN SPIKE EVENT CENTER, 5/18/2013 – CONTRACT C2013-141

Jim Harvey, of the GSEC, presented this contract.

Commissioner Bell moved to approve Contract C2013-141 with Stirrin' Dirt Racing for the May Mania Demolition Derby at the Golden Spike Event Center on 5/18/2013; Commissioner Zogmaister seconded, all voting aye.

7. RATIFY CONTRACT WITH JUNCTION CITY ROLLER DOLLS TO HOLD THE APRIL DERBY BOUT AT THE GOLDEN SPIKE EVENT CENTER ON 4/27/2013 – CONTRACT C2013-142

Jim Harvey, of the GSEC, presented this contract.

Commissioner Zogmaister moved to ratify Contract C2013-142 with Junction City Roller Dolls to hold the April Derby Bout at the Golden Spike Event Center on 4/27/2013; Commissioner Bell seconded, all voting aye.

8. CONTRACT WITH TREVOR ELLIS FOR THE GREAT BASIN BUCKAROO DAYS AT THE GOLDEN SPIKE EVENT CENTER ON SEPTEMBER 5-7, 2013 – CONTRACT C2013-143

Jim Harvey, of the GSEC, presented this contract.

Commissioner Bell moved to approve Contract C2013-143 with Trevor Ellis for the great Basin Buckaroo Days at the Golden Spike Event Center 9/5-7/2013; Commissioner Zogmaister seconded, all voting aye.

9. REQUEST FOR VARIANCE TO COUNTY SUBDIVISION ORDINANCE TO ALLOW A 2ND ADDITIONAL TIME EXTENSION OF FINAL APPROVAL FOR THE RETREAT AT WOLF CREEK UTAH SUBDIVISION PHASE 1

Sean Wilkinson, of the County Planning Division, showed an area map. He stated that this subdivision, originally submitted in 2008, has been through several approval processes and a couple of extensions. The last time the County Commission heard this item was on 11/6/2012 and due to Wolf Creek Properties' bankruptcy there was new ownership by Capon Capital and Randy Marriott Construction, which were trying to resolve title issues. The Commission granted a 9-month extension for these two parties to resolve the issues, which has now occurred.

Capon Capital is now the owner of this subdivision and would like to proceed with development. Their extension request is through 10/31/2014, which gives them two construction seasons, if necessary, to complete the subdivision improvements, but they expect to complete most of them by 10/2013. Mr. Wilkinson said that in the past there has been discussion about having a progress check point but Capon Capitol is asking for no progress check points. Staff is recommending approval of this extension request through 10/31/2014. Capon Capital has entered into a construction agreement with Randy Marriott, which the Planning Division has along with a settlement agreement signed by both parties.

Commissioner Zogmaister asked if there is any reason to remove the check point; she recommends a check point this October. Mr. Wilkinson said that the check point has expired. It was supposed to have taken place in October 2012 when they asked for the additional extension, but the Commission can request one perhaps for the end of 10/2013. Mr. Wilkinson said that previously the improvements that were supposed to have been completed were the underground ones including sewer, water, and storm drain systems, and road improvements including road base and rolled curb by 10/2013. Capon may need extra time to complete the road the following year.

Commissioner Zogmaister moved to grant the extension to 2014 with a review in October 2013 to ensure the majority of infrastructure is in place; 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 ON LEGISLATIVE AMENDMENTS TO THE UNIFORM LAND USE ORDINANCE OF UNINCORPORATED WEBER COUNTY-ADOPTING THE UNIFORM LAND USE CODE OF WEBER COUNTY; PART II LAND USE CODE**

Rob Scott, County Planning Division Director, stated that this item is to adopt the reformatted land use regulations relating to the existing Subdivision, Zoning, and Sign Ordinances. The two Planning Commissions held a joint public hearing on 4/9/2013 and they recommend adoption of the code. Staff also recommends adoption. This should be considered a housekeeping matter for the most part, but there are minor amendments recommended by the code codifier to ensure that the ordinances comply with State Code and that redundancies, etc. have been addressed. The codifier will be updating the code on a quarterly basis and it will be available online. Chair Gibson invited public comments and none were offered.

3. **CONSIDERATION TO MAKE LEGISLATIVE AMENDMENTS AS PART OF A PUBLIC HEARING TO THE COUNTY LAND USE CODE TITLE 110, CHAPTER 1 (GENERAL PROVISIONS) AND TITLE 101, SECTION 7 (DEFINITIONS) REGARDING VARIOUS SIGN REQUIREMENTS INCLUDING TEMPORARY SIGNS**

Rob Scott, County Planning Division Director, noted that some parts of this code need to be remedied, particularly relating to political signs. There are two sign ordinances in the county—one for Western Weber County and one for Ogden Valley. There were a number of related work sessions with the Western Weber County Planning Commission and the Ogden Valley Planning Commission. Mr. Scott gave an overview of the ordinance, including that it makes all political signs content-neutral, places political signs under temporary signs, and makes adjustments to the related definitions. Setbacks are given for temporary signs and tables identify permitted zones, sign types, sizes, display periods, etc. Chair Gibson invited public comments and none were offered.

4. **CONSIDERATION TO MAKE LEGISLATIVE AMENDMENTS AS PART OF A PUBLIC HEARING TO THE WEBER COUNTY LAND USE ORDINANCE TITLE 110, CHAPTER 2 (OGDEN VALLEY SIGNS) REGARDING THE WEBER COUNTY TEMPORARY SIGN PROVISIONS INCLUDING POLITICAL SIGNS**

Rob Scott, County Planning Division Director, addressed the difference between the temporary signs for the Ogden Valley, including that grand opening signs are to be displayed no more than 30 days, nameplate signs are not to exceed 4 square feet, and there is a new special event offsite sign that can be displayed 30 days prior to event and the maximum size is 32 square feet. Chair Gibson invited public comments and none were offered.

5. **PUBLIC HEARING TO RECEIVE PUBLIC INPUT WITH RESPECT TO (I) THE ISSUANCE OF GENERAL OBLIGATION BONDS FOR THE PURPOSE OF ACQUIRING, CONSTRUCTING, FURNISHING AND EQUIPPING LIBRARIES AND (II) THE POTENTIAL ECONOMIC IMPACT THAT THE IMPROVEMENTS, FACILITIES OR PROPERTIES FINANCED IN WHOLE OR IN PART WITH THE PROCEEDS OF SAID BONDS WILL HAVE ON THE PRIVATE SECTOR**

(See related minutes: 3/19, 3/26, 4/2/2013.). Lynnda Wangsgard, Library Director, gave a slide presentation and stated that the capital plan addresses the ever-increasing usage that libraries are experiencing, the aging and inadequate size of current buildings and projected future population growth. She gave an overview of the Main Library's failing infrastructure, showing photographs. She reported on last year's feasibility study and outlined the capital plan. The vote-by-mail Library bond (not to exceed \$45 million) election will be held 6/2013. Architects and designers for each project will hold additional public meetings this week.

Tom Brennan, of Prescott Muir Architects, gave an overview of the reasons to renovate the Main Library rather than to construct a new one, including that it is more cost effective, that it is uniquely located to serve its community, and that it can catalyze reinvestment in its neighborhood.

Dan Olsen, County Comptroller, stressed the purpose of this public hearing. Typically before a government issues bonds it is required to hold a public hearing generally 30-45 days before bonds are issued and the county's bond attorney has stated that today's hearing will take place of that one if the election is successful.

Evelyn Birtlesen, Friends of the Library, announced a steering committee and listed the members who will work to promote passage of the bond. She also referred to the upcoming meetings.

Spencer Stokes is pleased to be working with the Library and wholeheartedly supports this effort.

Bruce Perry, of Roy, said that even though his household has limited income, they strongly support the Libraries because of their importance to the communities. He thanked Roy City for providing the 7 acres.

Bonnie Frucci, a visual artist who displays her art at the Pleasant Valley Library Branch, said that the library has been beneficial for artists and the community. She visits the library weekly and it is always busy and all parts of the library are being utilized.

William Hack, of Ogden City, thanked the Commission and echoed Ms. Frucci's comments. He recently saw the vitality of the library in action and his family financially supports this great community service.

Sylvia, a recent resident of Utah, fully supports the Library plans and is impressed with its various activities.

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

7. ACTION ON PUBLIC HEARINGS:

G.2.-ADOPT THE UNIFORM LAND USE CODE OF WEBER COUNTY; PART II LAND USE CODE - ORDINANCE 2013-14

Commissioner Zogmaister moved to adopt Ordinance 2013-14 enacting a new Land Use Code for Weber County; providing for the repeal of certain ordinances not included therein; providing a penalty for the violation thereof; providing for the manner of amending such Code; and providing when such Code and this Ordinance shall become effective; Commissioner Bell seconded.

Roll call vote:

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

G.3.-CONSIDERATION TO MAKE LEGISLATIVE AMENDMENTS TO THE COUNTY LAND USE CODE TITLE 110, CHAPTER 1 (GENERAL PROVISIONS) AND TITLE 101, SECTION 7 (DEFINITIONS) REGARDING VARIOUS SIGN REQUIREMENTS INCLUDING TEMPORARY SIGNS

G.4- CONSIDERATION TO MAKE LEGISLATIVE AMENDMENTS TO THE WEBER COUNTY LAND USE ORDINANCE TITLE 110, CHAPTER 2 (OGDEN VALLEY SIGNS) REGARDING THE WEBER COUNTY TEMPORARY SIGN PROVISIONS INCLUDING POLITICAL SIGNS

Commissioner Bell moved to table items G.3 and G.4 to have more time to study them; Commissioner Zogmaister seconded, all voting aye.

H. ASSIGN PLEDGE OF ALLEGIANCE & THOUGHT OF THE DAY FOR TUESDAY, MAY 7, 2013, 10 A.M.

I. PUBLIC COMMENTS: None

J. ADJOURN

Commissioner Bell moved to adjourn; Commissioner Zogmaister seconded, all voting aye.

Attest:

Kerry W. Gibson, Chair
Weber County Commission

Ricky D. Hatch, CPA
Weber County Clerk/Auditor