

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

Tuesday, July 17, 2012 - 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, Vice Chair, and Jan M. Zogmaister. Craig L. Dearden was excused.

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** - Commissioner Gibson
- B. PLEDGE OF ALLEGIANCE** - Ricky Hatch
- C. THOUGHT OF THE DAY** - Commissioner Zogmaister

D. CONSENT ITEMS:

- 1. Purchase Orders for \$281,457.89
- 2. Warrants #287697 - #287941 for \$1,350,021.98
- 3. Minutes for meetings held on July 3 and 10, 2012
- 4. New business licenses

Commissioner Zogmaister moved to approve the consent items; Commissioner Gibson seconded, both voting aye.

E. ACTION ITEMS:

1. SURPLUS PARCEL #05-112-0026

Nate Pierce, County Operations Department Director, stated that Edwin Foster wishes to purchase this parcel (1/10 of an acre) from Weber County, which received it from a tax sale. It is adjacent to Mr. Foster’s home and he wishes to combine it with his property.

Commissioner Zogmaister moved to surplus land serial number 05-112-0026; Commissioner Gibson seconded, both voting aye.

2. CONTRACT AND A QUIT CLAIM DEED WITH EDWIN F. FOSTER FOR THE PURCHASE OF PARCEL #05-112-0026 - CONTRACT C2012-151

See above item. Nate Pierce, County Operations Department Director, stated that this is the Real Estate Purchase Agreement with Mr. Foster. The County Recorder/Surveyor’s Office had verified the legal description and they cleared it for the sale. The price is \$2,500.

Commissioner Zogmaister moved to approve Contract C2012-151 and a Quit Claim Deed with Edwin F. Foster for the purchase of Land Serial Number 05-112-0026; Commissioner Gibson seconded, both voting aye.

3. ORDINANCE PROHIBITING PARKING ON PUBLIC PATHWAY AT GEERTSEN BAY – ORDINANCE 2012-11

Nate Pierce, County Operations Department Director, stated that several months ago the county completed a pathway in conjunction with Weber Pathways across Gertsen Bay adjacent to the highway. A number of fishermen started parking on that pathway and the county placed some bollards to keep motor traffic out. On occasion, individuals still park on the trail and block it from patrons. This ordinance language makes it an infraction for illegal access with a fine not to exceed \$20.00. Commissioner Zogmaister asked if there are other areas that need to be addressed and it was decided that those will be addressed later. This item was adopted because there is an immediate problem.

Commissioner Zogmaister moved to adopt Ordinance 2012-11 prohibiting parking on the public pathway at Geertsen Bay; Commissioner Gibson seconded.

Roll call vote:

Commissioner Zogmaister.....aye
Commissioner Gibsonaye

4. **REQUEST FOR CONTRACT FOR MIKE VAN ALFEN TO PRODUCE THE DEMOLITION DERBY AT THE 2012 WEBER COUNTY FAIR**

This item was held.

F. PUBLIC HEARINGS:

1. Commissioner Zogmaister moved to adjourn the public meeting and convene the public hearings; Commissioner Gibson seconded, both voting aye.
2. **PUBLIC HEARING FOR AMENDMENTS TO THE WEBER COUNTY ZONING ORDINANCE, CHAPTER 32, SIGNS, AND CHAPTER 1, GENERAL PROVISIONS, REGARDING THE WEBER COUNTY TEMPORARY SIGN PROVISIONS INCLUDING POLITICAL SIGNS**

See the related item below, F.3. Rob Scott, County Planning Division Director, stated that there are two sets of standards for signs within the county—one is for the western Weber County/Uintah Highlands area (Chapter 32) and another for the Ogden Valley/Ogden Canyon Chapter 32B). There were no significant changes to Chapter 32—these amendments are basically housekeeping.

For a few years the political sign ordinance has not been enforced because of constitutional issues associated with it. The ordinance has been amended to meet statutes, including making political signs content neutral (the county does not regulate what is put on the signs), placing them under temporary signs, and amending definitions to be consistent with other chapters dealing with land use permits. The Western Weber County Planning held a public hearing and work session and made very few amendments. No change was made to the political sign definition and the only change to the definition of “temporary sign” was to give some examples. The Special Provisions section includes that temporary signs are exempt from fees and establishes setback standards (based upon whether there is sidewalk or curb/gutter).

Mr. Scott outlined the three tables that identify how to deal with temporary signs including the types, display periods and removal requirements, the agricultural and residential zone standards, and the commercial and manufacturing zones standards. Commissioner Zogmaister expressed concerns regarding the large size for political signs, the lack of a removal period for them, and that they can be located in areas other than residential and business areas. Mr. Scott said that for the most part the numbers were already in the ordinance. Temporary signs quite often are homemade, sometimes using a full or half sheet of plywood, and those measurements were used as a basis for the ordinance. Because of the closely related public hearing items, people offered their comments after the hearings.

3. **PUBLIC HEARING FOR AMENDMENTS TO THE WEBER COUNTY ZONING ORDINANCE CHAPTER 32B, OGDEN VALLEY SIGNS, AND CHAPTER 1, GENERAL PROVISIONS, REGARDING THE WEBER COUNTY TEMPORARY SIGN PROVISIONS INCLUDING POLITICAL SIGNS**

Rob Scott, County Planning Division Director, stated that the Ogden Valley Planning Commission (OVPC) made recommendations that gate or arch signs be increased from 8 sq. ft. to 30 sq. ft. (to be visible/readable) and that name plate signs for home occupations increase from 2 sq. ft. to 4 sq. feet.

The OVPC received a request by Steve Clarke, representing the Community Foundation of Ogden Valley, to allow another sign type—a special event offsite sign. The OVPC unanimously recommended allowing the proposal, which includes two offsite signs with a maximum of 4 ft. X 8 ft., 10 ft. in height, with a display period beginning 30 days prior to the event with removal the day after the event. There are a number of these events in the Valley and currently they are displayed the day before the event.

Commissioner Gibson invited public comments and the following is a summary:

Ernest Rowley, of Roy, and County Recorder/Surveyor, stated that the ordinance prohibits signs within a public right-of-way (R.O.W.) and expressed concerns regarding how people can identify the R.O.W., noting that it would be a challenge. Many county roads don't have a defined R.O.W., some being prescriptive R.O.W.s, and Mr. Rowley expressed concerns with enforcement and County Planning having to make a decision of where such roadways are. Mr. Scott said that the existing ordinance prohibits signs in a public R.O.W. and that they must be 5 ft. back from the pavement, which should be enough of a safety separation. Mr. Rowley stated that in many cases the R.O.W. may be further than 5 ft. from the edge of the asphalt, thus it may potentially become a problem to prohibit signs in the R.O.W. but to say they are allowed within the 5 ft.

Steve Clarke, of Eden, stated that there is no uniform enforcement of sign usage/display in the Valley and this is a problem for commercial establishments and those who are trying to enhance awareness of community events. Mr. Clarke requested that the county invest in enforcement. He spoke of the need for offsite signs, stating that the current sign ordinance is a serious hindrance, and that there are two roads in the Valley that should be allowed offsite signs—Highways 158 and 39. The 4 ft. X 8 ft. sign is readable at 50 mph and the OVPC recommends a display period of 30 days but his request is for 60 days because that is more reasonable due to the investment for that size of a sign and that takes it takes some time for people to become familiar with the information.

Huntsville Town Mayor James Truett asked the Commission to be cautious with what they allow regarding political signs. He echoed Mr. Clarke's comments and referred to the upcoming Huntsville Marathon, urging the Commission to allow two 4 ft. X 8 ft. offsite signs. He feels that the 60-day display period is reasonable, particularly for marathons because people choose them way ahead of time, typically not within 30 days, and he agrees with removal on the following day. He said that there is a lot of money invested in signs and agrees that enforcement is very important to make it fair for everyone. He noted that the Huntsville Barbecue Company has won best in the State for two years in a row but cannot advertise, thus people have to stumble onto that business because it sits quite a bit off the road. Several past businesses in that building have struggled because people cannot find them and the Mayor feels it is important that some sort of a business sign be allowed.

Miranda Menzies, of Eden, spoke in support of offsite signs to support Valley businesses stating that it is difficult for people to find businesses in the Valley, particularly the visitors, and she has seen many establishments go out of business because people did not know of their existence.

Ricky Hatch, of Ogden, noted that grand opening signs are one-time events and sometimes a business's success will hinge on how successful the grand opening is. The restrictions make these signs smaller than political signs. He said that even if the signs are placed on buildings, which sometimes are far from the street, they are not visible from a distance, and he recommends allowing business grand opening signs to be larger. Mr. Rowley concurred, stating that the allowed sign is very small. Commissioner Zogmaister noted that these signs did not change in this proposal.

Commissioner Gibson agreed with many of today's public comments stating that more leeway should be given to promote businesses and events with offsite signs in the Valley, which is a unique area. Commissioner Zogmaister also agreed but expressed concerns with those who may abuse this and with the Valley becoming overrun with billboards, which detracts from everything that the Valley residents express about protecting its unique atmosphere. She reiterated that there are many events in the Valley. She wants more information before taking action on this item.

Mr. Scott addressed Commissioner Gibson's question regarding current and proposed sizes of home occupation signs in the Valley and reiterated that offsite signs are not allowed.

4. **PUBLIC HEARING TO RECEIVE COMMENT WITH REGARD TO THE PROPOSED ISSUANCE BY THE COUNTY OF APPROXIMATELY \$6,900,000 SALES TAX REVENUE AND REFUNDING BONDS**

Dan Olsen, County Comptroller, noted that the Commission adopted a parameters resolution on 6/26/2012 relating to this item. The county will issue no more than \$6.9 million of bonds at an interest rate of no more than 5.5% for no longer than 21 years. The refinancing of a taxable bond issued in 2003 was taken out of this item. This issue consists of two parts: refinancing of the 2003 bonds issued to build the Health Department building and the other part is for about \$3.6 million in new money for construction of the Ice Sheet expansion. The latter's term is expected to be for 20 years. The terms are not being extended on the former bonds—this action is simply to obtain a lower rate—and a savings of about \$35,000/year is anticipated. A yield of about 2.5% is expected.

Commissioner Gibson invited public comments and none were offered.

5. Commissioner Zogmaister moved to adjourn the public hearings and reconvene the public meeting; Commissioner Gibson seconded, both voting aye

6. **ACTION ON PUBLIC HEARINGS:**

F.2. – DISCUSSION ON AMENDMENTS TO THE ZONING ORDINANCE, CHAPTER 32, SIGNS, AND CHAPTER 1, GENERAL PROVISIONS

F.3. - AMENDMENTS TO COUNTY ZONING ORDINANCE, CHAPTER 32B, OGDEN VALLEY SIGNS, AND CHAPTER 1, GENERAL PROVISIONS

Commissioner Zogmaister noted that more time is needed to research these items before action is taken, noting that a lot of issues were brought to the Commission's attention. She said that the Commission welcomes input during this time. Commissioner Gibson concurred.

F.4 - PROPOSED ISSUANCE BY THE COUNTY OF APPROXIMATELY \$6,900,000 SALES TAX REVENUE AND REFUNDING BONDS

No action is required.

G. ASSIGN PLEDGE OF ALLEGIANCE & THOUGHT OF THE DAY FOR TUESDAY, JULY 31, 2012, 10 A.M.

H. PUBLIC COMMENTS:

Steve Clarke, of Eden, urged the Commission to make a decision soon regarding the temporary sign ordinance because the organization he represents has an upcoming event and they need to know how to proceed. On another issue, Mr. Clarke said that according to the Ogden Valley Pathways ordinance when a major road is reconstructed, pathway provisions will be provided as part of that reconstruction. Highway 158 is being reconstructed and he has no information on how it will be widened to accommodate bicycles and pedestrians, and he asked the commissioners to find out whether such improvement is planned for or can be planned. Mr. Clarke said that as part of this reconstruction process, much of that road can easily be widened to include pathways and it is important to handle that now given the infrequency that the road is improved.

I. ADJOURN

Commissioner Zogmaister moved to adjourn at 11:16 a.m.; Commissioner Gibson seconded, both voting aye.

Attest:

Craig L. Dearden, Chair
Weber County Commission

Ricky D. Hatch, CPA
Weber County Clerk/Auditor