

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

Tuesday, August 2, 2011 - 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: Jan M. Zogmaister, Chair, Craig L. Dearden and Kerry W. Gibson.

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 Zogmaister

B. PLEDGE OF ALLEGIANCE – Mike Caldwell

C. THOUGHT OF THE DAY - Commissioner Dearden

D. CONSENT ITEMS:

1. Purchase Orders in the amount of \$175,091.10
2. Warrants #276380-#276704 in the amount of \$535,208.87
3. Set public hearing for August ~~23~~ 30, 2011, 10 a.m., to consider amendments to the County Zoning Ordinance, Chapter 34, Home Occupation-Short Term Vendors-Temporary Outdoor Sales-Farmer's Market
4. ACH payment to US Bank for \$67,187.35 for purchasing card transactions made through the billing cycle ending July 15, 2011
5. Retirement Incentive Agreement with Theron P. Stock - Contract C2011-151

Commissioner Dearden moved to approve the consent items with the date correction on item D.3; Commissioner Gibson seconded, all voting aye.

E. ACTION ITEMS:

1. **CONTRACT WITH STEP UP PRODUCTIONS-RAIL JAM TO HAVE WAKE BOARDING AND WAKE SKATING DEMONSTRATION AT THE WEBER COUNTY FAIR - CONTRACT C2011-152**

Jan Wilson, of the County Fair, noted that Decade will be the sponsor and will reimburse the Fair \$5,000. She presented a couple of changes to this contract's rider.

Commissioner Gibson moved to approve Contract C2011-152 with Step Up Productions - Rail Jam for wake boarding and wake skating demonstration at the Weber County Fair; Commissioner Dearden seconded, all voting aye.

2. **INTERLOCAL COOPERATION AGREEMENT WITH PLAIN CITY CORPORATION FOR RECREATION, ARTS, MUSEUM AND PARKS FUNDING - CONTRACT C2011-153**

Mike Caldwell, Public Information Officer, presented this contract.

Commissioner Dearden moved to approve Contract C2011-153, Interlocal Cooperation Agreement with Plain City Corporation for Recreation, Arts, Museum and Parks funding; Commissioner Gibson seconded, all voting aye.

3. INTERLOCAL COOPERATION AGREEMENT WITH MARRIOTT-SLATERVILLE AND WEST HAVEN CITY FOR RECREATION, ARTS, MUSEUMS AND PARKS FUNDING - CONTRACT C2011-154

Mike Caldwell, Public Information Officer, presented this contract for extension of the Ogden-Weber River Parkway.

Commissioner Gibson moved to approve Contract C2011-154, Interlocal Cooperation Agreement with Marriott-Slaterville and West Haven City for RAMP funding, with correction of typographical errors; Commissioner Dearden seconded, all voting aye.

4. CONTRACT WITH GOAL FOUNDATION FOR SUPPORT DURING LARGE COMMUNITY EVENTS - CONTRACT C20121-155

Mike Caldwell, Public Information Officer, noted that GOAL produces the Ogden Marathon and participates in large community events. Direct spending for those events in the county was \$3 million in 2010, requiring almost 16,000 volunteer hours.

Commissioner Dearden moved to approve Contract C2011-155 with GOAL Foundation for support during large community events; Commissioner Gibson seconded, all voting aye.

5. FINAL READING OF AN ORDINANCE MAKING CERTAIN CHANGES TO TITLE 24, CHAPTER 7, OF THE WEBER COUNTY ORDINANCES RELATING TO THE RAMP TAX - ORDINANCE 2011-10

David Wilson, Deputy County Attorney, noted that the first reading occurred last week. Reed Richards, Deputy County Attorney, had made a couple of amendments that reflect statutory changes. Additionally, changes clarify that after two successive terms, board members will not be re-appointed. The board wants broad representation and for more people to have opportunity to serve.

Commissioner Gibson moved to adopt Ordinance 2011-10, final reading of an Ordinance making certain changes to Title 24, Chapter 7 of the Weber County Ordinances relating to the RAMP tax; Commissioner Dearden seconded.

Roll Call Vote:

Commissioner Dearden	aye
Commissioner Gibson	aye
Chair Zogmaister	aye

6. FIRST READING OF A NEW ORDINANCE GOVERNING DUTIES, OBLIGATIONS & OPERATIONAL PROCEDURES OF THE COUNTY PURCHASING AGENT & AMENDING PROCEDURES, RULES AND REGULATIONS RELATING TO PROCUREMENT, SURPLUS PROPERTY DISPOSAL AND RELATED FUNCTIONS - ORDINANCE 2011-11

Annette Jacobs, County Purchasing Agent, outlined changes to this ordinance including that open orders are not to exceed \$10,000 unless a bid or contract exists, bid bonds may be required on construction bids in excess of \$100,000, the contractor must be current with county personal property taxes, and travel claims for county commissioners' expenses are to be presented to the Clerk/Auditor for approval.

Commissioner Dearden moved to approve the first reading of a new ordinance governing the duties, obligations and operational procedures of the county purchasing agent and amending procedures, rules and regulations relating to procurement, surplus property disposal and related functions; Commissioner Gibson seconded, all voting aye.

7. RESOLUTION APPOINTING A MEMBER TO THE WEBER COUNTY BOARD OF ADJUSTMENT - RESOLUTION 16-2011

Rob Scott, County Planning Division Director, stated that since Mr. Hogan’s appointment last week he received an opportunity to attend Texas A&M and has to resign.

Commissioner Gibson moved to adopt resolution 16-2011 appointing Rex Mumford to the Weber County Board of Adjustment; Commissioner Dearden seconded.

Roll Call Vote:

Commissioner Deardenaye
Commissioner Gibsonaye
Chair Zogmaisteraye

8. INTERLOCAL AGREEMENTS FOR ELECTION SERVICES PROVIDED BY WEBER COUNTY TO THE FOLLOWING MUNICIPALITIES FOR THE 2011 PRIMARY AND GENERAL ELECTIONS:

- Farr West City - Contract C2011-156
- Harrisville City - Contract C2011-157
- Marriott-Slaterville City - Contract C2011-158
- North Ogden City - Contract C2011-159
- Ogden City - Contract C2011-160
- Plain City - Contract C2011-161
- Pleasant View City - Contract C2011-162
- Riverdale City - Contract C2011-163
- South Ogden City - Contract C2011-164
- Washington Terrace City - Contract C2011-165
- West Haven City - Contract C2011-166

Douglas Larsen, County Elections Administrator, stated that the county is providing election services for 13 cities (two contracts will be presented later) and some special service districts.

Commissioner Dearden moved to approve Contract C2011-156 through 166 with the above listed municipalities for election services provided by Weber County; Commissioner Gibson seconded, all voting aye.

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

Sean Wilkinson, of the County Planning Division, stated that this issue was discussed last week and the Commission directed the two parties to work together to come up with appropriate progress standards/timeline for a 2-year time extension. At a subsequent meeting with Wolf Creek and County Engineering, they came up with a solution they feel will work well for the extension and a progress checkpoint. The most practical progress checkpoint will be 10/31/2012, which gives Wolf Creek time to construct subdivision improvements. By this date Wolf Creek is to have all the underground improvements (i.e., water, sewer, storm drain systems) completed and the road improvements up to and including road base and rolled curb completed. If these improvements are not completed by 10/31/2012, the subdivision will expire and become void. Mr. Wilkinson noted that this timeline allows Wolf Creek to finalize plans with the contractor and have two building seasons in which to complete the improvements. The project site must be cleaned up and stabilized during the construction process.

Mr. Wilkinson noted that during the discussion with Wolf Creek there was talk of possibly requiring all the improvements to be completed by 10/31/12, including the asphalt, but the county did not include that in the contract believing that the listed improvements are sufficient. If the required improvements are completed within the timeline, Wolf Creek will still have five months whereby they can establish an escrow for the asphalt and record the subdivision. Mr. Wilkinson said that this agreement works well for the county and Wolf Creek and recommended a 2-year time extension expiring 3/24/2013, with an interim deadline of 10/31/2012 as discussed. Chair Zogmaister expressed thanks for all the work that went into this item noting that this should serve both parties well.

Commissioner Gibson moved to grant a variance to the County Subdivision Ordinance to allow an additional time extension of final approval for The Retreat at Wolf Creek Utah Subdivision Phase 1 as discussed; Commissioner Dearden seconded, all voting aye.

F. PUBLIC HEARING:

1. Commissioner Dearden moved to adjourn the public meeting and convene the public hearing; Commissioner Gibson seconded, all voting aye.
2. **PUBLIC HEARING REGARDING ZP 2011-01 TO REZONE PROPERTY LOCATED AT APPROXIMATELY 750 OGDEN CANYON (THE OAKS RESTAURANT) FROM FOREST RESIDENTIAL ZONE (FR-1) TO COMMERCIAL VALLEY RESORT RECREATION (CVR-1) FOR THE PURPOSE OF EXPANDING THE OAKS RESTAURANT AND USING CABINS NEAR THE RESTAURANT FOR NIGHTLY RENTALS**

Sean Wilkinson, of the County Planning Division, stated that the approximate area of this rezone is 3.5 acres and encompasses the parking area and structures adjacent to The Oaks Restaurant; it goes across the river only to obtain a neat boundary. One of the things the Planning Commission requested was that this rezone be as close to 2.5 acres as possible, a requirement of the CVR-1 zone.

The Oaks is currently a non-conforming use in the FR-1 zone (it is not allowed under current zoning but existed prior to the adoption of county zoning regulations and is still legal because the use has not been abandoned). Chapter 28 of the Zoning Ordinance does not allow a structure, which is occupied by a non-conforming use, to be added to or expanded in any manner unless such expansion is made to conform to all yard and use regulations of the zoning where the structure is located. Based on this requirement, The Oaks would not be allowed to expand in the FR-1 zone, which is the main reason for this request.

The applicants are requesting to expand the restaurant to add another dining area to the east, to expand a building to house the new freezers, to use the three existing cabins on the property as nightly rentals and in the future to build additional cabins also for nightly rentals.

The rezone concept plan has a 10-year timeframe with three phases: phase 1 includes the freezer cooler addition, renting the three existing cabins; phase 2 includes the east dining room addition (to be completed within 5 years); and phase 3 consists of constructing additional cabins (within the 10-year timeframe). Mr. Wilkinson noted that the rezone is a little longer than most but based on some of the things the applicant is proposing to give as part of the rezone and, with the timelines for the different uses, it is felt appropriate.

The County Zoning Ordinance has strict rezoning requirements and Mr. Wilkinson cited the five criteria and staff's explanation as to why they feel this rezone meets the criteria. The Ogden Valley General Plan does not specifically mention the Ogden Canyon as a commercial expansion area, however, when reviewing the goals and policies, this rezone fits very well.

As part of the rezone, the applicants will encumber over 128 acres south of The Oaks with a conservation easement, which will protect sensitive lands, open space and wildlife habitat. The Oaks is also a historical building and promotes a sense of pride in the Ogden Valley's history and heritage. By expanding the restaurant, the applicants can help preserve the cultural and historical icon. The Oaks also plays a large role in promoting recreational opportunities in Ogden Canyon. The applicants have partnered with the Division of Wildlife Resources to provide four access points to the Ogden River for fishing and kayaking. The applicants have proposed granting an easement for a new trail on property south of The Oaks, which could provide a connection to the Sardine Peak Trail. In order for the Oaks to remain competitive and to maintain its business, a rezone to commercial is practical and is beneficial. The Oaks has been operating at its present location since 1933, although it has never been zoned commercial, which was a large consideration in making this determination. Because the FR-1 zone is so restrictive in what can be done to maintain and expand the restaurant, it was felt appropriate to rezone to commercial. Mr. Wilkinson said that the nightly rentals are an accessory to the main use (restaurant). One of the criteria asks how the change is in the public's interest and staff determined that the commercial expansion provides additional sales tax revenue for the county (being able to accommodate more patrons), there will be an easement for a future trail, a conservation easement, preserving the historic character of The Oaks and enhancing recreational opportunities.

There is a Zoning Development Agreement in conjunction with this item and Mr. Wilkinson outlined it. As part of the rezone conditions, the property owner shall place a conservation easement on the property designated on the rezone exhibit as a future conservation easement within two years from the date of rezone approval. The property owner shall work with Weber Pathways and the Forest Service to finalize a trail location and shall provide an easement for the future trail when requested by Weber Pathways and the Forest Service. This rezone does not act as approval for development and structures already on the property. A detailed overall site plan must be presented to the Ogden Valley Planning Commission in conjunction with any future development proposals. The uses that will be allowed will be a restaurant without a drive-up window and cabins for nightly rentals.

On 3/22/2011 the Planning Commission recommended approval of this rezone and their conditions are that the rezone area be as close to 2.5 acres as possible while still providing a reasonable area for the concept plan. The conservation easement was required to be placed on the property and that the trail easement be provided.

Staff is also recommending approval of this rezone with the conservation easement, working with Weber Pathways and the Forest Service on the trail and approval of the Zoning Development Agreement.

Chair Zogmaister asked how much ground remains in the FR-1 zone and Mr. Wilkinson said that the parcel is 158 acres, and that all except for the 3.5 acres will remain in FR-1. This rezone does not leave FR-1 as an island; it is adjacent to FR-1 zoning.

Keith Rounkles, applicant, stated that the restaurant needs expansion and remodeling and thanked Mr. Wilkinson and Scott Mendoza, of the County Planning Division, for all of their hard work.

Chair Zogmaister invited public comments and none were offered.

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

4. ACTION ON PUBLIC HEARING:

F.2.-PUBLIC HEARING TO REZONE 750 OGDEN CANYON FROM FR-1 TO CVR-1 TO EXPAND THE OAKS RESTAURANT AND USING CABINS NEAR THE RESTAURANT FOR NIGHTLY RENTALS - ORDINANCE 2011-17 & ZONING DEVELOPMENT AGREEMENT, CONTRACT C2011-15

Commissioner Gibson moved to adopt Ordinance 2011-11 and approve Contract C2011-167, Zoning Development Agreement; Commissioner Dearden seconded.

Roll Call Vote:

Commissioner Dearden	aye
Commissioner Gibson	aye
Chair Zogmaister	aye

G. ASSIGN PLEDGE OF ALLEGIANCE & THOUGHT OF THE DAY FOR TUESDAY, AUGUST 9, 2011, 10 A.M.

H. PUBLIC COMMENTS:

Chair Zogmaister expressed thanks to GOAL for all that they do and the good service they provide.

Commissioner Gibson noted that The Oaks is a landmark and a seasonal business and thanked the Runkles for their dedication.

I. ADJOURN

Commissioner Gibson moved to adjourn at 11:41 a.m.; Chair Zogmaister seconded, both voting aye.

Jan M. Zogmaister, Chair
Weber County Commission

Ricky D. Hatch, CPA
Weber County Clerk/Auditor