

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

Tuesday, August 16, 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** - Drew Wilson

**C. THOUGHT OF THE DAY** - Commissioner Gibson

**D. CONSENT ITEMS:**

1. Purchase Orders for \$186,225.37
2. Warrants #276896- #277151 for \$651,005.38
3. Minutes for the meeting held on August 9, 2011

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

**E. ACTION ITEMS:**

1. **REQUEST TO WAIVE BUILDING PERMIT, PLANNING AND IMPACT FEES ON THE WEBER SCHOOL DISTRICT PAVILION LOCATED AT THE ENVIRONMENTAL CENTER ON SHAW DRIVE**

See related minutes, 8/9/2011. Craig Browne, of County Building Inspection, had met with Curtis Christensen, County Engineer, and they refigured the impact fee to \$1,040.94. He addressed the question from last week regarding the county previously waiving fees for the District stating that the District had put in the garage prior to implementation of impact fees.

Chair Zogmaister noted that the Commission's packet includes information on how cities in Weber County are handling impact fees and Commissioner Gibson said that most of them review the fees on an individual basis, negotiating reductions based on perceived future impacts. He read from State law that the county may in its discretion exempt low-income housing and other development activity with broad public purpose and David Wilson, Deputy County Attorney, concurred.

Commissioner Dearden noted that during his term as Sheriff, the county used this facility as a base camp for search and rescue missions, conferences, etc., sometimes for long periods, and the county uses it for other purposes at no cost, which is a huge benefit to the county. Drew Wilson, representing the School District, stated that the facility benefits the greater good of all Weber County students, noting that about  $\frac{3}{4}$  of the 30,000+ use the facility at least once per year. Commissioners Gibson and Dearden said that requests for impact fee waivers need to be reviewed on an individual basis and they feel comfortable with waving the impact fee. Chair Zogmaister feels strongly that there has to be a sound reason for waiving it and expressed concern with setting precedent. She stated that the contract and reciprocity between the two entities are separate issues from the impacts caused by construction.

Chair Zogmaister asked that if the county is going to continue waiving impact fees then why have them in the county ordinance. She stated that the impact fee for this facility was reduced to where it only covers the impacts, pointing out that there are costs associated with impacts, and these fees are to cover ongoing road maintenance costs. She agrees with reducing the impact fees, which were initially exorbitant, but did not agree with waiving them.

Drew Wilson said that traffic would not increase merely because of the pavilion, patrons go there for the whole facility, and Chair Zogmaister stated that the impact is still there because there is a road to the facility. She noted that the agreement with the School District calls for any improvements on the land to be paid in full by the District. Commissioner Dearden said that whether it is tied to the land or not the county has the ability to use the facility and it would cost the county a significant amount if it had to pay daily fees. The building permit fee is \$442.80 and the land use permit is \$100.

Commissioner Dearden moved to waive building permit, planning and impact fees for the Weber School District pavilion for a total of \$1,583.75 because the county has the ability to use the facility, that there is cooperation/reciprocity between the county and the District, that the fees may be considered part of the improvements and this encompasses the entirety of the agreement; Commissioner Gibson seconded. Commissioner Dearden and Commissioner Gibson voted aye; Chair Zogmaister voted nay.

**2. REQUEST TO WAIVE BUILDING PERMIT FEE, IMPACT FEES AND LAND USE PERMIT FEES FOR EQUIPMENT GARAGE FOR THE WEST WEBER/TAYLOR CEMETERY DISTRICT**

Craig Browne, of County Building Inspection, stated that this District is requesting waving fees for a garage to store equipment at the cemetery. The reduced impact fee (for storm water only) is \$599.99 (storm drains is \$65.75, roadways is \$534.24) and Mr. Browne explained how the fees are determined. The building permit fee is \$442.81 and the land use permit fee is \$50. He stated that the equipment is already there and there is no impact to the roads. Commissioner Dearden stated that only these two requests on today's agenda have been made since the impact fee implementation. Chair Zogmaister feels strongly that impact fees are a way to continue the ongoing maintenance on roads. Commissioner Dearden said that these issues need to be reviewed on an individual basis.

Larry Leavitt, representing the Cemetery Board, stated that the building will be on the far back corner of the cemetery property (200-300 yards away from any public roads) to protect some equipment from increased vandalism. Currently, they have to move equipment in and out and have no ability to keep fuel, etc., onsite because they have no storage. The District has extremely limited funds (they collect about \$13,000 annually) and it has taken them a long time to accumulate enough funds for this project. Commissioner Gibson asked when was the last time they raised taxes and Mr. Leavitt said it has not been in a very long time. Taxes are collected as a line item on the county property tax notices.

Mr. Browne had said that there would be no impact to the road and Chair Zogmaister then asked why the fee was not reduced lower than \$599.99. Curtis Christensen, County Engineer, responded that they struggled a lot with the road impact fee--whether it should be assessed or reduced--and were not set on that amount. He said there is some impact anytime someone drives on the roads. The storm water impact fee is based on the site plan and they looked only at the impact area. The road impact fee is based on the size of the building and may be adjusted based on real impacts. Mr. Christensen said that some improvements to the roads may be necessary in the distant future. Commissioner Gibson stated that it is reasonable to surmise that there will not be added impact to the road because of this storage building and it may even decrease traffic because equipment will stay onsite. He felt comfortable waiving all the impact fees except storm water.

Commissioner Dearden agreed that the information the Commission has on the road may justify waving the impact fees but not the storm water fee.

Commissioner Gibson moved to waive the building permit, land use permit and impact fees with the exception of the storm water fee portion of \$65.75; Commissioner Dearden seconded stating that before impact fees were implemented the county waived the other fees for governmental entities. Commissioner Gibson stated that the reasoning was the same as for the previous agenda item in that it serves the public good and he did not feel it necessary to take the fees from one public entity and give it to another. Chair Zogmaister did not agree with reducing all the fees and had believed the Commission was only considering impact fees; she is in favor of removing the fees for the roads for the storage shed but not storm water fees because the district has taxing ability and authority within its own budgets and if the county wants to take on all of these fees, waive them and simply say that no one else should pay them, then perhaps the taxpayers should have a reduction in the taxes that special districts charge, that these are fixed costs within their budgets, however, impact fees do impact the county or cities because they maintain the roads, storm water, sewer, etc. Commissioner Gibson and Commissioner Dearden voted aye; Chair Zogmaister voted nay.

**3. FINAL READING OF AN ORDINANCE OF WEBER COUNTY COMMISSIONERS UPDATING THE TECHNICAL REQUIREMENTS FOR SURVEYS - ORDINANCE 2011-13**

Ernest Rowley, County Recorder/Surveyor, stated that no changes were made since the first reading.

Commissioner Dearden moved to adopt Ordinance 2011-13 final reading of the ordinance updating the technical requirements for surveys; Commissioner Gibson seconded.

Roll Call Vote:

Commissioner Dearden .....aye  
Commissioner Gibson .....aye  
Chair Zogmaister .....aye

**4. CONSIDERATION AND/OR ACTION ON AN ADDENDUM TO EXTEND A SITE PLAN DEVELOPMENT AGREEMENT AND ESCROW CERTIFICATE IN THE AMOUNT OF \$8,000 FOR THE POWDER MOUNTAIN KIDS SKI SCHOOL TRAILER – CONTRACT C2011-170**

Sean Wilkinson, of the County Planning Division, stated that Powder Mountain Resort has been using a temporary trailer to house its Kids Ski School Program for the last several years, originally approved by the Planning Commission in 2008 for one year. In 2009 they were given a 2-year extension and on 6/2011 they were granted another extension through the 2013-2014 ski season.

The site plan development agreement includes an escrow of \$8,000 for future removal of the trailer when a permanent structure is built. Rather than creating a new agreement, Chris Allred, Deputy County Attorney, had recommended creating an addendum to the existing agreement, which would extend that agreement in conjunction with the Planning Commission extension. Commissioner Dearden asked what is Powder Mountain’s plan for a permanent building and Mr. Wilkinson responded that they plan to have a permanent structure but it will happen when their master plan is approved, which date is unknown. The Planning Commission asked the same question and they want annual updates for the next three years on how Powder Mountain is progressing toward the permanent structure.

Commissioner Gibson moved to approve Contract C2011-170, addendum to extend a site plan development agreement and escrow certificate in the amount of \$8,000 for the Powder Mountain Kids Ski School Trailer; Commissioner Dearden seconded, all voting aye.

**F. ASSIGN PLEDGE OF ALLEGIANCE & THOUGHT OF THE DAY FOR TUESDAY, AUGUST 23, 2011, 10 A.M.**

**G. PUBLIC COMMENTS:** None

**H. ADJOURN**

Commissioner Dearden moved to adjourn 10:51; Commissioner Gibson seconded, all voting aye.

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Jan M. Zogmaister, Chair  
Weber County Commission

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Ricky D. Hatch, CPA  
Weber County Clerk/Auditor