

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

Tuesday, August 25, 2015 - 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:** Kerry W. Gibson, Chair, and James Ebert. Matthew G Bell was excused.

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

**A. WELCOME** – Chair Gibson

**B. MOMENT OF SILENCE**

**C. PLEDGE OF ALLEGIANCE** – Sean Wilkinson

**D. THOUGHT OF THE DAY** – Commissioner Ebert

**E. CONSENT ITEMS:**

1. Purchase orders for \$632,635.46
2. Warrants #324140-#324391 for \$1,941,966.35
3. Minutes for the meeting held on August 18, 2015
4. New business licenses

Commissioner Ebert moved to approve the consent items; Chair Gibson seconded.

Commissioner Ebert – aye; Chair Gibson – aye

**F. ACTION ITEMS:**

1. **CONTRACT WITH PEC FOR CONSTRUCTION MANAGEMENT ON THE VALLEY LAKE ESTATES STORM DRAIN PROJECT – CONTRACT C2015-328**

Jared Andersen, County Engineer, stated that the project has been in the process for about two years. It is much needed because a tremendous amount of water/ice collects in this area during the winter.

Commissioner Ebert moved to approve Contract C2015-328 with Project Engineering Consultants for construction management on the Valley Lake Estates storm drain project; Chair Gibson seconded.

Commissioner Ebert – aye; Chair Gibson – aye

2. **RIGHT-OF-WAY CONTRACTS FOR 12<sup>TH</sup> STREET:**

Barbara Higgs, Parcel 6 – Contract C2015-329

Service Area No. 5 West Warren Park, Parcel 118 – Contract C2015-330

Jared Andersen, County Engineer, presented these contracts.

Commissioner Ebert moved to approve Contracts C2015-329 and 330, right-of-way contracts for 12<sup>th</sup> Street widening as listed; Chair Gibson seconded.

Commissioner Ebert – aye; Chair Gibson – aye

3. **RIGHT-OF-WAY CONTRACT FOR 3500 WEST:**

Oscar Bugarin, Parcel 45 – Contract C2015-331

Jared Andersen, County Engineer, presented this contract.

Commissioner Ebert moved to approve Contract C2015-331, right-of-way contract for 3500 West extension project as listed; Chair Gibson seconded.

Commissioner Ebert – aye; Chair Gibson – aye

4. **CONTRACT WITH TREVOR ELLIS FOR THE GREAT BASIN BUCKAROO DAYS AT THE GOLDEN SPIKE EVENT CENTER (GSEC) ON SEPTEMBER 10-12, 2015 – CONTRACT C2015-332**

Jim Harvey, with GSEC, presented this contract.

Commissioner Ebert moved to approve Contract C2015-332 with Trevor Ellis for the Great Basin Buckaroo Days at the Golden Spike Event Center, 9/10-12/2015; Chair Gibson seconded.

Commissioner Ebert – aye; Chair Gibson – aye

5. **CONTRACT WITH GOLDEN SPIKE GEM & MINERAL SOCIETY FOR THE GEM STONE JUNCTION AT THE GOLDEN SPIKE EVENT CENTER (GSEC) ON APRIL 7-10, 2016 – CONTRACT C2015-333**

Jim Harvey, with GSEC, presented this contract.

Commissioner Ebert moved to approve Contract C2015-333 with Golden Spike Gem & Mineral Society for the Gem Stone Junction at the Golden Spike Event Center, 4/7-10/2016; Chair Gibson seconded.

Commissioner Ebert – aye; Chair Gibson – aye

6. **CONTRACT WITH THE OGDEN ECCLES CONFERENCE CENTER FOR THE TCG COMMAND PERFORMANCE RODEO AT THE GOLDEN SPIKE EVENT CENTER (GSEC) ON SEPTEMBER 15-16, 2015 – CONTRACT C2015-334**

Jim Harvey, with GSEC, presented this contract.

Commissioner Ebert moved to approve Contract C2015-334 with the Ogden Eccles Conference Center for the TCG Command Performance Rodeo at the Golden Spike Event Center, 9/15-16/2015; Chair Gibson seconded.

Commissioner Ebert – aye; Chair Gibson – aye

7. **REQUEST FOR CONTRACT WITH POWDER MOUNTAIN WATER AND SEWER DISTRICT FOR ENGINEERING & OTHER SERVICES**

This item was held.

**G. PUBLIC HEARINGS:**

1.

Commissioner Ebert moved to adjourn the public meeting and convene the public hearings; Chair Gibson seconded.

Commissioner Ebert – aye; Chair Gibson – aye

2. **PUBLIC HEARING TO CONSIDER/TAKE ACTION ON A PROPOSAL TO AMEND THE FOLLOWING SECTIONS OF THE WEBER COUNTY LAND USE CODE: DEFINITIONS (101—1-7), LAND USE PERMIT, BUILDING PERMIT, AND CERTIFICATE OF OCCUPANCY (102-4), CONDITIONAL USES (108-4), AND SUPPLEMENTARY AND QUALIFYING REGULATIONS (108-7) TO UPDATE AND CLARIFY PROVISIONS RELATED TO CONDITIONAL USE PERMITTING AND PROCEDURES**

Charles Ewert, of the County Planning Division, stated that this item is a result of coordinated efforts with the Ogden Valley Planning Commission and the Western Weber Planning Commission from separate work sessions regarding conditional uses. He noted that the county's current conditional use chapter does not comply with State code and currently supposes that all conditional use permits shall be denied unless they meet certain standards. The State's language state that they shall be approved provided that certain standards are met. The amended county ordinance takes language from State code, lists new standards and clarifies the county's process to provide better customer service and to clarify due process for conditional use permits.

3. **PUBLIC HEARING TO CONSIDER/TAKE ACTION ON A PROPOSAL TO AMEND THE FOLLOWING SECTION OF THE WEBER COUNTY LAND USE CODE: HOME OCCUPATION; SHORT TERM VENDORS; TEMPORARY OUTDOOR SALES; FARMERS MARKETS (108-13), TO PROVIDE FOR INSTRUCTIONAL ACTIVITIES IN YARD AREA AND ACCESSORY BUILDINGS AND TO UPDATE AND CLARIFY PROVISIONS RELATED TO HOME OCCUPATION PERMITTING AND PROCEDURES**

Charles Ewert, of the County Planning Division, stated that this item is to address home occupation procedures. An application was submitted by a resident of western Weber County who has a large accessory building on the property and would like to run a business there teaching basketball.

The county's current code permits home occupations if they are 100% enclosed within the residential building on the property. The code amendment will allow certain instructional activities outdoors and in accessory buildings. Standards have been added for truck traffic, lighting, noise, etc. Chair Gibson expressed support for this amendment. Commissioner Ebert is also supportive and wants to ensure there is enforcement of the standards and the county is not overwhelmed in its ability to do so and that there is a process to be responsive to complaints.

Chair Gibson invited public comments on both public hearings and the following is a summary:

Jan Fullmer, of Eden, asked if a home in a home owners association (HOA) that has covenants and which restrict any type of business in the home or outer building take precedence. Mr. Ewert responded that the HOA covenants still govern the property and the county is not involved in enforcement of HOA regulations. Homeowners are accountable to both the HOA and the county's regulations.

4. Commissioner Ebert moved to adjourn the public hearings and reconvene the public meeting; Chair Gibson seconded.  
Commissioner Ebert – aye; Chair Gibson – aye

5. **ACTION ON PUBLIC HEARINGS:**

**G.2. - AMEND COUNTY LAND USE CODE: DEFINITIONS, LAND USE/BUILDING PERMIT, CONDITIONAL USES, AND SUPPLEMENTARY AND QUALIFYING REGULATIONS – ORDINANCE 2015-13**

Commissioner Ebert moved to adopt Ordinance 2015-13 amending the Weber County Land Use Code to update and clarify provisions related to conditional use permitting and procedures; Chair Gibson seconded.  
Commissioner Ebert – aye; Chair Gibson – aye

**G.3. - AMEND COUNTY LAND USE CODE: HOME OCCUPATION – ORDINANCE 2015-14**

Commissioner Ebert moved to adopt Ordinance C2015-14 to amend the Weber County Land Use Code to provide for instructional activities in yard area and accessory buildings and to update and clarify provisions related to home occupation permitting and procedures; Chair Gibson seconded.  
Commissioner Ebert – aye; Chair Gibson – aye

**H. ASSIGN PLEDGE OF ALLEGIANCE & THOUGHT OF THE DAY FOR TUESDAY, SEPTEMBER 1, 2015, 10 A.M.**

**I. PUBLIC COMMENTS:** None

**J. ADJOURN**

Commissioner Ebert moved to adjourn at 10:46 a.m.; Chair Gibson seconded.  
Commissioner Ebert – aye; Chair Gibson – aye

Attest:

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Kerry W. Gibson, Chair  
Weber County Commission

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Ricky D. Hatch, CPA  
Weber County Clerk/Auditor