

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

Tuesday, November 29, 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:** David C. Wilson, Deputy County Attorney; Fátima Fernelius, of the Clerk/Auditor’s Office, took minutes.

- A. **WELCOME** - Chair Zogmaister
- B. **PLEDGE OF ALLEGIANCE** - Undersheriff Kevin McLeod
- C. **THOUGHT OF THE DAY** - Chair Zogmaister

**D. PRESENTATION OF THE COMMISSIONER CUP CHARITY GOLF TOURNAMENT DONATIONS TO THE DESIGNATED CHARITIES - CHILDREN’S JUSTICE CENTER, SHOES FOR TOTS, WEBER COUNTY SCHOOL DISTRICT FOUNDATION**

Commissioner Dearden noted that the commissioners hold a golf tournament once a year to donate the proceeds to the community and this was the 9<sup>th</sup> tournament. This event has been very successful--over \$150,000 has been donated to community organizations. A lot of work goes into this event and the commissioners commended their staff. United Way participates in this process. The Children’s Justice Center, Shoes for Tots and the Weber County School District Foundation were each given \$3,500 and representatives gave an overview of their organizations and outlined how the funds will be used. Commissioner Gibson commended former Commissioner Bischoff for starting this worthwhile event.

**E. CONSENT ITEMS:**

- 1. Warrants #208236-#280496 for \$786,085.22
- 2. Set December 6, 2011 for the first public hearing to consider potential projects for which funding may be applied for under CDBG program for 2012
- 3. New business licenses

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

**F. ACTION ITEMS:**

- 1. **RESOLUTION OF THE WEBER COUNTY COMMISSIONERS APPOINTING MEMBERS TO THE GOLDEN SPIKE EVENT CENTER ADVISORY BOARD - RESOLUTION 21-2011**

Jennifer Graham, stated that the applicants’ names were recommended by board members. Kevin Ireland and Bob Geier are interested in reappointment of their second 4-year term. Commissioner Dearden expressed thanks for the Arena Board and the good work they do.

Commissioner Dearden moved to adopt Resolution 21-2011 appointing Hudd Hayes, Ron Remkes, Dave Wadman and Craig Smith and reappointing Kevin Ireland and Bob Geier, each for a 4-year term beginning 1/1/2012 through 12/31/2015, to the Golden Spike Event Center Advisory Board; Commissioner Gibson seconded.

Roll Call Vote:

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

2. **REQUEST FOR RESOLUTION OF THE WEBER COUNTY COMMISSIONERS AMENDING THE RESOLUTION CREATING THE CRIMINAL JUSTICE ADVISORY COUNCIL OF WEBER COUNTY**

Undersheriff Kevin McLeod, of the County Sheriff's Office, stated that this item is to amend the resolution that created the Criminal Justice Advisory Council to make clarification in the membership and meeting times. The resolution will be presented next week with language from legal counsel.

3. **RATIFY A COOPERATIVE AGREEMENT WITH THE UTAH DEPARTMENT OF TRANSPORTATION (UDOT) FOR EMERGENCY DREDGING DONE IN THE SPRING OF 2011 - CONTRACT C2011-215**

Commissioner Gibson stated that this Spring while the county was experiencing the serious flooding, there was a verbal agreement with UDOT to assist with emergency dredging. UDOT performed the work and the agreement needs ratification.

Commissioner Gibson moved to ratify a cooperative agreement, Contract C2011-215, with the Utah Department of Transportation for emergency dredging done in the Spring of 2011; Commissioner Dearden seconded, all voting aye.

4. **ACTION ON THE OGDEN/WEBER CONVENTION & VISITORS BUREAU (CVB) REPORT**

Sara Toliver, Director of the Ogden/Weber Convention & Visitors Bureau, made a presentation recapping the 2011 achievements, including that transient room taxes have remained stable, restaurant taxes increased 3% and leased vehicle taxes increased 14%. Ms. Toliver outlined the CVB's 2012 goals, including its commitment to increase transient room tax, increase revenues, continue to enhance contributions from the Board and be a voice for legislative affairs affecting the tourism industry. She outlined the plan to accomplish those goals. Chair Zogmaister recognized the great strides that the CVB has made in recent years.

Commissioner Gibson moved to accept the report for the Ogden/Weber Convention & Visitors Bureau; Commissioner Dearden seconded, all voting aye.

**G. 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 ON ZONING PETITION ZP 2011-02 TO AMEND CHAPTER 28, NONCONFORMING BUILDINGS, USES AND PARCELS, ALLOWING BOUNDARIES WITHIN AN APPROVED SUBDIVISION NOT MEETING CURRENT ZONING TO BE ABLE TO REALIGN LOT LINES WITHIN THE SUBDIVISION**

Jim Gentry, of the County Planning Division, stated that the Planning Division received a petition to amend Chapter 28 by adding language to the Ordinance allowing non-conforming lots in existing subdivisions to become more non-conforming (to the current 3-acre minimum zoning) by allowing property in the lot to be sold/traded to other lots within the subdivision. No new lots will be created. Mr. Gentry explained that there are lots in the Ogden Valley that were created under the 1-acre minimum zoning that may have "excess" acreage and this will allow them to exchange the excess acres to other lots within the subdivision, as long as they meet the zoning at the time those lots were created. Both Planning Commissions recommended approval of this item and the Attorney's Office reviewed the ordinance language.

Rex Mumford, applicant, stated that his parents obtained a parcel from his grandfather in 1960 which was homesteaded under the Homestead Act by his great-great grandfather in the 1860s. He obtained about 1.7 acres of his parents' land around 1993. He subdivided that land in the late 1990s to stay with the 1-acre zoning. His parents had the larger parcel and wished to give him part of the land. He approached the Planning Division about it and was told it was not zoned for that change due to the current 3-acre minimum zoning but could apply to amend the ordinance. Changing the alignment allows his elderly parents to keep 1-acre and shifts the tax burden, the water assessment, etc., to Mr. Mumford. Mr. Mumford noted that this is simply to accomplish what could have been done when he subdivided in the 1990s.

Chair Zogmaister asked if this change would pertain only to this subdivision. Mr. Gentry stated that it would be effective for any 1-acre subdivision created at the time of the 1-acre minimum zoning and the shifting of lots can be from one subdivision to another as long as no new lots are created and the 1-acre zoning is maintained.

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:**

**G.2. - PUBLIC HEARING ON ZONING PETITION ZP 2011-02 TO AMEND CHAPTER 28 - ORDINANCE 2011-19**

Commissioner Gibson moved to adopt Ordinance 2011-19 amending the County Zoning Ordinance, Chapter 28, Nonconforming Buildings, Uses and Parcels, in areas subjected to change in zoning; Commissioner Dearden seconded.

Roll Call Vote:

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

**H. ASSIGN PLEDGE OF ALLEGIANCE & THOUGHT OF THE DAY FOR TUESDAY, DECEMBER 6, 2011, 10:00 A.M.**

**I. PUBLIC COMMENTS:** None

**J. ADJOURN**

Commissioner Dearden moved to adjourn at 10:55 a.m.; Commissioner Gibson seconded, all voting aye.

Attest:

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Jan M. Zogmaister, Chair  
Weber County Commission

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Ricky D. Hatch, CPA  
Weber County Clerk/Auditor