

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

Tuesday, December 18, 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: Craig L. Dearden, Chair, Jan M. Zogmaister and Kerry W. Gibson.

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 Dearden
- B. **PLEDGE OF ALLEGIANCE** – Dave Wilson
- C. **THOUGHT OF THE DAY** – Chair Dearden

D. CONSENT ITEMS:

- 1. Purchase Orders for \$168,230.54
- 2. Warrants #293050-#293263 for \$1,236,162.89
- 3. Minutes for the meetings held on December 4 and 11, 2012
- 4. New beer licenses
- 5. Retirement Incentive Agreement with Bradley L. Dee – Contract C2012-231
- 6. Cancel commission meetings for 12/25/2012 & 1/1/2013. Next commission meeting: 1/8/2013

Commissioner Gibson moved to approve the consent items, less the 12/11/12 minutes; Commissioner Zogmaister seconded, all voting aye.

E. ACTION ITEMS:

- 1. **RESOLUTION MAKING APPOINTMENTS TO THE WEBER AREA DISPATCH 911 AND EMERGENCY SERVICES DISTRICT ADMINISTRATIVE CONTROL BOARD – RESOLUTION 28-2012**

Chair Dearden noted that the Weber Area Council of Governments (WACOG) makes four appointment recommendations to this Board and two of those are expiring on 12/31/12. The County Commission appoints the others and their terms are expiring on 12/31/12. WACOG recommends reappointing Mayor Minster and appointing Mayor Mike Caldwell. The Commission recommends reappointing Andrew Blackburn and appointing Dan Olsen.

Commissioner Gibson moved to adopt Resolution 28-2012 regarding 4-year term appointments beginning 1/1/2013 and expiring 12/31/2016 to the Weber Area Dispatch 911 and Emergency Services District Administrative Control Board: reappointing Mayor James Minster, Andy Blackburn and Mike Mathieu and appointing Mayor Mike Caldwell and Dan Olsen; Commissioner Zogmaister seconded.

Roll call vote:

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

- 2. **REQUEST ON SECOND READING OF AN ORDINANCE AMENDING SECTION 2-4 OF TITLE 25, TO INCREASE THE SEWER FEES FOR THE WESTERN PART OF WEBER COUNTY**

This item was held.

3. ADD COMMUNITY BLOCK GRANT PROJECTS TO WEBER COUNTY’S CAPITAL IMPROVEMENT FOR 2013–2017

(See 12/11/12 minutes). Chad Meyerhoffer, of County Engineering, noted that nonprofit agencies can request the county to sponsor them through the CDBG program. He presented the requests by the Weber Housing Authority (for the down payment assistance and land acquisition programs) and the Your Community Connection (to purchase a vehicle for Senior Life Care program for areas outside Ogden City).

Commissioner Zogmaister moved to add the Weber Housing Authority and Your Community Connection to Weber County’s Capital Improvement for CDBG 2013-2017; Commissioner Gibson seconded, all voting aye.

4. RESOLUTION & A CONTRACT WITH SUNTRUST EQUIPMENT FINANCE TO PROVIDE FINANCING TO PURCHASE AN EXCAVATOR FOR TRANSFER STATION - RESOLUTION 29-2012, CONTRACT C2012-232

Dan Olsen, County Comptroller, noted that this company offered a great rate. The amount of financing is \$203,158 with a fixed rate of 1.575% for five years, to be paid with Transfer Station funds.

Commissioner Gibson moved to adopt Resolution 29-2012, approving Contract C2012-232 with SunTrust Equipment Finance to provide financing to purchase an excavator for the Transfer Station; Commissioner Zogmaister seconded.

Roll call vote:

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

5. REQUEST FOR CONTRACT WITH GOAL FOUNDATION TO PROVIDE GOAL WITH FUNDING FOR THE CALENDAR YEAR 2013 TO PROMOTE CERTAIN EVENTS IN WEBER COUNTY

Dan Olsen, County Comptroller, presented this contract renewal. The contract amount is \$60,000, which is paid from the Transit Room Tax revenues. Jenny Scothern, with GOAL, stated that they plan to expand the Ogden Marathon by 1,500 runners. Last year there were 13,500 volunteer hours, and the room night economic impact was \$3.5 million for the Ogden Marathon, Dew Tour, XTerra, etc.

Chair Dearden asked about adding language to the contract requiring GOAL to report annually to the Commission in October. Commissioner Zogmaister recommended that this contract be structured like the CVB contract. This item was held.

6. FIFTH AMENDMENT TO CONTRACT FOR SOLID WASTE TRANSPORTATION AND DISPOSAL - CONTRACT C2012-233

Gary Laird, with the County Solid Waste Management, stated that this contract was initiated in 1996 with East Carbon Development Corporation. Since that time, that company has been purchased by several others, and currently it is Republic Waste, DBA East Carbon Development Corporation.

This amendment is to reduce the inflation charge for 2013 by 50% and will continue throughout the contract. In 2016 the base for the fuel surcharge will increase from \$2 to \$3, resulting in another reduction to the contract. There are five 5-year periods of extensions and the county is exercising one of those 5-year periods two years earlier. Chair Dearden noted that this saves the county money over the life of the contract, up to \$900,000 (based on today’s tonnage).

Commissioner Zogmaister moved to approve Contract C2012-233, fifth amendment to the contract for Solid Waste Transportation and Disposal; Commissioner Gibson seconded, all voting aye.

7. ACCEPTANCE OF GUARANTEED MAXIMUM PRICE (GMP) WITH R&O CONSTRUCTION FOR THE TRANSFER STATION REPAIRS

Gary Laird, with the County Solid Waste Management, referred to the existing contract with R&O for Construction Manager/General Contractor, which required R&O to provide the county a GMP as soon as all the bids were received and costs could be verified. The GMP is \$1,221,983.

Commissioner Gibson moved to accept the GMP with R&O Construction for the Transfer Station repairs; Commissioner Zogmaister seconded, all voting aye.

8. RESOLUTION APPOINTING A MEMBER TO WEBER COUNTY LIBRARY BOARD – RESOLUTION 30-2012

Commissioner Zogmaister noted that this Board recommended that Tom Taylor be re-appointed.

Commissioner Zogmaister moved to adopt Resolution 30-2012 reappointing Tom Taylor for an additional 4-year term to the Weber County Library Board; Commissioner Gibson seconded.

Roll call vote:

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

9. AGREEMENT WITH HUNTER AND COMPANY COMMUNICATIONS TO PROVIDE FOR LEGISLATIVE ADVOCACY SERVICES AT THE FEDERAL AND STATE LEVELS – CONTRACT C2012-234

Commissioner Zogmaister presented this contract renewal. At the Commission’s request, the contract now includes federal and state lobbying. The amount of the contract remains the same (\$15,000/quarter).

Commissioner Zogmaister moved to approve Contract C2012-234 with Hunter and Company Communications to provide for Legislative Advocacy Services at the Federal and State levels; Commissioner Gibson seconded, all voting aye.

10. ACTION ON A PUBLIC HEARING HELD 12/4/2012 REGARDING A REQUEST TO AMEND THE WEBER COUNTY ZONING ORDINANCE BY ADDING CHAPTER 46, AGRI-TOURISM, AND AMENDING OTHER RELATED CHAPTERS AS FOLLOWS: CHAPTER 1, GENERAL PROVISIONS, BY MODIFYING CERTAIN EXISTING DEFINITIONS AND ADDING NEW DEFINITIONS; CHAPTERS 5, 5B, 6, 7, AND 12B, (AGRICULTURAL-1, AGRICULTURAL VALLEY-3, AGRICULTURAL-2, AGRICULTURAL-3, AND FOREST VALLEY-3 RESPECTIVELY) BY ADDING AGRI-TOURISM AS A CONDITIONAL USE; CHAPTER 18C, OGDEN VALLEY ARCHITECTURAL, LANDSCAPE, AND SCREENING DESIGN STANDARDS, BY CLARIFYING THAT AGRI-TOURISM IS AN AGRICULTURALLY RELATED USE THAT IS EXEMPT FROM ITS REQUIREMENTS; CHAPTER 23, SUPPLEMENTARY & QUALIFYING REGULATIONS, BY ADDING NEW LANGUAGE THAT ADDRESSES ACCESS STANDARDS AND RELATED CRITERIA FOR AGRI-TOURISM OPERATIONS; CHAPTER 24, PARKING AND LOADING SPACE, VEHICLE TRAFFIC AND ACCESS REGULATIONS, BY CLARIFYING THAT AGRI-TOURISM IS AN AGRICULTURALLY RELATED USE THAT IS EXEMPT FROM CERTAIN STANDARDS; CHAPTER 34, HOME OCCUPATION, SHORT TERM VENDORS, TEMPORARY OUTDOOR SALES, AND FARMERS MARKETS, BY PERMITTING FARMERS MARKETS AS APPROVED AGRI-TOURISM OPERATIONS; AND CHAPTER 36, DESIGN REVIEW, BY EXEMPTING AGRI-TOURISM OPERATIONS FROM LANDSCAPING REQUIREMENTS - ORDINANCE 2012-19

Scott Mendoza, of the County Planning Division, stated that during the public hearing about 12 people commented and about half of them had questions and concerns. Discussion had ensued and the commissioners had recommended some changes to the ordinance to address the concerns, with Chair Dearden providing a list for staff to address. Mr. Mendoza outlined the proposed four changes:

1) On-Farm Store/Retail Market. Concerns had been expressed regarding a store on a farm that would resemble a large “garden center.” Some building size limitations were added to the ordinance, which are consistent with those already in the ordinance under the use for gift shop. A farm/ranch consisting of 40 acres or more is limited to a retail operation of 600 sq. ft. and a larger farm/ranch to 800 sq. ft.

2) Definition Section was amended. Some concerns were expressed about allowing amusement rides. The agri-tourism ordinance does not list an amusement park or motorsport race track as an agri-tourism use, however, it was used as an example of a non-agriculturally related use. Mr. Mendoza said that amusement park was stricken from the definition as a non-agriculturally related use and the definition of “play area” clarifies that rides typically found in an amusement park are prohibited. There were concerns expressed about go cart/motorcycle races, etc., and motor sporting events are also prohibited.

Commissioner Gibson feels strongly that the county should not overly limit uses and that this ordinance should encourage/enhance creativity so that farms can be profitable. He noted that motorsports need to be defined and said he was concerned with the current amusement park language. Mr. Mendoza said that the intent of prohibiting motorsport events is to address the large-scale motocross-type events and that perhaps some type of clarification is needed for motorized events that do not have an impact, but it will take some research. Commissioner Zogmaister stated that some comments made at the public hearing were that some events may be appropriate in western Weber County but not in Ogden Valley. She said that Valley residents spoke clearly about what they want/do not want. There was discussion regarding perhaps having separate ordinance language for the two areas.

3) Value added product processing/packaging (VAPPP). Some concerns were expressed with cutting and processing meat, whether livestock/wild game, on a farm and following is the proposed language: “VAPPP shall be limited to fowl, livestock, dairy...and botanical products that have been raised, produced and are cultivated “on” the farm upon which the processing/packaging is taking place. Mr. Mendoza said that the Planning Commissions’ intent is to limit the processing scale to those products grown or raised on the farm on which they were raised so that agri-tourism does not get too big. Regarding other ordinance chapters, Mr. Mendoza said that several clarify that agri-tourism is an agricultural-related use and are exempted from other standards. Both Planning Commissions unanimously recommended approval of Chapter 46 and the other amendments.

Commissioner Gibson reiterated that he prefers allowing more rather than being too restrictive, along with leaving the word “by” rather than “on” as discussed in the above paragraph and removing all new language for motorsport events until that is defined. Commissioner Zogmaister noted that this is an agri-tourism ordinance and the focus should be on that, that amusement rides are non-agriculturally related and should be removed, and that there are conditional use permits for all other uses. Mr. Mendoza said that the ordinance calls to balance a farm’s offerings (½ of the uses need to be agriculturally-related and ½ to be non-related). He referred to the county’s Special Events Ordinance, which allows a variety of special events to be held 5-6 times/year by any landowner. The commissioners agreed with also removing non-agriculturally related examples and leaving the new language for “On-Farm Store/Retail Market.

Commissioner Gibson moved to adopt Ordinance 2012-19 amending the Weber County Zoning Ordinance by adding Chapter 46, Agri-Tourism, and amending other related chapters as follows: Chapter 1, General Provisions, by modifying certain existing definitions and adding new definitions; Chapters 5, 5B, 6, 7, and 12B, (Agricultural-1, Agricultural Valley-3, Agricultural-2, Agricultural-3, and Forest Valley-3 respectively) by adding Agri-Tourism as a Conditional Use; Chapter 18C, Ogden Valley Architectural, Landscape, and Screening Design Standards, by clarifying that agri-tourism is an agriculturally related use that is exempt from its requirements; Chapter 23, Supplementary & Qualifying Regulations, by adding new language that addresses access standards and related criteria for agri-tourism operations; Chapter 24, Parking and Loading Space, Vehicle Traffic and Access Regulations, by clarifying that agri-tourism is an agriculturally related use that is exempt from certain standards; Chapter 34, Home Occupation, Short Term Vendors, Temporary Outdoor Sales, and Farmers Markets, by permitting farmers markets as approved agri-tourism operations; and Chapter 36, Design Review, by exempting agri-tourism operations from landscaping requirements; Commissioner Zogmaister seconded.

Roll call vote:

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

11. CONTRACT WITH TRADERS' ROW FOR TRADERS' ROW TO BE OPERATED AT FORT BUENAVENTURA PARK – CONTRACT C20012-235

Jennifer Graham, County Recreation Facilities Director, presented this contract renewal.
Commissioner Zogmaister moved to approve Contract C2012-235 with Traders' Row for Traders' Row to be operated at Fort Buenaventura Park; Commissioner Gibson seconded, all voting aye.

12. CONTRACT WITH UTAH NORDIC ALLIANCE/OGDEN NORDIC FOR GROOMING AT NORTH FORK PARK – CONTRACT C20012-236

Jennifer Graham, County Recreation Facilities Director, presented this contract renewal.
Commissioner Gibson moved to approve Contract C2012-236 with Utah Nordic Alliance/Ogden Nordic for grooming at North Fork Park; Commissioner Zogmaister seconded, all voting aye.

13. CONTRACT WITH ROY CITY FOR A LOCAL TRANSPORTATION FUNDING AGREEMENT TO ASSIST WITH CURB, GUTTER AND SIDEWALK INSTALLATION ON THE NORTH SIDE OF 4400 SOUTH AND RELATED MAINTENANCE– CONTRACT C20012-237

Douglas Larsen, Weber Economic Development Director, stated that this contract provides up to \$209,500 of sales funds to assist with curb, gutter and sidewalk installation and related maintenance on the north side of 4400 South.
Commissioner Gibson moved to approve Contract C2012-237 with Roy City for a Local Transportation Funding Agreement to assist with curb, gutter and sidewalk installation on the north side of 4400 South and related maintenance; Commissioner Zogmaister seconded, all voting aye.

F. PUBLIC HEARING

1. Commissioner Zogmaister moved to adjourn the public meeting and convene the public hearing; Commissioner Gibson seconded, all voting aye.

2. PUBLIC HEARING REGARDING AMENDMENTS TO THE OPERATING AND CAPITAL BUDGETS OF WEBER COUNTY FOR THE 2012 CALENDAR YEAR

Dan Olsen, County Comptroller, highlighted unanticipated changes made to the budget throughout the year including accounting for the tipping concrete floor at the Transfer Station (was in the 2013 budget but will be handled this year), COLA, grants received by the Sheriff's Office, three positions added to the Roads Department to handle the flood mitigation, a State grant passed through to the Ogden Community Foundation, Health Department federal grant adjustments as well as adjustments to the Ice Sheet for the expansion project.

Chair Dearden invited public comments and none were offered.

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

4. ACTION ON PUBLIC HEARING – AMENDMENTS TO 2012 COUNTY BUDGET – RESOLUTION 31-2012

Commissioner Zogmaister moved to adopt Resolution 31-2012 amending the operating and capital budgets of Weber County for the 2012 calendar year; Commissioner Gibson seconded.

Roll call vote:

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

G. ASSIGN PLEDGE OF ALLEGIANCE & THOUGHT OF THE DAY FOR TUESDAY, JANUARY 8, 2013, 10 A.M.

H. PUBLIC COMMENTS:

Commissioner Gibson expressed thanks to Commissioner Dearden, who is retiring, for his years of dedicated service to the county. Commissioner Dearden has been a positive influence in his life and he looks to him for an example.

Commissioner Zogmaister expressed thanks to Commissioner Dearden for his exceptional leadership. Commissioner Dearden said that he has worked with the county since 1991 and he will miss it.

David Wilson stated that he has worked with commissioners for over 20 years and noted what a privilege it has been to work with Commissioner Dearden, who has been exceptional. Mr. Wilson referred to one particular issue where he saw Commissioner Dearden exhibit his usual integrity and courage when he went before the legislature. Commissioner Dearden received a round of applause for his many years of service to the county.

Monty Davis, of Little Weber Farms, said that Weber County is paving the ground with its agri-tourism ordinance and his company plans to take it to certain counties in Utah as an example. He thanked the Commission for adopting the ordinance.

I. ADJOURN

Commissioner Gibson moved to adjourn at 11:36 a.m.; Commissioner Zogmaister seconded, all voting aye.

Attest:

Craig L. Dearden, Chair
Weber County Commission

Ricky D. Hatch, CPA
Weber County Clerk/Auditor