

MINUTES
OF THE BOARD OF COMMISSIONERS OF WEBER COUNTY
Tuesday, October 24, 2017 - 10:00 a.m.
Commission Chambers, 2380 Washington Blvd., Ogden, Utah

In accordance with the requirements of Utah Code Annotated Section 52-4-203, the County Clerk records in the minutes the names of all persons 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.

WEBER COUNTY COMMISSIONERS: James Ebert and Kerry W. Gibson. Jim Harvey was excused.

OTHER STAFF PRESENT: Lynn Taylor, of the County Clerk/Auditor's Office; David C. Wilson and Courtlan Erickson, Deputy County Attorneys; and Fátima Fernelius, of the Clerk/Auditor's Office, who took minutes.

- A. WELCOME** – Chair Ebert
- B. MOMENT OF SILENCE**
- C. PLEDGE OF ALLEGIANCE** – Duncan Olsen
- D. THOUGHT OF THE DAY** – Chair Ebert

E. PRESENTATIONS:

- 1. **INTRODUCTION OF MISS WEBER COUNTY, SHANNON STODDARD.**
Miss Stoddard's platform is "Helping Hands," elevating suicide prevention awareness. She spoke of her early struggles and desires to help others. The commissioners stated that she has been a great ambassador to the youth.
- 2. **PRESENTATION FROM UTAH RESTAURANT ASSOCIATION.**
Melva Sine, president and CEO of the Utah Restaurant Association, in conjunction with Katy Sine and Jami Larson, presented the Taste Utah program, an interactive dining guide of Utah restaurants.

F. CONSENT ITEMS:

- 1. Warrants #1228-1240 and #421986-422206 in the amount of \$2,116,329.36.
- 2. Purchase orders in the amount of \$76,148.63.
- 3. Minutes for the meeting held on October 17, 2017.
- 4. Severance agreement with Kevin McLeod.

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

G. ACTION ITEMS:

- 1. **FIRST AMENDMENT TO THE WEBER CENTER PARKING STRUCTURE (STRUCTURAL EVALUATION AND FEASIBILITY REPORT) PROFESSIONAL SERVICES AGREEMENT.**

Sean Wilkinson, County Community Development, presented this amendment for \$9,985 for an updated study to give cost estimates and prioritize repairs to keep the structure open for the next 2-5 years.

Commissioner Gibson moved to approve the first amendment to the Weber Center parking structure (Structural Evaluation and Feasibility Report) Professional Services Agreement; Chair Ebert seconded.

Commissioner Gibson – aye; Chair Ebert – aye

- 2. **REQUEST FROM THE DEPARTMENT OF COMMUNITY & ECONOMIC DEVELOPMENT TO SELL SURPLUS REAL PROPERTY - PARCEL NUMBER 09-038-0015.**

Sean Wilkinson, County Community Development, noted that the county obtained this small piece of property in the 1993 tax sale. Jed Christensen, an adjacent property owner, wants to purchase the property, which was declared surplus two weeks ago and will be sold for the assessed value of \$1,065.00.

Commissioner Gibson moved to sell surplus real property, Parcel #09-038-0015; Chair Ebert seconded.

Commissioner Gibson – aye; Chair Ebert – aye

- 3. **CONTRACT WITH FIVE CHUTES PRODUCTIONS FOR THE RMPRA WINTER SERIES RODEO AT THE GOLDEN SPIKE EVENT CENTER.**

Duncan Olsen, with the GSEC, presented this contract.

Commissioner Gibson moved to approve the contract with Five Chutes Productions for the RMPRA Winter Series Rodeo at the Golden Spike Event Center; Chair Ebert seconded.

Commissioner Gibson – aye; Chair Ebert – aye

H. PUBLIC HEARING:

1.

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

Commissioner Gibson – aye; Chair Ebert – aye

2. **PUBLIC HEARING TO DISCUSS AND TAKE COMMENT ON A PROPOSAL TO AMEND THE FOLLOWING SECTIONS OF WEBER COUNTY CODE: DEFINITIONS (101-1-7) AND OGDEN VALLEY SIGNS (TITLE 110, CHAPTER 2) TO AMEND PROVISION RELATED TO FLAGS, WINDOW SIGNS, AND PORTABLE SIGNS.**

Charles Ewert, with County Planning, presented this request from the Ogden Valley Business Association (OVBA). County Planning and the OVBA worked on this for some time. The OVBA is comfortable with this iteration and did a good job of reaching out for public input. Mr. Ewert highlighted the OVBA's three primary change requests to lift or loosen restrictions in the county's sign code regarding the display of flags, lift/loosen restrictions for non-illuminated window signs, and to loosen requirements that prohibit portable signs. Flags are not considered signs but could become such and standards were necessary. This amendment tries to mimic the United States flag code display standards. He also referred to a recent U.S. Supreme Court case, *Reed v. Gilbert*, placing strict limitations on content-based sign regulations, which may infringe upon free speech. He noted the message restraints for illuminated signs. Window sign regulations were amended to allow one illuminated window sign, no more than 4 square feet. The OVBA asked that the county allow A-frame signs and are supportive of the county's desire for some limitations on the number of signs, that they look somewhat similar, be displayed in a similar fashion, etc.

Ashley Cross, of Eden and OVBA Chair, stated that she represents about 100 volunteer OVBA members, also affiliate members and non-profit friends. She spoke of Mr. Ewert's great assistance on this item. The three concessions should help enable the Valley businesses to remain vibrant, particularly those that have main entrances not on the street side of their business locations and businesses that are part of a complex/plaza. At a Planning Commission meeting on September 5, 2017, a number of OVBA members presented data that proved marked increase in patrons when visible signage was displayed near their main arteries. The OVBA participated in numerous conversations with County Planning and agreed to their requirements. She stated that approval of this item is critical to the economic viability of many businesses in the Valley and urged the commissioners to uphold the unanimous recommendation of the Planning Commission.

3. Public Comments:

Jan Fullmer, of Eden, said while working on the Ogden Valley General Plan the one recurring theme is to ensure the rustic nature of the Valley is maintained. She supports local businesses. She asked if there is a restriction on the max lumens for electronic lit signs on windows, if there can be some rustic architectural standards for the A-frame signs, and if they can increase resources to enforce the standards.

Ron Gleason, Town of Huntsville resident, supports these OVBA proposed changes and applauds the process, including obtaining public input. He does not see the need for a grandfathering clause to comply with these changes. The General Plan contains an initiative for wayfinding signage and he requested setting a priority for its implementation. Additionally, because the Town of Huntsville tries to synchronize its ordinances with the county's, that Huntsville be encouraged to do so as quickly as possible to have consistency throughout the Valley. There is a large chunk of commercial businesses there.

Kimball Wheatley, Town of Huntsville resident, reinforced Mr. Gleason's comments regarding wayfinding. He said it is economically critical for Eden businesses. There is no signage for the hundreds of vehicles that stop regularly at the main stop sign in Huntsville indicating they can go through Eden and of the businesses there. This is an important part of what this proposal is trying to accomplish.

Sara Toliver, with Visit Ogden, expressed support for the OVBA's proposal. There have been many challenges in implementing the long term strategic plan for wayfinding and she appreciates hearing the community's support of this long time conversation on the importance of that signage. Much of the tourism challenges lie in bringing people to recreate in the Valley and proper signage is a critical component. She encouraged the Commission to adopt the ordinance.

Mr. Ewert had researched electronic-lit sign types, which are all different (i.e., LED, neon) and setting lumen requirements is difficult. The ordinance language states, “may be illuminated in a manner visible from outside the building provided it shall only be illuminated during business hours and only to an illumination level reasonably necessary to communicate the message to the nearest street right-of-way.” This ordinance contains architectural standards for rustic signs. Chair Ebert asked Mr. Ewert to work on defining the lumen standard for a future amendment and he stated that his enforcement preference is to decriminalize as much behavior as possible and to have the community work together on agreeable standards. He likes the idea of the OVBA helping to enforce/regulate this as an entity with other businesses with which they have common goals, and that the business community work with the rest of the community to help minimize negative impacts. Commissioner Gibson stated that the county is making efforts regarding enforcement. Mr. Ewert noted that this amendment makes enforcement easier. Chair Ebert reiterated the need for wayfinding and the county will continue to work on this process.

4.

Commissioner Gibson moved to adjourn the public hearing and reconvene the public meeting; Chair Ebert seconded.

Commissioner Gibson – aye; Chair Ebert – aye

5. **ACTION ON PUBLIC HEARING:**

H.2.- FIRST READING OF ORDINANCE TO AMEND COUNTY CODE TITLES 101-1-7 & TITLE 110-2

Commissioner Gibson moved to approve the first reading of an ordinance to amend Weber County Code: Definitions (101-1-7) and Ogden Valley Signs (Title 110, Chapter 2) amending provisions related to flags, window signs, and portable signs; Chair Ebert seconded with the request to move forward for a metrics/scale for signs that do not use lumens as measurement of light.

Commissioner Gibson – aye; Chair Ebert – aye

I. PUBLIC COMMENTS:

Tyson Land, of Roy, spoke of the property tax notice he received to pay on an amount much higher than his purchase price. Mr. Land will contact the County Assessor’s Office. Courtlan Erickson, Deputy County Attorney, encouraged Mr. Land to follow any statutory instructions that he received, such as appeal rights, etc.

Ron Gleason, of unincorporated Huntsville, thanked the county for posting the agenda documents online early.

Kimball Wheatley, of unincorporated Huntsville, expressed frustration with Ogden City which erected concertina style chain link fences around every wellhead/blockhouse on the end of Stringtown Road recently, which looks like a concentration camp. This is visible from anywhere in Pineview Reservoir, which is a primary resource for Ogden Valley and at its center. This is not conducive to the Valley’s economic future and he asked the Commission to protect that investment and not allow the City to industrialize the rural character of the Valley. He said that this is a blatant insensitivity to the General Plan’s values.

Rick Grover, County Planning Director, had a conversation with Ken Moffett, Ogden City’s public utilities manager, who said that the action was to comply with federal requirements and Mr. Grover had told him about the county’s fence regulations that only allows decorative iron fencing in that area and would like to see that in that area. Mr. Grover had asked if the City would at least use black powder-coated chain link and the city will look into it. Mr. Grover was told that the City had taken down the chain link at the Ogden Canyon substations that were not exempt and had replaced them with iron fencing. The commissioners asked Mr. Grover to continue working through this.

J. ADJOURN

Commissioner Gibson moved to adjourn at 11:21 a.m.; Chair Ebert seconded.

Commissioner Gibson – aye; Chair Ebert – aye

Attest:

James Ebert, Chair
Weber County Commission

Ricky D. Hatch, CPA
Weber County Clerk/Auditor