

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

Tuesday, March 27, 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, Kerry W. Gibson, and Jan M. Zogmaister.

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 Dearden

B. PLEDGE OF ALLEGIANCE - Sara Toliver

C. THOUGHT OF THE DAY - Chair Dearden

D. CONSENT ITEMS:

1. Purchase Orders for \$642,426.00
 2. Warrants #283872-#284221 for \$4,393,866.61
 3. Minutes for the meeting held on March 20, 2012
 4. New business licenses
 5. Request to set public hearing for April 17, 2012, 10 a.m., to consider staff amendments to the County Zoning Ordinance Chapter 1 - This item was held
 6. ACH payment to US Bank for \$65,498.27 for purchasing card transactions through March 15, 2012
- Commissioner Gibson moved to approve the consent items, less item D.5; Commissioner Zogmaister seconded, all voting aye.

E. ACTION ITEMS:

1. **CONTRACT WITH FREE MOUNTAIN TRAPPERS TO HOLD A RENDEZVOUS OVER EASTER WEEKEND AT FORT BUENAVENTURA - CONTRACT C2012-46**

Jim Carter, with Fort Buenaventura, presented this contract.

Commissioner Zogmaister moved to approve Contract C2012-46 with Free Mountain Trappers to hold a rendezvous during the Easter weekend at Fort Buenaventura; Commissioner Gibson seconded, all voting aye.

2. **CONTRACT WITH OGDEN FRIENDS OF ACOUSTIC MUSIC TO HOST A MUSIC FESTIVAL AT FORT BUENAVENTURA ON JUNE 1-3, 2012 - CONTRACT C2012-47**

Jim Carter, with Fort Buenaventura, presented this contract. Mr. Carter addressed Commissioner Zogmaister's question stating that Traders' Row will close during this event and the county will remit \$100 to Traders' Row for the closure.

Commissioner Gibson moved to approve Contract C2012-47 with Ogden Friends of Acoustic Music to host a Music Festival at Fort Buenaventura on 6/1-3/2012; Commissioner Zogmaister seconded, all voting aye.

3. CONTRACT WITH CHARRO PROMOTIONS TO HOLD A HISPANIC MATCH RACING EVENT ON APRIL 1, 2012 AT THE GOLDEN SPIKE EVENT CENTER (GSEC) - CONTRACT C2012-48

Jim Harvey, of the GSEC, presented this contract.

Commissioner Zogmaister moved to approve Contract C2012-48 with Charro Promotions for a Hispanic match racing event on 4/1/2012 at the Golden Spike Event Center; Commissioner Gibson seconded, all voting aye.

4. CONTRACT WITH DOUBLE D HIGH SCHOOL RODEO TEAM FOR AN INVITATIONAL RODEO FOR UTAH HIGH SCHOOL CLUBS ON APRIL 7, 2012 AT THE GOLDEN SPIKE EVENT CENTER (GSEC) - CONTRACT C2012-49

Jim Harvey, of the GSEC, presented this contract.

Commissioner Gibson moved to approve Contract C2012-49 with Double D High School Rodeo Team for an Invitational Rodeo for Utah High School Clubs on 4/7/2012 at the Golden Spike Event Center; Commissioner Zogmaister seconded, all voting aye.

5. REQUEST ON CONTRACT WITH SPIKERS HIGH SCHOOL RODEO TEAM FOR A HIGH SCHOOL RODEO TO BE HELD INSIDE THE GOLDEN SPIKE ARENA (GSEC) & RIDING ARENA ON APRIL 5-6, 2012

This item will be placed on next week's consent agenda to allow legal review.

6. FINAL APPROVAL OF ARLEN BELL SUBDIVISION (3 LOTS), A REQUEST FOR DEFERRAL OF CURB, GUTTER AND SIDEWALK AND A REQUEST FOR A VARIANCE TO THE SUBDIVISION ORDINANCE

Justin Morris, of the County Planning Division, showed area maps and stated that this subdivision is located on an R-20 Zone approximately 1,700 feet from the Uintah Elementary School. The Weber School District has stated that elementary students walk, while bus stops for secondary students are on Eastwood Blvd. Sidewalk is available on the south side of Eastwood Blvd. and the school is on the opposite side of the street, thus the elementary students from this subdivision have to cross the street. There is no curb, gutter and sidewalk adjacent to this development. Chair Dearden said that even if sidewalk was installed to the end of this property, it probably would not be used because the children will most likely cross before the end of the property. The Planning Commission had discussed this item at length. Both the Planning Commission and county planning staff recommended final approval of the subdivision. The Planning Commission recommended that the County Commission not grant the request for deferral of curb, gutter and sidewalk but recommended approving the variance. The commissioners noted that this property is two blocks from the school, that there is sidewalk on the opposite side of the street and that students from this development have to cross the street to get to the sidewalk and to the school. They noted that Combe Road and Eastwood Blvd. are both busy roads.

A third lot was included at the recommendation of the County Planning Division and the Planning Commission because the parent parcel was illegally divided, leaving one of the lots without adequate frontage. The applicant plotted the third lot to have a side lot line that runs parallel to the front property line, which does not meet the Subdivision Ordinance standard of an immediate right angle. Working with the neighbors, they worked out an arrangement for the lot lines. The Planning Commission recommended approval of the variance request because of the county planning staff's recommendation that the third lot be added to correct an illegal division. The inclusion of the third lot is the only way to resolve the illegal lot division. The way the lots are laid out limits the amount of property that is being traded for the convenience of both property owners, and there is an existing right-of-way and existing home that would be affected if the property lines were arranged differently.

The commissioners noted that there are pockets of sidewalks in the county going nowhere and they are impractical. Chair Dearden said that in a previous similar case close to a school in Ogden Valley the county requested installation of a road-base pathway instead of a cement sidewalk.

Ernest Rowley, County Recorder/Surveyor, stated that the type of variance discussed today is not unusual. He expressed his concerns noting the “Y” in the road and the two major roads/traffic converging. Putting a sidewalk on the other side of the street, where children would have to cross to get to the school, would have them walk closer to an intersection where they have to cross two sets of streets, which becomes more of a hazard. Leaving the sidewalk where it is on the other side means children are more likely to cross before they get to an area that potentially is more of a hazard. Mr. Morris noted that the County Engineer was present to address this item, if necessary. The commissioners felt that it is better for the students to cross one rather than two roads. They did not wish to make the safety issue worse and requiring the improvements would put the students closer to the “Y” convergence, which can increase the risk on crossing.

Commissioner Gibson moved to grant final approval of the Arlen Bell Subdivision, to grant the deferral of curb, gutter and sidewalk because of the discussion of the “Y” in the road, and to grant the variance to the Subdivision Ordinance; Commissioner Zogmaister seconded, all voting aye.

7. FINAL APPROVAL OF POWELL SUBDIVISION 1ST AMENDMENT AND VACATION OF LOT 1 OF POWELL SUBDIVISION NO. 1 AND A PORTION OF LOT 1 OF POWELL SUBDIVISION NO. 2 - ORDINANCE 5-2012

Justin Morris, of the County Planning Division, showed area maps and the proposed configuration of this subdivision, located at about 3600 W. This item is to re-subdivide two existing subdivisions, altering interior boundaries. Mr. Morris noted that this subdivision had been legally amended previously under a different Subdivision Ordinance process than the current one. Notice of the amended subdivision plat and proposed vacation were mailed to all lot owners in the Powell Subdivision No. 1 and No. 2 and all property owners within 500 feet of the affected lots. The Planning Commission had held a public hearing. Both the Planning Commission and County Planning Division recommend approval of this item.

Commissioner Zogmaister moved to adopt Ordinance 2012-5 vacating lot 1 of Powell Subdivision No. 1 and a portion of lot 1 of Powell Subdivision No. 2, and also granting final approval of the Powell Subdivision 1st Amendment; Commissioner Gibson seconded.

Roll Call Vote:

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

8. AGREEMENT WITH FFKR ARCHITECTS PLANNERS II FOR THE ICE SHEET EXPANSION PROJECT - CONTRACT C2012-50

David Wilson, Deputy County Attorney, presented this contract for architectural services for the Ice Sheet expansion. Mr. Wilson said that there are still a couple of minor items relating to general conditions and FFKR had asked for clarification on the county’s changes but he had not been able to reach FFKR’s legal counsel prior to this meeting. RAMP funds have been awarded for the project for \$2 million. The architects’ fixed fee is based on 6.5% of the total construction cost. Chair Dearden said that in all discussions they have anticipated about \$400,000 for fees.

Commissioner Zogmaister moved to approve Contract C2012-50 with FFKR Architects Planners II for The Ice Sheet expansion project subject to legal approval/clarification requested by the architect in providing any changes to the contract; Commissioner Gibson seconded, all voting aye.

F. PUBLIC HEARING:

- 1. Commissioner Gibson moved to adjourn the public meeting and convene the public hearing; Commissioner Zogmaister seconded, all voting aye.
- 2. **PUBLIC HEARING REGARDING A PROPOSED AMENDMENT TO COUNTY ZONING ORDINANCE, CHAPTER 18B, COMMERCIAL VALLEY ZONES CV-1 AND CV-2, BY ADDING ASSISTED LIVING FACILITY INCLUDING CONVALESCENT AND REST HOME AS PERMITTED USE**

Jim Gentry, of the County Planning Division, presented the request by Dan Phelps to amend the commercial zones in the Ogden Valley. The Ogden Valley Planning Commission unanimously recommended adding the use. The Growth with Excellence Mandate Committee sent an email to the County Planning Division supporting the amendment as well. County staff also recommends the amendment.

Chair Dearden invited public comments and Dan Phelps, owner of the current Red Moose Lodge property in the Ogden Valley, stated that for 10 years that property has had difficulty being financially viable. Mr. Phelps said that the building is perfect for an assisted living center and that this item has been met with good reception from Ogden Valley residents. Currently there is no assisted living facility in that area. It will lessen the traffic in the area because virtually no residents have vehicles.

- 3. Commissioner Zogmaister moved to adjourn the public hearing and reconvene the public meeting; Commissioner Gibson seconded, all voting aye.
- 4. **ACTION ON PUBLIC HEARING:**

F.2.-PUBLIC HEARING ON AMENDMENT TO ZONING ORDINANCE, CHAPTER 18B BY ADDING ASSISTED LIVING FACILITY INCLUDING CONVALESCENT AND REST HOME AS PERMITTED USE - ORDINANCE 2012-6

Commissioner Gibson moved to adopt Ordinance 2012-6 amending the County Zoning Ordinance, Chapter 18B, Commercial Valley Zones CV-1 and CV-2, by adding assisted living facility including convalescent and rest home as a permitted use; Commissioner Zogmaister seconded.

Roll Call Vote:

Commissioner Zogmaister	aye
Commissioner Gibson	aye
Chair Dearden	aye

G. ASSIGN PLEDGE OF ALLEGIANCE & THOUGHT OF THE DAY FOR TUESDAY, APRIL 3, 2012, 10 A.M.

H. PUBLIC COMMENTS: None

I. ADJOURN

Commissioner Gibson moved to adjourn; Commissioner Zogmaister seconded, all voting aye.

Attest:

Craig L. Dearden, Chair
Weber County Commission

Ricky D. Hatch, CPA
Weber County Clerk/Auditor