

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

Tuesday, May 1, 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; Chris Allred, Deputy County Attorney; Douglas Larsen, of the Clerk/Auditor's Office, took minutes.

A. WELCOME - Chair Dearden

B. PLEDGE OF ALLEGIANCE - Jan Wilson

C. THOUGHT OF THE DAY - Commissioner Gibson

D. CONSENT ITEMS:

1. Purchase Orders for \$229,936.33
2. Warrants #285096-285348 for \$451,827.54
3. Minutes for the meetings held on April 10 and 24, 2012
4. A new business license
5. Surplus 4 ballot boxes and 4 voter booths from the Clerk/Auditors Office
6. ACH payment to US Bank for \$79,812.70 for purchasing card transactions made through the billing cycle ending April 16, 2012
7. Retirement Agreement with Mary Ellen George - Contract C2012-66

Commissioner Gibson moved to approve the consent items, holding the minutes; Commissioner Zogmaister seconded, all voting aye.

E. ACTION ITEMS:

1. **FINAL READING ON STAFF AMENDMENTS TO THE COUNTY ZONING ORDINANCE CHAPTER 1 (GENERAL PROVISIONS), CHAPTER 9-A (SHORELINE ZONE (S-1), CHAPTER 23 (SUPPLEMENTARY AND QUALIFYING REGULATIONS), CHAPTER 23 (SUPPLEMENTARY AND QUALIFYING REGULATIONS), CHAPTER 24(PARKING AND LOADING SPACE, VEHICLE TRAFFIC AND ACCESS REGULATIONS), CHAPTER 29 (BOARD OF ADJUSTMENT), CHAPTER 31 (ADMINISTRATION), AND CHAPTER 36-B (HILLSIDE DEVELOPMENT REVIEW PROCEDURES AND STANDARDS) REGARDING THE WEBER COUNTY BOARD OF ADJUSTMENT (BOA) – ORDINANCE 2012-7**

Sean Wilkinson, of the County Planning Division, noted that this item was discussed last week and the commission had directed Mr. Wilkinson to include language requiring a signature by the BOA chair or acting chair on the notice of decision. Chair Dearden suggested changing the language to BOA or "designee" instead of acting chair and Mr. Wilkinson made that change. Additionally, there had been discussion whether the three former special exceptions concerning flag lots, access by private right-of-way or access at a location other than across the front lot line should be administrative approvals or by the Planning Commission. The County Commission had questions last week and Mr. Wilkinson addressed those today. Commissioner Zogmaister said that in most cases staff is most qualified on those decisions, but she does not want to bypass the Planning Commission because they are important—they come from the specific areas and can be more closely attuned to what is going on in the communities and their desires. Mr. Wilkinson read the definition of land use authority, stating that it is one of the proposed amendments because currently this is not defined in the ordinance. He agreed that staff probably has more technical expertise on these issues but the Planning Commission is the land use authority for most of the administrative decisions.

As currently written, even though staff has administrative authority to approve the uses, the Planning Director is authorized at any time to give an issue to the Planning Commission to hear. If an appeal is filed, the land use authority does not have the ultimate authority. Mr. Wilkinson believes the proposed amendments allow for the efficiency discussed and allows the Planning Director to send it to the Planning Commission if an issue arises, thus providing a good balance. There is also the appeal process to the BOA. Commissioner Gibson agrees that the simple issues may be handled by staff but wants to ensure the Planning Commission is also involved rather than that the issue be sent straight to the BOA. Mr. Wilkinson noted that the BOA has been the land use authority for years and has a lot of experience with issues, but because they are the quasi judicial body, the State has limited their capacity. Chris Allred, Deputy County Attorney, stated that all the legislative type recommendations that demand evaluation will still go to the Planning Commission.

Ernest Rowley, County Recorder/Surveyor, stated that there is some concern as to who does what in the process and to still utilize the Planning Commissions. However, under Utah Code, the land use authority has very limited ability for approvals and perhaps the County Commission could consider the fact that if a development is going to obligate the county to expend tax dollars that the land use authority does not have that ability, this is retained by the legislative body. Mr. Wilkinson said that for the types of uses being discussed, there are no road dedications—these are private rights-of-way, flag lots or private improvements where access is an issue.

Commissioner Zogmaister moved to adopt Ordinance 2012-7 amending the Weber County Zoning Ordinance Chapter 1, General Provisions; Chapter 9-A, Shoreline Zone S-1; Chapter 23, Supplementary and Qualifying Regulations; Chapter 23, Supplementary and Qualifying Regulations; Chapter 24, Parking and Loading Space, Vehicle Traffic and Access Regulations; Chapter 29, Board of Adjustment; Chapter 31, Administration; and Chapter 36-B (Hillside Development Review Procedures and Standards regarding the Weber County Board of Adjustment, with the amendment regarding the signature by the Board of Adjustment chair or designee; Commissioner Gibson seconded.

Roll Call Vote:

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

2. **IT IS REQUESTED THAT UNDER PROVISIONS OF UTAH CODE 77.24.4, AND WEBER COUNTY SHERIFF'S OFFICE POLICY 56.8.E-FINAL DISPOSITION OF PROPERTY—THAT ITEMS, WHICH WERE PREVIOUSLY SUBMITTED AS EITHER EVIDENCE OR FOUND PROPERTY, BE SOLD AT PUBLIC AUCTION WITH THE PROCEEDS APPROPRIATED FOR AGENCY USE. THE PROPERTY IS NOW CLEAR OF ANY EVIDENTIARY OR FOUND PROPERTY REQUIREMENTS. CONCERNING THE PROPERTY THAT WAS HELD AS EVIDENCE, WE ALSO HAVE COMPLIED WITH ALL REQUESTS OF UTAH CODE 77-24-2. THIS WOULD BE ACCOMPLISHED BY HOLDING A WEBER COUNTY SHERIFF'S OFFICE EVIDENCE AUCTION LOCATED AT THE WEBER COUNTY FAIR GROUNDS ON AUGUST 2012**

Candy Follum, of the County Sheriff's Office, asked for permission to hold the auction and will bring a complete list of items for approval before the Commission that were previously submitted as evidence or found property. The proceeds will be appropriated for agency use.

Commissioner Gibson moved to grant that the Sheriff's Office hold an auction on June 9, 2012 to sell items that were previously submitted as evidence or found property; Commissioner Zogmaister seconded, all voting aye.

3. **IT IS REQUESTED THAT UNDER PROVISIONS OF UTAH CODE 77.24.4, AND WEBER COUNTY SHERIFF'S OFFICE POLICY 56.8.5-FINAL DISPOSITION OF EVIDENCE-THAT ITEMS, WHICH WERE PREVIOUSLY SUBMITTED AS EITHER EVIDENCE OR FOUND PROPERTY, BE DIVERTED TO THE WEBER COUNTY SHERIFF'S OFFICE FOR AGENCY USE. THE PROPERTY IS NOW CLEAR OF ANY EVIDENTIARY OR FOUND PROPERTY REQUIREMENTS. CONCERNING THE PROPERTY THAT WAS HELD AS EVIDENCE, WE HAVE ALSO COMPLIED WITH ALL REQUESTS OF UTAH CODE 77-24-2**

Candy Follum, of the County Sheriff's Office, asked for approval of the list of items for agency use. Ms. Follum addressed Commissioner Zogmaister's question stating that they use bicycles for parts. Commissioner Zogmaister noted that the Swanson Foundation accepts bicycle donations.

Commissioner Zogmaister moved to approve the list of items as presented that previously were submitted as either evidence or found property for agency use; Commissioner Gibson seconded, all voting aye.

4. **CONTRACT WITH UTILITY COST MANAGEMENT CONSULTANTS (UCMC) TO MONITOR MONTHLY UTILITY BILLS TO DETERMINE OPPORTUNITIES TO REDUCE COSTS THROUGH RECOVERY/CORRECTIONS OF OVERCHARGES CAUSED BY BILLING ERRORS, MISCALCULATIONS OR OTHER FACTORS, CURRENT AND FUTURE - CONTRACT C2012-63**

Nate Pierce, County Operations Department Director, presented this contract renewal noting a couple of changes. The county has only used UCMC thus far to review electric and gas billings but they will now also review water and sewer billings. The original contract was a 50/50 split on any savings they identified. Those amounts were renegotiated and the county will pay UCMC 40% of all credit adjustments and 35% of any continuing savings. This is a 3-year contract. The automatic renewal language and the language obligating the county to pay court costs in the event of default were deleted.

Commissioner Gibson moved to approve Contract C2012-63 with Utility Cost Management Consultants to monitor monthly utility bills and deleting the two sentences as discussed on item #7; Commissioner Zogmaister seconded, all voting aye.

5. **CONTRACT WITH KOTTAGE KUPBOARD LLC FOR THE MOTHER'S DAY BOUTIQUE TO BE HELD AT THE GOLDEN SPIKE EVENT CENTER ON THE DATES OF MAY 6-12, 2012 - CONTRACT C2012-64**

Jan Wilson, of the Weber County Fair, presented this contract.

Commissioner Gibson moved to approve Contract C2012-64 with Kottage Kupboard LLC for the Mother's Day Boutique at the Golden Spike Event Center May 6-12, 2012; Commissioner Zogmaister seconded, all voting aye.

6. **MEMORANDUM OF UNDERSTANDING WITH OGDEN CITY TO DISTRIBUTE JAG GRANT FUNDS- CONTRACT C2012-65**

Chair Dearden noted that Ogden City applies for cooperative JAG grant funds, which will be split between the county and the City. The county will receive about \$6,200.

Commissioner Gibson moved to approve Contract C2012-65, Memorandum of Understanding with Ogden City for the purpose of distributing JAG Grant Funds; Commissioner Zogmaister seconded, all voting aye.

F. ASSIGN PLEDGE OF ALLEGIANCE & THOUGHT OF THE DAY FOR TUESDAY, MAY 8, 2012, 10 A.M.

G. PUBLIC COMMENTS: None

H. ADJOURN

Commissioner Zogmaister moved to adjourn at 10:39 a.m.; Commissioner Gibson seconded, all voting aye.

Attest:

Craig L. Dearden, Chair
Weber County Commission

Ricky D. Hatch, CPA
Weber County Clerk/Auditor