

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

Monday, December 9, 2014 - 10:00 a.m.

Commission Chambers, 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: Kerry W. Gibson, Chair, Jan M. Zogmaister and Matthew G Bell.

OTHERS PRESENT: Ricky D. Hatch, County Clerk/Auditor; David C. Wilson, Deputy County Attorney, and Fátima Fernelius, of the County Clerk/Auditor's Office, who took minutes.

A. WELCOME – Chair Gibson

B. PLEDGE OF ALLEGIANCE – Shelly Halacy

C. THOUGHT OF THE DAY – Chair Gibson

D. PRESENTATION OF THE 3RD QUARTER 2014 FINANCIAL REPORT

Scott Parke, County Comptroller, referred to the interim financial report before the commissioners for the General and Municipal Services Funds as of 9/30/2014. The expenditures were outlined by fund as well as by department. He stated that there wasn't anything of particular note or concern in the report.

E. CONSENT ITEMS:

1. Ratify purchase orders for \$92,142.24, dated December 2, 2014
2. Purchase orders for \$885,499.91
3. Ratify warrants #315864- #316132 for \$1,149,872.91, dated December 2, 2014.
4. Warrants #316133-#316314 for \$1,326,104.34
5. Minutes for the meeting held on November 25, 2014
6. New business licenses
7. New beer licenses
8. Surplus an HP-GL2 Design Jet 600 Plotter from the Operations Department
9. Retirement Agreement with James G. Parks – Contract C2014-240
10. Refund as requested by the County Assessor's Office of taxes erroneously paid by Aero Space Heritage Foundation for years 2009-2013 for \$7,688.97
11. Set public hearing for December 23, 2014, 10 a.m., on Zoning petition ZMA #2014-01 by Summit Mountain Holding Group, L.L.C., to rezone approximately 6,160 acres, at Powder Mountain Resort, from Commercial Valley Resort (CVR-1), Forest Valley-3 (FV-3), and Forest-40 (F-40) to the Ogden Valley Destination and Recreation Resort Zone (DRR-1)
12. Set public hearing for 12/23/2014, 10 a.m., to amend Land Use Code, Title 108 (Standards), Chapter 3 (Cluster Subdivisions) & Title 106 (Subdivisions), Chapter 2 (Subdivision Standards)
13. Contract with Utah Department of Transportation for a 2nd Amendment UDOT Cooperative Agreement, Project No S-01-0108(30)11 – Contract C2014-241
14. Reconciliation Change Order to the contract with Ormond Construction for the South Fork Ogden River Bank Protection Project for \$10,764.04 – Contract C2014-242
15. Amendment 1 to the contract with Nolte Vertical 5 for Design-Related Construction Support Services for \$114,337.00 – Contract C2014-243
16. County EWP Construction Management Modification #4 for \$135,000.00 – Contract C2014-244
17. Amend the "Conceptual Development Plan" and allow for a phasing plan as part of the Zoning Development Agreement previously approved as Contract #2007-271 & amended by Contract #2009-182 – Contract C2014-245
18. Change Order 7 to the contract with Geneva Rock Products for the Powder Mountain Road and Utility Project in the amount of \$1,152,039.70 – Contract C2014-246

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

F. PUBLIC HEARINGS:

1. Commissioner Bell moved to adjourn the public meeting and convene the public hearings; Commissioner Zogmaister seconded. Commissioner Bell – aye; Commissioner Zogmaister – aye; Chair Gibson – aye
2. **PUBLIC HEARING TO PROVIDE THE OPPORTUNITY FOR REPRESENTATIVES FROM NON-PROFIT ORGANIZATIONS AS WELL AS OTHERS TO DISCUSS POTENTIAL PROJECTS (INCLUDING COUNTY PROJECTS) FOR COMMUNITY DEVELOPMENT BLOCK GRANTS (CDBG)**

Chad Meyerhoffer, of County Engineering, noted that this public hearing is being held to supply information regarding the 2015 CDBG program, to solicit possible projects that may be eligible for the funds and to field possible suggestions and questions about the projects from citizens. The national objective is for grant money to benefit primarily low to moderate income persons but other national objectives include using funds to aid in the prevention/elimination of slums/blight or used to meet urgent needs because existing conditions pose a serious/immediate threat to health and welfare.

Eligible activities are identified in the CDBG application guide that is available for review by interested parties and examples include ADA improvements, qualifying public works infrastructure projects, property acquisition, and public services (i.e., food banks, homeless shelters, loan programs for private businesses that hire low income persons or for persons who own rental housing and rent to low income persons).

For 2015, projects within the Wasatch Front Region will compete between Weber, Morgan and Tooele Counties and can expect approximately \$1,200,000 in CDBG funds. Projects will be rated by a regional review committee made up of an elected official and a staff member from each county to determine what projects can proceed with final application. All pre-applications must be submitted to the Wasatch Front Regional Council by 1/30/2015.

The unincorporated county currently does not have any active grant projects. The county as a whole has sponsored the Weber Housing Authority in a project that offers incentives for first time home buyers. In the past, Weber County received grants for: modifying restrooms (ADA) for the Weber County Library; an emergency housing rehabilitation project administered through the Weber Housing Authority; developing ADA compliant campsites; installing ADA-compliant door hardware at the fairgrounds; installing storm drains in low to moderate income communities to reduce flooding; installing wheelchair ramps at street intersections to make pedestrian sidewalks more accessible; and sponsoring non-profit agencies such as Your Community Connection, Ogden Weber Community Action Agency, and Catholic Community Services.

All possible projects in which funding may be applied for are indicated in the regional Consolidated Plan, which is available for review in the Weber County Planning Division. Mr. Meyerhoffer was not contacted by any non-profit agencies that were at the CDBG “How to Apply Workshop” requesting the county to sponsor them or desiring to submit a grant pre-application. Andi Watkins, of the Weber Housing Authority, stated that the Authority is interested in applying for two county projects for the 2015 funding year: 1) down-payment assistance program (to assist 40 low-to-moderate income households) and 2) land acquisition and beginning phase of construction (max request of \$250,000) to provide affordable senior housing in Roy. Commissioner Zogmaister stated that the down-payment program has been extremely successful across the county and hopefully the new project will generate income for the Authority and help stabilize and recoup operating costs.

3. **PUBLIC HEARING TO AMEND COUNTY OPERATING & CAPITAL BUDGETS FOR 2014 CALENDAR YEAR**

Scott Parke, County Comptroller, referred to the list of changes that occurred during 2014 and highlighted the \$17.5 million appropriation to UTA and the \$900,000 for employee termination benefits.

4. Public comments on the public hearings: None

5. Commissioner Bell moved to adjourn the public hearings and reconvene the public meeting; Commissioner Zogmaister seconded. Commissioner Bell – aye; Commissioner Zogmaister; Chair Gibson - aye

6. **ACTION ON PUBLIC HEARINGS:**

A. **F.2.- PROCEED WITH CDBG APPLICATION PROCESS**

Commissioner Zogmaister moved to proceed with the CDBG application process; Commissioner Bell seconded. Commissioner Bell – aye; Commissioner Zogmaister – aye; Chair Gibson – aye

B. **RESOLUTION APPROVING THE AMENDMENTS TO THE 2014 OPERATING AND CAPITAL BUDGETS OF WEBER COUNTY FOR THE 2014 CALENDAR YEAR – RESOLUTION 30-2014**

Commissioner Bell moved to adopt Resolution 30-2014 approving the amendments to the 2014 operating and capital budgets of Weber County for the 2014 calendar year; Commissioner Zogmaister seconded.

Roll Call Vote:

Commissioner Bell	aye
Commissioner Zogmaister.....	aye
Chair Gibson.....	aye

G. **ACTION ITEMS:**

1. **CONTRACT WITH CONVENTION SPORTS & LEISURE INTERNATIONAL (CSL) TO SET TERMS AND OBJECTIVES IN ORDER TO CONDUCT A MARKET, PROGRAM, FINANCIAL AND ECONOMIC ASSESSMENT FOR POTENTIAL EXPANSION/IMPROVEMENT OF THE OGDEN ECCLES CONFERENCE CENTER – CONTRACT C2014-247**

Douglas Larsen, Weber Economic Development Partnership Director, stated that this contract formalizes the ability to move forward on the feasibility study, which is being done in cooperation with Ogden City. The contract is not to exceed \$45,500 and the city has agreed to pay 50%.

Commissioner Bell moved to approve Contract C2014-247 with Convention Sports & Leisure International to conduct a market, program, financial and economic assessment for potential expansion/improvement of the Ogden Eccles Conference Center; Commissioner Zogmaister seconded. Commissioner Bell – aye; Commissioner Zogmaister – aye; Chair Gibson – aye

2. **AMENDMENT TO THE OGDEN ECCLES CONFERENCE CENTER AND PEERY’S EGYPTIAN THEATER MANAGEMENT AGREEMENT DATED OCTOBER 6, 2006 – CONTRACT C2014-248**

Chair Gibson said that this is for a three-month extension. The county is still going through the Request for Proposals (RFP) process. Commissioner Zogmaister asked if three months is ample time and Chair Gibson believes it is because the RFP process has been in the works for a while.

Commissioner Bell moved to approve Contract C2014-248, amendment to the Ogden Eccles Conference Center and Peery’s Egyptian Theater Management Agreement with SMG dated 10/6/2006; Commissioner Zogmaister seconded. Commissioner Bell – aye; Commissioner Zogmaister – aye; Chair Gibson – aye

3. **CONTRACT WITH WASATCH SLOPES/BEEHIVE/SKYLINE/BEAR RIVER/GOLDEN SPIKE/NEBO CHARIOT RACING ASSOCIATION FOR THE 2014-2015 WEEKLY CHARIOT RACES AT THE GOLDEN SPIKE EVENT CENTER – CONTRACT C2014-249**

Jim Harvey, with GSEC, presented this contract.

Commissioner Zogmaister moved to approve Contract C2014-249 with Wasatch Slopes/Beehive/Skyline/Bear River/Golden Spike/Nebo Chariot Racing Association for the 2014-2015 weekly chariot races at the Golden Spike Event Center; Commissioner Bell seconded. Commissioner Bell – aye; Commissioner Zogmaister – aye; Chair Gibson – aye

4. **CONTRACT WITH HHI CORP TO COVER THE EXISTING ALLEYWAY BETWEEN THE GOLDEN SPIKE ARENA AND THE RIDING ARENA – CONTRACT C2014-250**

Jim Harvey, with GSEC, noted that bids had been received for the project and some funding came from RAMP. It covers the alleyway to help control the environment. The contract amount is \$147,651.

Commissioner Bell moved to approve Contract C2014-250 with HHI Corp to cover the existing alleyway between the Golden Spike Arena and the Riding Arena; Commissioner Zogmaister seconded. Commissioner Bell – aye; Commissioner Zogmaister – aye; Chair Gibson – aye

5. **CONTRACT WITH HOFER SYMPHONIKER ACCORDION QUINTET FOR LIVE MUSIC AT THE 2015 HOF GERMAN FEST – CONTRACT C2014-251**

Jim Harvey, with GSEC, presented this contract.

Commissioner Zogmaister moved to approve Contract C2014-251 with Hofer Symphoniker Accordion Quintet for live music at the 2015 Hof German Fest; Commissioner Bell seconded. Commissioner Bell – aye; Commissioner Zogmaister – aye; Chair Gibson – aye

6. **CONTRACT WITH THE STATE OF UTAH, DIVISION OF PARKS AND RECREATION FOR STATE PARKS OHV LAW ENFORCEMENT AT MONTE CRISTO COMPLEX – CONTRACT C2014-252**

Lt. Brandon Toll, with the County Sheriff's Office, stated that this contract is for the command structure at Monte Cristo for Search and Rescue.

Commissioner Bell moved to approve Contract C2014-252 with the State of Utah, Division of Parks and Recreation for State Parks off-highway vehicle law enforcement at Monte Cristo; Commissioner Zogmaister seconded. Commissioner Bell – aye; Commissioner Zogmaister – aye; Chair Gibson – aye

7. **INTERLOCAL AGREEMENT BY/AMONG WEBER COUNTY, OGDEN CITY AND THE UTAH TRANSIT AUTHORITY (UTA) FOR SKI BUS SERVICE IN WEBER COUNTY – CONTRACT C2014-253**

Commissioner Zogmaister noted that this is the third year contracting with UTA for ski bus service. The ski resorts had been present and helped work through the details of the contract.

Commissioner Bell moved to approve Contract C2014-253, Interlocal Agreement by/among Weber County, Ogden City and the Utah Transit Authority for ski bus service in Weber County; Commissioner Zogmaister seconded. Commissioner Bell – aye; Commissioner Zogmaister – aye; Chair Gibson – aye

8. **CONTRACT WITH JUB ENGINEERS, INC. FOR RIGHT-OF-WAY ACQUISITION AND CONCEPTUAL DESIGN ON SKYLINE DRIVE – CONTRACT C2014-254**

Jared Andersen, County Engineer, stated that this project, located near Combe Road, is to complete the corridor on the south end with local transportation funds. Ogden City is concurrently doing its own work on this project and eventually Skyline Drive will be connected from Weber State University to Hwy. 89.

Commissioner Bell moved to approve Contract C2014-254 with JUB Engineers, Inc. for right-of-way acquisition and conceptual design on Skyline Drive; Commissioner Zogmaister seconded. Commissioner Bell – aye; Commissioner Zogmaister – aye; Chair Gibson – aye

9. **AGREEMENT WITH RP WETLANDS & WATERFOWL LLC FOR THE WEBER COUNTY EWP PROJECT – CONTRACT C2014-255**

Jared Andersen, County Engineer, stated that RP Wetlands and Waterfowl, LLC, is the owner of a mitigation bank for wetland areas. The county is currently doing some constructing at the EWP project and the wetlands in that area need to be mitigated at the Machine Lake Mitigation Bank. The county purchased some wetlands (credits) in that bank area.

Commissioner Bell moved to approve Contract C2014-255, Wetland Mitigation Agreement/Machine Lake Mitigation Bank, with RP Wetlands and Waterfowl, LLC, for the County EWP project; Commissioner Zogmaister seconded. Commissioner Bell – aye; Commissioner Zogmaister – aye; Chair Gibson – aye

10. CONTRACT WITH KNIFE RIVER CORPORATION FOR THE WEBER COUNTY EWP CULVERTS WEST PROJECT – CONTRACT C2014-256

Jared Andersen, County Engineer, stated that this contract is to place culverts under the railroad tracks by GSL, which will accommodate floodwaters as they go through that area.

Commissioner Zogmaister moved to approve Contract C2014-256 with Knife River Corporation for the Weber County EWP Culverts West Project; Commissioner Bell seconded. Commissioner Bell – aye; Commissioner Zogmaister – aye; Chair Gibson – aye

11. RATIFY CONTRACT WITH SUMMIT MOUNTAIN HOLDING GROUP, LLC, FOR THE AQUIFER TEST FOR HIDDEN LAKE WELL – CONTRACT C2014-257

Dana Shuler, with County Engineering, stated that contract allows Summit to use the county's infrastructure up on the mountain to conduct the aquifer test.

Commissioner Bell moved to ratify Contract C2014-257 with Summit Mountain Holding Group, LLC, for the aquifer test for the Hidden Lake Well; Commissioner Zogmaister seconded. Commissioner Bell – aye; Commissioner Zogmaister – aye; Chair Gibson – aye

12. MEMORANDUM OF UNDERSTANDING WITH SUMMIT MOUNTAIN HOLDING GROUP, LLC, REGARDING SNOW REMOVAL FROM SUMMIT PASS – CONTRACT C2014-258

Dana Shuler, with County Engineering, noted that this MOU states the county's intention to contract privately for supplemental snow removal from the paved portion of Summit Pass up to Hidden Lake in accordance with county ordinance and (because the road is not finished) to limit heavy equipment usage on the pavement.

Commissioner Bell moved to approve Contract C2014-258, Memorandum of Understanding with Summit Mountain Holding Group, LLC, regarding snow removal from Summit Pass; Commissioner Zogmaister seconded. Commissioner Bell – aye; Commissioner Zogmaister – aye; Chair Gibson – aye

13. CONTRACT WITH CHAMBERS CONSTRUCTION FOR SNOW REMOVAL FOR SUMMIT PASS – CONTRACT C2014-259

Scott Storey, with County Roads, stated that this agreement is for the contractor to assist the county as a backup for snow removal on a section of this road if county staff cannot get up there. This contractor already handles snow removal in the area and so has the equipment available.

Commissioner Zogmaister moved to approve Contract C2014-259 with Chambers Construction for snow removal for Summit Pass; Commissioner Bell seconded. Commissioner Bell – aye; Commissioner Zogmaister – aye; Chair Gibson – aye

14. CONTRACT WITH UTAH DEPARTMENT OF TRANSPORTATION (UDOT) FOR ASSISTANCE IN SNOW REMOVAL – CONTRACT C2014-260

Scott Storey, with County Roads, stated that this contract is for UDOT to blow the snow away for a section of SR-158 when necessary. The county does not have a snow blower.

Commissioner Bell moved to approve Contract C2014-260 with UDOT for assistance in snow removal; Commissioner Zogmaister seconded. Commissioner Bell – aye; Commissioner Zogmaister – aye; Chair Gibson – aye

15. RESOLUTION JOINING WITH PIUTE COUNTY IN PROTESTING THE ACTIONS OF THE BUREAU OF LAND MANAGEMENT (BLM) AND BLM STATE DIRECTOR JUAN PALMA WITH REGARD TO THE PROTEST OF RECAPTURE CANYON IN SAN JUAN COUNTY, UTAH – RESOLUTION 31-2014

Chair Gibson stated that this is in response to a request by the Utah Association of Counties (UAC) to stand by San Juan County's protest against the BLM's illegal closure of Recapture Canyon Road/Trail.

Commissioner Bell moved to adopt Resolution 31-2014 joining with Piute County in protesting the actions of the Bureau of Land Management and BLM State Director Juan Palma with regard to the protest of Recapture Canyon in San Juan County, Utah; Commissioner Zogmaister seconded.

Roll Call Vote:

Commissioner Bell aye
Commissioner Zogmaister..... aye
Chair Gibson..... aye

16. ACTION ON A REQUEST BY SCOTT FLETCHER TO (1) WAIVE PENALTIES AND INTEREST ON PARCEL 09-333-0006, (2) WAIVE PENALTIES AND INTEREST ON PARCEL 09-333-0005, & (3) ACCEPT A LATE APPEAL PETITION FOR PARCEL 09-333-0005 FOR EACH YEAR BACK TO 2010

Chair Gibson noted that this item was on the consent calendar, but when the petitioner showed interest in possibly discussing the issue, it was placed on the regular calendar. However, the petitioner was not present today. Lynn Taylor, of the Clerk/Auditor's Office, noted that the Tax Review Committee, after meeting twice and researching this item thoroughly, recommended denying the three requests.

Commissioner Bell moved to deny the three requests by Scott Fletcher as listed above and to support the recommendations of the Tax Review Committee; Commissioner Zogmaister seconded. Commissioner Bell – aye; Commissioner Zogmaister – aye; Chair Gibson – aye

17. ACTION ON APPEALS OF A CONDITIONAL USE PERMIT (CUP) 2014-16 FOR A DOG KENNEL IN THE AGRICULTURAL (AV-3) ZONE

Jim Gentry, of the County Planning Division, noted that the county received a petition by Stacey Bowman for a dog kennel in the AV-3 Zone in Ogden Valley. The applicant has three acres and is proposing to board dogs on the property. The property is in a subdivision. The Planning Commission recommended approval of the petition on a 4-2 vote with some conditions, which include limiting the number of dogs to 20, providing an asphalt driveway with two parking stalls, providing air conditioning and sound proofing insulation for the metal building, and that it must meet setbacks as per the site plan. There were two appellants to the Planning Commission's decision, and the County Commission heard them today. One appellant requested an advisory opinion from the Property Rights Ombudsman. Mr. Gentry read a portion of that opinion, which included that there is no reason to conclude that the Planning Commission abused its discretion by recommending the conditional use permit for the Bowman's kennel, that county ordinances allow dog kennels as conditional uses, that the Planning Commission considered the impacts of the kennel and imposed appropriate conditions, that a conditional use shall be approved if reasonable conditions are proposed to mitigate the detrimental effects in accordance with applicable standards, and the County Commission has discretion to impose conditions to mitigate impacts. Mr. Gentry said that the advisory opinion disagreed with the Planning Commission's recommendation to allow 20 dogs, and stated that only 10 should be allowed; the applicant applied to have 20 dogs. Mr. Gentry noted that the commissioners could impose any reasonable conditions to help mitigate the negative impacts of the dogs if they desired.

Ms. Bowman, applicant, Eden resident (owner of lot 3 in the subdivision), said that she researched the property, submitted the application and subsequently presented conditions to appease negative impacts that some people felt would ensue. The county ordinance allows 10 dogs per acre; she is asking for 20.

Cleon Butterfield, appellant (owner of lots 1 & 2), said that he is appealing the conditional use and sought an advisory opinion from the Ombudsman. This property is in a subdivision, which has restrictive covenants, and he maintains that a commercial dog kennel constitutes an offensive trade and will become an annoyance and nuisance to the neighborhood, diminish the quality of life to the surrounding neighborhood and is not compatible or appropriate for their subdivision. He said that during the conditional use process, the county identified noise, foul smells and loose dogs as detrimental issues, that the conditional use allows 10 dogs per acre but that this is for a single family residence and is an accessory, therefore, it is exempt from other standards in the county. He indicated that the Ombudsman had said that it is an accessory to a single family residence and is limited to 10 dogs; therefore, Mr. Butterfield is seeking that the conditional use permit limit to 10 dogs.

Mr. Butterfield noted that the Ombudsman had said that if these adverse affects can be mitigated that the request should be approved and that county code states that if these adverse affects cannot be substantially mitigated that the request may be denied. He said that the County Commission needs to be satisfied that the detrimental affects have been mitigated. He does not believe that they have or that the Planning Commission believes it either, but rather that they thought they had been reasonably addressed. He requested a more thorough review of all the detrimental effects—there may be others that have not been addressed or mitigated regarding health, county standards, etc. Mr. Butterfield reiterated his view that a residential neighborhood is not the proper place for a commercial dog kennel.

Shane Phelps, appellant, stated that he is the developer of the subdivision, that his home is located across the street from the petitioner, and his intent never was to have the subdivision be commercial. He read the following portion of county code from the county's website, "The purpose of the AV-3 Zone is to designate farm areas, which are likely to undergo a more intensive urban development, to set up guidelines to continue agricultural pursuits, including the keeping of farm animals, and to direct orderly low-density residential development in a continuing rural environment." He said that the intent of this zone is to keep it more of a farming community. He added that under permitted uses it states clearly "household pets which do not constitute a kennel" and that if the petitioner is allowed 30 dogs then there can be 30 people dropping off dogs and the significant comings and goings make the neighborhood more of a commercial atmosphere, which he does not believe is the intent of the AV-3 Zone. He has a lot invested in his home and this is a detriment. In his research he found that real estate is seriously affected by these types of dog kennels, which are generally located in commercial areas. He stated that this is not personal and does not want to offend the petitioner; it is simply that this proposal is best suited in a commercial area that would allow the traffic and the other aspects of this type of business.

Chair Gibson asked if the 10 dogs per acre had been adjusted when the county changed from one acre to the 3-acre minimum zoning and Mr. Gentry responded that it was not adjusted, that it had been copied over from the A-1 to the AV-3. Chair Gibson asked Mr. Gentry's opinion whether the intent was to assume that the new 3-acre lot is to be treated like the 1-acre building lot and Mr. Gentry believes that it was. Mr. Gentry said that dog kennels were previously required to be on two acres and it transferred to the new 3-acre minimum zoning in the Ogden Valley. Based on that intent, Chair Gibson asked if he agrees with the Ombudsman that the county should only approve 10 dogs. Mr. Gentry agrees, stating that the Ombudsman's opinion was based on this being an accessory use, not a commercial use, therefore, the Ombudsman recommends only 10 dogs. Mr. Gentry had spoken with Chris Allred, Deputy County Attorney, whom he said agrees with the number of 10 dogs. Mr. Gentry read from a portion of county ordinance (which had guided the Planning Commission discussion) that the number of dogs cannot exceed 10 dogs of more than 10 weeks old per acre.

Sean Wilkinson, County Planning Division Director, clarified the two dog kennel uses that are allowed in the AV-3 Zone stating that one commercial-type use allows up to 10 dogs per acre and the other provision is for a use that applies to a non-conforming lot that had less than three acres and only allows 10 dogs. In the Planning Commission discussion there had been a question whether this would be considered more of a commercial-type use, whether the commercial standards that apply to all other commercial uses apply within the AV-3 Zone. The Ombudsman considered that question and said that the Planning Commission did not apply the commercial provision, therefore, he would apply the accessory use and advise that only 10 dogs be allowed.

Mr. Butterfield read from the Zoning Ordinance (1-b) that a minimum of two acres on a legal non-conforming lot, as an accessory use to a single-family dwelling, is limited to 10 dogs. He emphasized that on two acres it is not 20 but 10 dogs, and even though the county adopted the 3-acre minimum, the issue is commercial versus residential. The fact that the Bowman's home is on the lot makes it a single family (residential) use. He said that code clearly states that a single family dwelling is limited to 10 dogs, which is what the Ombudsman told him and included in the opinion, and this is a very strong point.

Ms. Bowman showed pictures to the Commission of the proposed building. Chair Gibson said that he tends to err on the side of the property owner's rights.

Commissioner Bell moved to uphold the Planning Commission's recommendation in whole, including their stipulated conditions (including up to 20 dogs), and to deny the appeals; Commissioner Zogmaister seconded. Commissioner Bell – aye; Commissioner Zogmaister – aye; Chair Gibson – aye

18. RESOLUTION APPROVING THE 2015 WEBER COUNTY BUDGET – RESOLUTION 32-2014

Scott Parke, County Comptroller, noted that a public hearing was held on 11/25/2014 to discuss the 2015 tentative budget and public comments had been received. Adjustments made to the budget include increasing the sales tax revenue and distribution for \$18.5 million as required by the State Auditor; appropriating employee termination benefits of about \$900,000; rolling funds into the Transfer Station budget approved in 2014 to purchase equipment; adding funds to the Municipal Services Fund to pay principal and interest payments; shifting \$200,000 from the Health Department Fund to the General Fund approved in 2014; appropriating \$200,000 for the Lantern House; appropriating \$40,000 for Weber Housing Authority; and decreasing the Recorder/Recorder's budget by an additional \$166,000.

Commissioner Zogmaister noted that the work on the budget has been tremendous and expressed thanks. She noted that in the original Recorder/Surveyor's budget the current elected official requested reducing the 2015 budget by \$339,000, while having stated during the budget process that he expects to spend his entire budget in 2014. The current Recorder/Surveyor requested cutting four full time employees (FTEs) from the 2015 budget. The Commission had discussed this item and then reduced the subject budget by \$166,000 and by two FTEs, but now it is again being reduced by four FTEs. Commissioner Zogmaister finds it difficult to understand how a department, which relies so heavily on customer service, both internally and for the general public, can operate effectively and efficiently with four less employees. She asked the commissioners today to reconsider at least reducing by only two FTEs before adopting the final budget. It is known that there are personal issues between the current Recorder/Surveyor and the Recorder/Surveyor-elect. Chair Gibson said that he visited with the current and the incoming elected officials and feels he has to give quite a bit of deference to the current official. He made commitments to the incoming elected official that when she takes office the discussion will continue and all will be done to ensure the public's needs are well met in that office. Commissioner Bell said that he met with Ms. Kilts, Recorder/Surveyor-elect, and is ready to move forward. Chair Gibson referred to the Lantern House and the needs they meet in our community, and said he is willing to justify the expenditure to his constituents because of his confidence in the operation.

Commissioner Bell moved to adopt Resolution 32-2014 approving the 2015 Weber County Budget; Zogmaister seconded.

Roll Call Vote:

Commissioner Bell	aye
Commissioner Zogmaister.....	aye
Chair Gibson.....	aye

H. PUBLIC COMMENTS: None

I. ASSIGN PLEDGE OF ALLEGIANCE & THOUGHT OF THE DAY FOR TUESDAY, DECEMBER 16, 2014, 10 A.M.

J. ADJOURN

Commissioner Bell moved to approve adjourn at 12:01 p.m.; Commissioner Zogmaister seconded. Commissioner Bell – aye; Commissioner Zogmaister – aye; Chair Gibson – aye.

Attest:

Kerry W. Gibson, Chair
Weber County Commission

Ricky D. Hatch, CPA
Weber County Clerk/Auditor