

MINUTES
WEBER COUNTY COMMISSION

Tuesday, June 23, 2020 - 10:00 a.m.

Via Zoom meeting + at Weber Center, 2380 Washington Blvd., Ogden, UT

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: Gage Froerer, James "Jim" H. Harvey, and Scott K. Jenkins

STAFF PRESENT: Ricky D. Hatch, County Clerk/Auditor; Courtlan Erickson, Deputy County Attorney; and Fátima Fernelius, of the Clerk/Auditor's Office, who took minutes

- A. WELCOME** - Chair Froerer
- B. PLEDGE OF ALLEGIANCE** - Scott Perkes
- C. INVOCATION** - Rick Grover
- D. THOUGHT OF THE DAY** - Chair Froerer

E. PUBLIC COMMENTS: Shae Bitton, Karen Kendell, and Jean Hellyer, Taylor residents, came before the Commission and Ms. Bitten, who stated that she represented the neighbors within the adjacent area of the proposed Taylor Landing Cluster Subdivision, read a statement relating to that item, G.1. Land Use Code 101-1-2, Purpose, states that this title's purpose is to promote safety, health and prosperity...of the county and the inhabitants thereof. The Subdivision Code's purpose is to promote health, safety, convenience and general welfare of the unincorporated inhabitants in subdivision of land. The neighbors' objections relate to the 6/16/2020 staff report findings: #2 says, "with the recommended conditions, the proposed subdivision complies with applicable ordinances." The proposed subdivision is in violation of §106-2-3 which states that a maximum length of blocks generally shall be 1,300 feet, the minimum length shall be 500 feet, and blocks over 800 feet in length may at the discretion of the Planning Commission be provided with a dedicated walkway, which shall not be less than 6 feet wide. The smallest blocks in the development range from 238-486 feet and should be required to meet this standard. Finding #2-2 states that "as evidenced by the soils analysis the proposed open space is capable of having the highest nutrient content and best irrigation capabilities over the property's soil types." She said that page 12 of West Central Weber's General Plan, "Environmental Quality and Quality of Life," states that "residents are very much aware that growth may have environmental and social consequences, and as the community grows, residents wish to maintain and enhance the quality of life in West Central Weber County by protecting water, air and land from environmental degradation. The purpose of §108-18-1 is to ensure the provision of a safe drinking water supply by establishment of drinking water source protection zones surrounding wellheads and springs for all wells and springs used by public water systems in the county and by the designation and regulation of property uses and conditions. §108-18-2 defines hazardous waste. The soils study calls for applying Sulphur and gypsum to reduce the effects of the high sodium levels in the soil and to monitor the nitrate levels and then to deep irrigate to saturate those chemicals. The boron in the soil will require deep irrigation to reduce harmful effects of high sodium levels. Per the study, the crops will continually need to be tested for nitrates due to the high levels in the soil. She read that nitrates are extremely hazardous to children, the elderly and others with health issues. They requested that the Commission uphold the Planning Commission's denial based on these harmful impacts, stating that this land is not prime agricultural land without applying hazardous waste to the soil. She read that this property is adjacent to a drinking water source protection area and surrounded by individual wells that service area homes. From the results of the soil analysis, these toxic elements will be pushed into the water aquifers and contaminate the run off, the soil, and adjacent wells. Their final objection is with staff report finding #1 which states that the proposed subdivision conforms to the West Central Weber General Plan. The applicant needs to redesign this so that the agriculture space is placed on the prime land to not have any chemicals added to it, which can have harmful effects on the aquifers. Commissioner Jenkins asked for locations of wells because this had not been presented to the Commission. She offered her copy but Rick Grover, County Planning Division Director, addressed this during discussion of the item.

Moriah Hacopian, of Ogden City, complained that her rights were being violated by the county and the library because she should be able to enter the library without being asked medical questions, having her temperature taken and using the hand sanitizer, that the full library programs were not being offered at this time, and she does not trust the Health Department. She referred to the COVID-19 pandemic but said that our county had moved to the green phase, and that people are still being forced to wear masks. Chair Froerer noted that a lot of directives come from the State and we are obligated to abide by them. He corrected that Weber County is still in the yellow phase. Our county opened the libraries earlier than the Health Department encouraged but with the agreement to protect the public. Commissioner Harvey noted that some libraries have higher risk patrons and encouraged her to stay abreast of the health Cares Act funding.

F. CONSENT ITEMS:

1. Warrants #2823-2853 and #450252-450388 in the amount of \$2,390,277.39
 2. Purchase orders in the amount \$101,060.00
 3. Surplus cubicles from the Weber County Attorney's Office
 4. Reduction in the Storm Drains Impact Fees for the Challenger Pallets Project
 5. Grant Agreement with the Department of Workforce Services to allow Weber County to continue to provide services under their county-level plan to address intergenerational poverty in their community
 6. Change Order #8 on Staker Parson-12th Street project contract to cover cost of material that wasn't used on project
 7. Change Order #9 on Staker Parson-12th Street project contract to address accounting error regarding fix to Oxbow Crossing
 8. A \$22,000 donation of "Prop 1 Funds" to Trails Foundation of Northern Utah for maintenance of Pineview Loop Trail
- Commissioner Jenkins moved to approve the consent items; Commissioner Harvey seconded.
Commissioner Harvey – aye; Commissioner Jenkins – aye; Chair Froerer – aye

G. ACTION ITEMS:

1. APPROVAL OF THE HERITAGE LAND DEVELOPMENT APPEAL TO THE WESTERN WEBER PLANNING COMMISSION'S DENIAL OF PRELIMINARY APPROVAL FOR TAYLOR LANDING, A 156-LOT CLUSTER SUBDIVISION LOCATED AT APPROXIMATELY 4000 W. 2200 S.

Scott Perkes, of the County Planning Division, stated that this item was discussed in depth last week and was tabled for further review. The applicant was available via Zoom. The Planning Commission voted 4-2 to deny. Mr. Perkes addressed Commissioner Jenkins' question stating that wellhead protection zones are confidential for security reasons and staff had reviewed that and no part of the subdivision boundary is within that wellhead protection zone. Commissioner Jenkins does not like just hearing about this for the first time and requested that in the future the commissioners have that information and Rick Grover, County Planning Division Director, stated that this information is not made public due to national security and impacts to public drinking water. Staff looks at that information and if it is within those areas they can inform the commissioners in a closed meeting. Commissioner Harvey requested that a checklist be made for the commissioners for similar items in the future to ensure a clearer process. He stated that a couple of years ago the Commission moved towards doing a new master plan and had funded it in the budget but had stopped it because of a petition for a new city. The county needs to do a new master plan because it is grossly outdated.

Regarding approval of the Heritage Land Development appeal to the Western Weber Planning Commission's denial of preliminary approval for Taylor Landing, Commissioner Harvey moved to uphold the Planning Commission's denial; the motion died for lack of a second. Courtlan Erickson, Deputy County Attorney, recommended that the commissioners make findings to support their motion. Commissioner Harvey added that the motion was based on the findings of the block lengths and that the county is going to the letter of the law, instead of the spirit of the law. Commissioner Jenkins made a motion to approve the appeal which would allow staff's recommendation to move forward. Chair Froerer seconded the motion. Commissioner Jenkins stated that staff's recommendation is to approve the subdivision; that he walked the area; that he understands the soil analysis that was done and feels that it is all terrible ground and most of it has not been cultivated for years; that he called the farmer who would be farming this, if it is approved, and the farmer feels that he could make it into a nice cultivatable, profitable and irrigatable piece; that Commissioner Jenkins feels that what the farmer is requesting is reasonable because the soil can be worked and changed with nutrients; and that Commissioner Jenkins is also comfortable because there is no wellhead on the property but that it is a bit further away. Chair Froerer explained that he is familiar with that property; he understands the ground configuration and community; more significantly, the ordinance is very clear that this zone requires 30% of open space and the applicant has about 57% or 58%; he looks at the ground and the analysis and considers the future of farming, in light of the anticipated growth of that part of the county, and considers that it is important to plan for the future and also to recognize that the developer has met the nature and intent of the ordinance in terms of size and future growth.

Commissioner Harvey – nay; Commissioner Jenkins – aye; Chair Froerer – aye

2. UTILITY EASEMENT GRANTED BY WEBER COUNTY TO CENTURYLINK FOR THE RELOCATION OF COMMUNICATION LINES IN THE WEBER CENTER'S EAST PARKING LOT

Scott Mendoza, of County Community Development, stated that this item is between the county, the Weber Center Condominium Association Management Committee and CenturyLink. It grants CenturyLink an easement over county-owned property on the east parking lot of the Weber Center, where CenturyLink has a utility line, and relocates it east along 24th Street, north along the east side of the county's property and then diagonally over utility poles. This is due to the soon to be demolished parking structure east of the Weber Center. Commissioner Harvey moved to approve the utility easement granted by Weber County to CenturyLink for the relocation of communication lines in the Weber Center's east parking lot; Commissioner Jenkins seconded.

Commissioner Harvey – aye; Commissioner Jenkins – aye; Chair Froerer – aye

3. ACCEPTANCE OF A TEMPORARY EMERGENCY EGRESS EASEMENT GRANTED BY P.C. THOMAS INVESTMENT CO. L.C. TO WEBER COUNTY DUE TO THE WEBER CENTER PARKING STRUCTURE PROJECT

Scott Mendoza, of County Community Development, stated that this easement will be in place in the event there is an emergency for any occupant/patron visiting the Weber Center and that would need to get out. They would leave to the east and cross the Thomas property, head north and go to 23rd Street. There are limitations and the county agrees to use this only in emergencies, it is limited to pedestrian traffic, and it expires on 12/1/2020. Commissioner Jenkins thanked Thomas Investments, which has been a very good neighbor and has worked notably with the county.

Commissioner Jenkins moved to accept a temporary emergency egress easement granted by P.C. Thomas Investment Co. L.C. to Weber County due to Weber Center's parking structure project; Commissioner Harvey seconded.

Commissioner Harvey – aye; Commissioner Jenkins – aye; Chair Froerer – aye

4. **ACCEPTANCE OF A TEMPORARY CONSTRUCTION ACTIVITY EASEMENT GRANTED BY P.C. THOMAS INVESTMENT CO. L.C. TO WEBER COUNTY DUE TO THE WEBER CENTER PARKING STRUCTURE PROJECT**

Scott Mendoza, of County Community Development, stated that this item is related to the Weber Center's parking structure demolition project. The easement allows the county's contractor to utilize 20 feet of the south 20 feet of the Thomas property for construction activity, limiting it to that activity only and expires on 12/1/2020. The county also agrees to reserve four parking stalls in the Weber Center's north parking lot for Thomas' tenants. Commissioner Harvey moved to accept a temporary construction activity easement granted by P.C. Thomas Investment Co. L.C. to Weber County due to Weber Center's parking structure project; Commissioner Jenkins seconded.

Commissioner Harvey – aye; Commissioner Jenkins – aye; Chair Froerer – aye

5. **CONTRACT WITH UTAH CUTTING HORSE ASSOCIATION FOR THE UCHA FALL CUTTING/UCHA FUTURITY & AGED EVENT AT THE GOLDEN SPIKE EVENT CENTER**

Duncan Olsen, GSEC General Manager, presented this contract.

Commissioner Harvey moved to approve the contract with the Utah Cutting Horse Association for the UCHA Fall Cutting/UCHA Futurity & Aged Event at the Golden Spike Event Center; Commissioner Jenkins seconded.

Commissioner Harvey – aye; Commissioner Jenkins – aye; Chair Froerer – aye

6. **CONTRACT WITH THE UTAH YOUTH RODEO ASSOCIATION TO HOLD THE UTAH YOUTH RODEO AT THE GOLDEN SPIKE EVENT CENTER**

Duncan Olsen, GSEC General Manager, presented this contract.

Commissioner Harvey moved to approve the contract with the Utah Youth Rodeo Association to hold the Utah Youth Rodeo at the Golden Spike Event Center; Commissioner Jenkins seconded.

Commissioner Harvey – aye; Commissioner Jenkins – aye; Chair Froerer – aye

H. COMMISSIONER COMMENTS: Commissioner Jenkins is pleased with today's decision on item G.1 stating that the commissioners can have a difference of opinion and still get along well with each other. Commissioner Harvey said that there is respect with the differences of opinion, which is so refreshing, and Chair Froerer agreed.

I. CLOSED MEETING

Commissioner Harvey moved to convene a closed meeting to discuss pending or reasonably imminent litigation; Commissioner Jenkins seconded.

Commissioner Harvey – aye; Commissioner Jenkins – aye; Chair Froerer – aye

Commissioner Harvey moved to reconvene the public meeting; Commissioner Jenkins seconded.

Commissioner Harvey – aye; Commissioner Jenkins – aye; Chair Froerer – aye

No action was taken on the closed meeting.

J. ADJOURN

Commissioner Harvey moved to adjourn at 12:09 p.m.; Commissioner Jenkins seconded.

Commissioner Harvey – aye; Commissioner Jenkins – aye; Chair Froerer – aye

Attest:

Gage Froerer, Chair
Weber County Commission

Ricky D. Hatch, CPA
Weber County Clerk/Auditor