

**MINUTES**  
**WEBER COUNTY COMMISSION**

Tuesday, March 23, 2021 – 10:00 a.m.

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

In accordance with the requirements of Utah Code Section 52-4-203, the County Clerk records in the minutes the names of all persons who 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 "Jim" H. Harvey, Gage Froerer, and Scott K. Jenkins.

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

**A. WELCOME** - Chair Harvey

**B. PLEDGE OF ALLEGIANCE** - Ashton Wilson

**C. INVOCATION** - Duncan Olsen

**D. THOUGHT OF THE DAY** - Chair Harvey

**E. PUBLIC COMMENTS:** None.

**F. CONSENT ITEMS:**

1. Warrants #3658-3695, #457439-457585 and #76-77 in the amount of \$2,447,486.67
2. Purchase orders in the amount of \$162,629.71
3. Minutes for the meeting held on March 2 16, 2021
4. Acceptance of publicly dedicated road, 560 North St., & associated improvement agreement for Fenster Farms Phase 4
5. Item held-Resolution of Community Reinvestment Agency terminating/dissolving certain redevelopment project areas
6. Updates to Weber County Human Resource Policy 4-400: Workers Compensation
7. Retirement Agreement with Bradley Durrant
8. Severance Agreement with Ross Reeder
9. Contract with Great Basin Antique Farm Machinery to display antique machinery at 2021 County Fair
10. Contract with Michael Barry for a Jr. Livestock Judge at the 2021 Weber County Fair
11. Contract with Brent Kelly to hire Mr. Kelly as a Jr. Livestock Auctioneer at the 2021 Weber County Fair
12. Contract with Rich Holmgren to hire Mr. Holmgren as a Jr. Livestock Auctioneer at 2021 County Fair
13. Contract with Matt Drake to hire Mr. Drake as the MC at the 2021 Weber County Fair
14. Declare Parcel Number 17-019-0016 as surplus property

Commissioner Jenkins moved to approve the consent items, less item F.5; Commissioner Froerer seconded. Commissioner Froerer – aye; Commissioner Jenkins – aye; Chair Harvey – aye

**G. ACTION ITEMS:**

1. **ORDINANCE AUTHORIZING THE SEASONAL CLOSURE OF AVON PASS ROAD AND ANT FLAT ROAD (SECOND READING) – ORDINANCE 2021-5**

Lt. Mark Horton, of the County Sheriff's Office, presented this second reading. There had been no changes since the first presentation. Cache County will also close its pertinent roads.

Commissioner Froerer moved to adopt Ordinance 2021-5 authorizing the seasonal closure of Avon Pass Road and Ant Flat Road; Commissioner Jenkins seconded.

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

2. **INTERLOCAL AGREEMENT WITH WASHINGTON TERRACE CITY FOR A TAX INCREMENT AGREEMENT**

Holin Wilbanks, of County Economic Development, stated that this is a 16-year agreement at a 50% participation rate. If the cap of \$740,000 is met before the 16 years, the agreement ends. Weber School District, a participating entity, has signed the agreement. Mayor Mark Allen said that this is for "Class A" office space development and will keep one the major corporations headquarters in our county. Commissioner Froerer thanked the City for the financial information they provided. He said that our county's approach is to ensure that tax increments go to a project that benefits the county and will actually occur, and that is fair to existing taxpayers. There had been some pressure for the corporation to look south to develop. Tom Hanson, City Manager, stated that Golden West Credit Union was the developer and that Salt Lake City/Salt Lake County would have loved to have persuaded them to come their way, but they desired to remain here, and he expressed thanks to them and to the county. They will build two 100,000 square foot "Class A" buildings in the City, which will increase the current land's value, create a better tax base, and provide many good paying jobs. Commissioner Jenkins thanked them for keeping this a modest request stating that it will be a great enhancement to the community.

Commissioner Froerer moved to approve the Interlocal Agreement with Washington Terrace City for a tax increment agreement for the South Pointe Community Reinvestment Project Area; Commissioner Jenkins seconded.

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

3. **CONTRACT WITH BRASS RING AMUSEMENTS INC. FOR A CARNIVAL AT THE 2021 WEBER COUNTY FAIR**
4. **CONTRACT WITH DONALD NASH ENTERTAINMENT TO HAVE THE BUBBLE TOWER AT 2021 COUNTY FAIR**
5. **CONTRACT WITH EKR FOR MARKETING FOR THE WEBER COUNTY FAIR**
6. **CONTRACT WITH COMEDY HYPNOSIS SHOW FOR A HYPNOSIS PERFORMANCE AT THE 2021 COUNTY FAIR**
7. **CONTRACT WITH WOODEN CREATIONS FOR WOOD CARVING PERFORMANCES AT THE 2021 COUNTY FAIR**
8. **CONTRACT WITH STIRRIN' DIRT RACING FOR THE DEMOLITION DERBY AT THE 2021 WEBER COUNTY FAIR**
9. **CONTRACT WITH HORSE NATIONS INDIAN RELAY COUNCIL FOR RELAY RACES DURING 2021 COUNTY FAIR**
10. **CONTRACT WITH WEBER COUNTY SHERIFF'S MOUNTED POSSE FOR PARKING ATTENDANTS AT 2021 FAIR**
11. **CONTRACT WITH BOOM! FOR WALK-AROUND ENTERTAINMENT AT THE 2021 WEBER COUNTY FAIR**

Ashton Wilson, County Fair Director, presented these contracts together for the 2021 Weber County Fair. Commissioner Jenkins moved to approve the contract with Brass Ring Amusements Inc. for a carnival at the 2021 Weber County Fair; Commissioner Froerer seconded.

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

Commissioner Jenkins moved to approve the contract with Donald Nash Entertainment to have the Bubble Tower at the 2021 Weber County Fair; Commissioner Froerer seconded.

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

Commissioner Jenkins moved to approve the contract with EKR for marketing for the Weber County Fair; Commissioner Froerer seconded.

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

Commissioner Jenkins moved to approve the contract with Comedy Hypnosis Show/Kellie Karl for a hypnosis performance at the 2021 Weber County Fair; Commissioner Froerer seconded.

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

Commissioner Jenkins moved to approve the contract with Wooden Creations for wood carving performances at the 2021 County Fair; Commissioner Froerer seconded.

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

Commissioner Jenkins moved to approve the contract with Stirrin' Dirt Racing for the demolition derby at the 2021 Weber County Fair; Commissioner Froerer seconded.

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

Commissioner Jenkins moved to approve the contract with Horse Nations Indian Relay Council for Indian Relay Races during the 2021 Weber County Fair; Commissioner Froerer seconded.

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

Commissioner Jenkins moved to approve the contract with the Weber County Sheriff's Mounted Posse for parking attendants at the 2021 Weber County Fair; Commissioner Froerer seconded.

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

Commissioner Jenkins moved to approve the contract with BOOM! For walk-around entertainment at the 2021 Weber County Fair; Commissioner Froerer seconded.

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

12. **CONTRACT WITH UTAH QUARTER HORSE RACING ASSOCIATION FOR THE UQHRA RACING SEASON 2021 TO BE HELD AT THE GOLDEN SPIKE EVENT CENTER**
13. **CONTRACT WITH AMERICAN CHARIOT RACING, INC. FOR THE ACR WORLD CHAMPIONSHIP 2021 TO BE HELD AT THE GOLDEN SPIKE EVENT CENTER**

Duncan Olsen, GSEC General Manager, presented these contracts together.

Commissioner Froerer moved to approve the contract with Utah Quarter Horse Racing Association for the UQHRA Racing Season 2021 to be held at the Golden Spike Event Center; Commissioner Jenkins seconded.

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

Commissioner Froerer moved to approve contract with American Chariot Racing, Inc. for the ACR World Championship 2021 to be held at the Golden Spike Event Center; Commissioner Jenkins seconded.

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

14. **RESOLUTION REGARDING THE ANNEXATION OF CERTAIN PROPERTY – RESOLUTION 12-2021**

Bryan Bayles, of Nilson Land Development LLC, stated that they were in the process of acquiring JDC Ranch (236 acres) in Weber County, which is part of an unincorporated island adjacent to both Farr West City and Plain City. They intend to annex into one of these cities which will leave behind approximately 8 unincorporated islands and peninsulas. By this resolution the county intends to consent to the annexation leaving behind islands and peninsulas. Due to the nature, location, size and shape of the existing unincorporated island, of which the subject property is a part of, it is unlikely that the entire unincorporated area will be annexed as a whole by any single municipality in the future as the result of urban development. One of the 8 islands belongs to Rocky Mountain and Mr. Bayles said that they were very willing to annex into either city. He said that the county's legal team had reviewed the resolution, along with Charles Ewert, of County Planning, and their comments were therein incorporated.

Commissioner Froerer had met with Nilson Land and reviewed the proposed plat and liked that this leaves it up to cities who wish to work with the developer on plans that work for both of them, without the county dictating which city this should go into. If no agreement is reached with a municipality, the land would remain with the county. Commissioner Jenkins is in favor of this item. Chair Harvey also liked this idea, which helped with many issues in the area and gave people in the area a local voice.

Commissioner Froerer Jenkins moved to adopt Resolution 12-2021 regarding the annexation of certain property; Commissioner seconded.

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

## H. PUBLIC HEARING

1.

Commissioner Jenkins moved to adjourn the public meeting and convene the public hearings; Commissioner Froerer seconded.

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

### 2. **DISCUSSION AND/OR ACTION ON A PROPOSED TEXT AMENDMENT TO WEBER COUNTY’S LAND USE CODE THAT REPEALS THE COUNTY’S PLANNED RESIDENTIAL UNIT DEVELOPMENT (PRUD) ORDINANCE, AND ADOPTS A NEW MASTER PLANNED DEVELOPMENT (MPD) OVERLAY ZONE IN ITS PLACE**

Charles Ewert, of the County Planning Division, made a presentation on the TV screens stating that this item had been in the process for a few years. A previous County Commission considered a text amendment and their request was to table it pending more rework of the ordinance. Today, staff requested repealing the county’s PRUD ordinance because there is some language that gives the impression that developers can propose whatever they want and are entitled to approval, which is problematic. With this ordinance, developers can basically still propose what they want but it sets up a framework for a basis of negotiation; it is a relatively simple transition and moves it from an administrative approval to the more appropriate legislative approval. It now has MPD overlay zone terminology rather than “PRUD” overlay zone as initially proposed. A lot of the previous PRUD code text remains the same and for better cohesion, different pertinent zones have been incorporated into one chapter, which the county has been moving toward with other codes. It does not change how the code is executed but the easiness of how it can be executed because all the related chapters are not in different areas. Commissioner Jenkins favors traditional city development and spoke in favor of this item noting that some might argue that it was putting things in the wrong order a little because a new master plan for west Weber County is early in the process. However, the county is receiving requests for PRUDs in the mean time, and that code has produced some less than desirable results, thus the county is actually being proactive. Commissioner Froerer also supports this change because of how developers have interpreted current code, which is somewhat ambiguous and difficult for the county to defend.

### 3. **DISCUSSION/ACTION ON PROPOSED TEXT AMENDMENT TO WEBER COUNTY’S LAND USE CODE TO ALLOW DEVELOPMENT TO OCCUR ON SUBSTANDARD STREETS UNDER CERTAIN CIRCUMSTANCES**

This item was held.

### 4. **DISCUSSION AND/OR ACTION ON A REQUEST TO VACATE THE 10-FOOT PUBLIC UTILITY EASEMENTS LOCATED ON BOTH SIDES OF THE LOT LINE BETWEEN LOTS 63 AND 64 OF DURFEE CREEK ESTATES NUMBER 2C**

Felix Lleverino, of the County Planning Division, stated that the applicant, Todd Oliver, who owns both lots, submitted a request to vacate the 10-foot public utility easements on both sides of the lot line between lots 63 and 64. He intends to combine them to build a single-family dwelling. Mr. Lleverino stated that this item met State requirements, including that good cause existed for the vacation and no public interest or person would be materially injured by this vacation. Rocky Mountain Power, Questar Gas, and the Durfee Creek Estates HOA recommended approval of this vacation.

Public comments (all via zoom meeting, regarding item H.2):

Jan Fullmer, of Eden, asked if the PRUD change meant that anything a developer requested must be approved by the county first, including using the PRUD for short term rentals. Mr. Ewert stated that the opposite is in fact true, that a developer has no entitlement to approval of a PRUD; it is subject to the legislative body approval.

Jill Hipwell, resident of 3600 West, asked if the public could view the Commission’s work session minutes and also if the public could access public hearing packets because she was not able to access it online for this meeting. Chair Harvey responded that the minutes are recorded and the county is very transparent, and he gave her the Commission Office contact information. Ms. Hipwell asked if the public was allowed to speak at workshops and Christopher Crockett, Deputy County Attorney, stated that under the Open/Public Meetings Act there was no requirement to take public comment, however, the commissioners were always welcome, at their discretion, to accept public comment. Commissioner Jenkins stated that even though they are not required to take input, he was not aware of one time when the Commission had not accepted comment. Chair Harvey recommended having one individual be the representative spokesperson on a particular comment at a work session agenda, or they could contact the Commission to be placed on the agenda.

Ronda Kippen stated that she was able to get the public hearing packet from online. She said that the MDP code seemed to be about 75% administrative and 25% legislative, that it was a huge concern that it was not allowed in the CVR-1 Zone and specific areas in Wolf Creek, areas adjacent to Pineview, and Nordic were being left out, which had the zoning and the desired recreation to bring in tourism, but were unable to gain the additional acreage for the required DRR-1 Zone and the resort zone flexibility. She referred to current code and the proposed language, "All subdivisions within the MPD overlay Zone shall comply with Title 108, Chapter 3, Cluster Subdivisions, except for lot developments standards." In the 11 years in planning she noticed the beauty that comes when a designer can actually just create without constraints, which is what the PRUD had allowed. Regarding the CVR-1 Zone, Mr. Ewert referred to Section 104-27-2 (b)(5), Commercial Valley Resort Recreation Zone, stating that the zone is indeed listed in the code and Ms. Kippen agreed. Regarding the percentages that Ms. Kippen had mentioned, Mr. Ewert corrected that it was 100% legislative, and that this item was not listed in the DRR-1 Zone because it was already governed by a master plan.

5.

Commissioner Froerer moved to adjourn the public hearings and reconvene the public meeting; Commissioner Jenkins seconded.  
Commissioner Froerer – aye; Commissioner Jenkins – aye; Chair Harvey – aye

**H2-AMENDMENT TO COUNTY'S LAND USE CODE REPEALING THE PRUD ORDINANCE & ADOPTING A NEW MPD OVERLAY ZONE IN ITS PLACE – ORDINANCE 2021-6**

Commissioner Froerer moved to adopt Ordinance 2021-6 adopting a Master Planned Development Overlay Zone and repealing the Planned Residential Unit Development, as well as minor clerical edits and administrative code; Commissioner Jenkins seconded.  
Commissioner Froerer – aye; Commissioner Jenkins – aye; Chair Harvey – aye

**H3-DISCUSSION AND/OR ACTION ON A PROPOSED TEXT AMENDMENT TO WEBER COUNTY'S LAND USE CODE TO ALLOW DEVELOPMENT TO OCCUR ON SUBSTANDARD STREETS UNDER CERTAIN CIRCUMSTANCES**

This item was held.

**H4-VACATE THE 10-FOOT PUBLIC UTILITY EASEMENTS LOCATED ON BOTH SIDES OF THE SHARED LINE OF LOTS 63 AND 64 OF DURFEE CREEK ESTATES NUMBER 2C – ORDINANCE 2021-7**

Commissioner Jenkins moved to adopt Ordinance 2021-7 vacating the 10-foot public utility easements located on both sides of the lot line between lots 63 and 64 of Durfee Creek Estates Number 2C – Ordinance 2021-7; Commissioner Froerer seconded.  
Commissioner Froerer – aye; Commissioner Jenkins – aye; Chair Harvey – aye

**I. COMMISSIONER COMMENTS:** None.

**J. ADJOURN**

Commissioner Froerer moved to adjourn at 11:13 a.m.; Commissioner Jenkins seconded.  
Commissioner Froerer – aye; Commissioner Jenkins – aye; Chair Harvey – aye

Attest:

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James H. Harvey, Chair  
Weber County Commission

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Ricky D. Hatch, CPA  
Weber County Clerk/Auditor