

MINUTES
WEBER COUNTY COMMISSION

Tuesday, April 6, 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: Lynn Taylor, of the County Clerk/Auditor's Office; 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 - Shelly Halacy

C. INVOCATION - Jennifer Graham

D. THOUGHT OF THE DAY - Commissioner Jenkins

E. PUBLIC COMMENTS:

Carolyn Lietuvinkas, of North Ogden, said that a friend was arrested and the County Sheriff's facility was odious inside. She gave the Commission copies of documents she had compiled relating to COVID-19, stating that the media had a bias and used COVID as a pretense to take away patriots' rights.

Alma Ott, of Pleasant View, said that we were facing top-down directives, which was tyranny, that the 1918 pandemic outdated mandates were being used today, but it was not being reported that experiments of that time showed it was not how disease was spread. He gave the Commission a 1919 study published by JAMA on the issue.

Jennifer Pennington, of South Ogden, spoke about the current COVID mandates and of her support of fellow patriots. She said that the formation of the 2018 WACOG was a subversion of our form of government, that it was imperative to adhere to Constitutional principles that guarantee a republican form of government, that mandates without the people's consent/knowledge was tyranny, that the fact the Commission would approve funding from this county of \$1M+ to that organization was fraud, and she gave the Commission a copy of her comments/other information she compiled.

Otto Krauss, of Pleasant View, said he was concerned and gave figures starting with 2018 to the present where there were a few hundred deaths and a few thousand hospitalizations due to the flu but in 2020-2021 there was 1 death and he said that either the flu had ceased to exist in Utah or there was something else going on. Society was placing health departments, the CDC Director, etc., on very high pedestals, including Dr. A. Fauci, who changed his pandemic story weekly. The first stimulus bill provided about \$94,000/every confirmed Utah COVID case, there was a huge financial incentive for the State to have positive cases, that same legislative bill reimbursed any case of COVID about 20% more by Medicare than normally, on 8/20/2020 former Utah Governor Herbert declared that without this legal status the State would lose access to significant federal funding, and in 2020 Lt. Governor Cox had said that the State received \$1 Billion+ from the federal government. He urged the Commission to have the Weber-Morgan Health Department Director look into this numbers game.

Sylvia Salisbury, of Ogden, agreed with the previous comments and was gratified to see item G.4 on today's agenda.

Victoria Dortzbach, of Ogden, said that she had invited the Sheriff to a patriots' meeting in May because the county jail was insufficient and a torture facility, and she referred to an arrest of a lady who went into a store without a face mask, the police was called and she spent 30 hours in jail, which Ms. Dortzbach said had feces, urine and spit, the temperature was at 55 degrees and no blankets were given to those requesting them, that it made her soul cry for children who go to these schools that were more like mind indoctrination facilities, and that no man/woman can trespass another's rights.

Zena Krauss, of Pleasant View, said that there was much at stake for the welfare of humanity regarding legislative actions being taken that created fear and division while their rights were being absconded, that the PCR tests were not meant to be a diagnostic tool, that the State was generating money for false positives, and she spoke strongly for the commissioners to legislate within the confines of the Constitution and common law.

Neil Schultz, of Hooper, said that he was a board certified traditional naturopath and agreed with previous comments about mainstream media's persuasion and fear propaganda, such as by Dr. A. Fauci, that five years ago they started watching their freedoms slip away and asked the Commission to uphold their freedoms as they would like to see this done.

June Reese, of Harrisville, said that she was a grandmother who over this last year watched so much propaganda and did not like to be used as the reason to mask children who are not at risk and are overall affected, such as her 15 year old granddaughter, and that she is in charge of her own health.

The commissioners thanked the public for their comments which help to inform the Commission.

F. CONSENT ITEMS:

1. Warrants #3721-#3740 and #457817-#457911 in the amount of \$1,890,720.60
2. Purchase orders in the amount of \$90,317.13
3. Minutes for the meeting held on March 30, 2021
4. Surplus two ice machines from Ogden Eccles Conference Center
5. Change to the County Travel Policy, Section 4.5.2, adjusting the amount to reimburse when using alternative lodging
6. Contract with Ogden Pioneer Heritage Fn. for the Miss Rodeo Utah Competition at Golden Spike Event Center
7. Ratify contract with Broken Heart Rodeo Company-Intermountain Icebreaker High School Invitational Rodeo at Golden Spike Event Center
8. Amendment to the agreement with Vital Core Health Strategies, LLC for inmate healthcare services
9. Ratify change order #1 & approve change order #2 for Contract 2020-8 with E.K. Bailey Construction for Sheriff's Office warehouse
10. Change order with Roper Buildings for increased cost in materials to construct buildings for Property Management
11. Service Order #2 for use with Master Agreement between Weber County/Library System & Prescott Muir Architects
12. Retirement Agreements with Deloris Greenhalgh, Marilyn George, and Beckie Read
13. Contracts with Select Health for the following plans: SelectHealth Med HDHP; SelectHealth Med Traditional; SelectValue HDHP; SelectValue Traditional

Commissioner Froerer moved to approve the consent items; Commissioner Jenkins seconded.

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

G. ACTION ITEMS:

1. **CONTRACT WITH THE STATE OF UTAH COURTS FOR SECURITY AND BAILIFF SERVICES**

Deputy Joshua Marigoni, of the County Sheriff's Office, noted that the \$738,372 contract rate did not change. Commissioner Jenkins moved to approve the contract with the State of Utah Courts for security and bailiff services; Commissioner Froerer seconded.
Commissioner Froerer – aye; Commissioner Jenkins – aye; Chair Harvey – aye

2. **CONTRACT WITH FRONT ROW THEATRICAL RENTAL, INC., TO SECURE RENTAL OF SETS FOR THE OGDEN MUSICAL THEATRE'S PRODUCTION OF "INTO THE WOODS"**

Kassi Bybee, presented this contract.
Commissioner Jenkins moved to approve the contract with Front Row Theatrical Rental, Inc., to secure rental of sets for the Ogden Musical Theatre's "Into the Woods" production; Commissioner Froerer seconded.
Commissioner Froerer – aye; Commissioner Jenkins – aye; Chair Harvey – aye

3. **CONTRACTS WITH THE FOLLOWING FOR OGDEN MUSICAL THEATRES KIDS ACT UP! THEATER CAMP: MARK DANIELS, DIRECTOR; LEIGH MARRIOTT, MUSIC DIRECTOR; LINDSEY POLL, CHOREOGRAPHER**

Kassi Bybee, presented this item.
Commissioner Jenkins moved to approve the contracts for Ogden Musical Theatres Kids Act Up! Theater camp: Mark Daniels, Director; Leigh Marriott, Music Director; Lindsey Poll, Choreographer; Commissioner Froerer seconded.
Commissioner Froerer – aye; Commissioner Jenkins – aye; Chair Harvey – aye

4. **RESOLUTION DECLARING WEBER COUNTY A SECOND AMENDMENT SANCTUARY, AND FOR THE SUPPORT OF THE CONSTITUTIONAL RIGHTS CONTAINED IN THE "BILL OF RIGHTS" – RESOLUTION 15-2021**

Chair Harvey stated that discussion on this item started about a year ago, and he read the resolution, which stated in part that the Commission declared its opposition to unconstitutional restrictions on the right to bear arms, and opposed any efforts to unconstitutionally restrict all such rights secured by the Bill of Rights.
Commissioner Jenkins moved to adopt Resolution 15-2021 declaring Weber County a Second Amendment Sanctuary and supporting the Constitutional Rights contained in the Bill of Rights; Commissioner Froerer seconded.
Commissioner Froerer – aye; Commissioner Jenkins – aye; Chair Harvey – aye

5. **PRUD AMENDMENT TO AMEND HOUSE TYPES FOR SINGLE FAMILY LOTS WITHIN THE VILLAGE AT WOLF CREEK DEVELOPMENT, AND TO OBTAIN APPROVAL FOR SHORT TERM RENTALS ON 20 LOTS (CUP2021-06)**

Steve Burton, of the County Planning Division, stated that this Planned Residential Unit Development was just south of the Wolf Creek Resort in the FR-3 Zone where 35 single-family lots were platted. Blue Rock Builders, the applicant, was present. The request was to amend the conditional use permit, specifically the house types (approved in the late 1990s-early 2000s) on 20 lots. In addition, the applicant would like to amend the architecture/color, the building height to 45 feet, and the ability to have short-term rentals which are listed as a conditional use.

Mr. Burton said that the current ordinance allows a PRUD developer to obtain an overall approval for short term rentals. Staff presented this proposal to the Ogden Valley Planning Commission with a recommendation for approval. On March 23, 2021 the Planning Commission unanimously recommended approval of the Mountain Rustic and Mountain Craftsman home designs with earth tone colors, and not white, and recommended denial of: a 40-foot height limit; of the Mountain Modern design (which has never been allowed); and the request for short term rentals. Their recommendation was based on the following findings: the recommendation for denial of the 40-foot height limit was based on the fact that the area homes have an average height of 35 feet; the denial of the mountain modern house type and white as a house color was that it did not fit in with the surrounding area house types; and the denial of short term rentals was based on the fact that the Planning Commission felt the development's private roads were too narrow and would cause safety issues. After the Planning Commission's recommendation, staff considered their concerns and recommended application approval and that the following were reasonable conditions: 1) Average building height cannot exceed 35 feet, 2) A notice must be recorded to each of the lots in this amendment, indicating which changes were made as part of this approval and must be prepared and approved by the Planning Division prior to receiving the conditional use permit amendment, 3) That the color white is not allowed as a primary house color, 4) That the Mountain Modern house type is not allowed, 5) That 'no parking' signs be placed along the private street, in front of each unit included as part of this application, and 6) That 2 on-site parking spaces be provided per unit, either through a dwelling's garage or driveway. If a dwelling does not have sufficient driveway area, the 2-car garage shall be used as the two parking spaces.

During previous review, Commissioner Jenkins had believed that there should be "no parking" signs, that the asphalt was wide enough, but if they were going to rent they needed the spaces on the property for the renters, thus the need for two parking spaces, and that boats, snowmobiles, trailers, etc., could not be on the road. He did not necessarily like denying the color white. Mr. Burton said that staff tried to include those conditions based on the Planning Commission's considerations. He had reviewed those with the developers beforehand and they were agreeable to them. The Planning Commission felt that the color white was too bright, that it did not fit in.

Christopher Crockett, Deputy County Attorney, addressed Commissioner Froerer's question regarding HB0409 stating that conditional use permit considerations had to be based on objective standards, and it would have to relate to a provision in the county's ordinance governing conditionals uses in order to maintain objectivity. Mr. Burton stated that a consideration of the conditional use permit was to look at how development would tie-in to the surrounding area. Commissioner Froerer said that the Wolf Creek area was currently zoned for short term rentals, that he didn't feel the Planning Commission should chime in on public safety issues, and that the fire department had no issues with this item. Mr. Burton agreed; he had spoken with the Fire Marshall last week who indicated having no issues as long as there were "no parking" signs. Mr. Crockett read from Utah Code §17-27a-506(2)(a) which stated that a land use authority shall approve a conditional use if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards. In this case the county consulted with the fire department, there will be "no parking" signs, and the county will rely on its code enforcement.

Commissioner Froerer moved to accept staff's recommendations 1-6 listed above for approval of the PRUD amendment for house types for single family lots within the Village at Wolf Creek Development, and approval for short term rentals on 20 lots; Commissioner Jenkins seconded.

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

6. RESOLUTION APPOINTING A TRUSTEE TO THE POWDER MOUNTAIN WATER AND SEWER IMPROVEMENT DISTRICT BOARD OF TRUSTEES – RESOLUTION 16-2021

Stacy Skeen, of the Commission Office, stated that this was noticed according to statute and one application was received.

Commissioner Froerer moved to adopt Resolution 16-2021 appointing Robert Bingham to the Powder Mountain Water and Sewer Improvement District Board of Trustees through 12/31/2024; Commissioner Jenkins seconded.

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

7. COMMERCIAL LEASE AGREEMENT WITH POST BROS. LLC. TO PROVIDE STORAGE/MAINTENANCE BUILDING AND OUTDOOR STORAGE FOR EQUIPMENT USED BY WEBER COUNTY PROPERTY MANAGEMENT

Bill Ross, County Community Development Assistant Director, stated that this is to extend the contract for another three months, if needed, while the county constructs its Property Maintenance shop.

Commissioner Jenkins moved to approve the Commercial Lease Agreement with Post Bros. LLC. to provide storage/maintenance building/outdoor storage for Property Management equipment; Commissioner Froerer 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 hearing; Commissioner Froerer seconded.

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

2. PUBLIC HEARING TO CONSIDER AND TAKE ACTION ON A REQUEST TO VACATE A PUBLIC UTILITY EASEMENT LOCATED ALONG THE EASTERN BOUNDARY OF LOT 1, WEBER INDUSTRIAL PARK PLAT A, LOT 8, AMENDED

Tammy Aydelotte, of the County Planning Division, stated that the applicants are desiring to expand their operation on the parcel and the easement needs to be vacated. County Engineering had no concerns.

3. **PUBLIC COMMENTS:** None.

4.

Commissioner Froerer moved to adjourn the public hearing and reconvene the public meeting; Commissioner Jenkins seconded.

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

5. ACTION ON PUBLIC HEARING: VACATING A PUBLIC UTILITY EASEMENT-ORDINANCE 2021-8

Commissioner Jenkins moved to adopt Ordinance 2021-8 vacating a 20-foot wide public utility easement approximately 512.93' from the front property line along the eastern boundary of lot 1, Weber Industrial Park Plat A, Lot 8, Amended; Commissioner Froerer seconded.

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

I. COMMISSIONER COMMENTS: None.

J. ADJOURN

Commissioner Froerer moved to adjourn at 11:28 a.m.; Commissioner Jenkins seconded.

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

Attest:

James H. Harvey, Chair
Weber County Commission

Ricky D. Hatch, CPA
Weber County Clerk/Auditor