

MINUTES
WEBER COUNTY COMMISSION
Tuesday, December 15, 2020 – 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: Gage Froerer, James "Jim" H. Harvey, 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 Froerer
- B. **PLEDGE OF ALLEGIANCE** - Kristy Bingham
- C. **INVOCATION** - Commissioner Jenkins
- D. **THOUGHT OF THE DAY** - Commissioner Harvey
- E. **PUBLIC COMMENTS:** None

F. CONSENT ITEMS:

- 1. Warrants #3333-3354 and #455179-455375 in the amount of \$5,240,580.90
 - 2. Purchase orders in the amount of \$91,950.97
 - 3. Minutes for the meeting held on December 8, 2020
 - 4. First amendment to Municipal Materials Management Agreement with Republic Services
 - 5. Third amendment to Landfill Operating & Management Agreement made with Moulding & Sons Landfill, LLC
 - 6. Change order #14 to Staker Parson contract, 12th Street corridor. No cost to county, modifications made to water line in the field
 - 7. Retirement agreements: Joseph Songer; Ryan Vanbeekum; Karla Little; Paul Garcia; John Millaway; Brian Jacobs
- Commissioner Jenkins moved to approve the consent items; Commissioner Harvey seconded.
Commissioner Jenkins – aye; Commissioner Harvey – aye; Chair Froerer – aye

G. ACTION ITEMS:

1. RESOLUTION APPOINTING MEMBERS TO THE WEBER COUNTY WEED BOARD – RESOLUTION 43-2020

Chair Froerer presented the name of Tom Favero after having reviewed prior applications.

Commissioner Jenkins moved to adopt Resolution 43-2020 appointing Tom Favero to the Weber County Weed Control Board; Commissioner Harvey seconded.

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

2. FINAL READING OF AN ORDINANCE AMENDING FEES FOR THE CONSTRUCTION AND DEMOLITION LANDFILL (SEC 16-2-9 SOLID WASTE FEES) – ORDINANCE 2020-21

Sean Wilkinson, County Community Development Director, noted that this item was heard last week and there had been no changes since then. Commissioner Jenkins stated that these fees had not been increased since 2008.

Commissioner Jenkins moved to adopt Ordinance 2020-21 amending fees for the Construction and Demolition Landfill (Sec 16-2-9 Solid Waste Fees); Commissioner Harvey seconded.

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

3. FIRST READING OF ORDINANCE AMENDING TITLE 12 (BUILDING REGULATIONS & SITE PERMITS) OF COUNTY CODE

Sean Wilkinson, County Community Development Director, outlined the updates to the building permit and related fees, and the amendments to reflect State Code. Stan Berniche, County Building Official, said that the county is seeing unprecedented growth, and they are approaching 700 building permits this year. Commissioner Harvey noted that the department is small and that the need for services has increased.

Commissioner Jenkins moved to approve the first reading of an ordinance amending Title 12 (Building Regulations and Site Permits) of the Weber County Code; Commissioner Harvey seconded.

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

4. FIRST READING OF ORDINANCE GRANTING A NON-EXCLUSIVE FRANCHISE TO ALL WEST/UTAH, INC., FOR THE PURPOSE OF INSTALLING, OPERATING, AND MAINTAINING A COMMUNICATIONS SYSTEM WITHIN THE PUBLIC RIGHTS OF WAY OF WEBER COUNTY

Sean Wilkinson, County Community Development Director, stated that All West approached the county about establishing this franchise ordinance that allows them to locate utilities within the county's public right of ways. This has been done with other entities. All West will still take out excavation permits and satisfactorily repair the roads. The agreement is for an initial term of 30 years and can reach up to 50 years on a year-to-year basis after 30 years. Christopher Crockett, Deputy County Attorney, agreed to follow-up and research assessing a franchise tax on entities using the county's right-of-ways. Mr. Crockett said that by listing this item as an ordinance it allows two readings and public input.

Commissioner Jenkins moved to approve the first reading of an ordinance granting a non-exclusive franchise to All West/Utah, Inc., for the purpose of installing, operating, and maintaining a communications system within the public rights of way of Weber County; Commissioner Harvey seconded.

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

5. **CONTRACT WITH AMERICAN CHARIOT RACING ASSOCIATION TO HOLD THE ACR REGULAR SEASON AT THE GOLDEN SPIKE EVENT CENTER**

Duncan Olsen, GSEC General Manager, presented this contract.

Commissioner Harvey moved to approve the contract with the American Chariot Racing Association to hold the ACR regular season at the Golden Spike Event Center; Commissioner Jenkins seconded.

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

6. **CONTRACT WITH WEBER SCHOOL DISTRICT FOR THE 2021 CTE EXPO AT GOLDEN SPIKE EVENT CENTER**

Duncan Olsen, GSEC General Manager, presented this contract.

Commissioner Harvey moved to approve the contract with the Weber School District to hold the 2021 CTE Expo at the Golden Spike Event Center; Commissioner Jenkins seconded.

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

7. **CONTRACT WITH CONNECTION PUBLISHING, LLC, FOR A BI-MONTHLY PUBLICATION OF “THE COUNTY”**

Commissioner Harvey stated that this contract provides another avenue to get information out to the public. It was reviewed by County Purchasing and Attorney’s Office. Advertising will be sold to help defray the cost.

Commissioner Harvey moved to approve the contract with Connection Publishing, LLC, for a bi-monthly publication of “The County;” Chair Froerer seconded.

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

8. **POLICY GOVERNING DISTRIBUTION OF CARES ACT FUNDS TO NON-PROFITS UNDER WEBER CARES GRANT PROGRAM**

Christopher Crockett, Deputy County Attorney, stated that this distribution is to non-profits that specifically serve homeless service providers, and he read a couple of the policy statements. Through assistance from Ogden City, several applications have already been vetted and have now been turned back to the county to verify funding eligibility. Commissioner Jenkins noted that non-profits are in need of funding, that demand for their services has significantly increased, and that they can provide services cheaper than the county. The commissioners thanked John Bond, County Treasurer, Christopher Crockett, Deputy County Attorney, and Scott Parke, County Comptroller, for their diligent accuracy and ensuring that these were vetted equitably.

Commissioner Jenkins moved to approve the policy governing the distribution of CARES Act funds to non-profits under the Weber CARES Grant program; Commissioner Harvey seconded.

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

9. **FINAL READING OF AN ORDINANCE AMENDING CERTAIN FEES TO THE PEERY’S EGYPTIAN THEATER AND THE OGDEN ECCLES CONFERENCE CENTER (OECC) – ORDINANCE 2020-22**

Ross Reeder, Director of Sales/Marketing, OECC/Peery’s Egyptian Theater, briefly presented this item.

Commissioner Harvey moved to adopt Ordinance 2020-22 amending certain fees for the Peery’s Egyptian Theater and the Ogden Eccles Conference Center; Commissioner Jenkins seconded.

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

10. **RESOLUTION ADOPTING THE SUMMIT ROAD OVERLAY DISTRICT PROPERTY TAX INCREASE FOR CALENDAR YEAR 2021 –RESOLUTION 44-2020**

11. **RESOLUTION ADOPTING OPERATING & CAPITAL BUDGETS OF WEBER COUNTY FOR CALENDAR YEAR 2021 – RESOLUTION – 45-2020**

Scott Parke, County Comptroller, presented items G.10 and G.11 together. This budget’s public hearing was held on 11/24/2020 where the need to increase taxes for those who live on top of Powder Mountain to pay for snow removal were presented. He subsequently received a fair amount of telephone calls on the tax increase but there was no negative input. Snow removal for the lower valley is about \$1,000/mile, \$7,000/mile for Ogden Valley, and \$50,000+/mile for Summit. Massive equipment is needed to handle the snow on Summit. This increase allows those residents to pay for their service and not be subsidized by the other unincorporated areas.

The regular operating budget had also been presented at that time and a couple tweaks were made since then, which included adding one employee to the Center of Excellence for \$85,000, adding \$100,000 to Economic Development for land-related transactions, adding one employee to Culture Parks & Recreation Department for marketing demands, adding \$140,000 for Wildwood bridge maintenance, \$85,000 for an Ogden Valley sewer study. Mr. Parke stated that debt service was decreased by \$1M in cash because the county refinanced so many bonds and thus saved the \$1M. There was no Municipal Services Fund then.

Commissioner Jenkins moved to adopt Resolution 44-2020 adopting the Summit Road Overlay District property tax increase for calendar year 2021; Commissioner Harvey seconded.

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

Commissioner Jenkins moved to adopt Resolution 45-2020 adopting the operating and capital budgets of Weber County for calendar year 2021 under protest because the county is paying for the Wildwood bridge maintenance out of the Municipal Services Fund due to a past commission’s decision at which time they committed the entire county and now it is being paid only by about 25,000 unincorporated taxpayers; Commissioner Harvey seconded.

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

H. PUBLIC HEARINGS:

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

2. **PUBLIC HEARING TO DISCUSS AMENDMENTS TO COUNTY OPERATING & CAPITAL BUDGET FOR 2020 CALENDAR YEAR**
Scott Parke, County Comptroller, noted that most of the amendments are related to the CARES Act grants. About \$6.4M is being added to the budget related to paying off the 2012 and 2014 bonds, and various other adjustments, most are covered by revenues.

3. **PUBLIC HEARING TO CONSIDER AND TAKE ACTION ON ZTA 2020-07, A REQUEST TO AMEND THE WEBER COUNTY LAND USE CODE TO ADD A HEIGHT LIMIT FOR WEEDS AND TURF GRASSES**
Charles Ewert, of the County Planning Division, noted that there was no current standard for these heights. Ogden Valley Planning Commission had expressed concern originally on how tightly this was worded regarding consideration of native vegetation. The language was amended slightly. Both Planning Commissions approved.

4. **A PUBLIC HEARING TO CONSIDER & TAKE ACTION ON ZTA 2019-06, A REQUEST TO AMEND COUNTY LAND USE CODE TO CREATE STANDARDS FOR STORAGE UNITS IN COMMERCIAL ZONES & OTHER CLERICAL EDITS**
Charles Ewert, of the County Planning Division, stated that as staff reviewed the commercial chapters relating to storage units, they noticed that there are so many similarities between the chapters for commercial zones out west and the chapter for Ogden Valley, and the differences could become a point of interpretation conflict in the future. As commercial amendments were made to the Valley zones, the same amendments were not proportionately made to those out west. Both zoning types are basically put into one chapter but each maintains its appropriate zones. He outlined a couple of language adjustments made with the Attorney’s Office but had not made it to the Commission packet: definition of outdoor storage, not allowed in commercial zones and only in M-1 and M-3 Zones, and adding recreation or boat storage in the uses table. The commissioners thanked Mr. Ewert for his good work.

5. **PUBLIC COMMENTS:** None.

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

7. **ACTION ON PUBLIC HEARINGS:
H2-RESOLUTION AMENDING THE OPERATING AND CAPITAL BUDGET OF WEBER COUNTY FOR THE 2020 CALENDAR YEAR- RESOLUTION 46-2020**

Commissioner Jenkins moved to adopt Resolution 46-2020 amending the Operating and Capital Budget of Weber County for the 2020 Calendar Year; Commissioner Harvey seconded.
Commissioner Jenkins – aye; Commissioner Harvey – aye; Chair Froerer – aye

H3-AMEND THE WEBER COUNTY LAND USE CODE-ADDING HEIGHT LIMIT FOR WEEDS AND TURF GRASSES – ORDINANCE 2020-23

Commissioner Jenkins moved to adopt Ordinance 2020-23 amending the Weber County Land Use Code adding a height limit for weeds and turf grasses; Commissioner Harvey seconded.
Commissioner Jenkins – aye; Commissioner Harvey – aye; Chair Froerer – aye

H4-AMEND THE WEBER COUNTY LAND USE CODE TO CREATE STANDARDS FOR STORAGE UNITS IN THE COMMERCIAL ZONES AND OTHER CLERICAL EDITS – ORDINANCE 2020-24

Commissioner Jenkins moved to adopt Ordinance 2020-24 amending the Weber County Land Use Code to create standards for storage units in the commercial zones and other clerical edits; Commissioner Harvey seconded.
Commissioner Jenkins – aye; Commissioner Harvey – aye; Chair Froerer – aye

I. **COMMISSIONER COMMENTS:** Commissioner Jenkins really appreciates working with Scott Parke, County Comptroller, and the Attorney’s Office. The county has greatly benefited from their services. Chair Froerer noted that Utah citizens captured 4 of the 9 world titles at the NFR (rodeo) held in Texas and a bull rider who had grown up in our county had very significant injuries, and that our thoughts and prayers are with him.

J. **ADJOURN**

Commissioner Harvey Jenkins moved to adjourn at 11:12 a.m.; Commissioner seconded.
Commissioner Jenkins – aye; Commissioner Harvey – aye; Chair Froerer – aye

Attest:

Gage Froerer, Chair
Weber County Commission

Ricky D. Hatch, CPA
Weber County Clerk/Auditor