

MINUTES
WEBER COUNTY COMMISSION

Tuesday, June 6th, 2023 – 10:01 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 Sharon Bolos
STAFF PRESENT: Ricky Hatch, County Clerk/Auditor; Christopher Crockett, Deputy County Attorney; and Craig D. Brandt (via Zoom), of the County Clerk/Auditor's office, who took minutes.

A. WELCOME: Chair Froerer

B. PLEDGE OF ALLEGIANCE: Stacy Skeen

C. INVOCATION: Chris Crockett

D. THOUGHT OF THE DAY: Commissioner Harvey: You know Commissioners, today I woke up thinking about something I was very grateful for that goes unnoticed but used frequently. I don't know what they did hundreds of years ago, I'm sure they may have used their teeth. There are places all across the United States and in every town. What a device we have in the fingernail clipper. I know that's peculiar and weird. They save us time. Will Rogers said, "half our life we spend trying figure out what to do with our time". My thought to all of you is have gratitude for those things that save us time.

E. PUBLIC COMMENT: NONE.

F. PRESENTATIONS:

1. Recognition of the Weber County Engineering Department for their assistance in flood control

Chair Froerer: Today we are very pleased to recognize our own Gary Myers and the County Engineering department for outstanding service to the county and to the public. For those of us who have been involved with the county the last few months, we know we expected problems from the large, historic snow melt. Our engineering department stood on their heads to mitigate potential serious issues. A lot of success we saw started with the Engineering and Roads departments and their efforts since 2017. We appreciate you and your crew and the countless hours you have put in.

Commissioner Bolos: Every storm that came by I thought of the impact it would have on you. I want to express appreciation for the hard work and the stress that was evident in your eyes. Thank you so much to all of you!

Commissioner Harvey: I am absolutely amazed at the different things you folks do there. It's not just making sure plans get reviewed. I learned yesterday that you diverted a stream to further mitigate flood damage in an area. I've known Chad since he was in diapers. Just to watch you guys and your depth of knowledge and the streams, tributaries, and the construction on the North Ogden divide. I'm grateful for all of you. You genuinely care for what you do and the people you serve. Gary, you've made a believer out of me. You've risen to the occasion. I'm proud of you for the role that you've taken. Thank you so much for what you do.

Gary Myers (Engineering Director): It wasn't so much the work of one individual but the work of our team. A huge shout out to the other departments and other agencies in the state. The planning started months ago and we had help from mother nature in the way the melt happened. Let me introduce my team: Tucker Weight, Ashley Thoman, Josh Bryant, and Chad Meyerhoffer.

G. CONSENT ITEMS:

1. Warrants #8170-8193, #476881-476975 in the amount of \$425,810.28.
2. Purchase orders in the amount of \$138,296.79.
3. Summary of Warrants and Purchase Orders.
4. ACH payments to US Bank in the amount of \$160,992.49
5. Minutes for the meetings held on May 30, 2023 and June 1, 2023.
6. Parcel Number 05-131-0031 as surplus real property.
7. Parcel Number 05-135-0030 as surplus real property.
8. New business licenses.

Commissioner Bolos moved to approve the consent items; Commissioner Harvey seconded.
Commissioner Froerer – aye; Commissioner Harvey – aye; Chair Bolos – aye

H. ACTION ITEMS:

1. **APPROVE THE FINAL READING OF ORDINANCE 2023-14 AMENDING TITLE 2, CHAPTER 11 OF THE WEBER COUNTY CODE, TO ADD A DEFINITION OF OVERPAYMENT AND TO CLARIFY AND SIMPLIFY THE REFUND PROCESS.**

Courtlan Erickson (County Attorney's Office): This was before you last week for the First Reading. This brings county code in line with revised state code and the process the Treasurer's office is following. This change simplifies the process for the Treasurer's office to refund someone who has paid more than was assessed for property taxes.

Commissioner Harvey moved to approve the final reading of Ordinance 2023-14 amending Title 2, Chapter 11 of the Weber County Code, to add a definition of overpayment and to clarify and simplify the refund process; Commissioner Bolos seconded.

Roll Call Vote: Commissioner Harvey – aye; Commissioner Bolos – aye; Chair Froerer – aye

2. APPROVE FINAL READING OF ORDINANCE 2023-15 ESTABLISHING FEES FOR WEBER COUNTY'S WEED SPRAYING SERVICES.

Sean Wilkinson (Community Development): We are increasing the fee per half acre from \$15 to \$20 and the half hour time fee will remain the same.

Commissioner Harvey moved to approve final reading of Ordinance 2023-15 establishing fees for Weber County's weed spraying services; Commissioner Bolos seconded.

Roll Call Vote: Commissioner Harvey – aye; Commissioner Bolos – aye; Chair Froerer – aye

3. APPROVE AN AGREEMENT WITH UTAH STATE UNIVERSITY EXTENSION TO PROVIDE A LOCATION FOR THE 4-H TO HOLD THEIR LIVESTOCK SHOWMANSHIP SHOW.

Marty Smith (Culture, Parks, & Recreation Director): On both contracts, we give a couple of breaks to the kids in rent by charging hourly instead of daily.

Commissioner Harvey: It just came to mind after all these years, let Naomi know to include the difference in this adjustment in the contribution Weber County gives USU every year.

Commissioner Harvey moved to approve an agreement with Utah State University Extension to provide a location for the 4-H to hold their Livestock Showmanship Show; Commissioner Bolos seconded.

Commissioner Harvey – aye; Commissioner Bolos – aye; Chair Froerer – aye

4. APPROVE AN AGREEMENT WITH UTAH STATE UNIVERSITY EXTENSION TO PROVIDE A FACILITY FOR THE 4-H TO HOLD THEIR EVENTING SHOW.

Marty Smith (Culture, Parks, & Recreation Director): Only difference here is this event is not in the arena but in the cross country course.

Commissioner Harvey moved to approve an agreement Utah State University Extension to provide a facility for the 4-H to hold their Eventing Show; Commissioner Bolos seconded.

Commissioner Harvey – aye; Commissioner Bolos – aye; Chair Froerer – aye

5. APPROVE A CONTRACT WITH THE STATE OF UTAH FOR THE WEBER COUNTY SHERIFF'S OFFICE TO PROVIDE THE STATE OF UTAH ADMINISTRATIVE OFFICE OF THE COURTS WITH PERIMETER/BUILDING SECURITY AND BAILIFF SERVICES AT THE OGDEN SECOND DISTRICT COURT HOUSE, AND THE SECOND DISTRICT JUVENILE COURTHOUSE.

Joshua Marigoni (Corrections): A positive note to this year is the state raised the price for to take us to \$808k. It still puts us at a deficit but it is a state mandated service and we can only hope the state continues to increase the money provided.

Commissioner Bolos moved to approve a contract with the State of Utah for the Weber County Sheriff's Office to provide the State of Utah Administrative Office of the Courts with perimeter/building security and bailiff services at the Ogden Second District Court House, and the Second District Juvenile Courthouse; Commissioner Harvey seconded.

Commissioner Harvey – aye; Commissioner Bolos – aye; Chair Froerer – aye

6. APPROVE RATIFICATION OF THE 2023 WEBER COUNTY TAX SALE.

Dakota Wurth (Clerk/Auditor Office): The county recently completed the 2023 Tax Sale on May 25th. Tax Sales are required only to cover the taxes, penalties, and interest owed on that property. Any bid over the cost of money owed goes to the original owner or to the State of Utah Department of Unclaimed Property. This is the culmination of five months of intensive efforts from not only the Clerk/Auditor's office but also the Recorder/Surveyor's office, the Treasurer's office, and the Attorney's office that spent hours reviewing

property ownership and descriptions, delinquent payments, balances, current laws and ordinances, and many other details that must be precise in order to facilitate the tax sale. A special thank you to Roger Brunner and Lynn Taylor lending me their expertise and assistance as they were a tremendous help to me for my first tax sale. We started the year with 88 delinquent properties compared to 78 last year and 95 in 2021. Only 6 properties ended up going to auction; three were abutting properties, two of which were bought by adjacent land owners with the remaining going to a non-abutting bidder. The remaining three parcels were auctioned to the public, none of which were struck off to the county this year.

Commissioner Bolos moved to approve ratification of the 2023 Weber County Tax Sale; Commissioner Harvey seconded.

Commissioner Harvey – aye; Commissioner Bolos – aye; Chair Froerer – aye

7. APPROVE AGREEMENTS WITH THE FOLLOWING INDIVIDUALS FOR SERVICES FOR THE OGDEN MUSICAL THEATER-KID’S ACT UP EVENT, JUNE 12-23, 2023:

**ANDREW WHITE – STUDENT ASSISTANT
BAILEE DEYOUNG – CHOREOGRAPHER
BEN DANIELS – ASSISTANT DIRECTOR
BRIDGER MAISEY – CHOREOGRAPHER
CARLY MCBRIDE – STUDENT ASSISTANT
MARK DANIELS – DIRECTOR
MATTHEW BOLINGBROKE – STUDENT ASSISTANT**

Kassi Bybee (OECC Director): First year of Kids Act Up we had 35 students, this year we have 111 students. This will now be a full day program. We have scholarships available, four children applied and were accepted. On June 23rd at 12:30, Kids Act Up performs Broadway reviews.

Commissioner Harvey moved to approve agreements with the above individuals for services for the Ogden Musical Theater-Kid’s Act Up Event, June 12-23, 2023; Commissioner Bolos seconded.

Commissioner Harvey – aye; Commissioner Bolos – aye; Chair Froerer – aye

8. APPROVE AGREEMENTS WITH FOLLOWING INDIVIDUALS FOR SERVICES FOR THE 2023 OGDEN MUSICAL THEATER-MUSIC MAN PRODUCTION:

**ALLIE ANDERSEN – CHARGE ARTIST
AMY TURNER – STAGE MANAGER
DARREN MAXFIELD – PROPS
KENNETH PLAIN – MUSICAL DIRECTOR
MARILYN MONTGOMERY – CHOREOGRAPHER AND SET DIRECTOR
MITCH TARBOX – SET/PROPS ASSISTANT
SHELLY BURKHARDT - COSTUMER**

Kassi Bybee (OECC Director): Over 70 people auditioned with first rehearsal on June 12th. It runs from July 28th through August 12th. We are involving the high school kids in the community, including high school bands.

Commissioner Harvey moved to approve agreements with the above individuals for services for the 2023 Ogden Musical Theater-Music Man Production; Commissioner Bolos seconded.

Commissioner Harvey – aye; Commissioner Bolos – aye; Chair Froerer – aye

I. PUBLIC HEARING:

1. Request for a motion to adjourn public meeting and convene public hearings.

Commissioner Bolos moved to adjourn the public meeting and convene public hearings, 10:39 a.m.; Commissioner Harvey seconded.

Commissioner Harvey – aye; Commissioner Bolos – aye; Chair Froerer – aye

2. Public hearing consideration on a request to vacate, by ordinance, a five foot wide public utility easement along the northern property line of lot 28 of the Wolf Creek Subdivision No. 2. (VAC 2023-02).

Steve Burton (Planning): A few months ago, the property owner Mr Robert Baxter submitted a subdivision amendment application. The lot is number 28 off of Aspen Lane in Eden. Mr Baxter is proposing to revise the plat so his house is not on top of the property line. There is also an 5 foot public utility easement running

through that lot with no utilities using the easement; that easement will need vacated. Notice was sent to utility providers and have not heard back. State code allows the legislative body to vacate a public easement if good cause exists and the public interest or any person will not be materially injured or harmed. Staff recommendation is that you approve the ordinance vacating the easement. Engineering has no concerns with the vacation.

3. Public hearing and second reading for consideration of a county initiated text amendment to the Subdivision Ordinance to exempt lot adjustments from preliminary and final subdivision review, and to amend the fee schedule for the land use code application fees. (ZTA 2022-02)

Steve Burton (Planning): This is second reading, required due to fees being involved. This Ordinance addresses lot line adjustments. Both Planning commissions last fall held public hearings and forwarded positive recommendations to you. Current code requires a subdivision plat amendment to address lot line changes; this drives reviews by Planning, Engineering department, and the Surveyors office. This could take several months and includes scheduling a public meeting. Proposed is a new section in the ordinance removing public meeting requirement for lot line adjustments within the same subdivision or if an owner wants to remove a restriction no longer applicable. The fees would be half of what is currently charged with the exception of the Surveyor's office because they review the same amount of technical information the same for any plat. Current size fee charges are \$30 plus 1000 square feet of building area and \$30 plus 1000 square feet of site area being modified. This seems a little high to projects like parking lots and warehouse that cover large areas but do not take a long time for review. Our proposed size fee change to our design review and conditional limited use permit applications will be \$30 per \$100K of project valuation.

4. Public hearing for consideration on a request to vacate by ordinance the public utility easement within lot 29 of the Silver Bell Estates Subdivision No. 1. (VAC 2023-01)

Tammy Aydelotte (Planning): This lot is in a subdivision recorded in 1961. For some reason every lot in this subdivision has a utility easement running smack in the middle. The owner is seeking to vacate the 10 foot wide easement that runs right down the middle of all properties in that subdivision. No objections from any utilities. We recommend approval.

5. Public Comment: None.

6. Request for a motion to adjourn public hearings and reconvene public meeting.

Commissioner Harvey moved to adjourn the public hearings and reconvene public meeting, 10:49 am; Commissioner Bolos seconded.
Commissioner Harvey – aye; Commissioner Bolos – aye; Chair Froerer – aye

7. Action on public hearing:

I2: Request for approval of a request to vacate, by Ordinance 2023-16, a five foot wide public utility easement along the northern property line of lot 28 of the Wolf Creek Subdivision No. 2. (VAC 2023-02)

Commissioner Bolos moved to approve a request to vacate, by Ordinance 2023-16, a five foot wide public utility easement along the northern property line of lot 28 of the Wolf Creek Subdivision No. 2. (VAC 2023-02); Commissioner Harvey seconded.

Roll Call Vote: Commissioner Harvey – aye; Commissioner Bolos – aye; Chair Froerer – aye

I3: Request for approval of a second reading of Ordinance 2023-17, a county initiated text amendment to the Subdivision Ordinance to exempt lot adjustments from preliminary and final subdivision review, and to amend the fee schedule for the land use code application fees. (ZTA 2022-02).

Commissioner Harvey moved to approve second reading of Ordinance 2023-17, a county initiated text amendment to the Subdivision Ordinance to exempt lot adjustments from preliminary and final subdivision review, and to amend the fee schedule for the land use code application fees. (ZTA 2022-02); Commissioner Bolos seconded.

Roll Call Vote: Commissioner Harvey – aye; Commissioner Bolos – aye; Chair Froerer – aye

I4: Request for approval of a request to vacate by Ordinance 2023-18 the public utility easement within lot 29 of the Silver Bell Estates Subdivision No. 1. (VAC 2023-01)

Commissioner Bolos moved to approve request to vacate by Ordinance 2023-18 the public utility easement within lot 29 of the Silver Bell Estates Subdivision No. 1. (VAC 2023-01); Commissioner Bolos seconded.
Roll Call Vote: Commissioner Harvey – aye; Commissioner Bolos – aye; Chair Froerer – aye

J. COMMISSIONER COMMENTS: NONE.

K. ADJOURN:

Commissioner Bolos moved to adjourn at 10:51 am.; Commissioner Harvey seconded.
Commissioner Froerer – aye; Commissioner Bolos – aye; Chair Harvey – aye

Attest:

Gage Froerer, Chair
Weber County Commission

Ricky D. Hatch, CPA
Weber County Clerk/Auditor