

MINUTES
WEBER COUNTY COMMISSION

Tuesday, June 20th, 2023 – 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 Sharon Bolos
STAFF PRESENT: Ricky Hatch, County Clerk/Auditor; Liam Keogh, of the County Attorney's office; and Craig D. Brandt, of the County Clerk/Auditor's office, who took minutes.

A. WELCOME: Chair Froerer

B. PLEDGE OF ALLEGIANCE: Kassi Bybee

C. INVOCATION: Rick Grover

D. THOUGHT OF THE DAY: Commissioner Froerer: Yesterday we celebrated a holiday new to the state of Utah. I ran into a number of people that did not understand the purpose of the Juneteenth holiday. It is a celebration of the final emancipation. It took two years after January 1st, 1863 adoption of the Emancipation Proclamation to reach some confederate-held states such as Texas. On June 19th, 1865, Union soldiers marched into Texas and emancipated 250k slaves.

E. PUBLIC COMMENT: NONE.

F. PRESENTATIONS:

1. Recognition of Mark Johnson for his years of service to Ogden City.

Chair Froerer: We wanted to give a special recognition to Mark for the number of years of service to Ogden City. I've often said as Ogden goes, Weber County goes.

Commissioner Harvey: I've known Mark for several decades. One of the things I've taken personal note with is he is a giver. He's not only given to the community and city but also his neighbors, his area, his church, his family, and his friends. Through all of his service, his wife Gayle has been a rock for him and a safe place. I wish both of you great health. I am happy for you both and this is well deserved.

Commissioner Bolos: I met Mark over 30 years ago when I was a newlywed and brand new resident of Ogden City and he was an ecclesiastical leader of mine. He taught me personally a lot of great lessons I will never forget. He worked with my dad at Ogden City. I respect Mark in a lot of ways and wish he and Gayle many years of no work

Mike Caldwell (Ogden City Mayor): Mark has been a great wingman. There is no way I could have made the transition without him. There are very few places in public service where you don't feel you have to look over your shoulder and worry about what's happening and what's going on. I never once had to worry about anything with Mark. He has left an indelible mark on Ogden City. It is a credit to his character that he is still the first in and the last out at the office.

Mark Johnson (Ogden City Chief Administrative Officer, retiring): This might be more difficult than even a funeral because you have to hear everything being said. I have worked with county commissioners for a long time. My time with Gage goes back a long time. Gage, I appreciate what you have done for our community and our county. Jim Harvey I have known for a long time. There are not enough o's in smooth to describe Jim Harvey. And I've never gone anywhere with Jim Harvey that he didn't know 95% of the people. I like Jim Harvey a lot and I really appreciate his leadership in our county and his friendship. Sharon I've known for a long time and worked with her father and grandfather. I was delighted to see her elected to the commission and I think she will be a good addition to this mixture of Commissioners. I have great respect to what she did as Mayor. There is nothing that Ogden City that happened in the last 23 years could have been done without the County. It's been a delight to see the county and the school district be partners. I remember when we were trying to get the Solomon center built. None of my three careers would have been possible without Gayle. I really appreciate and love her. I look forward to more time with my grandkids.

Chair Froerer: Thank you Mark. On behalf of the citizens of Weber County, you never hear it as a public official the thanks you deserve to have. Thank you very much!

2. Recognition of Weber County Road's Department for excellent service with snow removal and flood control.

Chair Froerer: It's my honor to recognize Joe Hadley and his group for the past number of months. They have spent countless hours and many late nights removing snow to ensure people had access to their homes. Without their efforts, we would not have gotten through without them. Then we went overnight from snow removal to flood control. With their efforts, we were able to come through with minimal damage and safety issues. I wanted to give you my personal thanks.

Commissioner Harvey: I've known Joe and his family for a lot of years. I believe in Joe, so much that I've watched him sing with pride some patriotic tunes. I've watched how he honored his wife and kids by his actions outside his home. Joe is the perfect example of saying yes to find a way to get it done. He handles some of the most challenging customers with grace and finesse. But this is also about Roads. I get up in the middle of the night and see snow plow lights, relentlessly through the winter. This continued to the spring with working on access, boulder removals, it's incredible the amount of extra time spent by the crews. We really appreciate you guys and what you do.

Commissioner Bolos: Joe is a great leader. When he gave a report it involved his own work as well. Thank you to you and your crew for all you did this winter to keep us safe.

Chair Froerer: Teams perform by example. Joe could have easily delegated but he got involved and lead by example. Joe, thank you very much to you and your team.

Joe Hadley (Roads Department): Thank you for the kind words. In this leadership position, our father taught us how to work hard. I heard it said mental toughness is essential to success. A chain is only as tough as its weakest link and we have a tough crew out there. Every individual has their own route and we step up when others need help. I can't imagine doing this job without our supervisor Jared Clontz, our Crew Leader Travis Kunz, and our office manager Rylie Horton-Matthews; they are truly what makes the Road Department function. The flood control was like a well-oiled machine this year with DWR opening flood gates, Rockport, Echo, Smith and Morehouse; everyone worked together this year. I think there was more to this than just our hard work; prayers were answered. I think prayers were answered with the slow melt; Mother Nature took care of us. Thank you Commissioners for your kind words.

G. CONSENT ITEMS:

1. Warrants #8255-8294, #477118-477267 and #272 in the amount of \$631,961.73.
2. Purchase orders in the amount of \$152,539.32.
3. Summary of Warrants and Purchase Orders.
4. Minutes for the meetings held on June 13th, 2023.
5. New business licenses.
6. Inter-local Cooperation Agreement with Plain City for a guaranteed waste stream from Plain City to Weber County Transfer Station.
7. Inter-local Cooperation Agreement with Harrisville City for survey related services.
8. Contract with the Church of Jesus Christ of Latter-Day Saints for a temporary construction license for the Surveyor's Office to install a section corner monument on church property.
9. Contract with Desert Dog Signs for dasherboard advertisement space at the Weber County Ice Rink.
10. Contract with 4-H Horse Show to be held at the Golden Spike Event Center.
11. Contract with Inoel Chavez to hold the June 2023 Matched Races at the Golden Spike Event Center.

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

H. ACTION ITEMS:

1. **APPROVAL OF A MINOR AMENDMENT TO THE NORDIC VALLEY VILLAGE DEVELOPMENT AGREEMENT REGARDING ORDINANCE VESTING.**

Rick Grover (Planning): This is just an amendment allowing them to be vested under previous ordinances for Form Based code. It's a clarification that what was approved prior will continue to exist.

Commissioner Harvey moved to approval of minor amendment to the Nordic Valley Village Development Agreement regarding ordinance vesting; Commissioner Bolos seconded.
Commissioner Harvey – aye; Commissioner Bolos – aye; Chair Froerer – aye

2. **APPROVAL OF THE FIRST READING OF AN ORDINANCE AMENDING THE WEBER COUNTY FEE ORDINANCE.**

Chief Aaron Perry (Sheriff's Department): We are asking the fee schedule to add right of access criminal backgrounds granting an agency to gather that information. This used to be handled by BCI for a fee of \$15. Our fee would be the same as the state, \$15.

Commissioner Bolos moved to approval of the first reading of an ordinance amending the Weber County Fee Ordinance; Commissioner Harvey seconded.
Commissioner Harvey – aye; Commissioner Bolos – aye; Chair Froerer – aye

3. **APPROVE A MEMORANDUM OF UNDERSTANDING HILL AIR FORCE BASE TO PROVIDE GUIDELINES AND INSTRUCTIONS REGARDING CONFINEMENT OF HAFB MILITARY MEMBERS AT THE WEBER COUNTY JAIL.**

Lieutenant Christie Rowley (Corrections): The MoU is updated regarding military member confinement. The Air Wing commander has changed, the point of contact has changed, and we cleaned up some of the language since the last amendment in 2022.

Commissioner Bolos moved to approve a Memorandum of Understanding with Hill Air Force Base to provide guidelines and instructions regarding confinement of HAFB military members at the Weber County Jail; Commissioner Harvey seconded.
Commissioner Harvey – aye; Commissioner Bolos – aye; Chair Froerer – aye

4. **APPROVAL OF THE FIRST READING OF AN ORDINANCE AMENDING CERTAIN FEES TO THE WEBER COUNTY PARKS AND RECREATION DEPARTMENT FACILITIES.**

Mariko Rollins (Ice Sheet Director): This fee ordinance updates our facility so that we can properly charge for those services we provide.

Commissioner Harvey moved to approval of the first reading of an ordinance certain fees to the Weber County Parks and Recreation Department Facilities; Commissioner Bolos seconded.
Commissioner Harvey – aye; Commissioner Bolos – aye; Chair Froerer – aye

5. **APPROVAL OF RESOLUTION 29-2023 APPOINTING MEMBERS TO THE GRAMA APPEALS BOARD.**

Craig Brandt (Clerk/Auditors Office): Section 2-13-7 of the Weber County Code establishes a three-member appeals board to hear and decide appeals of decisions made by Weber County’s chief administrative officer for GRAMA appeals. The board is to be comprised of one member that is an employee of the county, and two members of the public, at least one with professional experience requesting or managing records.

Roger Larsen’s retirement created a vacancy for the County’s representative on the board. Currently, James Ebert and Nathan Carroll are board members from the public. Nathan has since joined the County in the Public Defenders office and it is proposed, and he is willing, he represent the County on the GRAMA board. James Ebert is willing to continue serving on the board.

It is proposed Noel Zabriskie be appointed as the second member from the public. Some background on Mr. Zabriskie:

- BA & Masters from BYU.
- Served as Ogden School District Superintendent from 2003-2011.
- Serves on multiple boards, including Ogden School Foundation Board.
- He’s an avid Scouter and a great singer (according to Ricky Hatch).

In summary, two proposals are being made for the GRAMA Appeals board:

1. Appoint Nathan Carroll to represent the County on the board
2. Appoint Noel Zabriskie as a board member from the public.

Commissioner Bolos moved to approval of a contract with Wardrobe Witchery to obtain the use of costumes for the 2023 Ogden Musical Theatre’s production of The Music Man; Commissioner Bolos seconded.
Roll Call Vote: Commissioner Harvey – aye; Commissioner Bolos – aye; Chair Froerer – aye

6. **APPROVAL OF A CONTRACT WITH WARDROBE WITCHERY TO OBTAIN THE USE OF COSTUMES FOR THE 2023 OGDEN MUSICAL THEATRE’S PRODUCTION OF THE MUSIC MAN.**

Kassi Bybee (OECC Director): We have used this company before for a few items for Shrek. This will be a larger contract that will cover the majority of the costumes.

Commissioner Harvey moved to approval of a contract with Wardrobe Witchery to obtain the use of costumes for the 2023 Ogden Musical Theatre's production of The Music Man; 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, 10:49 a.m.; Commissioner Harvey seconded. Commissioner Harvey – aye; Commissioner Bolos – aye; Chair Froerer – aye

2. Public Hearing to consider and/or take action on an ordinance of the proposed amendment to the Weber County zoning map, changing certain property from A-2 (Agricultural) to M-T (Manufacturing and Technology), and allowing for the uses permitted within that zone and subject to the regulations associated with that zone, together with a development agreement with Black Pine LLC. File ZMA 2022-03.

Bill Cobabe (Planning): Our discussion last week led to updates. The updated development agreement does not include provision for requirement for a fence.

3. Public Comment: None.

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

Commissioner Bolos moved to adjourn the public hearings and reconvene public meeting, 10:51 am; Commissioner Harvey seconded. Commissioner Harvey – aye; Commissioner Bolos – aye; Chair Froerer – aye

5. Action on public hearing:

I2: Approval of Ordinance 2023-21 of the proposed amendment to the Weber County zoning map, changing certain property from A-2 (Agricultural) to M-T (Manufacturing and Technology), and allowing for the uses permitted within that zone and subject to the regulations associated with that zone, together with a development agreement with Black Pine LLC. File.

Chair Froerer: I am comfortable with reducing from 300 foot easement down to 100 foot talked about. This will necessitate a change in our ordinance. As terms for the fence, I am not quite as solid giving carte blanche acceptance as this will be used to update the ordinance and we do not want to set a precedence. We do not want to put burden on future commissions to have to use taxpayer dollars to build a fence. I propose putting it in the development agreement to say that a fence if a fence is needed, will be required under developer's expense.

Commissioner Bolos: I did some homework yesterday while running on a trail, I saw some developments with and without fences. Fences really get in the way of the open views of the river and trail. Some fences have graffiti on them, some fences are tall. I do not think we need to require a fence. I am ok if a property owner wants to install a fence. If I lived along the river, I would put up my own fence for my own security. It's a right property owners should have. It speaks both to the aesthetics and the property owners rights. I don't think it's our right to tell them how to protect their property.

Commissioner Harvey: I think this gives latitude. I like what Commissioner Bolos said. I think this establishes a foundation without burdening this pioneering group out there.

Chair Froerer: I contacted friends in cities farther south and some require fencing and some do not. Three of the four cities I talked to said if they had it to do over again they would require fences from a public safety concern. I don't want to tie the hands of future Commissions 10-15 years down the road.

Commissioner Bolos moved to approve Ordinance 2023-21 of the proposed amendment to the Weber County zoning map, changing certain property from A-2 (Agricultural) to M-T (Manufacturing and Technology), and allowing for the uses permitted within that zone and subject to the regulations associated with that zone, together

with a development agreement between Weber County and Black Pine LLC. File; Commissioner Harvey seconded.

Roll Call Vote: Commissioner Harvey – aye; Commissioner Bolos – aye; Chair Froerer – no

J. COMMISSIONER COMMENTS: (handled after Item F ‘Presentations’)

1. Chair Froerer: July 2023 Stall of Fame recipient is Kim McTee from the Assessor’s office. She fills a very needed and challenging job going into people’s homes to assess their value. She took her own time to sandbag someone’s personal property after seeing a need while assessing that property. This effort given by Kim shows her dedication.

Mandy Klaumann (Assessor’s Office): She took her family with her and drove to Box Elder to get the sand bags. It was not an easy task for her. We appreciate her efforts in helping out the public.

K. ADJOURN:

Commissioner Bolos moved to adjourn at 11:15 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