

**MINUTES  
WEBER COUNTY COMMISSION**

Tuesday, August 4, 2020 - 3:00 p.m.

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

In accordance with the requirements of Utah Code Annotated Section 52-4-203, the County Clerk records in the minutes the names of all persons who appear and 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:** Ricky D. Hatch, County Clerk/Auditor; Christopher Crockett, Deputy County Attorney; and Fátima Ferneliús, of the Clerk/Auditor's Office, who took minutes

**A. WELCOME** - Chair Froerer

**B. PLEDGE OF ALLEGIANCE** - Mariko Rollins

**C. INVOCATION** - Ricky Hatch

**D. THOUGHT OF THE DAY** - Commissioner Jenkins

**E. PUBLIC COMMENTS:** None

**F. CONSENT ITEMS:**

1. Warrants #2945-2954 and #451217- 451348 in the amount of \$573,554.98
2. Purchase orders in the amount \$155,551.96
3. Surplus a yellow John Deere 544 L 4 WD loader from the Roads Department
4. Declare Parcel # 05-080-0006 as surplus real property
5. Updates to the Weber County Tax Relief Program Policy – item held
6. Human Resources Policy 3-500, Nepotism
7. Change Order #2 on the Granite Construction North Ogden Divide contract for pulverizing old asphalt  
Commissioner Harvey moved to approve the consent items, less item F.5; Commissioner Jenkins seconded.  
Commissioner Harvey – aye; Commissioner Jenkins – aye; Chair Froerer – aye

**G. ACTION ITEMS:**

1. **FIRST READING OF ORDINANCE AMENDING CERTAIN FEES OF THE COUNTY FEE ORDINANCE FOR ICE SHEET**  
Mariko Rollins, from the Ice Sheet, stated that there are no increases and that this is to list the correct fees.  
Commissioner Harvey moved to approve the first reading of an ordinance amending certain fees of the Weber County Fee Ordinance for the Ice Sheet; Commissioner Jenkins seconded.  
Commissioner Harvey – aye; Commissioner Jenkins – aye; Chair Froerer – aye
2. **CONTRACT WITH UTAH LIVE BANDS TO HAVE DRIVE PERFORM AT THE 2020 WEBER COUNTY UNFAIR**  
Marty Smith, County Culture, Parks & Recreation Director, presented this contract for \$4,000.  
Commissioner Harvey moved to approve the contract with Utah Live Bands for Drive perform at the 2020 Weber County Unfair; Commissioner Jenkins seconded.  
Commissioner Harvey – aye; Commissioner Jenkins – aye; Chair Froerer – aye
3. **MEMORANDUM OF UNDERSTANDING WITH STATE OF UTAH, DEPT. OF TECHNOLOGY SERVICES, TO ALLOW FOR INSTALLATION & USE OF AN ALBERT SENSOR TO PROVIDE ADDITIONAL CYBERSECURITY MONITORING TO THE COUNTY**  
Ricky Hatch, County Clerk/Auditor, became involved with elections cyber security on a federal level in 2017 and one of the first things the group did that he helped establish was to encourage states to install an Albert Sensor. Utah already had one and this is partly why it had no breaches in 2016. These sensors monitor and collect governmental network data and packet information and send it for analysis to ISAC (the multi-state Information Sharing and Analysis Center), an extremely high tech center, that helps identify malicious malware. The State of Utah obtained funding to provide these sensors to every county in Utah. Commissioner Jenkins stated that Mr. Hatch is considered one of the foremost experts in the nation on voting by mail and asked him to address it in Weber County.  
Commissioner Jenkins moved to approve the Memorandum of Understanding with the State of Utah, Department of Technology Services, to allow for installation and use of an Albert Sensor to provide additional cybersecurity monitoring to the county; Commissioner Harvey seconded.  
Commissioner Harvey – aye; Commissioner Jenkins – aye; Chair Froerer – aye

**H. PUBLIC HEARING:**

1. Commissioner Harvey moved to adjourn the public meeting and convene the public hearings; Commissioner Jenkins seconded.  
Commissioner Harvey – aye; Commissioner Jenkins – aye; Chair Froerer – aye
2. **PUBLIC HEARING TO DISCUSS AMENDMENTS TO COUNTY OPERATING & CAPITAL BUDGETS FOR 2020 CALENDAR YEAR**  
Scott Parke, County Comptroller, gave highlights of changes made throughout the year including prior year rollovers and first time grants for the CARES Act for \$11.3 million that initiated from the federal government. He also addressed adjustments to building inspectors, the addition of four FTEs to the Transfer Station due to loss of inmate labor there due to COVID-19, and miscellaneous expenses.

3. **PUBLIC HEARING TO DISCUSS & TAKE ACTION ON A PROPOSAL TO AMEND THE ZONING CODE FOR CV-1 & CV-2 ZONES OF THE OGDEN VALLEY TO REDUCE THE FRONT YARD SETBACK, INCLUDE COMPLETE STREET DESIGN, AND ADD SECTIONS FOR BUILDING MAINTENANCE CONTRACT AND CROSS ACCESS EASEMENT**

Charles Ewert, of the County Planning Division, stated that currently both zones have a front yard setback that is away from the public right-of-way and also a side yard setback that is away from the property line. This is an initial step toward implementing a full ordinance that will create villages as prescribed by the Ogden Valley General Plan to facilitate pedestrian-friendly storefronts, provide sufficient shared parking in the buildings' rear, etc. The shared parking would need perpetual maintenance agreements among property owners in order to have cross access easements recorded with the properties for operation/maintenance of these internal block parking facilities. If the neighboring property owner won't participate in the agreement, then the setback will be 10 ft. from the side and rear.

4. **APPLICANT-INITIATED PROPOSAL TO AMEND COUNTY CODES §104-7 & 108-7 TO ALLOW CULTIVATION & PROCESSING OF CANNABIS CULTIVATION IN A-2 ZONES PROVIDING COMPLIANCE WITH SPECIFIC STANDARDS**

Charles Ewert, of the County Planning Division, stated that the request is to allow for cannabis cultivation. The proposal prohibits any outdoor cultivation, the operation has to be secured, the setback is 100 ft. from the property line, the parcel must be at least 20 acres, etc. To get a license from the State costs tens of thousands of dollars, and those are few in number, thus operation is somewhat limited and controlled. Commissioner Jenkins strongly wished to restrict the number of growers in the county. Mr. Ewert responded that the Planning Commission discussion about minimizing that concern was to require a large amount of acreage and there were drafts for 75 and 50 acres. The planning commissioners made a positive recommendation with 20 acres, as listed in the A-3 Zone. He addressed Commissioner Harvey's question stating that he had discussed different possibilities with the applicant, including creating an overlay zone for cannabis and rezoning the subject property to A-3 as it is two parcels away from the A-3. The applicant had concerns with security and the property being identifiable. Commissioner Jenkins liked the idea of a zone-appropriate conditional use permit that gave the Commission more control and Mr. Ewert noted that those permits are very difficult to deny and are approved by the Planning Commissions, and he suggested amending this ordinance limiting to one permit in the A-2.

5. **PUBLIC COMMENTS:** Attorney Seth Gomm said that he is well versed in this industry and a stakeholder in Zion Pharmaceuticals, the applicant, that they have one of the 8 awarded licenses, and each can only cultivate up to 100,000 sq. ft. The 83 acre site has 1 million sq. ft. of greenhouse, and if they maximize that single license, they would only be using 1/10 of that greenhouse space. He said that medical marijuana is virtually identical to industrial hemp and that Weber County is in the top 3 counties of patients with cards for cannabis.

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

7. **ACTION ON PUBLIC HEARINGS:**  
**H2-RESOLUTION AMENDING COUNTY OPERATING & CAPITAL BUDGETS FOR 2020 CALENDAR YEAR - RESOLUTION 22-2020**  
Commissioner Harvey moved to adopt Resolution 22-2020 amending the operating and capital budgets of Weber County for the 2020 calendar year; Commissioner Jenkins seconded.  
Commissioner Harvey – aye; Commissioner Jenkins – aye; Chair Froerer – aye

**H3-AMEND OGDEN VALLEY CV-1 & CV-2 ZONES TO REDUCE FRONT YARD SETBACK, INCLUDES COMPLETE STREET DESIGN; ADDS SECTIONS FOR BUILDING MAINTENANCE CONTRACT & CROSS ACCESS EASEMENT – ORDINANCE 2020-11**  
Commissioner Jenkins moved to adopt Ordinance 2020-11 amending Ogden Valley's setback regulations of the CV-1 and CV-2 Zones, and additional language that supports creation of street-oriented commercial storefronts; Commissioner Harvey seconded.  
Commissioner Harvey – aye; Commissioner Jenkins – aye; Chair Froerer – aye

**H4-AMEND COUNTY CODES §104-7 & 108-7 FOR CANNABIS CULTIVATION/PROCESSING – ORDINANCE 2020-12**  
Commissioner Harvey moved to adopt Ordinance 2020-12 amending Weber County Land Use Codes §104-7 and 108-7 to allow the cultivation and processing of cannabis cultivation in the A-2 Zone and providing other related clarifying edits to include the language of no more than one cannabis production establishment in the county at any one time; Commissioner Jenkins seconded.  
Commissioner Harvey – aye; Commissioner Jenkins – aye; Chair Froerer – aye

- I. COMMISSIONER COMMENTS:** Commissioner Jenkins noted that there is a lot happening in the county.

- J. ADJOURN**  
Commissioner Jenkins moved to adjourn at 4:27 p.m.; Commissioner Harvey seconded.  
Commissioner Harvey – aye; Commissioner Jenkins – aye; Chair Froerer – aye

Attest:

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Gage Froerer, Chair  
Weber County Commission

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Ricky D. Hatch, CPA  
Weber County Clerk/Auditor