

MINUTES
JOINT PUBLIC HEARING
WEBER COUNTY & DAVIS COUNTY COMMISSIONS

Tuesday, October 14, 2020 – 3:00 p.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, Chair; James "Jim" H. Harvey, Vice-Chair; and Scott K. Jenkins.

DAVIS COUNTY COMMISSIONERS: Lorene Miner Kamalu, Chair; and Bob J. Stevenson, Vice-Chair. Randy B. Elliott was excused.

COUNTY STAFF PRESENT, WEBER COUNTY: Ricky D. Hatch, County Clerk/Auditor; Matt Wilson, Deputy County Attorney; and Fátima Fernelius, of the Clerk/Auditor's Office, who took minutes. **DAVIS COUNTY:** Curtis Koch, Clerk/Auditor; Max Elliott, Surveyor; and Tony Thompson, Property Manager.

PARTICIPATING VIA ZOOM INCLUDED: Mike Kendall, Davis County Civil Attorney; South Weber City Mayor Jo Sjoblom. Uintah City Mayor Gordon Cutler was in the audience.

- A. WELCOME – Chair Froerer
- B. PLEDGE OF ALLEGIANCE – Commissioner Jim Harvey
- C. INVOCATION – Commissioner Scott Jenkins

D. PUBLIC HEARING:

1. Commissioner Jenkins moved to adjourn the public meeting and convene the public hearing; Chair Kamalu seconded.
Commissioner Jenkins – aye; Commissioner Harvey – aye; Chair Froerer – aye; Chair Kamalu – aye; Commissioner Stevenson – aye
2. **PUBLIC HEARING FOR CONSIDERATION FOR ADOPTION OF A RESOLUTION APPROVING MINOR ADJUSTMENTS TO DAVIS AND WEBER COUNTIES COMMON BOUNDARY – RESOLUTION 36-2020**

Matt Wilson, Deputy County Attorney, stated that there had been differences of opinion on the common boundary between the two counties, and this hearing was an effort to clarify the boundary to assist affected property owners and ensure that the properties are in the correct county. Part of the issue stems from old surveys and their validity, including one from 2002 that had potential issues. This item involves three parcels—Parcel A, consisting of two current Weber County contiguous parcels #07-109-0025 and #07-109-0017, which lie south of the Weber River, and, according to the original description, would be in Davis County, where they will be moving. Parcel B, #13-010-0016, located east of Parcel A and north of Interstate 84, has no access directly from Davis County, will be moving into Weber County. Both Surveyors' Offices worked together to ensure that these are the proper boundaries and descriptions. The resolution includes a map, which was shown in the Chamber monitors and on Zoom. In this endeavor, the surveyors tried to retrace the original line between the counties, which followed the river. A lot of issues stem from the river because it changes course. Mr. Kendall stated that Mr. Wilson had described the item well and had no additional comment. He and Mr. Wilson worked together on this item. Steve Collier, of the Weber County Surveyor's Office, said that the parcel going into Weber County is approximately 3.80 acres and the western portion going into Davis County is about 3.30 acres and is the remainder of some property that lies on Weber County's side from the 2002 boundary survey referenced by Mr. Wilson earlier.

Mr. Wilson explained that statute requires a few subsequent steps if the Commissions voted to move the boundary line, including providing confirmation of the action to the Lt. Governor's Office. He will continue working with Mr. Kendall to satisfy the requirements.

Commissioner Harvey asked Mr. Wilson to define the statutory difference regarding minor versus major boundary adjustments and the reason for choosing the minor boundary change. Mr. Wilson stated that pursuant to the Utah Constitution there were two ways to effect a boundary change and one to define the boundary. Defining the boundary relies on the surveyors from each county to work together and try to retrace the old boundary lines (which is difficult in this area because of the river). The counties chose a minor boundary adjustment (pursuant to State Code 17-2-209) by bringing the current property lines in congruence with county lines. A major boundary change would require an election of both counties, with a number of steps, including that a petition be presented in early June of a General Election year, that the question go on the ballot, and for the majority of both counties to vote in the affirmative to effect the change.

3. **PUBLIC COMMENTS:** Uintah City Mayor Gordon Cutler said that he and South Weber City Mayor Jo Sioblom formed a committee from each city that included citizens, which devised the recommendations before the commissions today, and that these cities are in agreement. Mayor Cutler said that this is a two-part process. The city lines will remain the same and there is precedent that a city can be in two different counties, and property owners would have to request annexation or de-annexation to go into the preferred city. He stated that there is a lot of property between the parcel on the west end and the one on the east end of Uintah and requested that the commissioners work to clean up that county line as soon as possible. There is only raw ground there and the river. There is a desire to put land from Uintah (4 + acres) into South Weber for their RV Park. Chair Froerer asked if he was in favor of a major boundary line adjustment and Mayor Cutler said that at some point it will need to occur to clear up the boundary. Commissioner Stevenson was grateful that two cities and two counties could come together and find resolution to an important issue, stating that these great working relationships are beneficial to everyone. Mayor Sioblom (on zoom) stated that she had only heard 50% of the conversation. She stated that the two cities had formed a committee, worked out the boundary and were in complete agreement with those boundary changes, and their desire is to clear up the boundary for the RV Park project. She said that they still have to take the city boundary changes to their cities but ultimately that is what they would like to see happen.

Commissioner Jenkins was excused at about 3:30 p.m. to attend another event.

4. **ADJOURN THE PUBLIC HEARING AND RECONVENE THE PUBLIC MEETING**
Commissioner Harvey moved to adjourn the public hearing and reconvene the public meeting; Chair Kamalu seconded.
Commissioner Harvey – aye; Chair Froerer – aye; Chair Kamalu – aye; Commissioner Stevenson – aye

5. **ACTION ON PUBLIC HEARING:**
RESOLUTION APPROVING MINOR ADJUSTMENTS TO DAVIS AND WEBER COUNTIES COMMON BOUNDARY – RESOLUTION 36-2020
Commissioner Stevenson moved to adopt Resolution 36-2020 of the Boards of County Commissioners of Davis and Weber Counties approving a minor adjustment to the counties' common boundary; Commissioner Harvey seconded.
Commissioner Harvey – aye; Chair Froerer – aye; Chair Kamalu – aye; Commissioner Stevenson – aye

- E. **COMMISSIONER COMMENTS:** Commissioner Stevenson reiterated that it has been good working with the cities and counties. Chair Kamalu was grateful for the great collaboration between the cities and for the citizens involvement, and she wished the cities well as they move forward. Commissioner Harvey stated that it is great to have the cities working together as well as the counties, which is good for the people. Chair Froerer referred to Mayor Cutler's comment about adjusting the remainder of the boundary stating that there have been discussions about it in the past, and that it is time to establish a hard boundary to carry on to the future. This is Weber County's intent and from previous meetings he believes it is Davis County's as well. Chair Kamalu said that Mr. Kendall, Davis County Civil Attorney, who has been working on this for some time, had said that there is a lot to figure out, but that they certainly want to continue the discussion.

- F. **ADJOURN**
Commissioner Stevenson moved to adjourn at 3:34 p.m.; Commissioner Harvey seconded.
Commissioner Harvey – aye; Chair Froerer – aye; Chair Kamalu – aye; Commissioner Stevenson – aye

Attest:

Gage Froerer, Chair
Weber County Commission

Ricky D. Hatch, CPA
Weber County Clerk/Auditor