

**MINUTES**  
**WEBER COUNTY COMMISSION**

Wednesday, November 20<sup>th</sup>, 2024 – 6:00 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:** James "Jim" H. Harvey, Sharon Bolos, and Gage Froerer

**STAFF PRESENT:** Lauren Thomas, of the County Attorney's office; and Craig D. Brandt, of the County Clerk/Auditor's office, who took minutes.

**A. WELCOME:** Chair Harvey

**B. ACTION ITEMS:**

1. **APPROVAL OF RESOLUTION 52-2024 REGARDING AN INTERLOCAL AGREEMENT FOR ROADWAY IMPROVEMENTS FOR THE PROPOSED NORDIC VILLAGE PUBLIC INFRASTRUCTURE DISTRICTS NOS. 1, 2, AND 3.**

Stephanie Russell (Economic Development Director): Public Infrastructure Districts are governed by state statute. We create a County policy in accordance with that statute. Part of that Policy is to enter into an interlocal agreement to take over certain pieces of infrastructure. In this case, the County would be assuming maintenance, operation, and ownership of the road infrastructure created by this PID.

Commissioner Froerer moved to approve Resolution 52-2024 regarding an Interlocal Agreement for Roadway Improvements for the proposed Nordic Village Public Infrastructure Districts NOS. 1, 2, and 3; Commissioner Bolos seconded.

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

**C. PUBLIC HEARINGS:**

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, 6:05 p.m.; Commissioner Froerer seconded.

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

2. Public Hearing to receive input on all matters relating to a petition for the creation of Nordic Village Infrastructure Districts No. 1, No. 2, and No. 3 (three separate public infrastructure districts) which are located in the Nordic Valley area of unincorporated Weber County.

Chair Harvey: I have asked our attorneys to explain the County's obligation under the law for PIDs.

Lauren Thomas (Attorney): This public hearing is regarding Nordic Village PIDs 1, 2, and 3. PIDs can be created by a county in an unincorporated area. The public infrastructure districts are able to receive bonds that can be used to build infrastructure. As a part of that process to create these PIDs, we have a public hearing where you are able to come and comment. I also wanted to talk about this in light of the (Ogden Valley City) incorporation because we are not aware of any statute that requires the county or limits the County's ability to create or not create these Public Infrastructure Districts in light of the incorporation. The incorporation process is a 2-year process and that first part of the process just passed this recent election. We do have one more year until that incorporation is completed. When we're in the middle of that process there is nothing in statute that allows the county or disallows the county to stop this process.

Stephanie Russell (Economic Development Director): Public infrastructure districts are governed by state statute. Counties and cities have the ability to create them at their own discretion. Public infrastructure districts are a specific finance mechanism for economic development that allows the city or county to partner with a development project in creating a special district where the developer levies an additional tax rate onto their property. So the city or the county would still receive the regular property taxes on that property in perpetuity of the project. During the time of the project and the PID's existence, the PID would be taxed an additional mill that they literally choose to tax themselves. That millage rate then is used to pay back development bonds. The development bonds that are taken out to build public infrastructure are taken out by the developer, by the PID, not by the county or by the city. There's no obligation for the city or the county to pay those bonds back. That is solely on the developer and on the PID. These are really good finance mechanisms for areas that have significant infrastructure lifts as it relates to the development project. In this particular instance with Nordic Valley, there's significant water, sewer, road and park infrastructure that will

be paid for by the developer and the bonds that are taken out through the PID. I just wanted to give that brief explanation of what these are and how they impact the general public. They impact the general public in a positive way in that needed public infrastructure is created. The bonds can only be used for very specific pieces of public infrastructure which is limited by the state statute as well. This is a really good opportunity to create a development partnership for a project that is going to be adding some public infrastructure into the project. Once again it's a partnership between the county and the developer/PID to make sure the infrastructure is put in correctly and done in a way that is going to be beneficial to not just the project but the community as a whole. The developer takes on the burden of paying those bonds back.

Commissioner Froerer: Two years ago we started the PID process. Our first PID has been modeled by other counties in the state. 100 percent of the property owners have to sign off on this and they are the only ones that have to pay the tax.

Ms. Russell: Yes, it has to be 100% participation from all the property owners, no exceptions. The PID has a governing document that says this is what the PID can and can't do with their funding. We've negotiated that with the development project and the proposed PID.

Chair Harvey: Does the additional tax burden residents outside of the PID area?

Ms. Russell: No, it only burdens those inside the PID area of whom 100% have agreed to pay the tax. Additionally, the bond timing corresponds directly with the actual development phase being worked.

Commissioner Bolos: Can you update us on concerns you heard?

Ms. Russell: There are concerns about approving this before the new city is incorporated and possibly giving the new city an opportunity to manage this project area so they could make their own decision on whether or not infrastructure from a PID implemented into the new city. The main concern was having a voice and a say and be able to participate in the process.

Commissioner Bolos: If the city were incorporated right now and this decision was going before the city, this only affects the property owners within the PID boundary?

Ms. Russell: That is correct.

Commissioner Bolos: So the timing is irrelevant, whether it's now through us or later through the city?

Ms. Russell: Correct.

### 3. Public Comments:

- a. Peggy Dooling-Baker, Nordic Valley: I'm here today as one of those members of the community to ask you not to make a decision on the PIDs for Nordic Village project until an incorporation transition team member can participate in this decision making. I just heard it's not by Statute that that's the case but I think by practicality the city will be in operation within a year, leadership teams will be in place soon, and I believe they should have a seat at the table in this decision making. The reason I'm asking this is because under the procedures that I saw in the Weber County reinvestment policy section all of the interlocal agreements should be fully executed before the agency begins a public hearing. It was stated in the work session on Monday November 18<sup>th</sup> that the agreements are not executed. We heard that the water was not state approved and the interlocal agreements were not signed to date with the school district or the fire district. I ask you again please hold off on this decision. According to the section F of the Weber County reinvestment policy the agent the agency shall follow the processes established in the act for adopting a project area plan and budget which includes making the plan and budget available to the public, scheduling and holding public meetings, etc. We've not seen a plan or a budget for this project and the residents really don't know what this entails. I did look at some of the attachments and I did see the maps but not the plan. As I am not an engineer, it's hard to decipher these. It appears that there's designated inclusion areas outside the

boundaries of this ski resort. For example, in District One neighbors to the east of the old golf course are in an inclusion area that could be annexed into the development without a public hearing. If this is allowed then a neighbor could have annexed in and then commercial properties, multi-use families, and other things could be in there. And then with this discussion on taxation just a minute ago, would that include taxation even though we're not in the property boundaries? Please do not allow the PID to expand beyond their property boundaries without requiring a public hearing to consider that expansion. Is the PID the same body building the infrastructure and then responsible for the quality control and the inspection for the work? If so, is that a conflict of interest? What are the qualifications for the board members to manage the PID? Are there checks and balances that this infrastructure is up to State Standards? Who will inspect the infrastructure as it is being built? I had a question on the tax rate but Stephanie was able to help us answer a little bit of that. I do believe that the tax rate is important because this year's tax bill for the ski resort alone was \$444,000 and that's just for the mountain. Will the city lose out on any of those funds over the next four years? When you say a tax rate at 0.005 for 14 years, the tax money generated is not a lot. For an example since Nordic Valley Ventures bought the old golf course land and since it was rezoned to a commercial and residential properties approximately two years ago with the form based village concept, the land has stayed as green belt with parcels taxed at .009 which will result in a tax bill of 18 cents for a lot along Nordic Valley Drive. That's not a lot of revenue. What I'm worried about too is the amount of money for this infrastructure. The pieces are not in place yet. We haven't seen the plans or the budgets and along with the extremely low tax base rate I believe the commissioners should not move on this tonight. I also believe that our new city officials with the help of the staff here in the Economic Development Office would make this decision. It may be a win-win for everybody, for the resort and for the city. But I truly believe that the city should be taking the lead in this. I ask you to table it until a sponsor or their designee from the new city could participate or, even better yet, let the city negotiate this agreement. Thank you for extending my time.

- b. Felice Quigley, Nordic Valley: I am going to ask you to table the hearing tonight because the street regulating map is not the accurate map. It is my understanding that PIDs cannot proceed without the Development Agreement being signed with all requisite requirements in place, which in this case includes a street regulating map.
- c. Dan Mabey: Commissioners I appreciate the difficult job you have. I started off 50 years ago as a planning zoning director in a County and then spent 15 years as economic development director for state of Utah, encouraging and recruiting businesses to come to our state. At the end it depends on local folks to make places for them to live and businesses for them to run so thank you for your efforts. Having been a county director I think the County has the right to do County business. If we waited until cities are incorporated or things like that happen, then where does that stop? You got a job to do, it's your responsibility. At this point I think you're well qualified to do that. I would stand in favor of moving this along. This is a difficult process. I compliment the County Planning staff who've done a great job looking at this particular project. It's not a checkerboard situation like we've dealt with around the country. It's well-designed with great water service potential, great sewer treatment potential that avoids all the septic systems that we have throughout the valley. I think it could be a real crowning jewel for the valley and I would encourage you all to move forward with it.

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, 6:26 pm;  
Commissioner Froerer seconded.

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

5. Action on public hearing:

C2: Approval of Resolution 53-2024 to approve the creation of the Nordic Village Public Infrastructure Districts Nos. 1, 2, and 3 as independent bodies corporate and politic; authorizing and approving a governing document; approving an annexation area; appointing boards of trustees; and authorizing other documents in connection therewith.

Ms. Russell: The interlocal agreements and project area plan and budget Miss Dooling-Baker asked about are required for the Community Reinvestment Area, as it deals with Tax Increment Finance (TIF) for the project, and not for the PIDs, which deals with creating infrastructure. We require the PIDs to provide a list

of where the assets are going and our governing document requires interlocal agreements between the entities that will be taking on the infrastructure after it's created. We do restrict certain things in our PID governing documents. We have three financial guardrails in our County PID policy. We do not create PIDs that are not going to generate at least \$10M in infrastructure. The County restricts PIDs to tax no more than 5 mills on a property when the state allows as high as 15 mills. We require a general understanding of how much the PID will need to spend and we then place a bond ceiling for how much the developer can acquire from the bond market. The CRA project plan budget will be available when the CRA creation notification is published. As for the question on infrastructure meeting state and local requirements, take for example the Promontory Commerce Center PID; we require certain check and balances including engineering approval and Central Weber Sewer sign off as if it was regular development project with County and State signing off on the infrastructure.

Commissioner Froerer: The CRA will be a TIF and the Street Regulating Plan is tied to the Form-Based zoning. Tonight's discussion is centered on the PID in which 100% of affected property owners have signed off.

Commissioner Bolos: Can a PID boundary be changed after its creation and how does that happen?

Ms. Russell: Yes, it can expand and it can contract. The PID Board can amend the boundary with 100% participation of all property owners.

Commissioner Froerer moved to approve Resolution 53-2024 to approve the creation of the Nordic Village Public Infrastructure Districts Nos. 1, 2, and 3 as independent bodies corporate and politic; authorizing and approving a governing document; approving an annexation area; appointing boards of trustees; and authorizing other documents in connection therewith; Commissioner Bolos seconded.

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

#### D. COMMISSIONER COMMENTS:

Commissioner Bolos: I appreciate all of the public comments and for our staff and their deep understanding of things we don't always understand and your ability to explain those to us.

Commissioner Froerer: Stephanie Russell has done a great job as one of the main architects of our PID ordinance. She worked countless hours with our legal staff and with the state to create a document that is used throughout the state for PID development.

Chair Harvey: I care about the water up there and what happens up there. The reason I care about it is the huge impact from people's comments on the State's watershed. We have a responsibility today to protect the grandchildren of our grandchildren. There will be a need to treat waste water in the valley. This PID helps get that started. If any message could go out, let's make sure 80 years from now that we can stop that nitrate level from climbing in Pineview Reservoir which is the major source of water for people on this side of the mountains.

#### E. ADJOURN

Commissioner Bolos moved to adjourn at 6:51 pm.; Commissioner Froerer seconded.  
Chair Harvey – aye; Commissioner Bolos – aye; Commissioner Froerer - aye

Attest:

---

James H. Harvey, Chair  
Weber County Commission

---

Ricky D. Hatch, CPA  
Weber County Clerk/Auditor