

MINUTES
WEBER COUNTY COMMISSION

Tuesday, December 13th, 2022 – 10:02 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: Scott K. Jenkins, James "Jim" H. Harvey, and Gage Froerer.

STAFF PRESENT: Lynn D. Taylor, of the County Clerk/Auditor's office; Liam Keogh, County Attorney's Office; and Craig D. Brandt, of the County Clerk/Auditor's office, who took minutes.

A. WELCOME: Chair Jenkins

B. PLEDGE OF ALLEGIANCE: Mariko Rollins

C. INVOCATION: Sean Wilkinson

D. THOUGHT OF THE DAY: Commissioner Froerer: My thoughts go toward this time of year with Christmas and the birth of our Savior Jesus Christ. It's a time to give thanks for our family and friends. I feel it is appropriate to give thanks to the employees of Weber County. I'd be amiss if I didn't give thanks to you both Commissioners. We haven't always agreed but we held to the principle of disagreeing without being disagreeable. It's been a great four years. We are going to miss Commissioner Jenkins very much.

E. PUBLIC COMMENT:

1. Miranda Menzies (Wolf Creek Water & Sewer Board of Trustees): Cookies are a gesture, not a bribe. We are deeply grateful for the pending funding approval.
2. Ryan Rogers (Taylor West Weber Water): on agenda is approval for Terakee Farms subdivision. Taylor West Weber Water – there are several items that have not been met including escrow for onsite and offsite culinary, escrow for pressurized secondary water, transfer water rights to ensure they stay with the subdivision, signature block needs to be on recorded plat after Taylor West Weber signature, plan review fees need to be paid, both pressurized developmental agreement and offsite developmental agreement need to be recorded with the plat. Final Approval letter needs submitted by Taylor West Weber, if Taylor West Weber is to provide culinary. Second access. Weber County Fire Marshall approved plans.
3. Brad Blanch 736 S 4700 W, West Weber, representing Terakee Farms: We have met all the standards and requirements of Weber County. We do not have a preference on whether Taylor West Weber Water has a signature block on the plat. County ordinance does not require it. With regards to second access, the Weber County Fire Marshall approved the development for second fire apparatus access. District court adjudicated the 20 foot Right of Way can't be restricted, gates can't be locked, I can improve at any time, and it is not limited to just agriculture,
4. Jim McCormick (lives adjacent to Terakee): I did some research on the project and I disagree on the fire access. I talked to the Fire Marshall and he did approve it but has never seen it. There are two 90 degree corners that a fire truck would likely not be able to access if property owners install a fence.

F. CONSENT ITEMS:

1. Warrants #6794-6829 and #472970-473112 and #222 in the amount of \$1,288,590.60 dated December 6, 2022.
2. Warrants #6830-6886 and #473113-473299 and #223-225 in the amount of \$1,361,836.13.
3. Purchase orders in the amount of \$329,072.50 dated December 6, 2022
4. Purchase orders in the amount of \$239,710.52.
5. Summary of Warrants and Purchase Orders.
6. ACH payment to USBank in the amount of \$239,777.47.
7. Minutes for the meeting held on November 15, 2022.
8. New business licenses.
9. Amendment to a contract with Western States Productions.
10. Right of Way contract with Francisco Solis, Maria Olivarez, Vinyl Guys for corridor preservation along 2550 South.
11. Right of Way contract by and between Weber County and Norman Hammer to pave existing dirt road and pipe ditch on 2200 North.
12. Right of Way contract by and between Weber County and Stephen Wayman to pave dirt road on 2200 North.
13. One Utah Universal Opioid Settlement Memorandum of Understanding.
14. HELD - Donation of "Prop 1 Funds" in the amount of \$55,894 to Trails Foundation of Northern Utah for construction and maintenance of trails in North Fork Park
15. HELD - Retirement Agreement by and between Weber County and Kyle Osiek.
16. Contract with MTN OPS, LLC for sponsorship at the Weber County Archery Park.
17. Contract with Kerry Christensen for entertainment at the 2023 HOF Germanfest
18. Contract with Salzburger Echo for entertainment at the 2023 HOF Germanfest

Commissioner Harvey moved to approve the consent items except Items 14 & 15; Commissioner Froerer seconded.

Commissioner Froerer – aye; Commissioner Harvey – aye; Chair Jenkins – aye

G. ACTION ITEMS:

1. **APPROVAL OF A CONTRACT WITH REX WESTON FOR BEE INSPECTION SERVICES.**

Jennifer Graham (Assistant Director, Culture Parks & Rec): This is a five year contract extending work with our current bee keeper Rex Weston, who inspects all aviaries and helps the bee keepers with any questions.

Commissioner Harvey moved to approve contract with Rex Weston for Bee Inspection Services; Commissioner Froerer seconded.

Commissioner Froerer – aye; Commissioner Harvey – aye; Chair Jenkins – aye

2. **APPROVAL OF A LEGISLATIVE PASS-THROUGH AGREEMENT BY AND BETWEEN WEBER COUNTY AND THE STATE OF UTAH DEPARTMENT OF FACILITIES & CONSTRUCTION MANAGEMENT (DCFM) FOR THE WEBER COUNTY SPORTS COMPLEX ICE SHEET DFCM PROJECT #20400300.**

Mariko Rollins (Ice Sheet): This helps prepare for a combined 2030 and 2034 Olympic bids.

Commissioner Harvey moved to approve a Legislative Pass-Through Agreement by and between Weber County and the State of Utah Department of Facilities & Construction Management (DCFM) for the Weber County Sports Complex Ice Sheet DFCM Project #20400300; Commissioner Froerer seconded.

Commissioner Froerer – aye; Commissioner Harvey – aye; Chair Jenkins – aye

3. **APPROVAL OF A RENTAL AGREEMENT WITH THE GRAND THEATER FOR A PERFORMANCE OF OGDEN MUSICAL THEATER'S 5 CAROLS FOR CHRISTMAS TO BE PERFORMED AT THE GRAND THEATER.**

Kassi Bybee (OECC): Paying us \$10k to take the show on the road to the Grand Theater.

Commissioner Froerer moved to approve a Rental Agreement with The Grand Theater for a performance of Ogden Musical Theater's 5 Carols for Christmas to be performed at The Grand Theater; Commissioner Harvey seconded.

Commissioner Froerer – aye; Commissioner Harvey – aye; Chair Jenkins – aye

4. **APPROVAL OF SUBRECIPIENT AGREEMENT BY AND BETWEEN WEBER COUNTY AND WOLF CREEK WATER AND SEWER IMPROVEMENT DISTRICT FOR AMERICAN RESCUE PLAN ACT SLFRF FUNDS.**

Sean Wilkinson (Director, Community Development): Agreement for funding on two separate projects, culinary water well (\$750k) and a sewer effluent reuse pond (\$1.9M). The total Weber County will give \$2.6M of the larger total costs of these projects. Chris Crockett was the architect of this agreement; he and his staff have done a lot of work on this.

Chair Jenkins: This is monumental. This is the beginning a spine of sewer that will run up the major portion of the valley through Eden. This will help the water quality at the dam. This will eventually expand to other areas. I couldn't be happier.

Commissioner Froerer: We have dealt with these ARPA fund requests over the past year. The Treasury Department directed funds be used for water, sewer, and broadband. This is one of the benefactors that has proven their case. While the intent is not to bring sewer to the entire valley, this is the first leg in providing infrastructure in places where we feel development should be.

Commissioner Harvey: One of the things I have been fortunate to learn is that the health of the people in Weber County is taken care of. Some of the residents of Ogden Valley have never enjoyed the benefits of sewer. These actions ensure our children's children have a safe water source.

Miranda Menzies (Wolf Creek Water & Sewer Board of Trustees): The reuse pond serves a key role in addressing our secondary water issue. And the well serves a key role in dealing with the culinary water issue that led to a moratorium. Funding allows us to support existing development, not increased development.

Commissioner Froerer moved to approve a Subrecipient Agreement with Wolf Creek Water and Sewer Improvement District for American Rescue Plan Act SLFRF Funds; Commissioner Harvey seconded. Commissioner Froerer – aye; Commissioner Harvey – aye; Chair Jenkins – aye

5. **APPROVAL OF THE FIRST READING OF FEE ORDINANCE AMENDMENTS RELATING TO RESIDENTIAL SOLID WASTE COLLECTION AND DISPOSAL SERVICES (SEC 16-2-9 SOLID WASTE FEES).**

Sean Wilkinson (Director, Community Development): This amendment adjusts the fee schedule and is necessary for the 3% annual increase in the County’s municipal Materials Management Agreement as well as Republic Service’s fuel surcharge of \$0.57 per customer per month. Weber County will offset that by reducing the County administrative fee by \$0.57 per customer per month; so the only increase will be the 3%.

Chair Jenkins: We’re making this change right now but expecting they will be back in a matter of weeks with another fee increase.

Mr. Wilkinson: That is true; that next increase is for different services.

Commissioner Harvey moved for approval of the first reading of fee ordinance amendments relating to residential solid waste collection and disposal services (Sec 16-2-9 Solid Waste Fees); Commissioner Froerer seconded.

Commissioner Froerer – aye; Commissioner Harvey – aye; Chair Jenkins – aye

6. **FINAL SUBDIVISION APPROVAL OF TERAKEE FARMS NO. 1, A PRUD SUBDIVISION LOCATED AT 700 NORTH AND 3600 W, CONSISTING OF 40 LOTS- (LVT111717)..**

Steve Burton (Planning): 40 lot subdivision in Western Weber Planning Area. The developer is required to improve 3600 West all the way to the subdivision which has been widened; the developer will pay some of that cost back to the county. Western Weber Planning Commission gave approval on December 14, 2021. Not all requirements are met for the developer to proceed but our subdivision ordinance does allow this to be placed on your agenda for you to consider this with conditions of approval that cover those open items. The process allows for proceeding with the limitation that nothing is recorded until those conditions are met. The Planning office recommends approval subject to the following three conditions:

1. Developer provide a financial guarantee for onsite and offsite improvements, including 3600 West and all other improvements for this phase.
2. Developer pay county back for Right of Way acquired for widening 3600 West.
3. Developer provide unconditional final approval letter from Taylor West Weber Water or the District signs the final subdivision plat.

Commissioner Harvey: I don’t want to set a precedence in Weber County. Are these three conditions met in other developer’s projects?

Mr. Burton: We have used the same approach as allowed by the ordinance. We just recently used this same approach for a large development in the Ogden Valley.

Commissioner Froerer: To Mr. McCormick’s comment on fire access, do we have Weber Fire District approval in writing?

Mr. Burton: Yes, we have approval of that emergency egress road.

Commissioner Froerer moved for final subdivision approval of Terakee Farms No. 1, a PRUD Subdivision located at 700 North and 3600 W, consisting of 40 lots- (LVT111717) so long as all three documented conditions are fulfilled prior to recording; Commissioner Jenkins seconded.

Commissioner Froerer – aye; Commissioner Harvey – nay; Chair Jenkins – aye

7. **APPROVAL OF RESOLUTION 50-2022 ADOPTING THE OPERATING AND CAPITAL BUDGETS OF WEBER COUNTY FOR THE 2023 CALENDAR YEAR AND DECLARING THE COUNTY’S INTENT TO PICK UP A CERTAIN PERCENTAGE OF MEMBERS’ CONTRIBUTIONS TO THE UTAH STATE RETIREMENT SYSTEM.**

Scott Parke (Comptroller): Since the initial public hearing for the proposed 2023 Operating and Capital budgets, there have been some minor changes to the budget including three new Sheriff office grants, one new Center of Excellence position, Causey Reservoir forest service project funding match, a couple of market adjustments at the animal shelter, additional equipment for the Roads Department.

Commissioner Froerer moved for approval of Resolution 50-2022 adopting the operating and capital budgets of Weber County for the 2023 calendar year and declaring the County's intent to pick up a certain percentage of members' contributions to the Utah State Retirement System; Commissioner Froerer seconded.
Roll Call Vote: +Commissioner Froerer – aye; Commissioner Harvey – aye; Chair Jenkins – aye

H. PUBLIC HEARINGS:

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

Commissioner Froerer moved to adjourn the public meeting and convene public hearings, 10:56 a.m.; Commissioner Harvey seconded.

Commissioner Froerer – aye; Commissioner Harvey – aye; Chair Jenkins – aye

2. Public hearing to discuss amendments to the operating and capital budget of Weber County for the 2022 calendar year.

Scott Parke (Comptroller): These are a few adjustments to the 2022 budget. Highlights include new grants that were received, additional overtime at the transfer station, repairs/improvements to transfer station floor, additional funding needed at the Health Department to get additional equipment to finish their annex, and other miscellaneous items covered by additional revenues.

3. Public hearing to consider a zoning map amendment and a zoning development agreement associated with the rezoning of approximately 242 acres, located at approximately 2875 West 2600 N, from the A-1 and A-2 zone to the C-2, R-2, R-3, R-1-10, R-1-12, RE-15, and Master Planned Development (MPD) overlay zones (ZMA 2020-03 and ZDA 2022-04).

Steve Burton (Planning): Request from Nielsen Homes to rezone from the A-1 and A-2 zone to the C-2, R-2, R-3, R-1-10, R-1-12, RE-15, and Master Planned Development (MPD) overlay zones (ZMA 2020-03 and ZDA 2022-04) for 725 units. Rezone includes single family lots, clustered single family cottages, attached patio homes, and townhomes which are the highest density.

Developer is proposing 125 townhomes, 200 attached patio homes with remaining 400 homes detached single family dwellings of varying lot sizes. There will be about 45 acres of open space. Staff and Planning Commission recommend approval.

Chair Jenkins: This is the first we have heard the 200 attached doors. We agreed in the beginning on 100 doors for attached patio homes. I was very explicit with that. I will vote to approve this today with an amendment for 100 doors.

Commissioner Froerer: Did the Planning Commission approve with the 200 attached?

Mr. Burton: Yes, they approved the 200 attached.

4. Public hearing to consider and/or take action on a request to vacate 10 foot public utility easements, located along the west and north boundaries of lot 4, Cameron Crossing Subdivision- (VAC 2022-01).

Tammy Aydelotte (Planning): Typical lot sizes are at least 40k square feet. Property owner wants to install a shed requiring vacation of the subject easements.

5. Public Comments:

1. Brian Bayliss, 1656 Equestrian Parkway, Kaysville, UT: We made application in June 2020 so we have been working on this for a very, very long time. And with 240 acres of development at stake, it makes sense that the appropriate time was spent. I want to point out a few things. Many people inside and outside this room have contributed to this project. There has been significant compromise from day one. Nobody has gotten everything they wanted in this process but we feel very strongly this will be a fantastic community. I really want to thank you for your leadership. We coordinated with surrounding communities and we waited for the General Plan to be completed. Interest rates are climbing but we are here and not going anywhere. To address Commissioner Jenkins' comment, our plan has not changed significantly for about 18 months. There would be significant impact to the overall plan to now change to 100 doors; larger lots on the periphery would shrink considerably. The latest red line agreement did not make it into the packet; a version from a couple of days ago that had minor textual tweaks that addressed Staff's concerns and questions.

Chair Jenkins: Never at any time have I agreed to 200 attached units.

Mr Bayliss: This is surprising to me to get this message this late in the game. The average lot size will get very, very small if we go with 100 attached units. It will not work.

Commissioner Froerer: What is the price range?

Mr. Bayliss: The hope is for the high \$300k-low \$400k for some of the smaller lots. On the half acre lots, the hope would be those lots would push \$1M.

Commissioner Froerer: Economic development and affordable housing is key for our kids and grandkids. I am really not struggling with what you have proposed.

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, 11:34 am; Commissioner Froerer seconded.

Commissioner Froerer – aye; Commissioner Harvey – aye; Chair Jenkins – aye

7. Action on public hearing:

H2: Approval of Resolution 51-2022 amending the operating and capital budget of Weber County for the 2022 calendar year.

Commissioner Froerer moved to approve Resolution 51-2022 amending the operating and capital budget of Weber County for the 2022 calendar year; Commissioner Harvey seconded.

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

H3: Approval of Ordinance for a zoning map amendment and a zoning development agreement associated with the rezoning of approximately 242 acres, located at approximately 2875 West 2600 N, from the A-1 and A-2 zone to the C-2, R-2, R-3, R-1-10, R-1-12, RE-15, and Master Planned Development (MPD) overlay zones- (ZMA 2020-03 and ZDA 2022-04).

Steve Burton (Planning): I recommend if you are considering changes to quantities of units to table so we can bring something back that's agreeable to the developer and the county.

Chair Jenkins motion to amend development agreement to say 100 doors of attached units. No second. Commissioner Froerer moved to table until time certain approving a zoning map amendment and a zoning development agreement associated with the rezoning of approximately 242 acres, located at approximately 2875 West 2600 N, from the A-1 and A-2 zone to the C-2, R-2, R-3, R-1-10, R-1-12, RE-15, and Master Planned Development (MPD) overlay zones- (ZMA 2020-03 and ZDA 2022-04); Commissioner Froerer seconded.

Commissioner Froerer – aye; Commissioner Harvey – aye; Chair Jenkins – aye

H4: Approval of Ordinance 2022-29 to vacate 10 foot public utility easements, located along the west and north boundaries of lot 4, Cameron Crossing Subdivision- (VAC 2022-01).

Commissioner Harvey moved for approval of Ordinance 2022-29 to vacate 10 foot public utility easements, located along the west and north boundaries of lot 4, Cameron Crossing Subdivision- (VAC 2022-01); Commissioner Froerer seconded.

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

I. COMMISSIONER COMMENTS:

1. Commissioner Froerer: A great start to the snow season.

J. ADJOURN

Commissioner Harvey moved to adjourn at 11:25 am.; Commissioner Froerer seconded.

Commissioner Froerer – aye; Commissioner Jenkins – aye; Chair Harvey – aye

Attest:

Scott K. Jenkins, Chair
Weber County Commission

Ricky D. Hatch, CPA
Weber County Clerk/Auditor