

MINUTES
WEBER COUNTY COMMISSION

Tuesday, October 19, 2021 – 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: James "Jim" H. Harvey, Gage Froerer, and Scott K. Jenkins.

STAFF PRESENT: Ricky D. Hatch, County Clerk/Auditor; Christopher Crockett, Deputy County Attorney; and Craig Brandt, of the Clerk/Auditor's Office, who took minutes.

A. WELCOME - Chair Harvey

B. PLEDGE OF ALLEGIANCE – Kristy Bingham

C. INVOCATION - Commissioner Harvey

D. THOUGHT OF THE DAY - Commissioner Froerer: National Mammal is American Bison, established in 2016. Teddy Roosevelt established American Bison Society in 1905 that led to today's three genetically pure bison herds in the country, one of which is at Antelope Island. Antelope Island Bison roundup soon. Western Bison Association holds annual auction at Golden Spike Event Center, selling bison from all parts of the West.

E. CONSENT ITEMS:

1. Warrants #4493-4520, #462799-462945 and #121 in the amount of \$2,088,525.87
2. Purchase orders in the amount of \$63,612.91
3. Minutes for the meeting held on October 12, 2021
4. New beer license
5. Request to set a public hearing for November 23, 2021, at 6:00 p.m. to consider a Weber County property tax increase of 4.5% or \$2,163,000 to fund flood control projects and library system improvements.
6. Approval to transfer tools from Weber County Sheriff's Office to Weber County Property Management. State code 24-3-103 allows this when evidence is no longer needed for evidence, the rightful owner is unable to be found or the owner is not entitled to lawfully possess the property.

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

F. ACTION ITEMS:

1. **APPROVAL OF RESOLUTION 43-2021 OF THE COUNTY COMMISSIONERS OF WEBER COUNTY APPOINTING MEMBERS TO THE WEBER COUNTY VETERAN'S ADVISORY COMMITTEE.**

Kristy Bingham (Commissioners Office) four vacancies to be filled. (names and terms)

Commissioner Jenkins moved to approve Resolution 43-2021 appointing members to the Weber County Veteran's Advisory Committee; Commissioner Froerer seconded.

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

2. **APPROVAL OF WEBER COUNTY POLICY- EXPRESSIVE ACTIVITY RESTRICTIONS AND THE FINAL READING OF AN ORDINANCE 2021-26 OF THE COUNTY COMMISSIONERS OF WEBER COUNTY AUTHORIZING RESTRICTIONS ON EXPRESSIVE ACTIVITY.**

Chris Crockett (County Attorney) reviewed first paragraph of the First Amendment and the model that it is for others around the world. Public Forum Doctrine as defined by the Supreme Court, including Public Forums, Limited Public Forums (public land opened for expressive activity), and Non-Public Forums (public property not accessible for expressive activity). Today's goal is to codify what has long existed in the law already. Weber County Policy defines Public, Limited Public, and Non-Public areas.

Public Comment (3 minutes each):

1. Rebecca Champion: If law was already in effect, why the need to codify it?
 - a. Mr. Crockett: Utah Supreme Court (11.61.104) requires Time, Place, Manner restriction to be enacted by ordinance or adopt an ordinance to guide the adoption by policy or practice with constitutional safeguards outlined.
2. Victoria Dortsbach, Ogden, UT: Woke up a couple of years ago to rights being trampled. Rights come from God. Commissioners took Oaths of Office meaning citizens can hold you accountable. Title 42 section 1983 lawsuits available if one so chooses. Citizens can address Commission in any item of business. Fraud of government is biggest problem of all. Attorneys turn peoples' rights over; I would not listen to attorneys but I would listen to 'we the people'.
 - a. Mr. Crockett (response to citizens' ability to address Commission on any topic): with Time, Place, Manner restrictions, reasonable means must remain for public to address the Commission – public

hearings for example, related to proposed tax increase; lawsuits for redress of government; protest on public sidewalks, etc.

3. Jennifer Pennington, South Ogden, UT: Chapter 188 of state law referenced by Mr. Crockett has nothing compulsory in the language which means county is enacting corresponding county legislation voluntarily. I find that to be completely unethical. County is taking this course to silence us because you do not agree with our messaging.
 - a. Mr. Crockett: Unsure of meaning behind 'ex post facto' comment. As for adopting this law, Weber County procedure being followed to adopt ordinance.

Commissioner Jenkins: Please explain Constitutionality of direction being taken.

Mr. Crockett: Provided background of both law and approach taken internally to ensure intent of Constitution was protected, including using prior Supreme Court precedence and the level of internal scrutiny in the Weber County Attorney's office over several weeks.

Commissioner Froerer: Mr. Crockett's report clarifies we are operating within bounds of the Constitution.

Commissioner Jenkins moved to approve the final reading of Ordinance 2021-26 of the County Commissioners of Weber County authorizing restrictions on expressive activity; Commissioner Froerer seconded.

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

Commissioner Froerer moved to approve Weber County Policy on Expressive Activity Restrictions; Commissioner Jenkins seconded.

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

3. **APPROVAL OF ORDINANCE 2021-27 UPDATING SECTION 6-4-5 “RESTRAINING ANIMALS AND LEASH LAW” PRESCRIBING A MONETARY FINE FOR ANIMAL ATTACKS, BITES, ETC., RESULTING IN INJURY**

Chad Averett (Animal Services Director) updates to existing Ordinance to encourage pet owners to be responsible for their animals; updates include monetary fees.

Commissioner Jenkins: needs more time to review implications before full adoption.

Commissioner Froerer and Chairman Harvey moved to approve First Reading of Ordinance 2021-27 of the County Commissioners of Weber County updating Section 6-4-5 “Restraining Animals and Leash Law” prescribing a monetary fine for animal attacks, bites, etc., resulting in injury; Commissioner Jenkins seconded.

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

4. **APPROVAL OF LEGACY MOUNTAIN ESTATES, LLC SUBDIVISION IMPROVEMENT AGREEMENT AND FINANCIAL GUARANTEE IN THE AMOUNT OF \$5,213,968.00**

Tammy Ayetelotte (Planning) checklist completed.

Commissioner Froerer moved to approve the Legacy Mountain Estates, LLC Subdivision Improvement Agreement and financial guarantee in the amount of \$5,213,968.00; Commissioner Jenkins seconded.

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

5. **APPROVAL OF RESOLUTION 44-2021 OF THE COUNTY COMMISSIONERS OF WEBER COUNTY APPROVING AND ACCEPTING DEED OF IRREVOCABLE CONSERVATION OPEN SPACE EASEMENT**

Steve Burton (Planning) 877 acres with easement granted to Ogden Valley Land Trust to preserve the area as an open space for passive public uses (hiking, skiing, biking on trails, etc) from May 1st-Oct 31st; access during winter months with owner consent (for avalanche protection).

Commissioner Jenkins: Is hunting allowed?

Mr. Burton: Per CWMU, yes.

Ann Winston (SMHG, Developer): Intent is to maintain existing access to hunting.

Courtlan Erickson: Access to County land is not prohibited. Hunters would have access by transiting through subject parcel.

Miss Winston: Proposed signage clarifying access to adjacent county land.

Commissioners agreed to proposed signage.

Commissioner Jenkins moved to approve Resolution 44-2021 approving and accepting Deed of Irrevocable Conservation Open Space Easement with sign on right-of-way to access adjacent Weber County land; Commissioner Froerer seconded.


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

G. COMMISSIONER COMMENTS: None.

H. ADJOURN

Commissioner Froerer moved to adjourn at 11:22 a.m.; Commissioner Jenkins seconded.

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



James H. Harvey, Chair
Weber County Commission



Attest:



Ricky D. Hatch, CPA
Weber County Clerk/Auditor