

# COMMISSIONERS' MINUTES – DAVIS COUNTY

## JOINT PUBLIC HEARING MEETING MINUTES October 14, 2020

The Board of Davis County Commissioners met for their regularly scheduled meeting at 3:00 p.m. on October 14, in the Weber County Commission Chambers, 2380 Washington Blvd., Ogden, Utah. Required legal notice of this meeting was given.

Present on the dais were: Commissioner Lorene Miner Kamalu, Davis County Commission Chair; Bob J Stevenson, Davis County Commission Vice-Chair; Gage Froerer, Weber County Commission Chair; James H. "Jim" Harvey, Weber County Commission Vice-Chair; and Weber County Commissioner Scott K. Jenkins.

Also in attendance: Davis County Clerk/Auditor Curtis Koch; Davis County Surveyor Max Elliott; Kyle Corbridge, Davis County Chief Deputy Surveyor; Davis County Property Manager Tony Thompson; Weber County Clerk/Auditor Ricky D. Hatch; Matt Wilson, Deputy Weber County Attorney; Fatima Fernelius of the Weber County Clerk/Auditor's Office; and Mayor Gordon Cutler from Uintah City. Davis County Civil Attorney Mike Kendall and South Weber City Mayor Jo Sjoblom attended the meeting electronically.

Excused: Davis County Commissioner Randy B. Elliott.

All documents from this meeting are on file in the Davis County Clerk/Auditor's Office. The agenda for this meeting is incorporated into the minutes as item headers.

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### OPENING/ WELCOME

**Due to the coronavirus pandemic, special meeting circumstances apply.**

In consideration of the COVID-19 pandemic, masks were recommended and all in attendance were required to participate in a socially distanced manner. The meeting was also available via Zoom.

The Commission Meeting convened shortly after 3:00 p.m. with a welcome by Weber County Commissioner Froerer.

Weber County Commissioner Jim Harvey led the Pledge of Allegiance.

An invocation was offered by Weber County Commissioner Scott Jenkins.

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### PUBLIC HEARING

Commissioner Jenkins made a motion to adjourn the public meeting and convene a public hearing.  
Commissioner Kamalu seconded the motion. All voted Aye.

**Public hearing for consideration for adoption of a resolution approving minor adjustments to Davis and Weber Counties common boundary** — *Presented by Presented by Matt Wilson, Deputy Weber County Attorney*

Davis and Weber counties are trying to clarify where the boundary is and assist property owners that are affected to ensure their properties are in the correct counties. This resolution deals with three parcels. Parcel A is actually two different parcels next to each other, contiguous, which will be moving into Davis County. Further east, Parcel B will be moving into Weber County. Both County's Surveyor's Offices have worked together to ensure these are the property boundaries, that there are proper descriptions, and there is a map provided.

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*See Attachment B.*

There are questions about the validity of some old surveys, including one in 2002 revealing potential issues with the boundary line between Weber and Davis counties. The original line between the counties followed the Weber River, and many of the issues stem from the river changing course.

Weber County parcels 07-109-0025 and 07-109-0017 (previously referred to as Parcel A) currently lie south of the Weber River which, going back to that original description of the county boundaries, would put them in Davis County. Parcel 13-010-0016 (previously referred to as Parcel B) currently lies in Davis County but is north of I-84; there is no direct access from Davis County, which could cause issues with providing services.

Changing the boundaries will result in changes to where parcels are taxed, with a 3.3-acre piece going to Davis County and a 3.8-acre piece going to Weber County.

Commissioners are operating under statute in voting to move the boundary line. Additional steps include providing a confirmation of this action to the Lieutenant Governor's office. There is a difference in statute between making a minor boundary change versus a major boundary change. A minor boundary adjustment, pursuant to State Code § 17-2-209 and the Utah Constitution, is basically bringing the current property lines in congruence with the current county lines. A major change would require an election of both counties. This is a minor boundary change.

## PUBLIC COMMENTS

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Members of the public were invited to make comments to Commissioners.

Uintah Mayor Gordon Cutler said he and South Weber Mayor Jo Sjoblom formed a committee, with citizen members from each city, which brought the communities together to make recommendations. They are pretty much in agreement with what is happening. He said city lines should stay the same, and there is precedent that a city can be in two different counties. He sees this as a two-part process: The County line is changed, and then the property owners will request to de-annex from a city and seek annexation into the city where they want to be.

He asked Commissioners to remember this is being done as a minor boundary change and that there are a lot of properties that need the County line cleaned up.

In response to a question, Mayor Cutler said there are no residential homes that would annex in. The annexation would take place with raw ground, which could possibly be built on in the future. There is discussion of taking property out of Uintah and into South Weber to develop an RV park. There is some property on the north side of the river, now in Davis County, that is going to have to be addressed in the future but is not under consideration in this meeting. Also in response to a question, the Mayor agreed that at some point a major boundary adjustment will have to happen.

Davis County Surveyor Max Elliott was asked to explain how changes in rivers can change boundaries. In the case of accretion, which is slow and gradual change, property, County, and State lines move with the river. In the case of avulsion, when a river changes course suddenly in one night, the line stays where it was even though the river moved.

Mayor Sjoblom, via Zoom, said she agreed with Mayor Cutler's comments. The two cities did form a committee, had a discussion, and are in complete agreement with those boundary changes. Now they need to take this to their cities as they haven't discussed boundary changes with them.

[Commissioner Jenkins left the meeting at approximately 3:30 p.m., prior to the vote on the resolution.]

Commissioner Harvey made a motion to adjourn the public hearing and reconvene as a public meeting.  
Commissioner Kamalu seconded the motion. All voted Aye.

# COMMISSIONERS' MINUTES – DAVIS COUNTY

Resolution #2020-584 approving minor adjustments to Davis and Weber Counties common boundary

**Request for approval for adoption of Resolution #2020-584 approving minor adjustments to Davis and Weber Counties common boundary — Presented by Presented by Matt Wilson, Deputy Weber County Attorney**

A motion was made that the Davis and Weber Commissions approve the resolution presented [Davis County Resolution #2020-584/Weber County Resolution #36-2020], changing the property lines for the two Counties.

Motion: Com. Stevenson  
Seconded: Com. Harvey  
All voted Aye

## COMMISSION COMMENTS

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**Commissioner Stevenson** said it's been good working with the cities and the counties.

**Commissioner Kamalu** also commended the cities for their cooperation, and their involvement of citizens, and wished them well.

**Commissioner Harvey** thanked the Davis County Surveyor for his input. He also expressed appreciation for the cities working together and then working with the counties, noting that it's similar to what has been done with economic development. It's good for the people when everyone works together.

**Commissioner Froerer** referred to Mayor Cutler's remarks about the heavy lift of a full adjustment of the County boundaries. It's something that needs to be done. Knowing the river configuration, it's time to establish a hard boundary there that will carry on to the future. That is the intent from the Weber side.

**Commissioner Kamalu** said there is a lot to figure out and look at, but Davis County certainly wants to continue the discussions.

## MEETING ADJOURNED

A motion was made to adjourn the meeting.

Motion to Adjourn: Com. Stevenson  
Seconded: Com. Harvey  
All voted Aye

The meeting was adjourned at 3:38 p.m.

All publicly distributed materials associated with this meeting are noted as follows:

- A. Notice of a Joint Public Hearing, Board of Davis and Weber County Commissioners
- B. Exhibit for a Weber/Davis County Minor Boundary Adjustment [map]

Minutes prepared by:

Becky R. Wright  
Deputy Clerk/Auditor

Minutes approved on: 11/10/2020

/s/ Curtis Koch  
Curtis Koch  
Clerk/Auditor

/s/ Lorene Miner Kamalu  
Lorene Miner Kamalu  
Commission Chair