

MINUTES
WEBER COUNTY COMMISSION

Tuesday, January 2nd, 2024 – 10:01 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, Sharon Bolos, and Gage Froerer

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

A. WELCOME: Chair Froerer

B. PLEDGE OF ALLEGIANCE: Shelly Halacy

C. INVOCATION: Brandon Quinney

D. THOUGHT OF THE DAY: Chair Harvey: Some of the best mentors I have had in my life all share a common denominator in that they all want to learn. Gordon B. Hinckley was 90 something years old and always continued learning more and more. My Uncle Paul Harvey said:

"We try so hard to make things better for our kids, we made things worse. I'd like them to know that about hand-me-down clothes and homemade ice cream and leftover meatloaf sandwiches. I hope you learn humility by being humiliated. I hope that you learn honesty by being cheated I hope you learn to make your own bed and to mow the lawn and wash the car and I really hope nobody gives you a brand new car when you are 16. It would good at least one time to see puppies born and your old dog put to sleep. I hope you get a black eye fighting for something you believe in I hope you have to share a bedroom with your younger a bedroom with your younger brother or sister and it's all right if you have to draw a line down the middle of the room but when it but when it wants to crawl but when he wants to crawl under the covers with you because he's scared I hope you let him. When you want to see a movie and your little brother or sister wants to tag along, I hope you let him or her. I hope you have to walk uphill to school with your friends and that you live in a town where you can do it safely on rainy days when you have to catch a ride. I hope you don't ask your driver to drop you off two blocks two blocks away so you don't have to be seen riding with someone as uncool as your mom if you want a slingshot I hope your dad teaches you how to make one instead of buying one I hope you learn to dig in the dirt and to read books. When you learn to use computers, I hope you also learn to add and subtract in your head. I hope you get teased by your friends when you have when you have your first crush on a boy or a girl and when you talk back to your mother that you learn what Ivory soap tastes like. May you skin your knee climbing a mountain, burn your hand on a stove, and stick your tongue on a frozen flag pole. I don't care if you try a beer once but I hope you don't like it. If your friend offers you dope or marijuana or a joint, I hope you realize he or she is not your friend. I sure hope you make time to sit on a porch with your grandma and grandpa and go fishing with your uncle. May you feel sorrow at a funeral and joy during the holidays. I hope your mother punishes you when you throw a baseball through your neighbor's window and she hugs and kisses you at Christmas time when you give her a plaster mold of your hand. These things I wish for you: tough times and disappointment, hard work and happiness. To me it's the only way to appreciate life."

When I read that the other day, I thought, "Most of those things I remember." I love that I learned how to cook on a stove before there was a microwave. After my mom had left home, I'm glad to I learned how to wash dishes before we had the one that wheeled around and we had to hook it up to the kitchen faucet. I'm glad there was the ladies in the neighborhood that took care of me when I didn't know how to do much things for myself when I was little. I'm grateful for the experiences I've had.

E. PUBLIC COMMENT:

1. Tina Roar, Salt Lake City: Inland Port is talking about destroying wetlands near the Great Salt Lake. Once wetlands are destroyed you do not get them back.
2. Reberta Fletcher, Salt Lake City: I am asking you to vote no to adopt a Resolution to create UIPA in the Ogden area. I have not read nor heard any positive reasons why we need to develop these 8966 acres for industrial manufacturing. This was rushed upon us. Why was there no time for comment? UIPA has not been upfront nor clear to the people about how this proposal would affect their local communities and environment. Please vote 'no'.
3. Neil Davis, West Warren 900 S: I farm on each side of the road and getting a tractor down that road is already a scary thing. One blurb on page 13 that no one mentions is the 14k homes being allowed. The State archeologist was unable to be here. During the flood in 1982, they reset bones from over 100 graves that were disturbed in that area.
4. Leslie Loeffel (sp?), Huntsville, UT: I am so worried about this West Weber Inland Port plan. I fell it is contrary to what we are trying to do in preserving the Great Salt Lake and its wetlands. A large piece of this

property, Little Mountain, is half wetlands and water. Why would we want a major infrastructure there that will destroy these wetlands when we just awarded \$8.5M dollars to protect other wetlands around Great Salt Lake?

5. Kristin Purdy, Ogden, UT: I am also concerned about the Inland Port. I want to present some facts not included in Appendix E in the inventory document about natural resources in western Weber County. This information UIPA does not wish you to know because if you knew it might cause you to put on the brakes on this proposal. Weber County is the third smallest county in the state but 7th highest for bird species, specifically due to the rich habitat on the west side of the County where two thirds of the species have been documented. We have documented over 200 species of birds at Ogden Bay and 150 species of birds in the Harold Crane WMA. 55 species of birds in Little Mountain. At the north end of 8300 West, 134 species of birds have been documented. This is the best place in the state of Utah to see swans and rare geese in the winter. The 5900 West march in the West Weber zone has over 100 documented species. Please reconsider and put the brakes on this program until you've adequately studied the riches of West Weber County.
6. Susann Store, Ogden, UT: The term 'port' is a euphemism for a truck or train terminal. I think this is regressive to go for a truck terminal with climate change and all of the things happening in our world today.
7. Laura Johnston, Roy, UT: I appreciate the previous commenters. I hope that people in the future can see thousands of sand hill cranes. I hope that a single person walking along a trail in this area can hear a little march wren in the shrubs and bushes along the waterways. I hope people can walk out there and feel there feet stick in the mud and feel the pull of the earth. I hope, like Commissioner, that my hopes come true.
8. Karen Thurbur, Ogden, UT: I want to talk about air quality. We have two children with asthma. Asthma is up 20% along of the Wasatch Front. We do not need to tell anyone about the inversions. To add to the pollution with hundreds or thousands of trucks would be literally killing our children. Take time to conduct a study. Why the big rush?
9. Lynn Carol, Ogden, UT: I am concerned about having an Inland Port at the edge of Salt Lake for many reasons. I am a nature lover. I am concerned as a resident that will breathe the air as the Great Salt Lake dries. I am concerned as a taxpayer. I think a lot of what is going on is for the developers. I am eager for my taxpayer money to be used to keep the Great Salt Lake from drying up. Please vote no on today's Resolution.
10. Jill Hippwell (sp?), West Weber: It seems a lot of studies still need to be done. I do not think this follows the General Plan for that area. I want to go over a couple of statements from the General Plan. One is a community character to pursue preservation of funding for and design and reconstruction of the historic train stations or historic train station museums along the union along the historic Union Pacific railroads such as the Reece station and the West Weber station. Under the Parks and Recreation, seek opportunities to install multi-use paved trails along permanent features in the area such as railroads, etc. I believe that might be detrimental if we have the port out there to accomplish what people in our community agreed with. Then the one thing that really struck me in our general plan says the Union Pacific has made it clear that to expand crossings or create new crossings would mean closing two to five existing crossings. We don't have enough Crossings out there now. What's going to happen when we have that much more traffic on 12th Street and even on our railroad? We really need to think about our future. I want my kids to be able to do exactly what Paul Harvey's kids did. The more growth we get out there the worse it's going to get. We need to protect all of that and what we as our general plan wanted.
11. John Heinz, Ogden, UT: I am very much opposed to this on three issues. I do not understand the rush. It seems like bad government. I do not understand why we want to invest so much money on a questionable port in a questionable location. I wonder how much opposition exists. It reminds me an oversized apartment building rushed on 27th street that is now being torn down. Are you familiar with Rockefeller Parkway that links Grand Teton and Yellowstone National Parks? This property here sits between two wetlands and it strikes me as a more meaningful use of this land to serve as a link between the wetlands.
12. Angel Castillo, Ogden, UT: In 2019, I went to Governor Cox economic summit that was the beginning of the Inland Port conversation. There was an air quality conversation related to air particulates from the lake. Particulates from the lake are the biggest problem. I have spent over five hours speaking with your Planner going over the General Plan, which is genius, by the way, for its forward thinking. I trust you are going to make the right decision. I think you should have really long, engaged conversations with the public.
13. Elizabeth Waite (sp?): I am looking at the words in this chamber about Public Services, Public Trust, Customer Service, Financial Stability, and Continuous Improvement. I'm impressed that to bring the topic of the Utah Inland Port before you as commissioners, before the public has had an opportunity to understand the implications for the neighborhoods, for answering all of the questions that have been lingering and actually increasing over the last five and a half years, to consider that today with any vote particularly to pass it is premature. I'm looking particularly at public trust item - conduct the affairs of County government in such a way as to nurture public confidence. I know that when we run for public office, because I am a former public official myself, we do that because we want the public trust and we want to serve the public and build confidence in our consideration and regard for our constituents, for the public, in building for financial stability and improvement and customer service and public services in a way that everyone is clear about what the benefits and potential harms. Because there are presentations and opportunities for interaction to answer the questions that that come up in the public at this point but can come up even better when proper presentations are done that invite and allow the public to ask questions to understand better what's going on, where it's going to go, what the design plan is. I'm hearing other people comment about the planning and the need for planning and the history of planning in this County and how successful it has been. For this to be kind of an instantaneous presentation consideration potential vote and then basically setting you up for questions to come

after the fact I know that will corrode public trust because it raises questions about public participation and input and raises confusion. I know Inland Port leaders have mentioned that point about confusion but it is not public comment and people like me commenting it is the fact that people haven't had the opportunity to really understand what the benefits but really potential harms of the port are.

14. Teressa Santano: I waited to be the last to speak as I just learned of this yesterday. I thought when we voted on an Inland Port in 2019 or 2020 I thought it was for one port in the state. I am a birder, a hunter, and a water conserver. Give us some time. Breathe deep. Let the public know before all the decisions are made.
15. Chris Royball, President of the Utah Economic Alliance: Weber County has always been a powerhouse in industrial advanced manufacturing job creation. This property we have been discussing has been zoned for over forty years for industrial development. The market demand was not there then and is still not quite there now. But as we look at our region up here, BDO is filling to its capacity and we need to find the next places for job centers so our kids and grandkids can find employment. A study done the US Army Corps of Engineers on 200 acres of the core of that property show there are zero jurisdictional wetlands on the industrial property. We also conducted a phase one and phase two engineering study on 800 acres in the core of the property and found no endangered species or archeological issues. Nothing will be brought out here until the market dictates the timing is right.
16. Pete LeCain, Ogden, UT: I appreciate the opportunity to speak. My understanding of ports is they require a corridor. If this port serves the Salt Lake area, would it make sense to have rail to minimize the amount of truck traffic? We need time to find out what we are buying into.
17. Brent Davis: It was said there are no Indian archeological out there and that is false. It was also said there are no ponds. That is false, there are a lot of ponds out there.
18. Shawn Robinson, Brigham City, UT: I did not have time to prepare but I thought it was important to be here. There has not been a public hearing. Maybe this project is not the death of the Great Salt Lake and surrounding wetlands but it's the start.
19. Morgan ..., Ogden, UT: I am here to strongly oppose the Inland Port. It has been rushed and not thoroughly vetted by the public. This is publicly funded for private profits.

F. CONSENT ITEMS:

1. Warrants #9703-9810, #481265--481448 and #321-324 in the amount of \$6,007,394.43, dated December 26, 2023.
2. Warrants #9811-9840 and #481449-481521 in the amount of \$1,657,563.87.
3. Purchase orders in the amount of \$748,612.13.
4. Summary of Warrants and Purchase Orders.
5. New business licenses.
6. Declare Parcel Number 05-136-0039 as surplus property.
7. Surplus two DJI Mavic Drones for the Weber County Sheriff's Office.
8. Settlement agreement with Mylan Inc. in the opioid litigation case.
9. Settlement agreement with Sun Pharmaceutical in the opioid litigation case.
10. Utah Subdivision Agreement to Allocate Opioid Settlement Funds.
11. Amendment to an Interlocal Agreement with Uintah City for ballot drop box security cameras.
12. Contract with Winco Fireworks Utah, LLC for the Winco Fireworks Blast Off to be held at the Golden Spike Event Center.
13. Amendments to the Weber County Vehicle Use and Maintenance Policy.
14. Facility Rental Agreement with the Republican Party for Republican Party meetings to be held at the Weber Center.
15. Contract with Spikers Rodeo Team to hold the 2024 Spikers High School Rodeo at the Golden Spike Event Center.
16. Contract with Broken Heart Rodeo Company to hold the Cowboy Clash Boxing Smoker at the Golden Spike Event Center.

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

G. ACTION ITEMS:

1. **APPROVE AN APPOINTMENT OF WEBER COUNTY COMMISSION CHAIR AND VICE CHAIR.**

Commissioner Bolos: see motion below.

Commissioner Bolos moved to appoint Commissioner Jim Harvey as Chair for the Weber County Commission; Commissioner Froerer seconded.
Chair Froerer – aye; Commissioner Harvey – aye; Commissioner Bolos - aye

Commissioner Harvey moved to appoint Commissioner Sharon Bolos as Vice Chair for the Weber County Commission; Commissioner Froerer seconded.
Chair Harvey – aye; Commissioner Bolos – aye; Commissioner Froerer - aye

2. APPROVAL TO DIVIDE THE WEST HAVEN 10 PRECINCT TO COMPLY WITH STATE CODE.

Lauren Shafer (Elections Director): We are required above 1250 voters. West Haven District 10 currently has 1500 voters. We propose to split down a natural boundary along the canal creating District 14.

Commissioner Bolos moved to divide the West Haven 10 Precinct to comply with State Code; Commissioner Froerer seconded.
Chair Harvey – aye; Commissioner Bolos – aye; Commissioner Froerer - aye

3. APPROVE THE FIRST READING OF AN ORDINANCE AMENDING CHAPTER 2-15 OF THE WEBER COUNTY CODE.

Lauren Shafer (Elections Director): We want to make a couple of changes to the County Campaign Finance ordinance. State statute currently requires four reports including the annual report, the primary report, the general report and the final report. We want to add two requirements and make clarifying changes to the Penalty section. Currently, voters do not see what candidates are spending until seven days prior to Primary or General election, after most voters have mailed in their ballots. We want to add a Convention report to be filed seven days before that candidate's convention. We also want to add a pre-election report due seven days prior to ballots being mailed out for the primary election and/or general election. The clarifying changes in the penalty section are candidates can only be disqualified if they fail to file their primary or general report, which are the two that are required to be disqualified under state law, and that if they miss their 24-hour grace period. It also clarifies that candidates who fail to file reports cannot run for office again until their fine is paid with us or their statement is filed with our office.

Commissioner Froerer moved to approve the First Reading of an Ordinance amending Chapter 2-15 of the Weber County Code; Commissioner Bolos seconded.
Chair Harvey – aye; Commissioner Bolos – aye; Commissioner Froerer - aye

4. APPROVE A COOPERATIVE AGREEMENT WITH UTAH STATE UNIVERSITY FOR USU PROVISION OF EXTENSION SERVICES.

Jennifer Graham (Assistant Director, Culture, Parks, & Recreation): This a renewal for a three year agreement where we commit to a certain amount of finding for that department. Our portion is just under \$339k.

Commissioner Bolos moved to approve a Cooperative Agreement with Utah State University for USU provision of Extension Services; Commissioner Froerer seconded.
Chair Harvey – aye; Commissioner Bolos – aye; Commissioner Froerer - aye

5. APPROVE A CONTRACT WITH SQUIRE & COMPANY, PC FOR AUDITING SERVICES.

Ricky Hatch (Weber County Clerk/Auditor): We have external auditors that come in every year. Our contract with our existing auditors expired and bids went out for this service. We selected Squire and Company; they perform auditing services for Salt Lake County and Salt Lake Schools. This will be a five year contract.

Commissioner Bolos moved to approve a contract with Squire & Company, PC for auditing services; Commissioner Froerer seconded.
Chair Harvey – aye; Commissioner Bolos – aye; Commissioner Froerer - aye

6. APPROVE RESOLUTION 01-2024 APPROVING INTERLOCAL AGREEMENTS WITH MORGAN COUNTY AND PLAIN CITY FOR THE DISTRIBUTION OF ARPA FUNDS FOR THE CONSTRUCTION OF A NEW CHILDREN'S JUSTICE CENTER.

Chris Crockett (Lead Civil Attorney): This is exciting. Items G6 and G7 are the final agreements with the cities and the County and Morgan County for the contributions to the new Weber Morgan Children's Justice Center for a new CJC being built on land donated from the Ogden School District. Plain City and Morgan are contributing \$40k each while Ogden City is contributing approximately \$640k.

Commissioner Froerer moved to approve Resolution 01-2024 approving Interlocal Agreements with Morgan County and Plain City for the distribution of ARPA funds for the Construction of a New Children's Justice Center; Commissioner Bolos seconded.
Roll Call Vote: Chair Harvey – aye; Commissioner Bolos – aye; Commissioner Froerer - aye

7. **APPROVE A GRANT AGREEMENT BY AND BETWEEN WEBER COUNTY AND AFFILIATE WEBER MORGAN CHILDREN'S JUSTICE CENTER AND OGDEN CITY FOR FUNDING RELATED TO THE CONSTRUCTION OF THE WEBER MORGAN CHILDREN'S JUSTICE CENTER.**

Chris Crockett (Lead Civil Attorney): This is Ogden City's subrecipient grant agreement. (See Item G6 above for more details) Every city and Morgan County have now committed funding.

Commissioner Bolos moved to approve a Grant Agreement by and between Weber County and affiliate Weber Morgan Children's Justice Center and Ogden City for funding related to the construction of the Weber Morgan Children's Justice Center; Commissioner Froerer seconded.
Chair Harvey – aye; Commissioner Bolos – aye; Commissioner Froerer - aye

8. **APPROVE RESOLUTION 02-2024 REQUESTING THAT THE UTAH INLAND PORT AUTHORITY ADOPT CERTAIN LAND INTO ITS PROJECT AREA AND ADOPT A PROJECT AREA PLAN FOR SUCH LAND.**

Stephanie Russell (Economic Development Director): Before I present the Resolution, I would like your permission to entertain some of the dialogue from comments made earlier. I appreciate the public comments as these projects are very large and are not done flippantly. The County has put in an incredible amount of time and effort and community input into our General Plan. The General Plan was approved in July 2022 we started moving forward implementing that General Plan as a roadmap. We brought the developer in as a resource for us.

Charlie Ewert (Planning): Listening to some of the comments being made, we have similar goals, one being the protection of the Great Salt Lake as well as water fowl and water resources. The General Plan was an over two year process. One of the things the General Plan did not change was the industrial areas. We put a little bit of shape in that General Plan. The General Plan says you should have industry out there, your zoning shows at least 8,000 acres of heavy industry out there, but then your general plan also says balance these other interests including need for open space need for Parks and Recreation, need for um Environmental Protection, saving the Great Salt Lake, making sure that the water quality is protected. There is an assumption that if you approve an inland Port you are approving the paving paradise and putting up a parking lot and that is not the case at all. Your general plan would very much discourage that and that's not what approval of an inland Port would do. One commenter brought up a really good observation. On 5900 West there is a new Manufacturing and Technology Zone that was just adopted by the county this last year and we've been working hand-in-hand with that developer because there are some critical Wetland area there and some critical water fowls areas there. We connected the developer to the West Warren Parks district and that district is really interested in seeing that open space being preserved as well as protecting that riparian area and protecting that water fowl area and the developer agreed. Through the partnership the county had with that neighboring developer that whole area will be preserved permanently as a pond area both for Parks and Recreation as well as for environmental protection. If there are wetlands found in an area, the developer is responsible for... There are requirements for remediation of lost wetlands that must be followed including working with US Army Corps of Engineers to create five times the amount of new wetlands that you were destroying in a particular area.

Commissioner Froerer: We actually downzoned some of that area a couple of years ago. This is really just the start and not the end.

Commissioner Bolos: Can you briefly explain the difference between developing with and without the Inland Port? It was brought up that this project would be done at the expense of the taxpayers.

Miss Russell: The Inland Port would be part of our resource tool kit as a financial resource. We partner with Little Mountain Service area who are upgrading their sewer lagoon system and are the only entity with a

discharge permit to the Salt Lake. They would partner with Inland Port to provide a mechanical treatment facility that would be able to have a significant positive impact to how they discharge into Salt Lake. Also provides improvements for the storm water system.

Ben Hart, Director of Inland Port Authority: The question was financially how is this different? How are we ensuring that we're not just being a drain to the Weber County tax system and to those who were paying into that system? The mechanism we have been given by the state legislature is for the development that is going to occur in that area. As those users in the area pay into the tax system, we work with the County to get those tax monies directed in a way that helps pay for public infrastructure. This will not hurt the Great Salt Lake but will actually help the Lake and wetlands.

Commissioner Froerer: I just want to clarify the Resolution has provisions for the County to stand up. I was in the state legislature when the Inland Port was created and I have always been concerned that the state would come in and take control over local matters. This money is not money that goes to developers but to infrastructure and hopefully to UDOT to address that traffic problem.

Chair Harvey: I want to thank those who shared their comments today. Especially the person who said "I've never done this before."

Miss Russell: This project supports the General Plan 100%.

Commissioner Bolos moved to approve Resolution 02-2024 requesting that the Utah Inland Port Authority Adopt certain land into its project area and adopt a project area plan for such land; Commissioner Froerer seconded.

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

H. COMMISSIONER COMMENTS:

1. January's Stall of Fame Recipient is Ashley Thoman.

Gary Myers (Engineering Director): My department is all amazing overachievers. We get the chance to recognize Ashley Thoman. I have known Ashley a long time, since college. When he first started, he created a top five project list. His co-workers have said the following about him: He is a calming individual. He is always there to offer clarification. He is always willing to help.

Ashley Thoman (Engineering): This is an out of body experience. Thank you!

I. ADJOURN

Commissioner Froerer moved to adjourn at 11:59 am.; Commissioner Bolos 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