

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

Tuesday, July 12<sup>th</sup>, 2022 – 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:** Scott K. Jenkins, James "Jim" H. Harvey, and Gage Froerer.

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

**A. WELCOME:** Chair Jenkins

**B. PLEDGE OF ALLEGIANCE:** Tammy Aydelotte

**C. INVOCATION:** Chris Crockett

**D. THOUGHT OF THE DAY:** Commissioner Harvey: As we approach the celebration of when the pioneers landed in this valley, I wanted to recognize those who have spent so much time and energy making sure that tradition stays alive. We have our Pioneer Days celebration in Weber County, put on by Ogden City. A number of activities that are put on leading up to Pioneer Day. A kids rodeo tonight, a Hitch & Parade, a large rodeo on Monday the 25<sup>th</sup>, Miss Rodeo Utah, and more. I hope that all of us will remember that pioneer heritage and embrace that as that is who we are.

**E. PUBLIC COMMENT:**

1. Jan Fulmer, Eden, UT: Just a couple of questions. You are supposed to be voting for members of the Western Weber & Ogden Valley Planning Commissions. How many applications were received and are any involved with builders or with the building industry?

Commissioner Froerer: Thirteen applications received. Because the number is so high, the topic is postponed to a later date as we interview and work toward finding the most qualified people to appoint to that commission.

Mrs. Fulmer: Do they have to reapply when a position becomes available?

Commissioner Harvey: They have to reapply again but their applications are kept on file.

Rick Grover (Director, Planning): We reach out to the previous applicants and ask them if they would like to reapply.

Mrs. Fulmer: Second question, an item on the agenda is a planned residential unit development called Winston Park subdivision. Where on earth is that in Weber County?

Tammy Aydelotte (Planning): Western Weber Planning area at 3701 W 1800 S.

Mrs. Fulmer: Third question, the public presentation for the Water and Sewage Study will be July 27<sup>th</sup>. Can that be delayed as the Ogden valley news comes out 1<sup>st</sup> and 15<sup>th</sup> of the month?

Mr. Grover: Newspaper working to move up the publication date on July 25<sup>th</sup>. Snow Crest Junior High School is doing painting and may need to move venue out of the gym. Their library may work depending on available room or the elementary school.

2. Cindy Winham: I watched on election night and did not see when the thumb drives came out of the machine. We were told votes wouldn't be counted until 6pm election evening but there was a tally on the poll watcher monitor when counted commenced Tuesday evening. Ricky said we had enough votes to do an early count on (the previous) Friday. He told Daniel Badal the machines had been calibrated by the ES&S people and they would not be used or touched until after 8pm voting ended. I said, "Ok, we now know who is going to win the Primary; it's already been preloaded." For the canvas, Ricky said Deidre Henderson already selected the batch to be audited. They audited 303 out of over 30,000 votes, only 1% audit. I'm going to question the canvas that you are going to do today. I don't trust it, I don't believe it. I watched two different times lies, dishonesty, and suspicion.

**F. CONSENT ITEMS:**

1. Warrants #5812-5840, #469217-469327 and #182-185 in the amount of \$1,824,805.97.

2. Purchase orders in the amount of \$122,828.68.

3. Summary of Warrants and Purchase Orders.

4. ACH payment to USBank in the amount of \$238,215.76.

5. New business licenses.

6. Sale of Weber County surplus property identified as part of Parcel #04-022-0016 to Mettle Enterprises, Ltd.

7. Real Estate Purchase and Sale and Purchase Agreement with Richard A. Hyer and Bonnie L. Hyer for Parcel #11-044-0025.

8. Contract with Mathew Shechter to appoint an administrative law judge under Utah Code Ann. 17-33-4.5 to hear employment appeals referred by the Weber County Career Service Council.

9. Inter-local Agreements with the following cities for twenty-four surveillance on ballot boxes:

Harrisville City

Weber State University

Ogden City

Roy City

10. Surplus library equipment from the Weber County Library.
11. Surplus two Helmer Medical Grade Refrigerators from the Weber-Morgan Health Department.
12. Contract with the Weber County and Discovery Communications, LLC for filming at the Weber County Sheriff's Office.

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

**G. ACTION ITEMS:**

**1. WEBER COUNTY BOARD OF CANVAS - CERTIFICATION OF RESULTS OF THE JUNE 28, 2022 PRIMARY ELECTION.**

Lauren Shafer (Elections Director): 68,826 ballots sent to active, registered voters; total number of votes cast was 29,533, about 42.9%. By-mail votes were the largest form of returns. Of all the returned ballots, 375 ballots had issues where 175 were corrected through mail contact. 200 ballots could not be not counted; 140 signatures did not match voter records, 43 ballots were unsigned, and 17 ballots were signed by someone other than the voter. 52 provisional ballots cast, of which 45 were counted; 7 were wrong party affiliation. 2018 Republican turnout was 54%, this year was 41%; non-partisan turnout in 2018 was 14%, this year was 17%; by-mail and drop box returns in 2018 was 94%, this year was 97%; in person turnout in 2018 was 5%, this year it was 2%; undeliverable ballot rate in 2018 was 3%, this year was 1.4%.

Jim Owens, Riverdale 4 Precinct chair: Will these numbers be available to the public?  
 Ms. Shafer: Yes, they will be posted today after the meeting.

Chair Jenkins: To Ms. Winham's question, she said when the machines were turned on, the monitor instantly showed a count.

Ms. Shafer: We actually have the full election period to begin scanning ballots. We started to count some of them the Friday before which is why those vote totals were in there. So the numbers she viewed were from ballots already received by mail or in a drop box. While no election observers were present for that count, the schedule was posted at least one week in advance of what our processes were each day.

Ms. Winham: This conflicts with what was told by Ricky to Daniel Badal. It doesn't seem wise practice to count with no one to witness.

Chair Jenkins: Were any votes loaded when times were not open (to witness)?

Ms. Shafer: No, we did everything according to our processing schedule, per statute posted ahead of time.

Commissioner Harvey: You and your team are to be commended with regards to what goes on. I would like to see a little friendlier way to navigate the election website. It makes sense to me to load as the statute allows.

Mr. Owens: How long would it have taken to wait to process those less than 15k votes? And is there really an advantage to processing early?

Ms. Shafer: We never know what our volume is going to be. We process early to ensure that the votes that come in between the weekend and election day can be processed in time to post results Tuesday at 8pm. Waiting to count those 15k votes take about an hour to count but a whole day to get through all the ballot processing steps.

As the Weber County Board of Canvassers, Commissioner Froerer moved to certify the results of the June 28, 2022 Weber County Board of Canvas - for the 2022 Primary Election; Commissioner Froerer seconded.  
 Weber County Board of Canvassers: Commissioner Froerer – aye; Commissioner Harvey – aye; Chair Jenkins – aye

**2. APPROVE OF CONTRACT WITH ZIONS BANK PUBLIC FINANCE, INC., TO UPDATE THE COUNTY'S IMPACT FEES FOR SEWER, STORM DRAIN, ROADS, AND PATHWAYS.**

Chad Meyerhoffer (Engineering): Two consultants bid and Zion's was successful candidate with a \$58,983 contract. Completion due by end of this year.

Commissioner Harvey moved to approve contract with Zions Bank Public Finance, Inc., to update the County's Impact Fees for Sewer, Storm Drain, Roads, and Pathways; Commissioner Froerer seconded.  
 Commissioner Froerer – aye; Commissioner Harvey – aye; Chair Jenkins – aye

3. **APPROVE RESOLUTION 35-2022 APPOINTING MEMBERS TO THE WESTERN WEBER PLANNING COMMISSION.**

Rick Grover (Director, Planning): Three positions to consider, with four candidates.

Commissioner Harvey moved to approve Resolution 35-2022 reappointing Andrew Favero, Bren Edwards, and Wayne Andreotti as members to the Western Weber Planning Commission; Commissioner Froerer seconded. Commissioner Froerer – aye; Commissioner Harvey – aye; Chair Jenkins – aye

4. **APPROVE RESOLUTION 36-2022 APPOINTING MEMBERS TO THE OGDEN VALLEY PLANNING COMMISSION.**

This item is on hold until next week.

Commissioner Froerer moved to approve Resolution 36-2022 appointing members to the Ogden Valley Planning Commission; Commissioner Harvey seconded. Commissioner Froerer – aye; Commissioner Harvey – aye; Chair Jenkins – aye

5. **APPROVE A CONTRACT WITH VICTUS ADVISORS TO PROVIDE THE GOLDEN SPIKE EVENT CENTER WITH A FEASIBILITY STUDY.**

Commissioner Harvey: Victus won out of three candidates, largely on price being almost \$40,000 less. They take a very data-driven approach to a feasibility study on the fairgrounds. Process will take about four months resulting in a study reporting on the dynamics of Weber County; they will look at local, regional, and national trends with future projections from those trends; they will survey customers, staff, and community members.

Commissioner Harvey moved to approve a contract with Victus Advisors to provide the Golden Spike Event Center with a feasibility study; Commissioner Froerer seconded. Commissioner Froerer – aye; Commissioner Harvey – aye; Chair Jenkins – aye

6. **FINAL APPROVAL FOR WINSTON PARK SUBDIVISION, A PLANNED RESIDENTIAL UNIT DEVELOPMENT CONSISTING OF 54 RESIDENTIAL UNITS, TWO OPEN SPACE PARCELS, AND COMMON AREA TOTALING APPROXIMATELY 40.259 ACRES. THIS REQUEST INCLUDES CREATION AND CONTINUATION OF COUNTY ROADS- LVW020421.**

Tammy Aydelotte (Planning): Subdivision is located at 3700 W 1800 S. Public parcels will be used for a public trail, fire road, pasture area, drainage basin and common area with turf grass. Open space, common area, etc, to be maintained by the HOA. Includes dedication of five new county roadways. Planning Commission denied approval in May 2021 due to lack of water final approval letters, which are now secured. This subdivision will create five additional county roadways which requires accepting dedication of those five new roadways.

Commissioner Harvey moved for final approval for Winston Park Subdivision, a Planned Residential Unit Development consisting of 54 residential units, two open space parcels, and common area totaling approximately 40.259 acres. This request includes creation and continuation of County roads - LVW020421; Commissioner Froerer seconded. Commissioner Froerer – aye; Commissioner Harvey – aye; Chair Jenkins – aye

7. **APPROVE A CONTRACT WITH THE STATE OF UTAH GOVERNOR’S OFFICE OF ECONOMIC OPPORTUNITY FOR UTAH OUTDOOR RECREATION GRANT.**

Stephanie Russell (Economic Development Director): We have applied for and received a \$81,540.36 grant for second phase of trail wayfinding signage. This contract outlines the conditions of receiving and exercising the grant.

Commissioner Harvey moved to approve a contract with the State of Utah Governor’s Office of Economic Opportunity for Utah Outdoor Recreation Grant; Commissioner Froerer seconded. Commissioner Froerer – aye; Commissioner Harvey – aye; Chair Jenkins – aye

**H. COMMISSIONER COMMENTS:**

1. Commissioner Harvey: I really appreciate the extra effort being done in the Economic Development group right now. I’ve seen a marked difference with the position change and the coordination and communication within the staff.

**I. CLOSED MEETING:**

1. Closed meeting to discuss the purchase, exchange, or lease of real property.  
    Froerer motioned 10:55am

Commissioner Froerer moved to close this meeting and move to a closed session at 10:55 a.m.; Commissioner Hrvy seconded.  
Commissioner Froerer – aye; Commissioner Jenkins – aye; Chair Harvey – aye

**J. ADJOURN**

Commissioner Harvey moved to adjourn at 11:16 a.m.; Commissioner Froerer seconded.  
Commissioner Froerer – aye; Commissioner Jenkins – aye; Chair Harvey – aye

Attest:

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Scott K. Jenkins, Chair  
Weber County Commission

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Ricky D. Hatch, CPA  
Weber County Clerk/Auditor