

MINUTES
WEBER COUNTY COMMISSION

Tuesday, September 26th, 2023 – 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: Gage Froerer, James "Jim" H. Harvey, and Sharon Bolos
STAFF PRESENT: Lynn D. Taylor, of the County Clerk/Auditor's office; 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: Stephanie Russell

C. INVOCATION: Jim Retallick

D. THOUGHT OF THE DAY: Commissioner Harvey: Gordon Bitner Hinckley said, "Being humble means recognizing we are not on earth to see how important we can become but to see how much difference we can make in the lives of others." I think we, Commissioners, are surrounded by a bunch of people that could be viewed as humble. We asked our team collectively two months ago how to take care of our employees. Collectively, our departments found \$2.4M in savings. This is a fantastic example of allowing our employees to make big management decisions. I just want all of them to know what a difference you are making in the lives of others.

E. PUBLIC COMMENT: NONE.

F. PRESENTATIONS:

1. Recognition of Weber County for its support of public defense and of the constitutional rights of its citizens:

Matt Barraz (Utah Indigent Defense Commission Executive Director): I want to thank the Commission for allowing us time on the agenda to thank you for what you do for your constituents through the Public Defender office. I assumed this role in 2021; I was really thrilled to hear Weber County creating a Public Defender office at that time. There are so many measurable benefits to having this office. They do not have to worry about running a business but can focus on their clients. Weber County is the only county in the state where the Public Defender office is a part of the county itself. That is why the IDC has been so interested in being a partner with Weber County as well. We helped with the startup costs of the new office. We continue to dedicate a significant portion of our grant money in ongoing funds to Weber County. This fiscal year we are going to contribute 23% of the budget for this office.

Adam Trupp (Utah Indigent Defense Commission Assistant Director): I really appreciate you having us out for this. This is a huge step. No other county has taken this kind of step; no other county has been this dedicated. I have been working on this issue for more than 10 years. What has been really gratifying is seeing Weber County step up when no other counties have. As you know administrating the criminal justice system is one of the fundamental purposes of government. Providing the representation on the defense side is a civil liberty and a protected right. We have a letter we would like to leave with you. Part of our responsibility is to help fund the mandate the state has given. Grant funding helps support improvements in the public defender system. We are here to listen to what you need. If you know anyone in a position of authority in the legislature, it's always helpful to reach out.

Mr. Barraza: We want to recognize the great hire you made in Jim Retallick. He is a tremendous leader full of ideas, energy, and creativity. He has made great recent hires in Mark Augustine and Professor Lancaster who are starting the Social Services portion of the office that can really be transformative in the lives of the people they serve.

Jim Retallick (Public Defender Director): I just couldn't be more proud of the people working for us. This office would be nothing without them. They are what makes us successful.

Commissioner Harvey: A great leader surrounds himself with great people. Mr. Barraza, I appreciate you will provide 23% of the county's budget. I took that literally as 23% of the county's entire budget. We appreciate that that is on county record. We appreciate that very much.

Commissioner Bolos: Thank you to everyone on Jim and his team. I've worked with him on the CJCC and gotten insight into exactly what his department does. I appreciate the work, thank you to everyone.

Chair Froerer: My first relationship with the IDC side was actually while the appropriations committee I chaired was responsible for funding the IDC. We feel this is a model for the state of Utah going forward. When I asked Jim what's the P and L (profit and loss) on this, understanding in this field of work it's hard to put a number on it. Jim said, we do have a 'P' and it's the success we see in keeping people off of drugs, out of jail, putting them as a valued member of the community. There is a cost to the county but at the end of the day I think this saves us money.

G. CONSENT ITEMS:

1. Warrants #8971- #9077, #479253 - #479448 and #293 - #294 in the amount of \$3,707,482.36.
2. Purchase orders in the amount of \$654,049.60.
3. Summary of Warrants and Purchase Orders.
4. Minutes for the meetings held on September 19, 2023.
5. New business licenses.
6. Surplus equipment for the Weber County Sheriff's Office in order to outfit Rescue 61 with a more efficient extrication tool
 - a. Commissioner Bolos: This equipment is not cheap and smaller agencies really benefit from us surplus while it helps us offset the cost of new equipment. Thanks to Eli Johnson (Emergency Management Technician/Planner/Coordinator) for making that happen.
7. Surplus equipment for the Weber County Roads/Weeds Department.
8. Surplus 1995 Honda compact tractor for the Weber County Library.
9. Modification to GSBS Architect Jail Expansion contract #5786.
10. Amendment to the public defender contract with Carl N. Anderson III to reduce scope.

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

H. ACTION ITEMS:

1. **APPROVAL OF A SUBRECIPIENT AGREEMENT FOR AMERICAN RESCUE PLAN ACT SLFRF FUNDS FOR LITTLE MOUNTAIN SERVICE AREA LAGOON REHABILITATION AND INFILTRATION MITIGATION.**

Stephanie Russell (Economic Development Director): This request is on behalf of Little Mountain Service Area. This is the only provider of sewer and waste water services in West Weber corridor. The current system has waste water infiltration issues. \$250k of county ARPA funds is being requested.

Commissioner Harvey moved to approval of a subrecipient agreement for American Rescue Plan Act SLFRF Funds for Little Mountain Service Area Lagoon Rehabilitation and Infiltration Mitigation; Commissioner Bolos seconded.

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

2. **APPROVAL OF A SUBRECIPIENT AGREEMENT FOR AMERICAN RESCUE PLAN ACT SLFRF FUNDS FOR LITTLE MOUNTAIN SERVICE AREA LAGOON REHABILITATION.**

Stephanie Russell (Economic Development Director): We were able to secure \$5M of state ARPA funding for rehabilitating the existing lagoon system. Technology upgrades and repairs will help it discharge into the Great Salt Lake at full capacity potential of 375K gallons per day. That \$5M can only be used for construction projects. An additional \$300K of county ARPA funds is being requested for project management and engineering costs.

Commissioner Harvey moved to approval of a subrecipient agreement for American Rescue Plan Act SLFRF Funds for Little Mountain Service Area Lagoon Rehabilitation; Commissioner Bolos seconded.

Commissioner Harvey – aye; Commissioner Bolos – aye; Chair Froerer – aye

3. **APPROVAL OF A CONTRACT WITH SKC HOCKEY FOR THE OGDEN MUSTANGS 2023-2024 AGREEMENT ON ICE RENTAL, FACILITY STORAGE AND OPERATIONS.**

Mariko Rollins (Ice Sheet Director): This agreement is a continuation of thirteen seasons with this team. Weber State benefits with players who age out of this program and enter their program.

Commissioner Harvey moved to approval of a contract with SKC Hockey for the Ogden Mustangs 2023-2024 Agreement on Ice Rental, Facility Storage and Operations; Commissioner Bolos seconded.

Commissioner Harvey – aye; Commissioner Bolos – aye; Chair Froerer – aye

4. **APPROVAL OF A CONTRACT WITH LUCAS ADAMS FOR INDIGENT DEFENSE IN THE SECOND DISTRICT COURT.**

James Retallick (Public Defender): Lucas Adams has agreed to assume a contract being surrendered by Kevin Richards.

Commissioner Bolos moved to approval of a contract with Lucas Adams for Indigent Defense in the Second District Court; Commissioner Harvey seconded.

Commissioner Harvey – aye; Commissioner Bolos – aye; Chair Froerer – aye

5. **APPROVAL OF AN AGREEMENT WITH ROMERO’S CONSTRUCTION, INC. TO REPLACE DAMAGED CURB AND GUTTER IN WOLF CREEK AREA AND CONSTRUCT CURB, GUTTER AND SIDEWALK ON 4300 WEST TO FILL IN A GAP.**

Ashley Thoman (Engineering): Two separate projects contracting with the same contractor who was the lowest bid received. Prop 1 and escrow money proposed to cover the work at 4300 West and Municipal Service and Engineering Contract Services funds for work at Wolf Creek.

Commissioner Bolos moved to approval of an agreement with Romero’s Construction, Inc. to replace damaged curb and gutter in Wolf Creek area and construct curb, gutter and sidewalk on 4300 West to fill in a gap; Commissioner Harvey seconded.

Commissioner Harvey – aye; Commissioner Bolos – aye; Chair Froerer – aye

6. **APPROVAL OF RESOLUTION 42-2023 APPROVING INTERLOCAL AGREEMENTS WITH THE FOLLOWING ENTITIES FOR THE DISTRIBUTION OF CORONAVIRUS STATE AND LOCAL RECOVERY FUNDS FOR THE CONSTRUCTION OF A NEW CHILDREN’S JUSTICE CENTER:**

**UINTAH CITY
RIVERDALE CITY
WEST HAVEN CITY
PLEASANT VIEW CITY
FARR WEST CITY**

Bryan Baron (Civil Attorney): The county is going to build a new Children’s Justice Center. We have asked cities to contribute a portion of their ARPA funds to help with construction. The amount contributed is proportional to each cities use of the Children’s Justice Center over the past three years.

Commissioner Bolos moved to approve Resolution 42-2023 approving interlocal agreements with the above listed entities for the Distribution of Coronavirus State and Local Recovery Funds for the Construction of a New Children’s Justice Center; Commissioner Harvey seconded.

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

7. **APPROVAL OF AN AGREEMENT WITH HOGAN & ASSOCIATES CONSTRUCTION, INC. WHERE THE BASIS OF PAYMENT IS THE COST OF THE WORK PLUS A FEE WITH A GUARANTEED MAXIMUM PRICE.**

Kassi Bybee (OECC & Peery’s Egyptian Theater General Manager): I wanted to thank Liam Keogh, Scott Mendoza, and Jason Horne, who is quoted saying “We did this right.” This is a construction manager/general contract meaning the contractor comes in early and works with us during the design and bid phase to keep the prices as low as possible. Doing a bid process to get the best price we can for each portion of this remodel. It’s a good relationship and we are on the same page.

Commissioner Harvey moved to approval of an agreement with Hogan & Associates Construction, Inc. where the basis of payment is the Cost of the Work Plus a Fee with a Guaranteed Maximum Price; Commissioner Bolos seconded.

Commissioner Harvey – aye; Commissioner Bolos – aye; Chair Froerer – aye

I. PUBLIC HEARING:

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

Commissioner Bolos moved to adjourn the public meeting and convene public hearings, 10:43 a.m.; Commissioner Harvey seconded.

Commissioner Harvey – aye; Commissioner Bolos – aye; Chair Froerer – aye

2. Public hearing to consider a county initiated ordinance amendment to implement water-wise landscaping regulations that align with the Weber Basin Water Conservancy District and State of Utah turf removal incentives, ZTA 2023-04.

Steve Burton (Planning): The proposed Ordinance amends the county’s design standards for commercial, manufacturing, institutional, multi-family, and single family uses as it relates to water-wise landscaping in

the Western Weber Planning area and not the Ogden Valley Planning area. Western Weber Planning Commission forwarded a positive recommendation in July 2023. Ogden Valley Planning Commission unanimously denied the proposal on July 18th for the following reasons:

1. The proposed text amendment is not consistent with the General Plan.
2. The proposed text amendment is not in the best interest of the general public.
3. The commission would like to see these incentive programs applied to residents of the Ogden Valley Planning area without adopting the proposed landscaping restrictions.

The proposed ordinance limits the amount of turf grass to no more than 35% of the front and side yard of a lot or parcel (and for the Western Weber Planning area only) *or* no more than 3k square feet of the entire lot area or parcel, whichever is greater. The second requirement is no more than 15% of the total lot area can be irrigated turf grass for commercial, industrial, institutional, and multi-family development. The third requirement states that irrigated turf in a park strip and other yard areas less than 8 feet wide is prohibited on all projects. All non-conforming landscaping needs replaced if a land owner makes site improvements or building expansions that modify 25% of the site or 20k sq ft. With these new regulations, affected residents would be able to take advantage of reimbursement programs through the state and through Weber Basin. The staff recommendation is for approval for only the Western Weber Planning area.

3. Public Comments: None.

4. Request for a motion to adjourn public hearings and reconvene public meeting.

Commissioner Bolos moved to adjourn the public hearings and reconvene public meeting, 10:49 am; Commissioner Harvey seconded.

Commissioner Harvey – aye; Commissioner Bolos – aye; Chair Froerer – aye

5. Action on public hearing:

H2: Approval of county initiated Ordinance 2023-29 implementing water-wise landscaping regulations that align with the Weber Basin Water Conservancy District and State of Utah turf removal incentives, ZTA 2023-04.

Commissioner Harvey moved to approve county initiated Ordinance 2023-29 implementing water-wise landscaping regulations that align with the Weber Basin Water Conservancy District and State of Utah turf removal incentives, ZTA 2023-04; Commissioner Bolos seconded.

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

J. COMMISSIONER COMMENTS:

1. Commissioner Harvey: I was just thinking how proud I am that you are now being called your Honor.
2. Commissioner Bolos: Commissioners, we received a text from Shelly last week with two photos showing Courtlan Erickson helping a blind man across the street. We have good people working at the county.
3. Chair Froerer: Get up and enjoy the changing color in the leaves.

K. ADJOURN:

Commissioner Bolos moved to adjourn at 10:52 am.; Commissioner Harvey seconded.

Commissioner Harvey – aye; Commissioner Bolos – aye; Chair Froerer – aye

Attest:

Gage Froerer, Chair
Weber County Commission

Ricky D. Hatch, CPA
Weber County Clerk/Auditor