

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

Tuesday, November 22<sup>nd</sup> 2022 – 5:35 p.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:** Ricky Hatch, County Clerk/Auditor; Liam Keogh, County Attorney's Office; and Craig D. Brandt, of the County Clerk/Auditor's office, who took minutes.

**A. WELCOME:** Chair Jenkins

**B. PLEDGE OF ALLEGIANCE:** Shelly Halacy

**C. INVOCATION:** Chris Crockett

**D. THOUGHT OF THE DAY:** Chair Jenkins: My thoughts go to the things we are doing here tonight. The reason we invite everyone here are the resolutions we are passing. It's important people hold us accountable and .... Someone came to our work meeting and asked "Can I come here every week and listen? I didn't realize it was that easy." It is that easy! We want you here. We will greet you warmly. You have the ability and right to speak out against us. I wish more people would hold other elected people to this standard.

**E. PUBLIC COMMENT:** NONE.

**F. CONSENT ITEMS:**

1. Warrants #6674-6730, #472706-472845 and #219-221 in the amount of \$3,734,991.95.
2. Purchase orders in the amount of \$74,328.01.
3. Summary of Warrants and Purchase Orders.
4. New beer license.
5. New business licenses.
6. Surplus equipment including a 2014 Ford Explorer and a 2014 Ford F-150 for the Weber County Roads & Weeds Departments.
7. Surplus office equipment from the Weber County Parks & Recreation Department.
8. Contract with Mill Street Entertainment for entertainment at the TCG Worldwide Review.
9. Contract with Aqua Engineering for Wastewater Consulting Services.
10. Sale of surplus property identified as Parcel #11-340-0001 for Weber County Community Development Department.

Commissioner Froerer moved to approve the consent items excluding Item F8; Commissioner Harvey seconded.

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

**G. ACTION ITEMS:**

Commissioner Harvey moved to (adjourn the public meeting and) convene as a Board of Canvassers, 10:26 p.m.; Commissioner Froerer seconded.

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

**1. WEBER COUNTY BOARD OF CANVAS- CERTIFICATION OF RESULTS OF THE NOVEMBER 8, 2022 GENERAL ELECTION.**

Lauren Shafer (Elections Director): 128,868 ballots were mailed with 77,816 returned for a 60.4% turnout rate. 48,756 ballots not returned by voters which is about 37.8%. 2926 ballots were undeliverable or 1.8%. State statute requires we review how ballots were not counted and results of provisional ballots. For the 1110 Ballots not counted:

- 118 ballots were returned past the deadline
- 827 ballots had signatures that did not match voter records
- 147 ballots returned unsigned
- 17 ballot envelopes signed by someone other than the voter
- 1 ballot envelope was empty

For the 577 provisional ballots:

- 550 were counted
- 27 were not counted
  - 4 had already voted
  - 4 had incomplete registration
  - 1 was invalid
  - 12 had no ID

- 2 had no proof of residency
- 4 that had the wrong precinct

State statute also requires we share the precinct level results. The 856 page Precinct Level Results report was already emailed to each of you.

The following are the results for each race:

- US Senate: Mike Lee
- US House District 1: Blake Moore
- State Treasurer: Marlo M. Oaks
- State School Board District 2: Joseph Kerry
- State Senate District 5: Ann Milner
- State House District 6: Matthew H. Gwynn
- State House District 7: Ryan D. Wilcox
- State House District 8: Jason B. Kyle
- State House District 9: Cal Musselman
- State House District 10: Rosemary Lesser
- State House District 11: Katy Hall
- State House District 12: Mike Schultz
- County Commission Seat A: Gage Froerer
- County Commission Seat B: Sharon Arrington Bollos
- County Attorney: Chris Allred
- County Clerk/Auditor: Ricky Hatch
- County Sheriff: Ryan Arbon
- Ogden School Board District 2: Stacy Bernal
- Ogden School Board District 4: Amber Allred
- Ogden School Board District 7: Joyce Wilson
- Weber School Board District 1: Kelly Larson
- Weber School Board District 2: Jan Burnell
- Weber School Board District 3: Bruce D. Jardine
- Weber School Board District 6: Janis Christensen
- Supreme Court Peterson: Yes
- Second District Court Neider: Yes
- Second District Court Williams: Yes
- Second District Court Edwards: Yes
- Second District Court Renstrom: Yes
- Second District Court Jensen: Yes
- South Ogden Justice Court Memmott: Yes
- Constitutional Amendment A: No
- City of Harrisville Bond: No

Chair Jenkins: I have a few questions to ask. Can you explain the two audits you performed?

Ms. Shafer: Yes. One audit was checking 900 Cast Vote Records and the other was auditing the signature verifications and voter registration details.

Commissioner Harvey: I was able to participate in one of the audits which was 100% accurate, no mistakes found. I am 100% in the Election office abilities and what you are doing there.

Commissioner Froerer: Is this the first time the state has required the audit or have we done this in past years?

Ms. Shafer: We have done this audit in previous years. For the past 5 or 6 years, the State Lieutenant Governor's office selects random ballots and we have to audit those ballots.

Commissioner Froerer: Some may say that 900 out of over 77000 ballots is a drop in the bucket. But statistically speaking that sample size has a margin of error of 2-3%. There can't be any question that this was a valid election on all elections.

Commissioner Harvey - As the Weber County Board of Canvassers, Commissioner Froerer moved to certify the results of November 8, 2022 Weber County Board of Canvas - for the 2022 General Election, as presented; Commissioner Froerer seconded.  
Weber County Board of Canvassers: Commissioner Froerer – aye; Commissioner Harvey – aye; Chair Jenkins – aye

2. **APPROVAL OF RESOLUTION 48-2022 APPROVING INTER-LOCAL AGREEMENTS FOR THE DISTRIBUTION OF CORONAVIRUS STATE AND LOCAL RECOVERY FUNDS FOR THE CONSTRUCTION OF A NEW CHILDREN’S JUSTICE CENTER WITH THE FOLLOWING ENTITIES: HUNSTVILLE TOWNSHIP, MARRIOTT-SLATERVILLE CITY, NORTH OGDEN CITY, SOUTH OGDEN CITY, ROY CITY, AND WASHINGTON TERRACE CITY.**

Chris Crockett (Lead Civil Attorney): This is the first batch of agreements. This one makes you proud to work and live in this county. Citizens are recognizing a crucial need for children in our county. The current facility is no longer big enough. The school district has been very generous in a long term lease of land for the new building. ARPA funds will be used to build a new facility and these interlocals will document the use of those funds.

Commissioner Froerer moved to approve Resolution 48-2022 approving Inter-local Agreements for the Distribution of Coronavirus State and Local Recovery Funds for the Construction of a New Children’s Justice Center with the following entities: Hunstville Township, Marriott-Slaterville City, North Ogden City, South Ogden City, Roy City, and Washington Terrace City; Commissioner Harvey seconded.  
Roll Call Vote: Commissioner Froerer – aye; Commissioner Harvey – aye; Chair Jenkins – aye

3. **APPROVAL OF CONTRACTS WITH FOLLOWING INDIVIDUALS FOR THE PRODUCTION OF OGDEN MUSICAL THEATER’S 5 CAROLS FOR CHRISTMAS:**

Cindy Johnson	Wig Designer
Shelly Burkhardt	Costume Designer
Heidi Hunt	Director
Marnae Morgan	Stage Manager
Cynthia Klump	Set Charge Artist
Marilyn Montgomery	Choreographer & Pops/Set Dresser
Kelli Morris	Music Director
Bailee DeYoung	Actor
Heather Rae Poffenberger	Actor
Meghan Parrish	Actor
Krystal Day	Actor
Allison Hogge	Actor
Justin R. Lee	Actor
Kaylee Wheeler	Actor
Lance Smith	Actor

Commissioner Jim Harvey: This represents the names of those participating as actors and crew.

Commissioner Harvey moved to approve contracts with the above listed individuals for the production of Ogden Musical Theater’s 5 Carols for Christmas; Commissioner Froerer seconded.  
Commissioner Froerer – aye; Commissioner Harvey – aye; Chair Jenkins – aye

**H. PUBLIC HEARINGS:**

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

Commissioner Froerer moved to adjourn the public meeting and convene public hearings, 6:12 p.m.; Commissioner Harvey seconded.  
Commissioner Froerer – aye; Commissioner Harvey – aye; Chair Jenkins – aye

2. Public hearing to take input on the Weber County 2023 Tentative Operating and Capital Budget.  
Scott Parke (Comptroller): Highlights of the proposed Weber County 2023 Tentative Operating and Capital Budget are:

Employee Compensation

- Employees will receive a 3% cost of living increase, plus a one time bonus based on performance evaluations.
- Health insurance costs increased by 14%.

Employee Staffing

The County's tentative budget includes several new positions more than to the prior year budget, as described below:

- Prosecutor to help with the increased case count in the County Attorney's Office
- New public defender positions as the county transitions from a contracted attorney model to an inhouse model for providing public defender services.
- Legal Clerk in the Public Defender's office to help with increased case counts
- Dedicated Records Officer to help manage county records and to fulfill public record requests
- Additional Information Security Analyst to help safeguard the County's IT infrastructure
- Journeyman Electrician to help maintain County facilities
- Senior Business Manager to help manage administrative responsibilities in the Culture Parks and Recreation Department
- Equipment Operator at the Roads department to help maintain County roads
- Business office manager to help manage increased workloads at the Weber Morgan Health Department
- Five new grant funded positions in the Center of Excellence to help with intergenerational poverty
- The Sheriff's Office has requested a permanent reduction of 12 vacant full time positions, with the savings from those positions to be reallocated to remaining staff

#### Other Items

The tentative budget also includes the following significant items:

- A \$4.8 million transfer from the general fund to capital projects to help fund various capital improvements.
- One time funding of \$1.5 million to the Culture Parks and Recreation Department to be used to maintain facilities
- Infrastructure improvements of \$2.3 million from County funds
- \$25 million in federally funded infrastructure projects paid for by the American Rescue Plan Act

3. Public hearing to receive input on all matters relating to a petition for the creation of Mount Ogden Public Infrastructure Districts No. 1, No. 2, and No. 3 (three separate public infrastructure districts) which are located in the Snowbasin area of unincorporated Weber County.

Chris Crockett (Lead Civil Attorney): In 2019, Senate Bill 228 passed Public Infrastructure District (PID) Act. PIDs are a process for developers to create a separate legal entity similar to water districts, mosquito abatement districts, etc. PIDs exist specifically in order to fund infrastructure that provides services similar to those provided under the County's Municipal Services Fund. That infrastructure then is transferred to an entity that will operate those services going forward. In order to create a PID, you have to have 100% consent of property owners and any voters within the PID boundaries. The debt is paid through property taxes and bonds levied by the PID. Debt issued by PID is not a liability of the county or state. Residents living outside the PID boundaries are not responsible for the costs of funding that infrastructure within the PID. We have worked closely with our bond council, financial advisor, and the Commission to develop a policy to govern the process. We require a petition signed by 100% of the owners within the District along with an application with maps, detailed description of what services will be provided, what types of infrastructure will be financed, long term projections, and identification of benefits to the county and nearby residents will receive. That will all be reviewed, which costs are paid by the applicant. Only large projects with expected public infrastructure costs over \$10M will be considered. Once the application is reviewed, the application is shared with the Commission and receive approval to start the negotiation process of a governing document under which the PID will operate. For these three PIDs, we have spent a year getting these documents prepared, having gone through many, many drafts. This governing document collectively covers all three PIDs. These PIDs will solely fund infrastructure and will be transferred to other existing Districts. Applicant must adhere to all federal, state, and county laws for

construction and safety standards. We establish a total amount of debt issuance for these three PIDs of \$300M total; this is based on projections of overall scope of the projects. We establish a Board of Trustees and define the process for selecting Board members. We require financial plans and reports to be submitted to the County for review. PIDs shall not pledge County revenue or property as security for indebtedness set forth in the governing document. Notification is required to any future property owners that the property is subject to a PID so they know ahead of time what they are getting into. With the governing document negotiated, a 'creating' Resolution will be passed authorizing and approving the governing document and establishing the three PIDs as independent bodies of politic; they will be their own independent entities with their own boards with the initial members being approved by the same Resolution. The initial board members will be Dave Hirasawa, Tim Hendon, and Bill Fiveash with each serving six, six, and four year terms respectively.

Jim Hill (VP of Development, Grand America Hotels and Resorts, parent company of Snow Basin): I just want to say thank you! It's been a pleasure and this can be a wonderful win/win for all.

4. Public Comments: None for either topic.

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

Commissioner Harvey moved to adjourn the public hearings and reconvene public meeting, 7:01 p.m.; Commissioner Froerer seconded.

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

6. Action on public hearing:

H2: No action required.

H3: Approve Resolution 49-2022 to approve the creation of the Mount Ogden Public Infrastructure Districts Nos. 1, 2, and 3 as independent bodies corporate and politic; authorizing and approving a governing document; approving an annexation area; appointing boards of trustees; and authorizing other documents in connection therewith.

Commissioner Froerer moved to approve Resolution 49-2022 to approve the creation of the Mount Ogden Public Infrastructure Districts Nos. 1, 2, and 3 as independent bodies corporate and politic; authorizing and approving a governing document; approving an annexation area; appointing boards of trustees; and authorizing other documents in connection therewith; Commissioner Harvey seconded.

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

#### I. COMMISSIONER COMMENTS:

Jackie Morales, North Ogden: I am the election poll worker Mr Hatch mentioned. I'm just a regular citizen. I've lived in North Ogden for about 22 years. And like many others, am concerned about how elections have been going on across the country. I represented Janis Christensen as a poll watcher. I didn't know Lauren or Mr. Hatch at all. Mr. Hatch treated me like a VIP. For all of those concerned about how elections are conducted in Weber County, I saw nothing but total professionalism, accuracy. If something was found as a discrepancy, every effort was made to resolve, and they did resolve it. One issue took almost an hour to fix as it was complicated but they fixed it. The other workers there worked tirelessly for multiple, multiple hours. I just wanted to say for the record for at least our county, I fully trust all they did.

Chair Jenkins: I would like to give you an ovation for spending a week and over 30 hours as a poll watcher. Thank you!

#### K. ADJOURN

Commissioner Froerer moved to adjourn at 7:06 p.m.; Commissioner Harvey 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