

MINUTES
WEBER COUNTY COMMISSION

Tuesday, May 2nd, 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: Shelly Halacy

C. INVOCATION: Craig Brandt

D. THOUGHT OF THE DAY: Commissioner Bolos: I heard an analogy several years ago from a friend regarding the Ogden marathon. He likened a marathon to our lives. When you run a marathon, only a few are running to win while the rest are running for their goals. It reminds me of one of my favorite sayings, "a twelve minute mile is just as far as a six minute mile." We are all in the same race with different goals and don't have to cross the finish line first to win.

E. PUBLIC COMMENT: NONE.

F. CONSENT ITEMS:

1. Warrants #7783-7883 and #475850-476050 in the amount of \$2,137,600.70.
2. Warrants #7884-7926, #476051-476216 and #262-263 in the amount of \$3,579,289.35.
3. Purchase orders in the amount of \$1,443,701.25.
4. Summary of Warrants and Purchase Orders.
5. ACH payment to Zions Bank in the amount of \$65,262.81.
6. Minutes for the meeting held on April 18th, 2023
7. New business licenses.
8. Surplus equipment for Weber County Golden Spike Event Center.
9. Local Transportation Funding Agreement with Utah Transit Authority to establish terms related to the Commuter Rail Corridor Preservation Project.
10. Access easement granted to the State of Utah, Division of Facilities and Construction Management.
11. Contract with Fremont High School PTSA for the Fremont High School Graduation Party to be held at the Golden Spike Event Center.
12. Contract with Weber School District for the Weber School District STEM Olympiad to be held at the Golden Spike Event Center.
13. Contract with Weber School District for the Weber School District Iron Kid Competition to be held at the Golden Spike Event Center.
14. Contract with Utah Holstein Association for the Weber County Dairy Days to be held at the Golden Spike Event Center.
15. Amendment to contract #230485 with the State of Utah AG Office for Weber-Morgan Children's Justice Center 2022-23 funding.
16. Amendment to contract #230486 by and between Weber County and the State of Utah AG Office for Weber-Morgan Children's Justice Center 2022-23 funding.
17. Inter-local Agreement by and between Weber County and Uintah City for surveying services.
18. Inter-local Agreement by and between Weber County and Huntsville Town for surveying services.
19. Weber County Government Guarantee Draft Text for future Olympic and Paralympic Winter games.
20. Amendment to a Professional Services Agreement with VCBO Architecture for the Ogden Eccles Conference Center remodel.
21. Tax refund in the amount of \$1,188.11 for Parcel #24-049-0006.
22. Modification to State of Utah Indigent Defense Commission Simplified Grant Application: State Fiscal Year 2023, for Indigent Defense Attorney in District Court
23. Inter-local Agreements with the following for election services in 2023 and 2025:
 - Hooper Water Improvement
 - Wolfcreek Water & Sewer Improvement District
 - Weber Fire District
 - North Ogden City
 - Farr West City
 - Uintah City
 - Marriott-Slaterville City

Huntsville Town
Washington Terrace City
Ogden City
Harrisville City
Plain City
Pleasant View City
Riverdale City
South Ogden City
West Haven City

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

G. ACTION ITEMS:

1. APPROVAL OF DECLARATION OF LOCAL EMERGENCY DUE TO IMMINENT FLOODING IN WEBER COUNTY.

Chair Froerer: Our first action item this morning is a Proclamation declaring a local emergency and invoking emergency powers in Weber County due to imminent county-wide flooding [Proclamation was read as follows]:

PROCLAMATION DECLARING A LOCAL EMERGENCY AND INVOKING EMERGENCY POWERS IN WEBER COUNTY DUE TO IMMINENT COUNTY-WIDE FLOODING

WHEREAS, pursuant to Utah Code Ann. §§ 53-2A-205 and 208, the Board of County Commissioners of Weber County has authority to declare a local emergency for Weber County; and

WHEREAS, the nature of this emergency is imminent and ongoing flooding resulting from excessive storm water run-off that is anticipated to increase as temperatures rise and the snowpack melts; and

WHEREAS, on March 18, 2023, Utah Governor Cox issued an executive order declaring a state of emergency as a result of imminent and ongoing flooding from the record-breaking snowpack that exceeds 200% in some areas; and

WHEREAS, as the snowpack melts, regional reservoirs located within the Weber Basin are anticipated to reach capacity and the water discharged from the reservoirs in the Weber Basin directly impacts the Ogden River, Weber River, and other watercourses within the County both natural and man-made;

WHEREAS, the County Roads Department, Emergency Management, and Engineering have been working to try to prevent or mitigate the risk of flooding by implementing flood control measures to protect the general public, businesses, and property within the County;

WHEREAS, despite those efforts, the banks along the rivers and watercourses within the County have been or are anticipated to be breached by high-water flow;

WHEREAS, an undetermined amount of precipitation may yet fall, further addition to the problem, and soils in many parts of the County have reached saturation and cannot absorb additional storm water;

WHEREAS, it is anticipated that extensive damage will occur on private and public property, trails, roads, bridges, utilities, and other public and private infrastructure;

WHEREAS, it is anticipated that the circumstances of the imminent flooding will exceed the capacity of the services, personnel, equipment, supplies, and facilities of Weber County; and

WHEREAS, these conditions meet the definition of a local emergency described in the Disaster Response and Recovery Act, specifically in Utah Code § 53-2a-208(1);

WHEREAS, declaring a state of emergency will activate the response and recovery aspects of local disaster emergency plans, facilitate the protection of persons and property from the imminent flooding, and permit the County to request and receive mutual aid assistance from the state, federal government, and other political subdivisions through mutual aid agreements;

NOW, THEREFORE, BE IT DECLARED BY THE BOARD OF COUNTY COMMISSIONERS OF WEBER COUNTY:

Section 1. Local Emergency. A local emergency exists in Weber County, Utah, due to imminent flooding.

Section 2. Assistance. This local emergency exceeds the resources of the community. Assistance is requested from both the State of Utah and the Federal Government to provide all necessary resources to protect against and restore damage done to Weber County residents and businesses.

Section 3. Emergency Powers. All necessary emergency powers and operations authorized under Utah Code Ann. § 53-2a-205 and 208 are hereby invoked, including the utilization of available resources to address the imminent flooding. All applicable local disaster and emergency plans are hereby activated.

Section 4. Mutual Aid. Weber County authorizes the furnishing of aid and assistance in relation to this Declaration through mutual aid agreements. Weber County also requests all assistance available pursuant to the laws of the United States of America, the laws of the State of Utah, and local ordinances and regulations.

Section 5. Government Immunity. Pursuant to Utah Code Ann. § 63G-7-201(4)(p) and (q), the County, its officers, and its employees are immune from suit for injuries that may arise from the management of flood waters or natural disasters and from the construction, repair, or operation of flood or storm systems.

Section 6. Duration. This Declaration shall take effect immediately and be declared ongoing and continuing for no more than 30 days until terminated or extended pursuant to governing law.

Section 7. Publication. This Declaration shall be on file for public inspection at the Weber County Clerk/Auditor's Office.

Section 8. Notice to Governor. A copy of this Declaration shall be sent to the Office of the Governor of the State of Utah.

Kudos to our county Roads (department) that started out plowing roads to snow slides to 18 foot high avalanches then transitioning to removing debris from our streams and rivers; I am very proud of what they have done.. I think the timeliness of this is important.

Chris Crockett (Attorney): Our office met this morning to go over the provisions of this document. We determined it was important enough to read out loud because, thankfully, these types of declarations are rare but they're incredibly important and do specific things under the law. It recognizes that we are facing a serious public safety issue. We have plans and there are statutes preparing us for moments like this. Essentially, this Proclamation let's the state of Utah and the federal government know we are facing a disaster with a financial cost to that. It also indicates time is of the essence, speeding up the process. I have been involved in watching our commission, engineering department, our roads department, our emergency management team, meet regularly and have in-depth discussions and they are continually following this situation because it changes every day. This Proclamation allows us to utilize more resources and give us more flexibility to respond even more quickly as we expect those increased flood waters to come. We are anticipating damage with this Proclamation helping us to mitigate that damage. The law gives protections and legal authority to do that. We anticipate that several cities will declare a local emergency as well. Proclamations are valid for 30 days and can be extended.

Lisa Swartz (Director, Emergency Management Services): Started over two months ago to talk about preparations for this with the Engineering and Roads departments. That conversation expanded one month ago to include the Commission and DWR, with Weber Basin Water Conservancy District and UDOT also in attendance. Mitigation has been ongoing for several years with efforts the past two months focusing on checks of all tributaries and rivers including using Sheriff's drones to check areas hard to access. I feel where we have done all of that preparation to the best of our ability. We are at that time of needing to respond. That is why we need the Declaration.

Gary Myers (Director, Engineering): The Weber in beginning of April was running at 2000cfs with a peak of 4300cfs; currently running 3900cfs with a projection of 4500cfs Wednesday night through Friday. Huge shout out to the agencies involved in helping; they have been tremendously helpful. Historically, in 2011 we lost a river bank at 3300cfs, leading to the building of the Little Weber Channel. We are in a much better spot than in 2011.

Eli Johnson (Sheriff): A big shout out to Weber Basin Water, National Weather Service, State hydrologists (Glenn), DWR staff at Ogden Bay keeping everything west of their gates clear. We are doing a lot better than in 2011 thanks to all those folks. All drainages are being flown once or twice a week to keep drainages clear. Utaba Reservoir has begun spilling over its top, adding to the water flow. 65,000 sand bags distributed since December. Anticipate new records for spring flows this year leading us to uncharted territory for stream flows and the amount of water through the drainages.

Commissioner Harvey moved to approve a Declaration of Local Emergency due to Imminent Flooding in Weber County; Commissioner Bolos seconded.
Commissioner Harvey – aye; Commissioner Bolos – aye; Chair Froerer – aye

2. **APPROVAL OF WEBER COUNTY RECREATION, ARTS, MUSEUMS AND PARKS ADVISORY BOARD'S REQUEST FOR THE 2023 RAMP EZ GRANT RECOMMENDATIONS.**

Shelly Halacy (Commission Office): EZ Grants are for projects \$2000 or less. 76 applications with equivalent \$138,600 with \$60k to fund. 34 applications were funded after the board spending many hours on their decisions.

Kevin Burns (RAMP Recreation & Parks Chair): Wanted to publicly thank Shelly and Stacy for everything they do for RAMP. It's a huge undertaking. Thank you for your support Commissioners.

Commissioner Bolos moved for approval of Weber County Recreation, Arts, Museums and Parks Advisory Board' request for the 2023 RAMP EZ Grant recommendations; Commissioner Harvey seconded.
Commissioner Harvey – aye; Commissioner Bolos – aye; Chair Froerer – aye

3. **APPROVAL OF CONTRACT WITH SCHINDLER ELEVATOR CORPORATION FOR KIESEL JAIL ELEVATOR MODERNIZATION.**

Sean Wilkinson (Community Development): This is a contract with Schindler Elevator to replace the existing elevator in the Kiesel facility. Contract amount is for \$94k.

Commissioner Harvey moved for approval contract with Schindler Elevator Corporation for Kiesel Jail Elevator Modernization; Commissioner Bolos seconded.

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

H. PUBLIC HEARINGS:

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

Commissioner Harvey moved to adjourn the public meeting and convene public hearings, 10:44 a.m.; Commissioner Bolos seconded.

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

2. Public hearing to consider and/or take action on an Ordinance of the proposed text amendment to the Weber County Land Use Code, creating an M-T (Manufacturing-Technology) zoning district, and allowing for certain uses within that zone, together with other regulations and requirements for the new zone. File ZTA 2022-04.

Bill Cobabe (Planning): On December 13th, Western Weber Planning Commission recommended approval. This just starts the process by changing the code; no rezoning is happening with this approval.

3. Public Comments:

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, 10:46 am; Commissioner Harvey seconded.

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

5. Action on public hearing:

H2: Approval of Ordinance 2023-08 of the proposed text amendment to the Weber County Land Use Code, creating an M-T (Manufacturing-Technology) zoning district, and allowing for certain uses within that zone, together with other regulations and requirements for the new zone. File ZTA 2022-04.

Commissioner Harvey moved to approve Ordinance 2023-08 of the proposed text amendment to the Weber County Land Use Code, creating an M-T (Manufacturing-Technology) zoning district, and allowing for certain uses within that zone, together with other regulations and requirements for the new zone. File ZTA 2022-04; Commissioner Bolos seconded.

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

I. COMMISSIONER COMMENTS

1. Commissioner Harvey: I am a little overwhelmed today at the love and support in the face of imminent danger our first responders place themselves frequently. Someone accidentally slid into the Weber near the Uintah bridge and first responders put their lives on the line to help. Recovery efforts are still ongoing. We have a great team here. This is far and away the best place in the country, in the world, you can live. I sure appreciate those in this county who serve others.

2. Commissioner Bolos: We all just spent time in local elementary schools with a coloring contest with Cohen Hughes' winning drawing near the elevators on the 3rd floor.

3. Chair Froerer: It was fun to get the kids' perspectives on what is important to them.

J. ADJOURN

Commissioner Bolos moved to adjourn at 10:51 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