

MINUTES OF THE MEETING OF THE TRUSTEES
OF THE CENTRAL WEBER SEWER IMPROVEMENT DISTRICT (CWSID)
HELD MONDAY, JANUARY 22, 2024, AT THE DISTRICT OFFICE
LOCATED AT 2618 WEST PIONEER ROAD, MARRIOTT-SLATERVILLE, UTAH.

Trustees Present: Mark Allen, Neal Berube, Sherri Bingham, Bart Blair, Bob Blind, Leonard Call, Gage Froerer, Rich Hyer, Braden Mitchell, Ben Nadolski, Russ Porter, Michelle Tait, Scott VanLeeuwen, and Rob Vanderwood.

Trustee Excused: Rod Westbroek

Others Present: Kevin Hall, Camille Cook, James Dixon, Mark Anderson, Clay Marriott, Shawn Wilson, Brett Nelson, Keith Larson, (Bowen Collins & Associates), Ryan Bench (Carollo Engineers), Yayha Abbas (YaYA Foods), Liesl Limburg (Ogden City), Rod Layton (Weber-Morgan Children's Justice Center), Jon Parry Weber Basin Water Conservancy District (WBWCD), David Sawyer (Ogden City), Justin Anderson (Ogden City), Damen Burnham (Ogden City), Brandon Cooper (Ogden City), Stephanie Russell (Weber County), David Hess (WBWCD), and Jake Young (CitiDesign).

Call to Order

Chairman Allen called the meeting to order at 5:01 p.m.

The pledge of allegiance was led by Trustee VanLeeuwen.

The invocation was offered by Trustee Mitchell.

Introduction and Oath of Office for New Board Members

Chairman Allen welcomed the new Board members: Sheri Bigham from Hooper City, Bob Blind from Farr West City, and Ben Nadolski from Ogden City. Chairman Allen mentioned that Camille Cook will be responsible for assigning the pledge and prayers for each Board meeting. He asked the Trustees to notify Camille if they have any concerns with the assignments.

District Clerk Camille Cook swore new Board Trustees Sherri Bingham, Bob Blind, and Ben Nadolski into office.

Election of Board Chair and Vice Chair

Chairman Allen advised the Board that, every two years in January, the Board Chair and Vice Chair positions are up for election. Chairman Allen commented that he would like to remain as Board Chair, but anyone else is also welcome to be nominated. Trustee Hyer moved to nominate Trustee Allen to remain as Chair. Trustee Tait expressed interest in the position of Chair of the Board, asked for support from the Trustees, and nominated herself. Trustee Froerer seconded both nominations. Trustee Van Leeuwen spoke in support of leaving the current Chair and Vice Chair in place. Trustee Berube suggested that Chairman Allen be kept in place as the Chair, but he would be comfortable with Trustee Tait in the Vice Chair position.

Following further discussion, it was moved by Trustee VanLeeuwen and seconded by Trustee Berube as follows:

That the position of Board Chair continue to be filled by Mark Allen and that the position of Vice-Chair continue to be filled by Rich Hyer.

The motion carried by the affirmative roll call vote of Trustees Allen, Bingham, Blair, Blind, Froerer, Hyer, Nadolski, and VanLeeuwen. Nay votes were given by Trustees Vanderwood, Porter, Mitchell, Berube, and Tait.

Public Comment

There were no public comments.

Minutes of December 11, 2023 Board Meeting Approval

It was moved by Trustee Porter and seconded by Trustee Van Leeuwen as follows:

That the December 11, 2023 Board meeting minutes be approved as presented.

The motion carried by the affirmative vote of Trustees Allen, Berube, Bingham, Blair, Blind, Froerer, Hyer, Mitchell, Nadolski, Porter, Tait, VanLeeuwen, and Vanderwood.

Ratification of Vouchers

Camille Cook reminded the Trustees about vouchers that previously were approved by the Board prior to payment, and recommended ratification of the December 2023 Check Register, which is an itemized list of all payments made by the District during December, in the total amount of \$6,910,202.73. Chairman Allen noted that the entire Check Register is in the Board meeting packet every month for review.

It was moved by Trustee Hyer and seconded by Trustee Mitchell as follows:

That the December 2023 Check Register be ratified and approved as presented in the total amount of \$6,910,202.73.

The motion carried by the affirmative vote of Trustees Allen, Berube, Bingham, Blair, Blind, Froerer, Hyer, Mitchell, Nadolski, Porter, Tait, VanLeeuwen, and Vanderwood.

Consideration of Impact Fee Requests for Waiver

Trustee Call arrived.

a. YaYA Foods

Kevin Hall introduced Liesl Limburg, the Business Recruitment Manager for Ogden City, and Yayha Abbas from YaYA Foods. Ms. Limburg has been working with YaYA Foods, which is requesting a 50% waiver of Central Weber's assessed impact fees. District policy allows partial or full impact fee waivers in certain circumstances when the waiver benefits the public. Trustee Berube commented that the state statute states that the broad public purpose that would justify a

partial waiver must be defined, how it benefits the community must be identified, and the Board must identify a revenue source to offset the amount being waived.

Mark Anderson read aloud Section 11-36a-402 of Utah Code, pursuant to which the Board may waive an impact fee in whole or in part, but the Board must first determine that the waiver will serve an identified broad public purpose and identify the source of funds, other than impact fees, that will make up the deficit.

Mr. Hall advised the Board that the District has been working with Ogden City representatives and YaYA Foods regarding the sewer impact fee. The District assessed a non-standard impact fee based on water discharge data provided by YaYA Foods. At current rates, the impact fee is \$7,483,746.00 based on the projected discharge of 650,000 gallons of water per day, which is equivalent to 2,846 equivalent residential units (ERUs). Trustee Blair asked if the impact fee formula was included in the packet. Mr. Hall responded in the negative, but stated that the formula is included in a Resolution that was adopted by the Board in 2018. Mr. Hall noted that the Board will consider revising the impact fee formula in a new impact fee Resolution to be considered later during the meeting.

In response to a question from Trustee Berube, Mr. Hall confirmed that the proposed new impact fee will be higher than the current impact fee. Mr. Hall said he wasn't aware of the District ever waiving an impact fee. In response to a question from Trustee Hyer, Mr. Hall stated that an impact fee may be reassessed if a building permit is needed for an expansion. Trustee Blair asked if the District had ever assessed an impact fee as high as the impact fee calculated for YaYA Foods. Mr. Hall responded that the District has not seen a development with this high of a wastewater flow. Trustee Berube reiterated that Central Weber and the Board must comply with state statute, and identify how this partial waiver would benefit the public. The Board may, in its discretion, waive this impact fee per policy, but a broad public purpose is needed. Trustee Nadolski stated that the presenters would address that issue. Trustee Hyer stated that YaYA Foods would have constant flows of wastewater, which he felt would benefit the District, rather than having to deal with flow variations.

District staff advised Chairman Allen that it was 5:30 p.m., the time scheduled for a public hearing. Mr. Hall and Mark Anderson suggested that the Board move to the public hearing that had been advertised as time-certain at 5:30 p.m. Chairman Allen asked if anyone was present for the scheduled 5:30 p.m. public hearing who would be inconvenienced if the public hearing started later, and no one in the room responded. Consequently, Chairman Allen decided to continue with the current agenda item, and turned the discussion over to Ogden City and YaYA Foods.

Yayha Abbas presented information regarding what YaYA foods produces. YaYA Foods intends to invest in Ogden if CWSID will grant a waiver of part or all of the impact fee. YaYA Foods would bring an additional 302 high-skilled jobs to the area, but he stated that the business does not have the budget to cover the calculated impact fee.

Liesl Limburg added that, if a reduction of the impact fee is not granted, Ogden will lose about 150 jobs of the proposed 302 jobs. The average wage for these highly skilled jobs is around \$67,000 per year. Ms. Limburg also stated that another benefit to the community is that Oatly and YaYA Foods partner with the Ogden Weber Technical College (O-Tech) to provide special training for septic packaging. If the impact fee waiver is not granted, the number of students at

O-Tech will be reduced. Ms. Limburg stated that this business would bring in \$196,000,000 in taxable sales for the Ogden/Weber area.

The Trustees generally discussed whether this meets the “broad public purpose” standard. Ms. Limburg referred the Board to the second page of a document that was provided by Ogden City and was included in the Board packet, and read the following: “The expansion will also generate new fee revenues for utility providers, along with increased property tax revenue. Indirectly, the project is estimated to generate an additional 183 new jobs, \$5.8 million in salaries, and \$3.8 million in new sales, contributing to increased sales tax revenue.”

Justin Anderson, with Ogden City, advised the Board that YaYA Foods is reducing the concentration of BOD (biochemical oxygen demand) down to what a normal residence would discharge.

Trustee Porter asked if YaYA Foods was asking for a 50% waiver, or if this was an all or nothing proposal. Mr. Abbas responded that YaYA Foods would appreciate whatever help the Board could provide. Justin Anderson stated that Ogden City is working to limit infiltration and inflow to reduce the load on the District’s sewage treatment system by approximately 780,000 gallons.

Trustee Berube asked District staff if they knew how the District could replace the impact fee funds that might be waived. He also asked about the benefit to Ogden City and all of the surrounding communities. Trustee Berube stated that, without that information, the Board couldn’t approve the waiver request. Trustee Nadolski stated, to clarify the benefit to the surrounding cities, that 80% of all jobs in Ogden are staffed by people who live outside of Ogden City. Trustee Hyer asked Ms. Cook if the District has capital projects from which funds could be drawn, or if it would be necessary to increase user fees.

Chairman Allen stated that he and Mr. Hall have spent hours on this project, and that the YaYA Foods expansion is a good thing, but he does have heartburn when it comes to the proposed 10 year payment plan. Again, it was stated that the District needs to focus on the broad public purpose requirement. It is expensive to operate the sewage treatment plant and there are large, expensive capital projects coming up in the next 10 years.

Mr. Hall mentioned that there are challenges in estimating the flows from the YaYA Foods expansion. He asked if there has been any thought that the flow could be less than the analysis presented by YaYA Foods, and whether metering the water discharge would be helpful? Mr. Abbas responded that they would be able to meter everything. Mr. Hall stated that a meter will be necessary to determine whether there is a difference between the flow for which an impact fee has been paid and the actual YaYA Foods discharge, and YaYA Foods would be expected to pay an impact fee on the excess discharge. Trustee Mitchell warned the Trustees to be careful as they make a decision that could greatly impact the District down the road. Trustee Hyer stated that the decision could affect the property taxes collected from the area, and asked if the District wants to be a deterrent to economic development.

Trustee Berube asked how much treated effluent flow will be added to the Great Salt Lake. Trustee Porter suggested that the District could cut the payment in half, but there should not be a payment plan over time. Trustee Nadolski stated that this project is sustainable and will create effluent discharges to the Lake. Trustee Berube again stated that the Board must follow state law

and that he did not have sufficient information to consider the requested impact fee waiver. Trustee Blind agreed that the Board had not heard enough to satisfy the rule of law. Trustee Bingham commented that she doesn't think the Board has enough information, and that there probably should be another Board meeting with more details. Trustee VanLeeuwen stated that, with the bond payments the District is currently making, CWSID could be backing itself into a corner. Trustee Blind reiterated that the District needs to comply with the law. Trustee Nadolski said that he appreciated all of the comments, and agreed that it was necessary to clarify and quantify the information and bring it back to the Board.

Chair Allen noted that February 26th is the next Board meeting. Yayha Abbas said the 26th of February is too late for him to meet his deadlines. The Trustees conversed about holding a special Board meeting, and concluded that a quorum could be present on Monday, the 29th of January, if an electronic meeting option was offered. Trustee Hyer asked Ms. Cook if she would be able to get the needed information together by then. Ms. Cook said, if service charges were identified as the source of funds to be used to offset the 50% waiver amount over a one year period, it would require an approximately 25% increase to each wholesale customer. Trustee Mitchell asked if there are other options that could be considered. Ms. Cook agreed to complete an analysis prior to the next meeting.

It was moved by Trustee Hyer and seconded by Trustee Berube as follows:

That consideration of the impact fee waiver request for YaYA Foods be postponed to a special meeting that will be held Monday, January 29, 2024 at 5:00 p.m.

The motion carried by the affirmative vote of Trustees Allen, Berube, Bingham, Blair, Blind, Call, Froerer, Hyer, Mitchell, Nadolski, Porter, Tait, VanLeeuwen, and Vanderwood.

b. Weber-Morgan Children's Justice Center

Rod Layton stated that this project is compliant with the broad public purpose required by the Utah Code. Mr. Layton has visited each city, and brought statistics for the Board to review. He stated that this is a small impact fee of \$16,856. Unfortunately, no one nor any city is exempt from needing to use the Children's Justice Center.

Trustee Froerer commented that this public purpose meets the state statute requirement. Trustee Blair asked if the Center has to pay taxes, and Mr. Layton responded no, it is a non-profit. Trustee Berube asked where the money would come from to offset the requested impact fee waiver, and Mr. Hall replied that it could come from retained earnings.

It was moved by Trustee Froerer and seconded by Trustee Berube as follows:

That Weber-Morgan Children's Justice Center impact fee be waived and the alternate source of funds be an allocation from CWSID retained earnings.

The motion carried by a roll call vote, with Trustees Allen, Berube, Bingham, Blair, Blind, Call, Froerer, Hyer, Mitchell, Nadolski, Porter, Tait, VanLeeuwen, and Vanderwood voting in the affirmative.

Review and Consideration of Resolution 2024-01: Impact Fee Policy Updates

Mr. Hall advised the Trustees that the previous Impact Fee Policy was adopted in 2007, and has not been revised since, with the exception of a Board motion that was approved in 2012. Mr. Anderson stated that the Impact Fee Act has been updated significantly since 2007. Revisions in Section 4, Paragraph C of the Policy reflect changes that are based on the Board's 2012 motion.

Mr. Hall recommended the adoption of Resolution 2024-01, which would approve the new Impact Fee Policy.

It was moved by Trustee Porter and seconded by Trustee Berube as follows:

That Resolution 2024-01 be approved and adopted.

The motion carried by a roll call vote with Trustees Allen, Berube, Bingham, Blair, Blind, Call, Froerer, Hyer, Mitchell, Nadolski, Porter, Tait, VanLeeuwen, and Vanderwood each voting in the affirmative.

Impact Fee Resolution, Impact Fee Facilities Plan, and Impact Fee Analysis; and related matters

It was moved by Trustee Berube and seconded by Trustee Porter as follows:

That the public hearing to receive public input on the Impact Fee Resolution, Impact Fee Facilities Plan, and Impact Fee Analysis be declared to be open.

The motion carried by the affirmative roll call vote of Trustees Allen, Berube, Bingham, Blair, Blind, Call, Froerer, Hyer, Mitchell, Nadolski, Porter, Tait, VanLeeuwen, and Vanderwood, and Chair Allen declared the public hearing to be open at 6:42 p.m.

Keith Larson, of Bowen Collins & Associates, told the Trustees that he was planning to present the same information that he presented during last month's Board Meeting. Instead, due to the long agenda, he presented highlights to remind the Board of the most important details. Chairman Allen advised the Board that an impact fee analysis is completed every 5 years. Mr. Larson explained that, although it is not required, it is recommended that an analysis be completed every 5 years. Mr. Hall advised the new Trustees that CWSID is one of the most efficient sewer districts in the state. This impact fee update will bring the District more in line with comparable districts. Trustee Berube mentioned that the state is pressuring cities to increase affordable housing. Mr. Larson said that CWSID is still on the cheaper end regarding impact fees but, whether we like it or not, this is the cost to provide the infrastructure that is needed to serve growth.

Trustee Berube asked about pressure from the state legislature on impact fees, and specifically how it affects affordable housing. Mr. Hall responded that, based on previous Board discussions, the issue of impact fees for multifamily dwellings was studied concurrently with this effort, and a specific impact fee factor is included in the Resolution to accommodate a lower impact fee for specific types of low occupancy housing units. Mr. Larsen reiterated that the District is still on the cheaper end of impact fees, and that the recommended impact fee represents the cost of growth, but he noted that the Board could choose to adopt a lower impact

fee than the maximum amount stated in the Impact Fee Analysis. Adopting a lower impact fee would shift part of the infrastructure costs onto sewer system users.

The Impact Fee Resolution states that the impact fee increase will be effective on July 1, 2024. Trustee Call asked if non-residential buildings were considered. Mr. Hall responded that non-residential impact fees are calculated using square footage and the water usage of the building to calculate the impact to the District in terms of wastewater flow generated by a non-residential use. The District also uses comparable information from similar facilities to assist in calculating the wastewater flow impact. Trustee Hyer asked Mr. Larson about his thoughts on a tiered impact fee approach. Mr. Larson said he needed more information to answer that question. Trustee Bingham asked how she can explain to people in her city that CWSID's impact fees are increasing by 35%. Chairman Allen advised that the current rates are out of date and, with the housing boom, these fees would affect developers and builders, not existing residents.

No member of the public desiring to make a statement or ask any questions, Chairman Allen asked for a motion to close the public hearing.

It was moved by Trustee Porter and seconded by Trustee Call as follows:

That the public hearing be closed and that the Board reconvene in general session.

The motion carried by the affirmative vote of Trustees Allen, Berube, Bingham, Blair, Blind, Call, Froerer, Hyer, Mitchell, Nadolski, Porter, Tait, VanLeeuwen, and Vanderwood, and Chairman Allen declared the public hearing to be closed at 6:58 p.m.

Consideration of Resolution 2024-02

Mr. Hall recommended that the Board adopt Resolution 2024-02: Approval and Adoption of the Impact Fee Resolution, Impact Fee Facilities Plan, and Impact Fee Analysis.

It was moved by Trustee Berube and seconded by Trustee Porter as follows:

That Resolution 2024-02, Approval and Adoption of the Impact Fee Resolution, Impact Fee Facilities Plan, and Impact Fee Analysis, be adopted and approved.

The motion carried by a roll call vote with Trustees Allen, Berube, Bingham, Blair, Blind, Call, Froerer, Hyer, Mitchell, Nadolski, Porter, Tait, VanLeeuwen, and Vanderwood voting in the affirmative.

Trustee Hyer asked if the District is going to consider a tiered impact fee approach now or wait for 5 years to consider that change. Mr. Larson stated that the Board can adopt a change at any time.

Consideration of Weber Basin Water Conservancy District Request:

Kevin Hall reminded the Trustees that the District has been in discussions with Weber Basin for the past two Board meetings. In order to implement water reuse, Weber Basin would require a connection to the effluent discharged from CWSID's Treatment Plant.

James Dixon gave a short presentation showing the basic processes of the Treatment Plant, primarily to educate the new Trustees regarding the Treatment Plant flow patterns. No matter how WBWCD's connection is made to the Treatment Plant to intercept treated effluent before it is discharged, it will affect District operations, and the connection may also impact the current downstream users of the water. Some of these effects may be more or less impactful to the District's operation.

Kevin Hall stated that an interlocal agreement will likely be needed, but Weber Basin has not determined exactly how or where to make the connection. Consequently, the proposed draft letter acknowledges Central Weber's support without creating the appearance that an agreement has been reached.

Trustee Call asked if the Weber Basin proposal is an either/or situation. Mr. Dixon responded, "yes", from CWSID's perspective. Chairman Allen asked about the current Treatment Plant expansion, and how much of the old plant will be de-commissioned. Mr. Dixon responded that the old plant will never completely go away. It serves as a backup, and when flows exceed 70 million gallons per day (MGD), the old plant will have to operate. Trustee Porter asked what sort of upgrade would be required to send the flow to both the old and new Treatment Plants. Mr. Dixon responded that CWSID would have to install a few vaults and metering that would cost at least \$100,000. Trustee Berube mentioned that many sewer districts are trying to complete upgrades before they are mandated by the state. Weber Basin is the water provider; and CWSID owns and operates the wastewater treatment facility.

Jon Parry, with WBWCD, said that Weber Basin has been studying reuse since 2017, and clarified what WBWCD is asking of CWSID. Darrin Hess agreed that an interlocal agreement would be required.

Trustee Hyer reported that he once again tried to contact Brian Steed, but was unsuccessful. Trustee Hyer said that he liked the way District staff wrote the letter, but it was clear that the approval process isn't in place and coordination will be required. How does WBWCD see this cooperative arrangement working and what would be the responsibility of CWSID vs Weber Basin?

Darren Hess told the Board that Weber Basin appreciates working with Central Weber, and that there is a good relationship in place that should be continued. Overall, this is a water right that is intended to address drought conditions, and the water will always be there if it is based on sewer effluent. He believes that reuse will benefit the whole area. Weber Basin needs Central Weber's cooperation to tie into the effluent. The water will be stored in Willard Bay, so WBWCD is considering building a water treatment plant near Willard Bay to further treat the effluent before it is discharged into the Bay. Ninety-five percent of indoor (drinking) water makes it to the Great Salt Lake. That is what WBWCD wants to focus on to be a participant in the environmental flows and conservation.

In response to a question from Trustee Berube, Mr. Dixon said that, regardless of what path Weber Basin takes, it will have an impact on the CWSID Treatment Plant, which is addressed in the letter. Mr. Dixon described it is a "high-level" letter, but it does indicate that the Central Weber Board would support some sort of water reuse project. Trustee Call said that he would like to see this project move forward. Trustees Porter and Hyer agreed that the project is forward thinking.

Trustee Mitchell addressed the WBWCD representatives, stating that he would vote against the proposal because we need to stop taking water from the Great Salt Lake.

It was moved by Trustee Call and seconded by Trustee Hyer as follows:

That the letter that was included in the Board packet be approved and be signed.

The motion carried, by a roll call vote, with Trustees Allen, Berube, Bingham, Blair, Blind, Call, Froerer, Hyer, Porter, Tait, and Vanderwood voting aye and Trustees Van Leeuwen, Nadolski, and Mitchell voting nay.

Review of Committee Assignments

Chairman Allen noted that a copy of the Board Committee assignments for 2024 was distributed to the Trustees. He explained that the Committees have worked well in the past. The new Board members have been added to the Committees. Chairman Allen expressed his appreciation for the knowledge and help the Committees provide. The Committees meet quarterly, or as often as needed.

Project Updates of Major Capital Projects

James Dixon updated the Board regarding work by C&L Water Solutions on the Hooper Pipe Rehab Phase 2 Project. The payment application for December was slightly lower than previous months due to the holidays. Earnings for this period were \$311,901.00, and the Project is 41% complete. This Project is anticipated to be completed this spring.

The Phase 2 Expansion and UV (ultraviolet light) Disinfection Project is being undertaken by Gerber Construction. Earnings for this period were \$2,087,659.12. The Project is 38.77% complete. This Project is consistently moving forward, but has a few years left until completion.

Certification of Annexation/Withdrawal Petitions

Kevin Hall presented one Annexation Petition to be certified by the Board. The ownership of Anselmi Acres, a 2.7 acre residential development, has petitioned for annexation into the District. Central Weber staff has verified that the petitioner owns the development.

It was moved by Trustee Call and seconded by Trustee Tait as follows:

That the Annexation Petition for the Citidesigns/Weber School District – Anselmi Acres residential property be certified.

The motion carried by the affirmative vote of Trustees Allen, Berube, Bingham, Blair, Blind, Call, Froerer, Hyer, Mitchell, Nadolski, Porter, Tait, VanLeeuwen, and Vanderwood.

Review and Consideration of December Financial Statement

Ms. Cook reviewed the December Financial Statement and notified the Trustees that, of the \$35 Million Bond that was issued in September, approximately \$28 Million was left and available for use as of the end of December.

Ms. Cook reviewed the District's bond interest payments and outstanding bonds, along with the District's assigned minimum cash balance reserve of \$15 Million.

The District is currently 50% through the budget year. Operating revenues are at 64% due to a significant portion of the budgeted income being tied to the timing of property tax receipts. That Budget line item is currently at 88%. Payroll and benefits are at 47%, year-to-date. Utilities and services are at 49% of the budgeted amounts. The bond issuance costs from the September bond issue have all been paid, and District staff does not anticipate any more expenses on that line item.

The Operations and Maintenance Budget is at 35%, and pretreatment costs are currently at 47% of the annual budgeted amounts. Total operating expenses are at 47% of budgeted amounts through the end of December.

Sewer Impact fees are at 72%. Interest earnings continue to grow due to the rise in interest rates. Ms. Cook reminded the Trustees that interest earnings are based on interest volatility, and may not increase consistently in the future, although these revenues currently are at 190% of the budgeted amount.

Ms. Cook reviewed the Capital Projects Budget and noted that the revenues and expenditures are trending where they are expected to be at this point in the fiscal year.

It was moved by Trustee Hyer and seconded by Trustee Porter as follows:

That the December 2023 Financial Statement be approved as presented.

The motion carried by the affirmative vote of Trustees Allen, Berube, Bingham, Blair, Blind, Call, Froerer, Hyer, Mitchell, Nadolski, Porter, Tait, VanLeeuwen, and Vanderwood.

Consideration of Real Property Proposals

Mr. Hall recommended that the Board go into a closed meeting to discuss a real property proposal before considering this agenda item.

Possible Closed Meeting Concerning Pending & Threatened Litigation, Purchase of Real Property and/or Personnel Issues

It was moved by Trustee Hyer and seconded by Trustee Mitchell as follows:

That the Board go into a closed meeting to discuss real property proposals (the purchase and/or sale of real property).

The motion carried by the affirmative vote of Trustees Allen, Berube, Bingham, Blair, Blind, Call, Froerer, Hyer, Mitchell, Nadolski, Porter, Tait, VanLeeuwen, and Vanderwood.

Chairman Allen asked members of the public to step out of the Board room and invited District staff members Kevin Hall, Camille Cook, Paige Spencer, James Dixon, and Mark Anderson to remain in the closed meeting along with Trustees Allen, Berube, Bingham, Blair, Blind, Call, Froerer, Hyer, Mitchell, Nadolski, Porter, Tait, VanLeeuwen, and Vanderwood.

Chairman Allen declared the Board meeting to be closed at 7:37 p.m.

Chairman Allen declared the meeting to again be open at 7:55 p.m., and the doors to the Board room were opened so members of the public could re-enter. No action was taken during the closed portion of the meeting, other than the approval of a motion to end the closed meeting and return to open session.

Consideration of Real Property Proposals

It was moved by Trustee Hyer and seconded by Trustee Call as follows:

That the real property offer be rejected and a counter offer be presented as discussed.

The motion carried by the affirmative vote of Trustees Allen, Berube, Bingham, Blair, Blind, Call, Froerer, Hyer, Mitchell, Nadolski, Porter, Tait, VanLeeuwen, and Vanderwood.

General Manager

Mr. Hall advised the Board that the HDPE (plastic) sewer pipe crossing underneath the Weber River has been inspected. Mr. Hall displayed a photograph of the pipe, showing that the pipe has partially collapsed from the bottom up. District staff has talked to an inspector from the original 2002 project when the pipeline was installed. The inspector's recollection was that, when installing the pipeline, an abandoned car body prevented the casing from being pushed through under the Weber River. Consequently, the installation was completed from that point through an open excavation, and the pipe was laid into the excavation without a casing. The lack of support that would have been provided by a casing may have contributed to the collapse. Fortunately, the pipe is not leaking, but the situation must be remedied. District staff will update the Trustees as more information is available and a plan to fix the defect is developed.

Attorney

Mr. Anderson had no additional business to present. He mentioned that the Legislature is finishing up the first week of the annual 45 day session, and promised to provide a full report later. Mr. Anderson also mentioned to the new Trustees that this was the longest Central Weber Board meeting he could remember.

Other Business

There was no additional business to be considered by the Board.

Adjournment

There being no further business to come before the Board, it was moved by Trustee Hyer and seconded by Trustee Nadolski as follows:

That the Board meeting be adjourned.

The motion carried by the affirmative vote of Trustees Allen, Berube, Bingham, Blair, Blind, Call, Froerer, Hyer, Mitchell, Nadolski, Porter, Tait, VanLeeuwen, and Vanderwood.

Chairman Allen declared the Board meeting to be adjourned at 8:02 p.m.

Approved by the Board of Trustees of the Central Weber Sewer Improvement District on the 26th day of February, 2024.

Mark C. Allen, Chairman

ATTEST:

Camille Cook, Clerk

MINUTES OF THE SPECIAL MEETING OF THE TRUSTEES
OF THE CENTRAL WEBER SEWER IMPROVEMENT DISTRICT (CWSID)
HELD MONDAY, JANUARY 29, 2024
THE MEETING WAS HELD ELECTRONICALLY WITH A PHYSICAL ANCHOR LOCATION AT
THE DISTRICT OFFICE LOCATED AT 2618 WEST PIONEER ROAD, MARRIOT-
SLATERVILLE, UTAH, WITH PUBLIC ACCESS TO THE MEETING.

Trustees Present: Mark Allen, Neal Berube, Sherri Bingham, Bart Blair, Bob Blind, Leonard Call, Gage Froerer, Rich Hyer, Braden Mitchell, Ben Nadolski, Russ Porter (electronically), Michelle Tait, Scott VanLeeuwen, Rob Vanderwood, and Rod Westbroek.

Others Present: Kevin Hall, Camille Cook, Mark Anderson, Shawn Wilson, Yayha Abbas (Ya YA Foods), Liesl Limburg (Ogden City), Sara Meess (Ogden City), David Sawyer (Ogden City), Justin Anderson (Ogden City), Mara Brown (Ogden City), and Stephanie Russell (Weber County).

Call to Order

Chairman Allen called the meeting to order at 5:00 p.m.

The pledge of allegiance was led by Trustee Tait.

The invocation was offered by Trustee Froerer.

Public Comment

There were no public comments.

Consideration of Impact Fee Request for Waiver - - Ya YA Foods

Kevin Hall introduced the topic and thanked the Trustees for attending the special Board meeting. Camille Cook addressed alternative sources of funding. Liesl Limburg, with Ogden City, then addressed the beneficial public purpose. Finally, Mr. Hall summarized information from the Board packet.

Among other points, Ms. Cook explained that Impact fees are taken into consideration in the calculation of debt service coverage ratios for the District, which are calculated by taking the net revenues of the District and dividing that number by the annual bond debt service amounts. One debt coverage ratio considers operating revenues along with impact fee revenue, and the second ratio excludes impact fee revenue. Both ratios are considered by rating agencies, bond purchasers, and creditors when reviewing the issuance by the District of bonds or other debt. Any change to the impact fee revenue collection methodology may impact the District's future bonding opportunities if the revenues, including impact fee revenue, are not sufficient to cover current debt service coverage requirements. Material deterioration of coverage ratios may be concerning to bond rating agencies. In the recent \$35,000,000 bond transaction, rating agencies commented on the importance of CWSID's bond coverage ratios remaining satisfactory.

The District recently completed an impact fee study to substantiate the impact fee amounts. The study, which was adopted by the Board on January 22, 2024, confirmed the impact fee amounts

required to cover the cost of sewer system infrastructure that is needed to serve new development.

District staff presented an analysis of possible sources of funds to cover the shortfall should the Board approve a partial impact fee waiver for Ya YA Foods, but cautioned that other funding sources will not address the impact fee debt coverage ratio concerns or any change to the financial plan philosophy pursuant to which impact fees are assessed. A significant impact fee waiver could materially affect the District's capital and financial models, not to mention possible service fee and tax increases to make up for any shortfalls.

Last February, the Board approved an updated financial plan, which was vetted by the District's municipal financial advisor and was presented to the various bond rating agencies as part of the District's projected financial model through FY (fiscal year) 2027. District management recommended that revenue projections be maintained at the levels that were presented in the model through FY 2027. Otherwise, it may warrant a discussion with the bond rating agencies. Although the District may not have known about this specific industry or waiver request, annual growth is programmed into the financial models and any new development would contribute to those growth calculations.

The District is a wholesale sanitary sewer service provider to wholesale customers consisting of cities, an improvement district and a special service district. Those wholesale customers would be assessed increased service fees to make up the impact fee revenue shortfall that would be created by a very substantial impact fee waiver for Ya YA Foods or any other major industry. The fee allocation to most of the wholesale customers is based on assessed property values and population. The wholesale customers, primarily cities with representation on the District Board, would, in turn, pass the fee increases on to their retail sewer system customers through increased monthly billings. In order to offset the \$3,700,000 impact fee waiver that is currently being requested in one year, the current charges for services would need to be increased by approximately 25.5%; or the increase could be spread over 3 years with an average rate increase of 10.5% per year, including the District's 2% annual increase that was projected in the financial model. All system users would be paying for the impact of a single waiver, and collecting service fees in lieu of impact fees could impact the District's debt service coverage ratios and would be a significant departure from the financial plan and funding sources that have been discussed with the public during Truth-in-Taxation hearings and with bond rating agencies.

The primary concern with recommending the use of property taxes as a source of funds to cover the impact fee waiver is that property taxes are used to cover operating expenses. The District cannot pledge property taxes to secure bonds, unlike impact fees, which can be pledged. The District's financial model anticipates an approximately 5% increase in property tax collections each year due to new growth. Although this specific industry was not planned for in the financial models, new commercial growth is expected each year, and a portion of the increased service fees would result from new growth.

The Board has expressed an intent to hold Truth in Taxation hearings for FY 2025 and FY 2026. It is recommended, if property taxes are used to offset the requested impact fee waiver, that the Board consider significantly increasing property taxes over those two years. The Board already plans to increase property taxes by approximately 8% each of those years based on the District's financial plan. To raise an additional \$1,800,000 each year would require an additional property tax rate increase of approximately 14% per year. That would bring the estimated property tax

increase up to approximately 22% per year. Offsetting an impact fee waiver with property taxes would be a material change to the financial practices the District has maintained since originally adopting impact fees prior to 2002.

Retained earnings and available cash are subject to the \$15,000,000 minimum cash balance policy that the Board has adopted. Based on the current \$87,000,000 Treatment Plant Expansion Project, District cash will be drawn down close to that minimum level. Last February, when the financial plan was adopted, the Board considered that the District's reserves may temporarily dip below \$15,000,000 due to the timing of cash flow while the Expansion Project is being completed. For those reasons, staff did not recommend that retained earnings be considered to offset significant impact fee waivers. It would be in the District's best financial interest to consider increasing revenue sources, rather than depleting savings.

Ms. Cook reminded the Trustees that the original waiver request mentioned a payment schedule that would stretch over 10 years. If the Board were to consider extended impact fee payments, instead of a fee waiver, an additional source of funds would not be required, but cash flow projections and the District's ability to pay for future capital projects could be impacted adversely.

Mark Anderson informed the Board that, if House Bill 354 becomes law, any property tax increase above the certified tax rate within the next three fiscal years would have to be approved by the voters. Trustee Hyer clarified that, even if the District met the normal Truth in Taxation requirements, the District would still be required to hold an election. Mr. Anderson affirmed that statement, and stressed that it would be a District-wide election. Trustee Berube mentioned that it would also be necessary to mail a notice to each citizen.

Ms. Limburg thanked the Board for inviting Ogden City to present additional information. She reviewed the timeline for the Ya YA Foods project. In 2019, Oatly opened a facility in Ogden City and started producing oat milk. Last February, Oatly and Ya YA Foods entered into a manufacturing partnership. Ya YA Foods desires to expand operations in Utah, but has an option to move the expansion to Texas.

Ms. Limburg argued that the broad public purpose requirement is met in three areas. From an environmental perspective, effluent discharge will be sent to the Great Salt Lake by way of CWSID. In addition, the social purposes include increased economic opportunity for the community through high-paying jobs and workforce training, along with the economic impact of potential revenue increases to local taxing entities.

Ogden City has been working closely with Tage Flint from the Governor's office to evaluate the environmental impact. This project will have a positive impact on the environment, with the discharge to the Great Salt Lake. Justin Anderson has been working on infiltration and inflow projects to make more culinary water available in Ogden City to support Ya YA Foods.

The socio-economic impacts of the Ya YA Foods project include 101 existing jobs retained in Weber County. The Phase 1 expansion includes the creation of 302 jobs with an average annual wage of \$67,100, which is 123% of the average wage in Weber County. Phase 1 also includes a \$92,000,000 capital investment and there may be an additional \$80,000,000 investment in Phase 2. Phase 2 will include an 80,000 square foot build out for additional warehouse space and may create additional jobs. Both phases are expected to provide \$196,000,000 in sales/output for the area.

Ms. Limburg reminded the Trustees that this project is receiving state and local support in the form of tax credits, grants, and in-kind donations.

Ya YA Foods' request is to reduce the impact fee by 50%, from \$7,500,000 down to \$3,750,000, with a payment amortization over 10 years. If the impact fee waiver is not approved, 150 of the 302 jobs will go to Texas where impact fees are estimated at \$302,000 up front, but with higher user rates over time. After 15 years, it will be more expensive for Ya YA Foods to operate in Texas than in Ogden.

In response to a question from Trustee Blind, Yayah Abbas stated that there would not be a need for future expanded warehouse space if Phase 2 is eliminated.

Mr. Hall summarized the operational considerations memo that was included in the Board packet. Since 2002, when the Board adopted an impact fee policy that gave the Board discretion to grant waivers, the law has changed to require more information before a waiver may be granted. To District staff's knowledge, no waiver has been granted by the Board for any purpose, apart from the Weber-Morgan Children's Justice Center waiver that was granted during the last Board meeting. Granting a large impact fee waiver will establish new precedent, and Mr. Hall noted that granting a waiver for the purpose of job creation could result in waiver requests from other entities.

Trustee Berube clarified the opportunity costs that were referenced in Mr. Hall's memo. Ms. Cook responded that the District does not receive the same revenue sources, including sales tax, that the local cities may receive when considering the economic impacts of waiving fees for business opportunities.

Trustee Froerer, who is a former legislator, advised the Board that Senate Bill 146 (Impact Fee Amendments) was sponsored in 2011 by Senator Jerry Stevenson as a compromise between political subdivisions and developers and builders. Trustee Froerer recently met with Senator Stevenson and State Auditor John Dugal, who advised that, when a public body goes outside of state statute, it becomes problematic. Waiving impact fees to encourage economic development may become very problematic in the future, as it would set a precedent and any other company can make the same request. Both Senator Stevenson and Auditor Dugal advised Trustee Froerer that user fees would have to make up the difference, to offset the impact fee waiver, and a Bill is being considered that would make it much more difficult for the District to increase property taxes in the future. Trustee Froerer also cautioned the Board to understand the consequences of this decision -- that user fees would have to be increased. He presented the idea that the Board could look at post-performance and pre-performance measures, to evaluate fee waiver requests. Pre-performance measures could tie into financial security, like posting a bond, and post-performance measures could involve the repayment of excess impact fee payments to the party that made the payment.

Trustee Berube asked if Senator Stevenson made any recommendations during his discussion with Trustee Froerer. Trustee Froerer responded that it comes down to identifying a broad beneficial public purpose. If the Board decides to go that way, there will be consequences. Mr. Stevenson alluded that an impact fee waiver such as the one under consideration probably doesn't meet the intent of the statute, as he sees it, but it is up to the Board to decide.

Trustee Mitchell commented that each equivalent residential unit (ERU) pays the same impact fee, and mentioned that someone could come in and show a beneficial purpose behind adding housing, and home builders could request waivers for large subdivisions.

Trustee Tait mentioned that, as a Mayor and a CWSID Trustee, she protects the citizens of her community. She warned that it could harm the District and the Board if impact fee waivers are approved that are not consistent with the current financial model. If the Board should choose the 10.5% annual fee increase model, how will the Mayors justify this to the citizens of their communities. The ratio of 302 jobs to the requested \$3,700,000 waiver, in her opinion, is not worth it. She asked what public opinion would be regarding this impact fee waiver request?

Trustee Nadolski, Ogden's Mayor, asked the Board how they will tell constituents that the District's impact fee is costing jobs and economic opportunities? What will the Board tell companies that want to expand here in the future? The District needs revenue, and that revenue comes from economic impact. The current standard eliminates that option.

Trustee Hyer commented that this request sets a landscape for people potentially wanting to develop here, and the District should not want to be perceived as being unfriendly to development. The District is going to grow due to population increases and, if the District doesn't help grow the business end of the local economy, then taxes will shift to the residential part of the economy, because revenue has to come from somewhere. Residences currently are the biggest portion of the real estate values in the County, so the Board needs to help increase commercial property values to keep property taxes lower for residents. The Board should consider doing something to not run the petitioner off, and should figure out if a tiered approach, or a maximum impact fee approach, would work.

Trustee Berube asked how much additional lease income and property taxes Ogden City will receive if the Ya YA Foods project comes to fruition? Sara Meess, with Ogden City, responded that, for Phase 1, it was estimated that Ogden City would receive \$207,000 in property tax revenue and Weber County would receive approximately \$183,000.

Trustee Bingham noted that the District is not charging an impact fee that is more than the impact the business would have on sewer system infrastructure. She asked if this is setting a good precedent, and will the Board give Hooper the same consideration to waive the impact fees for a commercial industry? If no commercial developments ever pay impact fees, how will the District function? Yes, the Board supports commercial development, but how will it determine when to waive more impact fees and go back to each community and tell them the District is raising service fees as a consequence?

Trustee Blair declared that he sees the value and importance of having impact fees, and making sure that they cover what the District believes the impact on the sewer system will be. But no one could have assumed that an \$8,000,000 impact fee would ever be assessed. In his view, it sets a bad precedent when businesses ask for a waiver and it cannot be granted because there is a problem with the District's policy. He understood the argument that the District would be setting a precedent, but that was discussed last week. He stated that something needs to be addressed regarding this type of impact fee. The Board should be conscientious that something should be done so the District doesn't have to reject someone that has been willing to work with Ogden City, Weber County, and the District, and is willing to bring in good jobs that result in 400 people looking for homes in our area. Trustee Blair stated that he would hate to have the Board reject this waiver

request and fix the problem 3 to 6 months down the road, but lose this opportunity because the approach is flawed.

Trustee Berube stated that this is not an opportunity cost, but is actually the estimate of how much it will cost the District for the additional wastewater to flow through the system. Trustee Tait clarified that the impact fee procedure is set by state statute, and Trustee Berube reiterated that it comes down to the identified broad public purpose.

Chairman Allen asked if it is legal for the District to spread impact fee payments over 10 years? Mark Anderson responded that the Board has already approved new impact fees that will be effective on July 1st. If the Ya YA Foods impact fee is paid after July 1, 2024, based on the new impact fee per ERU, the impact fee would be much higher than the \$7,500,000 amount that was under consideration. Yes, the District could structure the payments over time, but spreading the payments over ten years could create cash flow problems and would set a precedent. That cash flow problem is what Senator Stevenson was trying to address. By law, impact fee revenue cannot be offset by increasing the impact fees paid by other users. If the Board were to agree to a payment schedule over time, to be fair, the Board would need to amend the impact fee policy so that anyone falling into that bracket would be allowed to pay at least part of the impact fee over time, as opposed to paying it all up front. The District would have legal issues to consider, but it could be accomplished if that's what the Board wants to do.

Trustee Froerer agreed with Mr. Anderson, and suggested that granting the waiver would require a change in District policy regarding pre- or post-performance measures. Certain limits could be set. For example, if the impact fee is less than \$5,000,000, payment would be required up front; but for impact fees that exceed \$5,000,000 but are less than \$15,000,000, one-half could be paid up front with the balance to be due over a period of time, provided that security would be held until the payment is made in full. Something like that could become District policy in the future.

Trustee VanLeeuwan commented that, as a Mayor, he knows that the citizens watch their property taxes and notice what special districts are doing. He stated that the Board should not want to harm the District, and impact fees are the cost of the infrastructure needed to serve new development in the District.

Ms. Limburg stated that Ogden City is paying \$4,200,000 to upgrade portions of the water line and sewer line that will serve Ya YA Foods. Ya YA Foods will pay that amount back over an 8 year period. Justin Anderson took on design and construction management duties, representing a \$415,000 in-kind contribution by Ogden City. The State of Utah offered a post-performance tax credit, and Ya YA Foods is due to receive \$1,800,000 in tax reimbursements when the post-performance measures have been met.

Ms. Limburg reminded the Trustees that there is an opportunity to incentivize jobs and have an impact on an important natural resource -- the Great Salt Lake. The creation of Utah Water Ways, the new state water conservation non-profit entity, reflects a shift in the way the wastewater treatment plants along the shore of the Great Salt Lake are viewed. These plants directly benefit the lake. After water is delivered to Ya YA Foods, it will make its way into the ecosystem of the lake and have a direct positive environmental impact. Given the social impact of bringing jobs to the community and the economic impacts, such as potential increased property tax revenues, she argued that it is rare to find a project that provides three broad public purposes.

Trustee Call mentioned that Central Weber's billing allocation to wholesale customers is based on population and assessed property values. Due to this formula, every other wholesale customer is subsidizing Ogden City, and this request would further subsidize Ogden if other wholesale customers are required to cover the cost. The lake is a benefit, and the request could be structured so the entities receiving the benefit share a greater percent of the burden, instead of pushing it onto the other entities that are part of the District.

It was moved by Trustee Call and seconded by Trustee VanLeeuwen as follows:

That the Board deny the Ya YA Foods impact fee waiver request.

Trustee Porter stated that some good ideas had been brought up, but it would be unfortunate to say "no" to this project and make policy changes that, a year from now, would have enabled the Board to say "yes".

Trustee Hyer noted that, last week, Ogden City's representatives mentioned that the City could bankroll \$3,700,000 up front to the District and Ya YA Foods could pay the remainder of the impact fee over a 10-year period. This would allow the impact fee to be paid in full to the District and allow Ya YA Foods to pay the impact fee over time.

Trustee Nadolski mentioned that the Board is talking about a precedent setting moment, and encouraged the Trustees not to say "no" to opportunity, commerce, and investment in the community. He asked Justin Anderson to talk about significant costs that Ogden City has invested. He noted that the Board is a policy making body and has every opportunity to change District policy. He suggested that the Board should consider Trustee Hyer's proposal to measure the actual impact and cost as a post-performance measure. The impact fee should not be an estimate, but should be a measured impact.

Justin Anderson discussed Ogden City's efforts to improve its water lines as part of the effort to bring Ya YA Foods into the City. Ogden City has been improving its pipes since 2008 and has reduced sewer line infiltration and inflow and culinary water line leaks, so Ogden will have extra water to provide to entities like Ya YA Foods. Ogden City is able to sell excess water to retail water providers, like the Bona Vista Water Improvement District, as a wholesale provider.

Trustee Call agreed that Ya Ya Foods is a great project, but the job of the Board is to determine how the project will impact CWSID and how to offset the amount of any impact fee waiver from sources other than impact fees. Other sources of funding include raising service rates and property taxes. Other projects have come before the Board, and their impact fee waiver requests have been denied, with the exception of a small waiver request that was approved a week ago.

Stephanie Russell is Weber County's Economic Development Director. Ms. Russell accompanied Trustee Froerer when he met with Senator Stephenson to better understand the broad public purpose requirement. Ms. Russell also represents Little Mountain Service Area as Project Manager. She noted that the impact fee process is governed by state statute. The Board is faced with a policy decision that must be based on current state law. Ogden City has a wonderful opportunity to bring in development. Unfortunately, Weber County is severely challenged regarding infrastructure in recruiting and retaining businesses. This particular opportunity does not afford the Board time to review the policy. Ms. Russell informed the Trustees about two incentives offered by the State: tax increment financing (TIF) and the use of a public infrastructure

district (PID). A PID provides a means for funds to be available up front to pay for infrastructure using the proceeds of a bond issued by the PID. That can be leveraged by using TIF funding to incentivize the public infrastructure. This is an alternative solution that Ogden could pursue, since the Board is not able to make an immediate policy decision. The Weber County Commission could work with Ogden City to put together a PID and a Community Reinvestment Agency (CRA) for this project to pay impact fees up front, not require an immediate policy change, and avoid the need for an impact fee waiver.

Trustee Hyer asked, since PIDs are a new idea for many officials, what would Ms. Russell propose? Ms. Russell responded that the County and Ogden City could create a PID to meet infrastructure needs, pay the impact fee up front, and use CRA funds to pay off the bond.

Trustee Nadolski stated that the District has an opportunity to do something good. There are more tools on the table to identify a means to offset the impact fee waiver, so the Board has both a policy issue and a procedural issue. He asked if there is a way the District can leverage partners and opportunities to make this work?

Trustee Froerer stated that it comes down to a policy decision, and the Board is being forced to make a policy decision at this late hour. This option could have been discussed with Weber County earlier in the process. Trustee Froerer stated his support for development in Ogden City and creating opportunities for the future. He stated that Ogden City has the support of Weber County to create a PID and a CRA in this area. He suggested that this policy question should go to the District Finance Committee to identify the best options and look at the numbers. He mentioned that, two years ago when a company was assessed a \$13,000,000 impact fee, the message came back to the County Commission that there was no way for the District to waive the fee. Trustee Froerer declared that it would not be a good practice to make critical policy decisions this late in the process, and did not want to make a decision that would put the District in harms way.

Yayha Abbas stated that it is vital for the District's sewer system to work on a continuous basis, and the benefit is that Ya YA's flows will not be intermittent. He told the Board that losing \$3,750,000 in impact fees is an opportunity loss. Mr. Abbas mentioned that he didn't consider \$7,500,000 to be a fair impact fee because it includes all of the wastewater volume of Ya YA Foods. The impact fee should not be calculated on all of the discharged wastewater -- just the additional discharges that are due to the expansion.

Mr. Hall verified that the impact fee was established based on approximately 600,000 gallons per day (gpd) of additional flow coming to the District. The District was told multiple times that this was the amount of the additional flow to the District, and did not include existing flows from Oatley.

Mr. Abbas stated that the 600,000 gpd amount is for the entire business, not just the addition. Mr. Abbas indicated that he has never been asked what the additional wastewater flows would be, and the 600,000 gpd amount was provided to Ogden City as the total quantity of water that would be needed for the business.

Trustee Tait clarified that an "aye" vote on the motion would be a vote in favor of denying the impact fee waiver request.

The Trustees discussed whether the motion was relevant, or if a policy decision should be made instead of the original motion. Mr. Anderson advised the Board that a motion was on the floor, but a substitute motion could be made to table further consideration of the impact fee waiver request until the District can get the right wastewater flow numbers to determine if there is an issue.

Chairman Allen called for a roll call vote on the motion to deny the Ya YA Foods impact fee waiver request. Trustees Allen, Berube, Bingham, Blind, Call, Froerer, Mitchell, Tait, VanLeeuwen, Vanderwood, and Westbroek voted in favor of the motion. Trustees Blair, Hyer, Nadolski, and Porter voted “nay”. The motion passed with 52% of the statutorily weighted vote.

Trustee Froerer made a motion to appoint a subcommittee or standing committee to evaluate the policy regarding waivers as soon as possible. He also moved that the waiver request be brought back to the Board once updated impact fee numbers are available. An updated policy may be brought back to the Board for consideration after the updated fee waiver request has been considered. Trustee Froerer also recommended that Ogden City engage with Weber County for the establishment of a PID and a CRA. Trustee Porter seconded the motions.

Mr. Anderson advised the Board that the Board meeting agenda was limited to the consideration of Ya YA Foods’ impact fee waiver request, and the motions were different from the agenda item. However, the Board can give informal directions regarding the establishment of a committee to review the policy, which falls within the Chair’s prerogative. None of this should impede Ya YA Foods and District staff from getting together to calculate the impact fee, and the impact fee waiver request may or may not need to come back to the Board for further consideration.

Chairman Allen declared that District staff should start the process of having the Long-Range Planning Committee and the Finance Committee consider changes to the District’s policy regarding impact fee waivers.

Trustee Froerer withdrew the motions and Trustee Porter withdrew the seconds.

Ogden City and District staff will work together to get accurate wastewater numbers for the impact fee calculation.

General Manager

Mr. Hall had no additional business to present.

Attorney

Mr. Anderson had no additional business to present.

Other Business

None.

Adjournment

There being no further business to come before the Board, it was moved by Trustee Call and seconded by Trustee Mitchell as follows:

That the Board meeting be adjourned.

The motion carried by the affirmative vote of Trustees Allen, Berube, Blair, Bingham, Blind, Call, Hyer, Froerer, Mitchell, Nadolski, Porter, Tait, VanLeeuwen, Vanderwood, and Westbroek.

Chairman Allen declared the meeting to be adjourned at 6:38 p.m.

Approved by the Board of Trustees of the Central Weber Sewer Improvement District on the 26th day of February, 2024.

Mark C. Allen, Chairman

ATTEST:

Camille Cook, Clerk