

MINUTES
WEBER COUNTY COMMISSION

Tuesday, November 21, 2017 - 10:00 a.m.

Commission Chambers, 2380 Washington Blvd., Ogden, Utah

In accordance with the requirements of Utah Code Annotated Section 52-4-203, the County Clerk records in the minutes the names of all persons who appear and 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: James Ebert, Kerry W. Gibson and Jim Harvey.

OTHER STAFF PRESENT: Ricky D. Hatch, County Clerk/Auditor; Bryan Baron, Deputy County Attorney; and Fátima Ferneliuss, of the Clerk/Auditor's Office, who took minutes.

- A. **WELCOME** – Chair Ebert
- B. **INVOCATION** – Zachary Damm
- C. **PLEDGE OF ALLEGIANCE** – Ronda Kippen
- D. **THOUGHT OF THE DAY** – Chair Ebert

E. PRESENTATION FROM WEBER STATE POLITICAL SCIENCE DEPARTMENT ON THE RESULTS OF A SEMESTER LONG SPECIAL PROJECT ON IMPROVEMENTS TO THE ELECTION PROCESS IN UTAH.

Dr. Gary Johnson, Faculty Advisor, stated that his students had been working with Weber County Elections on their election processes and expressed thanks to staff. Cambrea Beller, Evgeni Igorevich and Marcus Stevenson reported on surveying the 29 Utah counties and other states, collecting and analyzing data, etc. There is a great deal of electoral reform across America currently, including Utah. Based on their data, there is a strong preference for by vote-by-mail among survey respondents, there is a strong preference for uniformity in security in the Utah legislature but many have monetary concerns.

F. CONSENT ITEMS:

- 1. Warrants #1262-1271 and #422895-423129 in the amount of \$1,923,033.01.
 - 2. Purchase orders in the amount of \$48,936.52.
 - 3. Minutes for the meetings held on November 7 and 14, 2017.
 - 4. A new business license.
 - 5. Declare part of Parcel Number 15-076-0049 as surplus property.
 - 6. Surplus a Postage Machine from the Weber County Library.
 - 7. Set public hearing for November 28, 2017, 6 p.m., for public comments on County 2018 tentative budget.
- Chair Ebert moved to approve the consent items; Commissioner Gibson seconded.
Commissioner Gibson – aye; Commissioner Harvey – aye; Chair Ebert – aye

G. ACTION ITEMS:

- 1. **SELL SURPLUS REAL PROPERTY, PARCEL #S 04-044-0017 & 04-044-0018 (NEW ZION BAPTIST CHURCH).**

Kevin McLeod, with County Property Management, stated that the surplus process had been followed.
Commissioner Harvey moved to approve the sale of surplus real property, Parcels numbers #04-044-0017 and 04-044-0018; Commissioner Gibson seconded.
Commissioner Gibson – aye; Commissioner Harvey – aye; Chair Ebert – aye

- 2. **CONTRACT WITH SPIKER'S HIGH SCHOOL RODEO ASSOCIATION FOR THE SPIKER'S HIGH SCHOOL RODEO AT THE GOLDEN SPIKE EVENT CENTER.**

Duncan Olsen, with the GSEC, presented this standard contract.
Commissioner Gibson moved to approve the s contract with Spiker's High School Rodeo Association to hold the Spiker's High School Rodeo at the Golden Spike Event Center; Commissioner Harvey seconded.
Commissioner Gibson – aye; Commissioner Harvey – aye; Chair Ebert – aye

3. FINAL APPROVAL OF FALL WIDOW SUBDIVISION PHASE 2 INCLUDING THE ACCEPTANCE OF A ONE YEAR WARRANTY BOND IN THE AMOUNT OF \$4,758.33.

Ronda Kippen, of the County Planning Division, noted that this item had previously come before the Commission. The applicant, Cliff Bell, had asked for a 7-lot subdivision (in the A-2 Zone) at the end of a very long (4,796 ft.) dead-end road, which is over the standard block length requirement. Mr. Bell has stubbed one future right of way easement, but not a dedicated road. The Planning Commission required that he stub to the adjacent properties to the north, east and west to make the required block length along 7900 W. This is a significant amount of roadway in both directions. Mr. Bell wanted to appeal, but missed the appeal date. He then changed his request to five lots and appealed the decision to stub the roadway to the east and west because it was a big financial burden and the County Commission's direction had been to meet with the County Attorney's Office and County Engineering to see if there was some way to work out this issue. They reviewed State statutes and found that it was considered an exaction. The applicant had presented both the cost of the development without stubbing the roads and the cost with stubbing them and the latter was twice as much—the improvements were not roughly proportionate when compared with the cost of the exaction, and an exception can be made by the county. The County Commission's decision then was to dedicate the property without the subject improvements. The applicant moved forward with the original 7-lot subdivision; each lot is approximately two acres. The subdivision is located in Flood Zone X and the buildable portion is above 4,215 feet in elevation. All of the improvements are in except the chip seal. The project meets all the reviewing agencies' requirements. County Planning recommends approval along with the Planning Commission recommended approval on October 10, 2017 based upon the findings that include: the proposed subdivision conforms to the Western Weber General Plan, complies with the applicable county ordinances, and the literal enforcement of the standard to install all improvements within the dedicated roadway is not roughly proportionate when compared to the cost of the exaction and the public expense to address the impact. The commissioners complemented Ms. Kippen on her work on this item.

Commissioner Harvey moved to grant final approval of the Fall Widow Subdivision Phase 2, 7- lots, including the acceptance of a one-year warranty bond for \$4,758.33; Commissioner Gibson seconded. Commissioner Gibson – aye; Commissioner Harvey – aye; Chair Ebert – aye

4. DISCUSSION ON THE WESTERN WEBER PARK DISTRICT 2018 TAX RATE.

Dwayne Hansen, from Taylor, serving this new District as Treasurer, noted that there was a public hearing last night and the public wanted to know more specifics on how the money would be spent. The board voted to establish a tax rate of .000325 and he said that most of the money collected from the tax would be for capital expenses as they move forward. Bryan Baron, Deputy County Attorney, said that under current statute there were two options available. At this time because the board is appointed, they cannot approve the tax themselves; the tax rate has to be approved by the county or by the voters in next years' General Election. A change by the legislature effective 1/1/2018 will provide appointed boards with authority to approve their own tax rate.

Commissioner Harvey expressed the concerns that he had last night—how is the money going to be spent. The Commission has not seen a copy of the budget and he asked Mr. Hansen to address this. Mr. Hansen said that they envision using engineers, contractors, legal advice, etc. They are not sure where the land will come from for the park, which he said was frustrating to some of the public last night—they do not know if it will be donated or have to purchase ground. Commissioner Harvey pointed out that the board members came to the figure of \$75,000 last night. Commissioner Gibson, a board member, explained that this board tried to pattern itself after the successful neighboring park district of West Warren, and the rate is very similar. The challenge is that this is a new district and has capital needs. There are two line items—reimburse the county \$4,500 for surveying and public hearing postage/ mailing, and the capital expenditure.

John Bond, County Treasurer, said that in designing the footprint in that area, all the unincorporated area without a park was put into this District, less West Warren. About three years ago he approached the Church of Jesus Christ of Latter Day Saints to consider selling or donating the Warren Park. At that time, they asked to whom they would sell/donate the park and Mr. Bond had said that if that unincorporated area was designed as a park district that would be the entity to negotiate with, so they could not continue at that time. Mr. Bond wondered if they could restart those negotiations and if Warren Park could be considered as part of that first park area. If not, they could then consider donations. He said that this new District mirrored almost exactly what the West Warren Park District property owners are paying.

Mr. Hansen's understanding is that a budget cannot be set without having money to spend in that budget. Mr. Baron said that a concern had been raised about pushing this decision until January and allowing the District to approve it themselves. He had not found code requiring the revenue side to be completed before the budget can be passed. Commissioner Harvey wants to see this District move forward, however, he reiterated that he wants to see their budget. Commissioner Gibson said that not approving it until January would put the District in a difficult position.

Commissioner Harvey moved to table this discussion until December 12 or 19 and for the District to then have a budget for the Commission to see, that could be submitted to the State and could be posted. Commissioner Gibson noted that the budget had been approved, which is the capital expenditure line item and the reimbursement to the county, nothing else. Mr. Hansen did not believe they could have budget specifics in two weeks; they do not even have their sites on a number one location for purchase or donation. Commissioner Harvey needed to see the District's ideas on how they would spend that money in the future, which could be posted for the area residents who want the information. Chair Ebert noted that there is a difference of opinion on the timeline and asked if it would help the District to table this to get some clarity and for them to approve it at the first of the year. He finds it difficult to approve a tax rate that is not linked to a budget; the budget has no clarity to it, no fixed operational costs or potential projected costs. Chair Ebert said that it is difficult for the Commission to set a tax rate without any idea of where the expenditures are assigned to. Mr. Hansen agreed, stating that last night the public expressed desire for more detail. He preferred not waiting until 12/31/2017 to have the tax rate approved. Mr. Bond recommended contacting the State Tax Commission to find clarity on when the tax rate has to be passed. Commissioner Harvey moved to amend his motion to table this item until December 12th and to bring it back for a vote. Commissioner Gibson seconded. Chair Ebert asked Mr. Hansen if 12/12 would be sufficient time to work with the Sate on the timeline requirements and he was in approval. Chair Ebert asked that if it turns out that there are no legal requirements or negatives to the District's budget or tax rate process to wait until the first of the year and they could make those decisions themselves and Mr. Hansen interjected that they would then wait. Mr. Brunner and Mr. Baron stated that the statute effective 1/1/2018 requires a District representative to come before the Commission and explain that they are raising the taxes and by how much, and that the Commission will take public comments. The District would then have authority to approve the tax increase in their own meeting.

Commissioner Gibson – aye; Commissioner Harvey – aye; Chair Ebert – aye

H. PUBLIC COMMENTS: None.

I. ADJOURN

Commissioner Gibson moved to adjourn at 11:30 a.m.; Commissioner Harvey seconded.

Commissioner Gibson – aye; Commissioner Harvey – aye; Chair Ebert – aye

Attest:

James Ebert, Chair
Weber County Commission

Ricky D. Hatch, CPA
Weber County Clerk/Auditor