

MINUTES
WEBER COUNTY COMMISSION
Tuesday, November 24, 2020 – 5:31 p.m.
Via Zoom meeting + at Weber Center, 2380 Washington Blvd., Ogden, UT

In accordance with the requirements of Utah Code Section 52-4-203, the County Clerk records in the minutes the names of all persons who speak at a County Commission meeting and the substance "in brief" of their comments. Such statements may include opinion or purported facts. The county does not verify the accuracy or truth of any statement but includes it as part of the record pursuant to State law.

WEBER COUNTY COMMISSIONERS: Gage Froerer, James "Jim" H. Harvey, and Scott K. Jenkins.

STAFF PRESENT: Ricky D. Hatch, County Clerk/Auditor; Christopher Crockett, Deputy County Attorney; and Fátima Fernelius, of the Clerk/Auditor's Office, who took minutes.

A. WELCOME - Chair Froerer

B. PLEDGE OF ALLEGIANCE – McCarty Froerer

C. INVOCATION - Chris Crockett

D. THOUGHT OF THE DAY - Commissioner Harvey

E. PUBLIC COMMENTS: David Shupe said that he paid property taxes late in 2017 and the county assessed a penalty for his error. In 1998 the county made an error, and as a consequence, he was overtaxed for 18 years. He approached the Commission 2½ years ago asking for his money back, for the interest on that money, and for a penalty. The county addressed the first two but not the penalty. Today he asked why he did not have the same right to assess a penalty on the county when it makes an error. Chair Froerer said that the county follows State statute and that should be addressed with State legislators. Mr. Shupe tried that but said that he was stonewalled. He said that Chair Froerer hung up on him during a telephone call. He would appreciate an email response from all three commissioners.

F. CONSENT ITEMS:

1. Ratify warrants #3251- 3262 and #454559-454684 in the amount of \$1,191,741.44 dated November 17, 2020
 2. Warrants #3263-3304 and #454685-454952 in the amount of \$4,199,847.64
 3. Ratify purchase orders in the amount \$148,580.80 dated November 17, 2020
 4. Purchase orders in the amount of \$74,805.97
 5. Minutes for the meeting held on November 10, 2020
 6. A new business license
 7. Surplus lighting equipment from the Peery's Egyptian Theater/Ogden Eccles Conference Center
 8. Surplus a 1996 JLG Man Lift from the Golden Spike Event Center
 9. Staker Parson contract change order 13 covering relocation work on Weber Basin's PRV vault-at no cost to county
 10. Abate taxes for parcels 04-024-0004 and 04-024-0030, owned by a tax exempt entity
 11. *Contracts for production of 5 Carols for Christmas: Kayli Nielsen; Andra Thorne; Samantha Wursten; Erik Hawkins; Justin Lee; Emily Woods; Karllen Johnson; Jordyn Tracy; Marilyn Montgomery; Melissa Toomer - *Item held.
- Commissioner Harvey moved to approve the consent items, holding item F.11; Commissioner Jenkins seconded. Commissioner Jenkins – aye; Commissioner Harvey – aye; Chair Froerer – aye

G. ACTION ITEMS:

1. **RESOLUTION AUTHORIZING ISSUANCE & SALE OF NOT MORE THAN \$2,500,000 ADDITIONAL AGGREGATE PRINCIPAL AMOUNT OF FEDERALLY TAXABLE/CONVERTIBLE TO TAX-EXEMPT SPECIAL ASSESSMENT REFUNDING BONDS (SUMMIT MOUNTAIN ASSESSMENT AREA), SERIES 2020 (TOGETHER WITH \$14,000,000 OF BONDS AUTHORIZED PREVIOUSLY BY RESOLUTION NO. 40-2020 ADOPTED ON NOVEMBER 10, 2020, FOR A TOTAL OF \$16,500,000); & RELATED MATTERS – RESOLUTION 41-2020**

Randy Larsen, of Gilmore & Bell, county bond counsel (had a very poor zoom connection), explained that this resolution was a form of what was adopted at the last Commission meeting where \$14M was approved for refunding, and that they had operated under the assumption that they could issue those bonds in a parity with the existing bonds but on further review realized that could not occur. It would still be a saver to the deal in general. The purpose and intention are the same, and today's action does not rescind the authorization of the par amount from the prior Commission meeting but is basically an expansion of that bonding parameter from \$14M to \$16.5M and triggers a new notice that clarifies that it will not be more than \$16.5M based upon the \$2.5M additional authority before the Commission. Johnathan Ward, county financial advisor, of Zions Bank, agreed that there is a slight decrease in savings due to the inefficiency of refinancing the three maturities that are not prepayable (the 2013 bonds) but there are about \$70,000 in foregone savings compared to \$1.2± M that is estimated to be saved by doing the transaction in this low interest environment. John Bond, County Treasurer, stated that at the last meeting only a portion of the bonds that were outstanding were put into a refinance environment, but they need to market all of these bonds because marketing only 80% would make it a subordinate bond to the three that are still outstanding, which is not palatable to go out to market.

Commissioner Jenkins moved to adopt Resolution 41-2020 authorizing the issuance and sale of not more than \$2,500,000 additional aggregate principal amount of federally taxable/convertible to tax-exempt Special Assessment Refunding Bonds (Summit Mountain Assessment Area), Series 2020 (together with \$14,000,000 of bonds authorized previously by Resolution No. 40-2020 adopted on November 10, 2020, for a total of \$16,500,000); and related matters; Commissioner Harvey seconded.

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

2. **ADDENDUM TO INTERLOCAL COOPERATION AGREEMENT FOR DISTRIBUTION OF CARES ACT FUNDING TO OGDEN CITY**

John Bond, County Treasurer, noted that the Commission approved an agreement in October with Ogden City whereby the county moved \$3M of its portion of the CARES Act funds to the City to provide economic relief for a nonprofit program. There is a need to expand that program and this addendum adds another \$1/2 M from the county's CARES Act funds. It also allows for \$3.8M from the county's portion to small businesses in the City. Chair Froerer noted that because the county sold the City on accepting this path, a lot of businesses were helped.

Commissioner Harvey moved to approve the addendum to the Interlocal Cooperation Agreement for the Distribution of Cares Act Funding to Ogden City; Commissioner Jenkins seconded.

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

3. **AGREEMENTS TO PROVIDE CORONAVIRUS RELIEF FUNDS TO THE FOLLOWING: OGDEN PREPARATORY ACADEMY; VENTURE ACADEMY; UTAH MILITARY ACADEMY; DAVINCI ACADEMY; LEADERSHIP LEARNING ACADEMY; ST. JOSEPH CATHOLIC HIGH SCHOOL; ST. JOSEPH CATHOLIC ELEMENTARY SCHOOL; GUIDEPOST MONTESSORI ACADEMY; OAKGROVE SCHOOL; WEBER FIRE DISTRICT; WEBER HOUSING AUTHORITY; AND MARIA MONTESSORI ACADEMY**

John Bond, County Treasurer, stated that the county worked diligently with various entities to help them by providing CARES Act funding.

Commissioner Harvey moved to approve the following agreements to provide Coronavirus relief funds: Ogden Preparatory Academy; Venture Academy; Utah Military Academy; Davinci Academy; Leadership Learning Academy; St. Joseph Catholic High School; St. Joseph Catholic Elementary School; Guidepost Montessori Academy; Oakgrove School; Weber Fire District; Weber Housing Authority; Maria Montessori Academy; Commissioner Jenkins seconded.

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

H. PUBLIC HEARING:

1.

Commissioner Jenkins moved to adjourn the public meeting and convene the public hearing; Commissioner Harvey seconded.

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

2. **PUBLIC HEARING TO TAKE INPUT ON THE WEBER COUNTY 2021 TENTATIVE OPERATING AND CAPITAL BUDGETS AND THE PROPOSED SUMMIT ROAD OVERLAY DISTRICT TAX INCREASE**

Scott Parke, County Comptroller, gave a presentation which included that in 2021 the county will receive about \$217.5M in revenues (this includes all of the restricted money) with about ¼ from charges for services, a little over a ¼ from property taxes, about 1/3 from sales tax, 2% from grants and 2% from miscellany. Expenditures come to about \$231.5M, but the county has no control over a lot of that money because it is a flow through. General Fund revenues are anticipated at \$81.6M and expenditures at \$83.3M, including 63% for employee compensation and 33% for operating expenditures. Major capital projects included allocating \$1M for Jail facility improvements, \$1.6M to Culture Parks & Recreation facilities, and \$1.7M to a Repair and Replacement fund.

The 5-year projections included that the county spent a lot of cash in 2020 refinancing bonds because it had a lot of cash and this allows saving \$4M, that by the end of 2021 the county is anticipated to be at the fund balance cap, and that it is anticipated that there will be no need for a tax increase for the General Fund in that period. The county has been proactive to save money. Ricky Hatch, County Clerk/Auditor, stated that the county has done a great job at managing finances, looking forward and being fiscally conservative and this is due to the county's full team effort and smart-spending mindset. Commissioner Harvey thanked everyone stating that collectively the team watches out for county dollars, a win for everyone, and that COVID has destroyed some communities but Weber County is financially strong. Commissioner Jenkins noted that public safety is up to 55% of the General Fund, that the county has strived to fund it at a higher level, that those employees are being treated very well, and the county is not losing its sheriffs to other organizations as had been occurring, and they got a new \$1.65M storage building. Chair Froerer said that even today public safety employees thanked him for the Commission's help and support. Mr. Parke noted that the Commission approved 11 new positions at the Sheriff's Office, a part of that increase. The county had built up the Library Fund and used a lot of that money to payoff outstanding bonds and also transferred \$2.5M into a Restricted Library Repair & Replacement Account for future library capital improvements or facility. The Paramedic Fund is very healthy and the Health Department has a plan to spend down its fund balance to the recommended level. Taxes were increased for the first time a couple of years ago for unincorporated areas which were very low and the plan was to do this in two phases and raise taxes this year, but due to the incorporation petition for a portion of the area, the county held off to see that outcome. The incorporation vote did not go through and Mr. Parke said that the current projection does not include a tax increase for future years, but he anticipates the need to look at raising additional revenues next year or trimming the level of services. Three new employees were added to the Municipal Services Fund in this current budget along with a plan review, and a new employee in County Engineering will focus on the septic system maintenance and stormwater oversight.

The unincorporated area is a contract “city” and the Sheriff’s Office provides law enforcement, and with the increase of employees, unincorporated Weber County has to pay that increase (about \$200,000). This issue needs to be addressed. Commissioner Jenkins noted that in the meantime there is a substantial annexation taking place of about 5%-6% of the total unincorporated population into Plain City and the county had also waited for this to occur.

This year the Commission created the Summit Road Overlay District and Mr. Parke showed a map stating that all properties that are accessed through that road will have a property tax increase totaling \$125,000 to pay for snow removal. In the Ogden Valley it costs about \$7,000/mile for snow removal, about \$1,000/mile for the lower valley, and almost \$54,000/mile for Summit Road because of the specific inclement conditions; it is tremendously expensive to keep that road open. The lower valley and the Ogden Valley residents should not be subsidizing snow removal for Summit Road. The calculation shows that there is nearly an annual \$100,000 shortage between what those property owners pay in additional taxes less what it costs to plow that road. The difference from the \$125,000 is the need for the specific equipment to help remove snow from the top of the mountain. Commissioner Harvey explained that it requires a very large size, heavy duty snow blower with an auger of about 6-7 feet high and 8-9 feet wide. Commissioner Jenkins stated that even the \$125,000 is a shortfall as some winters have double what the county is putting aside for. The commissioners thanked Mr. Parke for his hard work on this expressing their confidence in his product.

3. **PUBLIC COMMENTS:** None.

4.

Commissioner Jenkins moved to adjourn the public hearing and reconvene the public meeting; Commissioner Harvey seconded.

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

5. **ACTION ON THIS ITEM WILL BE TAKEN ON DECEMBER 15, 2020**

There was no action today. The hearing was to receive public comments today and over the next week or so and to approve the final budget, including the tax increase, on 12/15/2020.

I. COMMISSIONER COMMENTS: Commissioner Jenkins noted that a lot of lights were surplus today and asked if that was because of a donation received to redo the lighting at Peery’s Egyptian Theater. Commissioner Harvey responded that was correct. Commissioner Jenkins appreciates everyone’s efforts in taking the county to where it stands financially today by retiring debt, paying off bonds, and putting its fiscal house in order, stating that it has taken the last three budget cycles to get to this point. Chair Froerer said that the state of the county is doing great financially proving that fiscally sound decisions were made over the past 2-3 years, and that it is about the value that the entire county team brings to the public.

J. ADJOURN

Commissioner Jenkins moved to adjourn at 6:47 p.m.; Commissioner Harvey seconded.

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

Attest:

Gage Froerer, Chair
Weber County Commission

Ricky D. Hatch, CPA
Weber County Clerk/Auditor