

**MINUTES
OF THE BOARD OF COMMISSIONERS OF WEBER COUNTY**

Tuesday, January 28, 2014 - 10:05 a.m.

Commission Chambers, 2380 Washington Blvd., Ogden, Utah

In accordance with the requirements of Utah Code Annotated Section 52-4-7(1)(d), the County Clerk records in the minutes the names of all citizens 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.

COMMISSIONERS: Kerry W. Gibson, Chair, Jan M. Zogmaister and Matthew G Bell.

OTHERS PRESENT: Ricky D. Hatch, County Clerk/Auditor; David C. Wilson, Deputy County Attorney; and Fátima Fernelius, of the Clerk/Auditor's Office, who took minutes.

A. WELCOME – Chair Gibson

B. PLEDGE OF ALLEGIANCE – Larry Slagowski

C. THOUGHT OF THE DAY – Commissioner Zogmaister

D. PRESENTATION OF THE PAYMENT IN LIEU OF TAXES (PILT) CHECK

Justin Dolling, Northern Regional Supervisor, Utah Division of Wildlife Resources, stated that the division owns/manages about 16,300 acres in Weber County (primarily for wildlife). He presented a check for \$8,150.85 generated from the sale of hunting and fishing licenses. Chair Gibson noted some current Washington challenges relating to PILT. The federal government did not fund the PILT payment for federal lands in the latest adopted budget. He said that statewide this is a huge problem, particularly for counties that are largely federally owned.

E. CONSENT ITEMS:

1. Purchase Orders for \$77,856.43
2. Warrants #305758-#306102 for \$2,089,741.92
3. Minutes for the meeting held on January 21, 2014
4. Contract with Wells Fargo Bank, N.A. for the bank to act as the Paying Agent and Registrar for the Utah General Obligation and Refunding Bonds, Series 2013 – Contract C2014-16
5. New business licenses
6. New beer license
7. ACH payment to US Bank for \$62,851.77 for purchasing card transactions through January 15, 2014

Commissioner Bell moved to approve the consent items; Commissioner Zogmaister seconded, all voting aye.

F. ACTION ITEMS:

1. **FINAL READING OF THE FEE ORDINANCE AMENDMENTS RELATING TO THE SOLID WASTE DIVISION OF THE WEBER COUNTY OPERATIONS DEPARTMENT – ORDINANCE 2014-4**

Gary Laird, with the County Solid Waste Division, noted that the first reading occurred last week and that the public curbside recycling fee was removed from the ordinance, which will be handled with interlocal agreements with each of the cities.

Commissioner Zogmaister moved to adopt Ordinance 2014-4, final reading of the fee ordinance amendments relating to the Solid Waste Division of the County Operations Department; Commissioner Bell seconded.

Roll Call Vote:

Commissioner Bell	aye
Commissioner Zogmaister.....	aye
Chair Gibson.....	aye

2. **RESOLUTION APPOINTING MEMBERS TO THE TOURISM TAX ADVISORY BOARD (TTAB) – RESOLUTION 6-2014**

Todd Ferrario, with TTAB, noted that there are three vacancies and recommended these appointments, which represent various economic drivers in the county. The terms are for two years.

Commissioner Zogmaister moved to adopt Resolution 6-2014 appointing Jennifer Graham, Sara Toliver and Marty Smith to the Tourism Tax Advisory Board; Commissioner Bell seconded.

Roll Call Vote:

Commissioner Bell	aye
Commissioner Zogmaister.....	aye
Chair Gibson.....	aye

3. **CONTRACT WITH WEBER STATE UNIVERSITY FOR A LEASE AGREEMENT FOR THE WEBER COUNTY SPORTS COMPLEX – CONTRACT C2014-17**

Todd Ferrario, with the County Ice Sheet, noted that Weber State is a tenant of the facility. The parties are currently operating under this agreement but no contract had been signed previously.

Commissioner Bell moved to approve Contract C2014-17 with Weber State University for a lease agreement for the Weber County Sports Complex; Commissioner Zogmaister seconded, all voting aye.

4. **CONTRACT WITH UTAH DEPARTMENT OF HUMAN SERVICES/JUVENILE JUSTICE SERVICES (JJS) FOR TRANSPORTATION OF JUVENILES IN ACCORDANCE WITH THE INTERSTATE COMPACT OF JUVENILES – CONTRACT C2014-18**

Steffani Ebert, with the Weber County Sheriff Office, noted that the office was contacted by the Division of Juvenile Justice Services to assist them in the transportation and extradition of juvenile offenders back into the State. JJS will pay all the related transportation and travel costs and reimburse the Sheriff's staff on an hourly rate. The State anticipates only about 12/year.

Commissioner Bell moved to approve Contract C2014-18 with the Utah Department of Human Services/Juvenile Justice Services for transportation of juveniles in accordance with the Interstate Compact of Juveniles; Commissioner Zogmaister seconded, all voting aye.

5. **FINAL APPROVAL OF LITTLE BEAR CONDOMINIUMS LOT 3 1ST AMENDMENT, CONSISTING OF 8 UNITS, INCLUDING THE VACATION OF LOT 3 OF LITTLE BEAR SUBDIVISION AND ALL PUBLIC UTILITY AND DRAINAGE EASEMENTS LOCATED THEREIN, AND ACCEPTANCE OF A FINANCIAL GUARANTEE OF \$28,971.03 FOR LANDSCAPING AND OTHER SITE IMPROVEMENTS – ORDINANCE 2014-5**

Ben Hatfield, with the County Planning Division, showed area maps. The applicant is constructing an 8-unit condominium complex near the town center of Eden. The site (lot 3) formerly contained some drainage easements that inhibited construction of this new project.

Commissioner Bell moved to adopt Ordinance 2014-5 vacating Lot 3 of Little Bear Subdivision and all public utility and drainage easements located therein, and to grant final approval of Little Bear Condominiums Lot 3 1st Amendment, consisting of 8 units, and to acceptance a financial guarantee of \$28,971.03 for landscaping and other site improvements; Commissioner Zogmaister seconded.

Commissioner Bell	aye
Commissioner Zogmaister.....	aye
Chair Gibson.....	aye

6. **RESOLUTION APPOINTING A MEMBER TO THE GOLDEN SPIKE EVENT CENTER ADVISORY BOARD – RESOLUTION 7-2014**

Jennifer Graham, County Recreation Facilities Director, presented the request to fill a vacancy for an unexpired term through December 2014.

Commissioner Bell moved to adopt Resolution 7-2014 appointing Lori Knoefler to the Golden Spike Event Center Advisory Board; Commissioner Zogmaister seconded.

Roll Call Vote:

Commissioner Bell	aye
Commissioner Zogmaister.....	aye
Chair Gibson.....	aye

7. CONTRACT WITH WOODEN CREATIONS TO HAVE MARK COLP FROM WOODEN CREATIONS PROVIDE CHAINSAW CARVINGS FOR THE 2014 WEBER COUNTY FAIR – CONTRACT C2014-19

Jan Wilson, with the County Fair, presented this contract for \$4,000.

Commissioner Bell moved to approve Contract C2014-19 with Wooden Creations to have Mark Colp from Wooden Creations provide chainsaw carvings for the 2014 Weber County Fair; Commissioner Zogmaister seconded, all voting aye.

8. CONTRACT WITH ANIMAL SPECIALTIES TO PROVIDE A PETTING ZOO AT THE 2014 WEBER COUNTY FAIR – CONTRACT C2014-20

Jan Wilson, with the County Fair, presented this contract for \$5,000.

Commissioner Bell moved to approve Contract C2014-20 with Animal Specialties to provide a petting zoo at the 2014 Weber County Fair; Commissioner Zogmaister seconded, all voting aye.

9. CONTRACT WITH CAPITOL INTERNATIONAL PRODUCTIONS, INC., FOR HAAI, INC. TO PROVIDE THE LIVE SHARK ENCOUNTER SHOW AT THE 2014 WEBER COUNTY FAIR – CONTRACT C2014-21

Jan Wilson, with the County Fair, presented this contract for \$9,000.

Commissioner Bell moved to approve Contract C2014-21 with Capitol International Productions, Inc., for Haai, Inc. to provide the Live Shark Encounter Show at the 2014 Weber County Fair; Commissioner Zogmaister seconded, all voting aye.

H. PUBLIC COMMENTS: All comments were regarding item 10 below.

Bruce Anderson, former County Commissioner, stated that the Recorder/Surveyor's Office was consolidated after his term as commissioner. He remembers conflict between the Recorder and Surveyor's offices when he was commissioner relating to some property descriptions that didn't match up and fictitious properties were created and those problem properties that were not discovered went to tax sale. He feels those issues can be discovered if the offices remain combined. He believes that because the consolidation saves money, it should remain.

Robert Froerer, local attorney, said that some of his cases deal with boundary and easement disputes. He supports continuing the consolidation of the offices and believes it has been helpful. He said that it almost seems like there is an internal dispute and is not valid for consideration because of the likely increase in expenditures to separate the offices. He understands that there is conflict between the Surveyor's Office and the title industry relating to customer service and perhaps more discussion is needed to resolve the concerns.

Karla Little has worked in the Recorder/Surveyor's Office for 27 years. She said that 27 years ago several people retired and a lot of the Recorder's Office leadership changed. Back then if a deed came in with a better legal description than what was available on record, staff was instructed to use that deed's description. If the deed description came with errors or contradictions to the record, staff sought the Chief Deputy's advice, as well as that of County Engineering, Surveying, Planning, and the Attorney's Office. They looked at aerial maps; they were not working on AutoCAD and did not have the computer access of today. If there was a problem, they showed it as an overlap or gap on the legal description.

Staff was instructed, that if they could not to the best of their ability and with the assistance of the aforementioned staff come up with a remaining parcel that they felt they could stand behind, they were to use the exception policy. At times, people record documents that still contain contradictions/errors and the Recorder has to deal with it and they do the very best they can. She said that there may always be conflicts in descriptions.

Ms. Little said that in the last several years the policy has been that if a remaining parcel description is not provided on a deed, the exception policy is used. This gets very confusing; it results in multiple pages because of all the exceptions. She agrees that some cannot be done any other way but there are many that can be kept simple, shorter and more concise. She thanked Mr. Anderson and Mr. Froerer for their comments and stated that what they said will not change by keeping the offices combined.

Lynn Stevens has been experiencing significant problems for the past 8 years with the property she purchased from the railroad and said that every deed has been compromised. She has seen deeds be created for property that does not exist. She has had 5-6 surveys on her property. There have been lawsuits for the last 10 years between various people. She has been told that she probably will not be able to sell her property the way the deeds are unless they go back to the way they were. She does not wish to keep going back to court and does not want to hire any more lawyers. She wants this fixed. She sees no way that the Recorder's Office and the Surveyor's Office can continue as things are, that another 6-7 years of this would be horrendous.

Leann Kilts, of the Recorder/Surveyor's Office, stated that between the comments the commissioners have heard from title companies, the public and employees that it is evident that these two offices should be separated. Now is the time. Mr. Rowley is a great surveyor and his interest lies within his office in surveying. Ms. Kilts' passion is with the Recorder's Office making sure the documents and abstracts stay correct. She stated that this is not personal but is a driving force for checks and balances, thus the offices need to be separated. The best service given to the taxpayers was when the offices were separated. The staff of the Recorder's Office is prepared for the office to function entirely on its own. She has the support and experience and well trained long-time employees. They want to be part of making this change a success. She encouraged the commissioners not to let this opportunity pass by to fix something that is wrong and also not to wait another six years to restore the Recorder's Office to its golden standard that it once was.

Ernest Rowley, County Recorder/Surveyor, stated that the mappers do the best job that they can with the training that they have had. He stated that he does not fault them but their training has not met the standard that the public should have. He is a licensed land surveyor and has a college degree in mapping. He referred to court cases stating that recording a deed does not pass title, that a deed absolute on its face is only one link in a chain of evidence by which a holder must establish title, and what one owns on the ground is the title and the written documents/descriptions do not guarantee a good title.

Mr. Rowley said that surveying and title are intimately connected and he believes the majority of these two offices are combined in the State. He was County Recorder of the Year 2011, served as president of the Association of County Recorders in 2012, was selected to serve as chair of the cadastral mapping committee for the Association and trains other recorders. His primary interest is to protect property rights. Regarding Ms. Stevens' problems, Mr. Rowley said he has had numerous conversations with the railroad to work through the issues that she has had. Ms. Stevens stated that her concerns are regarding overlapping of property.

Lynda Folkman, retired employee of the Recorder/Surveyor's Office, stated that of 29 counties in Utah only four have a combined Recorder/Surveyor and 11 counties have no Surveyor at all. Chair Gibson asked where she obtained the information and Ms. Folkman had asked people to look up the counties' information online.

Carrie Carter has worked for the Recorder/Surveyor's Office for 17 years and has been proud to work with Weber County. She stated that customer service is suffering. Innumerable times customers come in and staff's "go to" is the mapping department. She is frequently pulled from her job to assist in customer service. During the lunch hour there is one employee and if a customer needs to use their vault on another floor, which should always be accessible, they have to turn customers away. She believes that serving the taxpayers should be the number one priority. The recorder staff is down from 20 to 14 (without replacing Ms. Thompson who recently retired). She said that the recorder's side is much more than the mapping department—there is the ownership department, customer service, etc., and they have so many duties and lack in staff to serve the taxpayers. People who call in with questions always want to be sent to Ms. Kilts, whom she said knows that office. Mr. Rowley had said that they are lacking in training and she stated that is not accurate and is a slap in the face, but rather that they are lacking in staff. Everyone has dedicated their lives to that office and it is their livelihood. It is heartbreaking to watch what is happening to the office and to see customers being turned away, which should be a consideration in the separation issue.

Brandi Kilts has been working for the Recorder/Surveyor's Office for 14 years. She said that the two offices are combined in very few daily tasks. Inherently, the Recorder's Office works differently than the Surveyor's Office and they are a good check and balance. In their daily jobs in mapping they deal with the surveyor's for a few legal descriptions, however the day-to-day process is rarely tied to the Surveyor's department. Their maps were once thought of as some of the best in the State by other Recorders in the State. She said that their maps are sound and they do know their job. Regarding the timing of this issue, she looked at past minutes and these offices were combined the same two weeks 7 years ago.

Debbi Conley, of the Recorder/Surveyor's Office, did not agree that customers are turned away from going to the vault, sometimes they have to wait and a lot of the title customers go down there on their own because staff has given them the code, which is against office policy. During lunch breaks and vacations she asks staff to help customers and many times they simply volunteer. She said that staff is proud of the office. She wonders how they would run with the same number of staff if separated.

Sandy Cook has worked for the Recorder/Surveyor's Office for 25 years. She stated that the Recorder's Office does its best. She stated that there have been days when customers have been sent away and asked to come back because there is one person working customer service and there is no backup. The vault is her responsibility and if she is not available, there is a break in helping the customers. There has been no replacement of the three customer service employees that they lost.

Ms. Cook will be retiring in October and does not want her co-workers to have these hard trials in trying to get help from the surveyors. It would be helpful for the surveyors to come to the front and see what they do. If the customers leave unhappy, it affects the whole office. They work very hard to make it a pleasant experience and work above and beyond the call of duty even when they are short-handed. She reiterated that customer service needs more staff in the Recorder's Office.

Lynda Pipkin feels that there is not sufficient time for the commissioners to make this decision and that there are a lot of issues to consider. Chair Gibson addressed her question stating that the decision to consolidate 7 years ago was passed the two weeks before the statutory deadline for doing so. From speaking with past county employees, she believes the consolidation occurred possibly due to problems relating to a former County Recorder. A former county commissioner had told her that he thought consolidating was a mistake back then and that they should have separated the day after it occurred. She does not feel that the issues she is hearing today, such as staffing, are strong enough to separate the offices, and noted that there would be associated costs.

Bruce Anderson said that with one elected official over the two departments that person can make the decisions, and if citizens do not like what is happening they can vote during the election. Regarding funding issues, he said if there are additional needs they need to be dealt with in the budget.

Karen Clark, Weber County citizen, finds that there is no communication between the two offices other than derogatory. If there is an office administrator, one is needed in each office that can communicate. She noted that Mr. Rowley had already stated that he does not talk to anyone unless they are a department head. The commissioners need to determine how many salary increases there have been in the Surveyor's Office and if they have equally been given in the Recorder's Office, in addition of the loss of five staff in the Recorder's Office. She supports splitting the offices.

Cory Combe had not been aware that there were problems in the office. He wonders what is to be accomplished by separating the offices. He believes that there is not enough time to make this decision.

Karla Little stated that this is not as new an issue as it might appear to some people who are not aware of what is going on. The commissioners asked that people come forward who wished to speak to this issue but she fully knows that it has come to a halt because people fear for their jobs. Those who ventured comments have stuck their necks out as much as they dare. She knows the commissioners have received a lot of emails because she has been blind-copied on a lot of them. Therefore, the commissioners have access to information and input from many people, whose opinions they value and some who are present today, including other department heads. Many people have come and offered advice, help and support on how this consolidation can be accomplished in a timely manner, and it saddens her if those people have not also come forward to the commissioners and helped them with that same information. An email was sent out from a deputy county attorney stating that during the political time staff is not to use county time etc., during working hours, which they can understand, however, this has slowed communication during working hours. She asked how could anyone have access to the commissioners because that is when people are available and willing to speak to them. She very much wished that there were still enough people who remembered how it worked before the consolidation.

Chair Gibson expressed appreciation to those who offered their opinions and values how the employees do their jobs. He has watched and said that almost all employees do their very best and they truly care for this county and the taxpayers.

There have been three meetings on this item within a 10-day period. The commissioners have received a lot of input in public meetings and from phone calls and emails. Chair Gibson feels that the input from phone calls and emails appears to be about equal for both sides. He expressed frustration by the time constraints because this is a major decision. He said that this needs to be about what makes sense for the taxpayers relating to finances and customer service.

10. DISCUSSION/ACTION ON FINAL READING OF AN ORDINANCE WHICH WOULD SEPARATE THE OFFICE OF WEBER COUNTY RECORDER/SURVEYOR INTO SEPARATE OFFICES, WITH THE COUNTY RECORDER AND COUNTY SURVEYOR TO BE ELECTED IN THE 2014 ELECTION CYCLE, WITH THIS ORDINANCE TO TAKE EFFECT ON THE FIRST MONDAY IN JANUARY 2015

After the last meeting, Chair Gibson had requested the Clerk/Auditor to provide the best estimate of the figures to get an idea of the financial impact of separating the office. Ricky Hatch, Clerk/Auditor, stated that they tried to keep this as objective as possible, looked at the data that could be quantified and tried to avoid subjective estimates. A more in depth analysis could require at least a month. They came up with a low and a high estimate broken out into three subparts—salaries, computer equipment and training/travel. The low annual estimate if there was a split would be \$135,992. It assumed that there was no new chief deputy or administrative assistant in one of the two offices, took into account the salary of the elected official, the cost of one computer (not including the cost of new computer software for about \$1,000), the

cost of attending the UAC conferences in the State (a common practice among all county offices), and the single individual health insurance package. The high annual estimate at \$342,796 assumed that the new position would have a new chief deputy and new administrative assistant, used the family health insurance package, plus the approximate cost of \$3,000 for a computer for each person, and the training/travel was higher assuming one State training/travel for the new elected official. Neither scenario estimates any training/travel for the new chief deputy, or car or phone allowance for the elected official. The latter had been discussed but was not included because the elected official could choose not to use it. Not considered in these figures were office configuration expenses or the gaining or losing of efficiencies. Additionally, if a new administrative assistant was hired, the assumption was that person would take over office manager duties.

Chair Gibson noted that since all county elected officials have a chief deputy and an administrative assistant the low estimate would put the Commission in a difficult predicament, and they should be prepared to accept the high estimate.

Commissioner Bell said that by splitting the office for six years the low estimate would cost about \$770,000 and the high estimate, with a car allowance, would be about \$2.1 million. His biggest concern is for the employees and said that issues need to be addressed and that there is an elected official who is responsible to resolve some of those issues.

Chair Gibson said that they need to look at the benefits/lack thereof, stating that the split may be worth the \$350,000.

Commissioner Zogmaister stated that they have been aware that there are problems in that office for some time but thought it was a matter of working through combining issues. After a while one wondered if the differences were in leadership, personalities, or if there were conflicting interests that could not be combined. A lot of people have spoken up but have been nervous about doing so. She sees county employees just keep working and not complaining. She expressed appreciation to those who stepped out of their comfort zone and brought concerns to the commissioners, which was difficult. These are real concerns in the employees' day-to-day jobs where they spend some much of their lives and they need to be considered. Other factors that weigh into the cost of separating the offices, including how much is lost in productivity because of lack of ability to communicate, work effectively, etc. There is a lot of waste and energy that goes into that type of environment, which also needs to be addressed.

Chair Gibson outlined the following options: move forward to separate the offices; leave the office as it is; and that they have until January 31 if there is the possibility that they may learn something beneficial in the next 3-4 days. The commission would be willing to have another special meeting.

Chair Gibson stated that he would wait for a few more minutes for a motion. If no motion was made they would move to the next agenda item. He asked again and no motion was made.

G. ASSIGN PLEDGE OF ALLEGIANCE & THOUGHT OF THE DAY FOR TUESDAY, FEBRUARY 4, 2014, 10 A.M.

I. ADJOURN

Commissioner Bell moved to adjourn at 12:02 p.m.; Commissioner Zogmaister seconded, all voting aye.

Attest:

Kerry W. Gibson, Chair
Weber County Commission

Ricky D. Hatch, CPA
Weber County Clerk/Auditor