

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

Tuesday, December 7, 2004 - 5:45 p.m.
Commission Chambers, Weber Center, Ogden, Utah

Each Commission meeting is recorded on CD or audio tape, which is available to the public through the County Clerk's Office.

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 PRESENT: Camille T. Cain, Chair, Glen H. Burton and Kenneth A. Bischoff.

OTHERS PRESENT: Linda G. Lunceford, County Clerk/Auditor; Mark R. DeCaria, County Attorney; and Fátima Blackford, Clerk/Auditor's Office, who took minutes.

- A. **WELCOME** by Chair Cain
- B. **PLEDGE OF ALLEGIANCE** was conducted by Sheriff Brad Slater
- C. **THOUGHT OF THE DAY** was offered by Commissioner Burton

D. CONSENT ITEMS:

- 1. Purchase Orders in the amount of \$181,106.56
- 2. Warrants #196067 - #196291 in the amount of \$1,599,463.27
- 3. Minutes of the regular Commission Meeting held on November 30, 2004
- 4. New Business License Applications
- 5. Set public hearing date for December 28, 2004 on Conditional Use Permit Application CUP #17-04 for amendments to a Planned Residential Unit Development known as Trappers Ridge at Wolf Creek P.R.U.D. at approximately 8500 E. Elkhorn Dr.

Commissioner Bischoff moved to approve the consent items; Commissioner Burton seconded, all voting aye.

E. ACTION ITEMS:

- 1. **RESOLUTION ADOPTING AN AMENDMENT TO THE OGDEN VALLEY AND WEST CENTRAL GENERAL PLANS BY ADDING THE MODERATE INCOME HOUSING PLAN ELEMENT - RESOLUTION 25-2004**

Kevin Hamilton, County Planning Department, noted that this item had been discussed in a public hearing on 11/16/2004. At that time, staff requested tabling final approval to have an opportunity to review the calculations on the percentage of growth for the Ogden Valley and the lower valley. Chair Cain asked if changes had been made to those figures and Mr. Hamilton said that the numbers did not change but the language had been made clearer so that the calculations could be better understood.

Commissioner Burton moved to adopt Resolution 25-2004, amending the Ogden Valley and the West Central General Plans by adding the Moderate Income Housing Plan element; Commissioner Bischoff seconded.

Roll Call Vote

Commissioner Bischoff	aye
Commissioner Burton	aye
Chair Cain	aye

- 2. Commissioner Bischoff moved to recess the Commission meeting and reconvene for the public hearing at 6:00 p.m.; Commissioner Burton seconded, all voting aye.

F. PUBLIC HEARING COMMENCED AT 6:00 P.M.

- 1. Motion to recess the Commission meeting and reconvene for the public hearing at 6 p.m.



2. PUBLIC HEARING TO CONSIDER THE 2005 BUDGET

The purpose of this public hearing was to take input regarding the 2005 Weber County tentative budget and the proposed property tax increase. Chair Cain noted that the percentage of the General Fund increase had been recalculated from 30% to 21.3%, although the \$4 million increase to the General Fund in the tentative budget did not change. The State Tax Commission wanted the county to include more of the base budget dollars in the calculation and another public hearing will be held in two weeks. The County Commission will make the decision on the final budget based on their calculations and input from the public, and hope to be able to lower the percentage further.

Chair Cain expressed appreciation for everyone's attendance (the Chambers and overflow room were full) and stated that the three commissioners had worked hard over the past few years to try to become more fiscally responsible to the citizens of Weber County including strategically examining many areas of county government. They had delayed this potential tax increase as long as was reasonable. A strategic plan is almost complete that will plan the next five years. There is evidence to suggest the county is in a good position to improve its bond rating over the next couple of years, the county has refinanced all of its long term debt, the fleet program was examined and significant changes were made, etc. The commissioners felt they had done all the easily identifiable things that could be done.

Commissioner Bischoff stated that it had been a difficult process over the last three years as the economy had not generated the needed revenues. The county is a provider of services and about 70% of its budget is in the area of employees. The county had asked all its employees over the past several years to go without any cost of living raises, the number of employees was decreased, etc. These things had saved the county a lot of money, but the county still had to dip into the General Fund and could not continue doing so. He noted that health insurance continued to increase.

Commissioner Burton said he was taking this issue seriously as he was about to retire, cutting his yearly income significantly. There had been a downturn in the economy and the county's financial position had been in the newspaper. In a 1998 public hearing to increase property taxes, people had requested not doing it all at once but to do a 5-year projection; it had now been almost seven years. He explained that the shrinking jail revenues were due to the beds being filled with local prisoners and having to turn down contracts with the State and the U.S. Marshall; population growth had been significant in the south/southeastern part of the county and he felt it justified a southeast branch library; the COLA and merit raise for employees were a must because the county ran the risk of losing certified employees; fuel costs had increased, particularly affecting the Sheriff and Roads Departments. Public Safety is the largest cost. Funding to support District Court personnel has increased. In summary, the cost to run government has increased. He explained that the truth in taxation legislation did not allow setting a lower percentage of tax increase and raising it later on, however, it could be reduced.

Dan Olsen, County Comptroller, reviewed the 2005 tentative county budget. Copies of his presentation were available to the public. He showed the entire county budget by fund. The total county budget was \$94 million, the revenues for all governmental funds were about \$79,729,000, the current year property tax levy was 65% of total taxes, sales tax was 20% of total taxes, and the expenditures for all funds was \$79,496,000. Public safety accounts for 40% of the county's expenditures. The estimated General Fund revenue is \$28,934,006 with property taxes constituting about 62% and sales tax 25% of total taxes. County departments had been asked to submit a no-growth 2004 budget. The value of new permit-authorized construction in Weber County went down two years in a row after the Olympics which translated into a declining rate of growth in revenues. The economy appears to be improving, generating a combined estimated total revenue of \$730,000 for 2005 (a 3% growth in property tax as well as in sales tax). General Fund expenditures for 2005 are estimated at \$49,674,000. Most county costs are personnel related. A \$1 million property tax increase is being proposed for a new library in South Ogden, which would be about \$600,000 in annual debt service and \$400,000 for annual operating costs. A decrease is proposed to the Paramedic Fund of \$400,000 and to the G.O. Bond Fund of \$140,700. On a \$100,000 home the increase would total about \$38.01 for the whole year, averaging \$3.17/month, based on \$2004 values.

Lynnda Wangsgard, Library Director, stated that 40 years ago Weber County residents had inaugurated the beginning of the Weber County Library System by voting to be taxed for it. That vote was based on the concept that if they taxed themselves for a main library in downtown Ogden that, as the population warranted, branches would be built in other areas of the county. Subsequent branches have been constructed in Roy, North Ogden, and in the Ogden Valley. Bookmobile Service was cancelled to the southeastern portion of the county in 1996 because there were branches in a number of outlying areas and it was not cost justifiable. As the bookmobile was closed, a promise had been made to those individuals that money would be saved and a fund balance created for a library. To date, they have saved \$1 million and this was done with a commitment of the Commission and the Library Board to use that money as a down payment on the new facility. A 3.25 acre site has been donated for the new branch, and the Library Development Fund has pledged 1/4 of \$1 million to help furnish and equip it. An independent auditor had reported that the library was a high performing organization already stretched financially to cover ever increasing demands by the public. She indicted that the Weber County Library System was currently below State and national averages in the funding it received and was the most consolidated Library System in the State. Ms. Wangsgard noted the population growth and gave statistics indicating the increasing demand for library services.

Chair Cain said that this library concept was not the same as the one voted down three years ago, which included renovations to libraries as well as to construct the proposed branch. This was only to construct the southeast branch. She invited public comments and following is a summary:

Steve Richards spoke against the proposed tax increase. His business has been open in Weber County for over 75 years and he felt this was not a good way to increase business in the county, which had a tax rate double of Utah County's and unemployment at 5.6%, compared with Cache Valley at about 3.2%. He stated that Weber County was a difficult place to do business and increasing the taxes did not help. Mr. Richards added that if the county did not have the money, it should not be building a new library. The county should be looking at increasing the tax revenue not decreasing the tax base.

Bernie Allen spoke in favor of the library. He referred to the Weber County losing a couple of good attorneys recently because it could not pay as much as other counties.

Alan Glanville, Ogden business owner, spoke in opposition to the proposed tax increase. He suggested the library collect a subscription fee for some services based on an earnings scale. The last four years had been disastrous for his business. He cut his staff significantly and most can't afford health insurance, he turns the heat down, does not change the lights as often, etc. Everyday people come by his plant looking for work, with some situations being very dire. He referred to the \$2,500 property tax increase he received this year. He was not seeing evidence of the economy turn around.

Mary Johnston, Washington Terrace City councilwoman, said the council supported the southeast branch library, stating that their area had about 2,200 children of kindergarten through 12th grade ages.

John Bradley, South Ogden City councilman, spoke in favor of the library, stating that over the last seven years people continued to ask when they will get a library.

Tim Healy, former Mayor of Pleasant View, said that Pleasant View City had passed a 39% property tax increase about two months ago in the face of much opposition from those at the meeting. The county's proposed high tax increase would have serious impacts particularly on widows, retirees on fixed income, single mothers, etc. He recognized that needs existed in terms of personnel and building another library but suggested doing a tax increase on a graduated basis and for the county to do all possible to reduce expenses. He noted that this year the County Fair had lost nearly one quarter million dollars in attempting to bring in a high priced entertainer, and that the Weber County Commission had a budget of about \$545,000. Utah County, which has nearly twice as many residents, and Davis County, which also had more residents had a budget of about the same as Weber County.

Jeff Stephens of Washington Terrace spoke in favor of the library stating there were about 10 schools in the southeast area with two being Title I schools (representing disadvantaged families).

Sharon Holley retired Ogden resident, spoke against the tax increase. Raising taxes drive out businesses. She cited articles on financial problems faced by retirees including high natural gas prices to heat their homes. She has been a library patron since the 1950's and finds them very underutilized.

Mike Jerman, Vice President of Utah Tax Payers Association, noted that the reduction in the proposed tax rate increase from 30% to 21% had been at their intervention. When comparing different taxing entities various factors have to be considered, but Weber County's existing tax rate for the library is 134% greater than Utah County's and 65% higher than Davis County. The State has been able to keep their annualized expenditures at 3%, Davis and Utah Counties between 7-9%, and Weber County's has been going up to almost 13.5%. He mentioned recent and upcoming tax increases stating that Weber County citizens should have been told of the intent to raise the taxes 21% when the RAMP tax was put on the ballot, and that school districts will be asking for another bond from \$90-\$100 million. He said that proposed increases can be reduced. Commissioner Burton asked about the impact of RDAs and Mr. Jerman said that Weber County's ratio was higher than a lot of cities, he disagreed with the RDA concept because there was no reason for a city to take away a tax base from other entities, especially if it was going to be used to subsidize activity that would occur in the area anyway, and restaurants, shopping malls, bowling alleys did not require subsidy but do impact the tax rate.

Becky Hale, who works with teachers and students in the south side of Ogden, spoke in favor of the library and the inconvenience of having to drive a long distance to/from the library.

Janice Combe of North Ogden supported the library and the tax increase. She believed the children of the southeast area should have the same opportunities that others have.

Evelyn Bertilson, President of Friends of the Weber County Library, was in favor of the new library stating that people in the southeast had been paying the tax since 1964 and the area growth warranted the new branch. She presented three letters—from South Ogden, Washington Terrace, and Riverdale cities—in support of the library.

Jason Rouch of Ogden spoke in favor of libraries.

Mike Monson of North Ogden spoke in favor of the southeast library and completing the system.

Grant Cook stated he did not have time to go to the library. He spoke of consolidating the jail system.

Brent Frost, retired senior citizen and former South Ogden Mayor, spoke in support of the library.

Geoffrey Bailey of Ogden spoke in favor of the library. He spoke against RDAs because they are unfair to local businesses and would like to correct this. The commissioners said it would take legislative action. There is a statewide effort to address RDAs but the Commission does not have control over the issue.

Leila Stephens of Washington Terrace spoke in favor of the library and the importance of it in her life.

Melanie Dingman of Washington Terrace spoke in favor of the tax increase for the library citing that some children cannot afford the internet in their homes.

Pete Graham of West Haven spoke against the tax increase. He cited inflation rates stating there had been a constant increase in total revenue to county government from 1999 to 2003 from property taxes. Property taxes have increased faster than the rate of general inflation. He noted that the people had voted against the library bond.

Larry Latham of Washington Terrace spoke in favor of the library stating that many people in the south area are not able to go to another library.

David Wilson said that Mr. Jarman had incomplete information in the comparison to Davis County, which had virtually no unincorporated area left and very little in patrol functions. Weber County had worked to consolidate its law enforcement and the figures that showed large personnel costs were actually reflecting a consolidation. Commissioner Burton said that Weber County had about 212 miles of county roads and Davis County 50-60. Mr. Jarman reiterated that taxing entities were not identical, however, he had not heard an explanation as to why Weber County's certified tax rate, excluding this proposed tax increase, was 65% higher than Davis County's. The commissioners noted that Utah County's paramedic program was administered differently and cities picked up some of the cost. Mr. Jarman stated that the 65% difference in tax rates in one comparison and 134% in another was very substantial.

Kelly VanNoy of Harrisville was in favor of the library and if the tax increase would help put away criminals he was for it. He mentioned the tax abatements available through the County Clerk's Office.

David Thompson, employed with Iomega Corp., said that the 30% proposed increase in one single year without much warning was not fair to the citizens, and felt the county's health plan without employee contribution was generous. The commissioners explained that it was a very base plan with very high deductibles and copays. They clarified the employee cuts at the last budget process. He felt the Commission had not done its job of fiscally managing the budget. Chair Cain explained that the fact that there was 100% participation in health insurance kept the county's costs down. The county's health insurance costs per family were about half of many other entities in the State and the county worked on this constantly. Actuarial studies show that if the county does not require participation, thereby having the contribution levels rise, the utilization will go higher because the younger employees will probably opt out.

In reference to Mr. Thompson's comment above about health insurance, County Sheriff Brad Slater wished the county could pay its deputies an hourly wage commensurate with private industry. He invited anyone to go see how his department conducts the county's business in functioning as a Sheriff and running a jail. His Office has formed a partnership with eight cities in the county to increase efficiency and decrease overall law enforcement costs, and he outlined the cost savings. He noted that as the county population has grown, the prison population has increased and he has to depend on a highly qualified work force, and that requires adequate compensation.

Lane McFarland of West Weber stated his concerns with property tax increases and the proposed high rate increase all at once. He is self-employed, earns his livelihood in agriculture, and the money has not been coming in for the last few years. He was not against the new library. In 1998 there had been a significant increase to the General Fund and he suggested a smaller increase, then to revisit the issue in a couple of years because future growth will be tremendous, especially in western Weber County, and the revenues will increase.

Frank Kuhan, small business owner, said that this increase was more than they could bear. His office space has been vacant for five years now, an apartment building for one year and is running only at 50% capacity, even with lowering the prices he is not able to rent them. The employees have no health insurance. He referred to the library being accessible by buses, which run empty.

Devon Nelson of Ogden suggested the Commission provide leadership in consolidating some of the taxing entities in the tax bill, which might result in a savings if some of the duplication can be eliminated between governmental units. Commissioner Burton noted that other areas have been consolidated such as the Road Department, the Dispatch Center, and the Planning Department. He stated that consolidated public safety would save the taxpayers a lot of money. Commissioner Bischoff pointed out that the seven former planning commissions had been consolidated into two.

Jim Stegen, Ogden business owner for over 35 years, stated that since "911" his business was down 40%, half of his employees had taken a substantial pay cut. Most of the business owners he had spoken with were opposed to the tax increase. He recommended consolidation of services, that the bus or walking were good ways to get to the library, that now was not the time to give raises, and that the Commission get out and talk to business owners and be aware of what they are facing.

Craig Summers, Vice President of Friends of the Library, spoke in favor of the new library stating this issue was not the same as the one presented a few years ago. He said that the option on the donated property for the library might not exist too long.

Jenny McDonald of Washington Terrace stated her support for the new library stating that she was not comfortable with children taking the bus to the library, which was not just 2 miles away. A lot of children did not have access to the library after school and during the summer.

Rachel Moore, a single mother of Ogden, stated her supported for the new library.

Corey Jenkins, Principal of T.H. Bell Jr. High School, spoke in favor of education and the library.

3. Commissioner Bischoff moved to adjourn the public hearing and reconvene the public meeting; Commissioner Burton seconded, all voting aye.

4. **ACTION ON PUBLIC HEARING:**

No action was taken on the public hearing. Chair Cain stated that the Commission would take the comments under advisement and would continue to work in hopes of finding further ways to reduce the maximum amount stated. The Commission recognized this issue was a challenge for every single person who owned property and certainly for businesses. It was not done lightly or without thought and would not go forward without further thought. She thanked everyone again for their participation stating that all comments were taken seriously. She reminded everyone there would be another public hearing which would be advertized the next two consecutive Saturdays of the proposed 21.3% increase. She noted that it would be the same dollar amount, even though it was a lower percentage. The final budget will be approved on December 21, 2004.

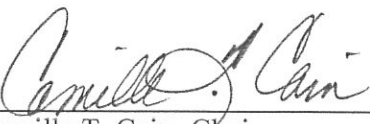
G. **ASSIGN PLEDGE OF ALLEGIANCE & THOUGHT OF THE DAY FOR TUESDAY, DECEMBER 14, 2004 AT 10 A.M.**

H. **PUBLIC COMMENTS:**

John Thompson asked for clarification on RDAs. Chair Cain said that if it was an extension of an RDA, created before 1983, it did not need a taxing entity hearing, after that date they did. The Commission would like to propose to the Legislature that an entity be allowed to have RDAs but that other entities such as schools, fire and water districts, counties and cities, be able to opt out. Commissioner Burton said that RDAs should have to go through truth in taxation. He asked about the taxable increase amount for the library since the rate was now 21.3%. Chair Cain said that the dollar amount had not changed, only the ratio had.

I. **ADJOURN**

Commissioner Burton moved to adjourn the meeting at 8:33 p.m.; Commissioner Bischoff seconded, all voting aye.


Camille T. Cain, Chair
Weber County Commission


Linda G. Lunceford, CPO
Weber County Clerk/Auditor