

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

Tuesday, August 6, 2013 - 5:30 p.m.  
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 unreported 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:** Jan M. Zogmaister, Kerry W. Gibson 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** – Steffani Ebert
- C. **THOUGHT OF THE DAY** – Commissioner Bell

**D. PRESENTATION OF THE WEBER COUNTY SHERIFF'S FOUNDATION SCHOLARSHIP AWARDS**

Ron Olberding, Weber County Sheriff's Foundation Chair, introduced the foundation's board members, including retired Captain Goldsberry, who presented the 2013 Wesley Goldsberry Heart of Gold Scholarships to employees of the Sheriff's Office to assist them in continuing their education.

**E. CONSENT ITEMS:**

- 1. Purchase Orders for \$105,210.38
- 2. Warrants #300330-#300490 for \$1,735,947.13
- 3. Minutes for the meetings held on July 16, 2013 and July 30, 2013
- 4. Change Order #6 for Contract #C2009-121 for the SR-158 project – Contract C2013-221

Commissioner Bell moved to approve the consent items, holding the 7/30/2013 minutes; Commissioner Zogmaister seconded, all voting aye.

**F. ACTION ITEMS:**

- 1. **CONSIDERATION OF A MOTION FINDING THAT SUMMIT MOUNTAIN HOLDING GROUP, LLC (SUMMIT), HAS MET ALL CONDITIONS PRECEDENT RELATED TO ISSUANCE OF BONDS SPECIFIED IN THE 3/26/2013 MEMORANDUM OF UNDERSTANDING (MOU); OR IN THE ALTERNATIVE WAIVING COMPLIANCE WITH SUCH CONDITIONS, OR, DETERMINING SUCH CONDITIONS HAVE NOT BEEN MET**

David Wilson, Deputy County Attorney, stated that the MOU contains all the conditions precedent and those have been met with the exception of two conditions. However, after discussing the process with the commissioners and staff, they determined to recommend to the Commission to waive the items relating to water and sewer facilities (under Section 3, B and C).

The MOU was designed to provide a way for the county to allow Summit to move forward with their development/construction process, pending issuance of the bonds. The county is not obligated until these conditions are waived. Mr. Wilson stated that Summit has sufficient water rights to supply water to the full development (1,000 ERU's contemplated for the special assessment area). In the County Engineer's opinion, they have proven water for 529 units currently. The Attorney's Office and other staff came to an agreement that because the development will not build 1,000 units immediately and the proven water will occur as required from phase to phase as needed, to waive the requirement for proven water as specified in the MOU for the full 1,000 units.

Summit has sufficient sewer services to provide services to Phase 1. Development cannot proceed on subsequent phases until they receive an assessment letter for each additional phase.

It is the opinion and recommendation of staff, as has been discussed with the commissioners, that the Commission waive the requirement on the sewer as specified in the MOU and allow them to prove sufficient sewer service as the phases develop.

Commissioner Zogmaister said that there has been a lot of due diligence by all parties, that each issue has been studied to ensure that this development will be a success, and they are ready to move forward. The MOU was well written and was used as a guide.

Commissioner Zogmaister moved to find that Summit Mountain Holding Group, LLC, has met all the conditions precedent related to issuance of certain bonds specified in the Memorandum of Understanding dated March 26, 2013, with the exception and waiving the two conditions relating to the water and sewer as described by David Wilson; Commissioner Bell seconded, all voting aye.

**2. CONTRACT WITH SUMMIT MOUNTAIN HOLDING GROUP, LLC, TO DEPOSIT CASH WITH A FINANCIAL INSTITUTION TO INSURE THE COMPLETION OF THE DEVELOPER IMPROVEMENTS – CONTRACT C2013-222**

Dan Olsen, County Comptroller, referred to the first agenda item stating that there are improvements related to private roads in the development that will be privately funded by the developer. The value of those improvements, and the lots that are improved because of that construction, was included in the appraisal for the creation of the special assessment area. Statute requires that the developer have a loan or cash deposit to secure completion of those improvements. The agreement is between Summit, Weber County and Zions Bank and a separate bank account has been setup for the developer to make a deposit of about \$3.5 million. Those funds will be released as construction occurs, on approval of the developer and county.

Commissioner Bell moved to approve Contract C2013-222 for Summit Mountain Holding Group, LLC, to deposit cash with a financial institution to insure the completion of the Developer Improvements; Commissioner Zogmaister seconded, all voting aye.

**3. RESOLUTION DESIGNATING AN ASSESSMENT AREA FOR THE PURPOSE OF (I) LEVYING ASSESSMENTS AGAINST PROPERTIES WITHIN THE ASSESSMENT AREA TO FINANCE THE CONSTRUCTION AND INSTALLATION OF ROAD IMPROVEMENTS, SEWER IMPROVEMENTS, AND RELATED IMPROVEMENTS, (II) ESTIMATING THE AMOUNT OF THE ASSESSMENTS TO BE LEVIED AND THE METHOD OR METHODS OF ASSESSMENTS AND (III) GENERALLY DESCRIBING THE PERIOD OVER WHICH THE ASSESSMENTS ARE TO BE PAID AND THE MANNER IN WHICH THE COUNTY INTENDS TO FINANCE SAID IMPROVEMENT; AND RELATED MANNERS – RESOLUTION 19-2013**

Douglas Larsen, Weber Economic Development Director, showed a map of the Summit Mountain Assessment Area and stated that creating the assessment area provides a financing vehicle, via the issuance of assessment bonds, for the construction and installation of the public road, water and sewer improvements to be made within the assessment area. The resolution defines the manner in which assessments will be charged against only the property within the assessment area to satisfy the annual and ultimate debt obligation. It also estimates the amount of assessment and the method for determining such assessment amounts.

The assessments will be spread over 8 zones within the assessment area, the type of public improvements made within or benefiting each zone, the estimated total principal amount of assessment per zone, and the definition of the minimum number of units within each zone. The debt service is to be assessed by Equal Residential Units (ERU). The matrix estimates the total principal amount due per ERU. Assessments may be paid by the property owners within the assessment area over a 20-year period with interest on the unpaid balance. The County will collect the assessment by a direct billing method rather than inclusion on the property tax notice.

The maximum principal amount of debt expected to be issued is \$17,935,000, which anticipates overhead costs, interest costs during construction, and the cost of funding a debt service reserve fund. Commissioner Bell moved to adopt Resolution 19-2013 designating the assessment area for the purpose of (i) levying assessments against properties within the assessment area to finance the construction and installation of road improvements, sewer improvements, and related improvements, (ii) estimating the amount of the assessments to be levied and the method or methods of assessments and (iii) generally describing the period over which the assessments are to be paid and the manner in which the county intends to finance said improvement; and related manners. Commissioner Zogmaister seconded.

Roll call vote:

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

**4. REQUEST FOR FINAL READING OF AN ORDINANCE AMENDING THE COUNTY CODE TO CHANGE THE NUMBER OF WEBER COUNTY LIBRARY BOARD DIRECTORS FROM 7 TO 9**

This item was held.

**5. INTERLOCAL AGREEMENT WITH THE WEBER FIRE DISTRICT FOR INFORMATION TECHNOLOGY SERVICES – CONTRACT C2013-223**

Leonard Call, County Information Technology Department Director, stated that about two years ago the fire agencies in the county undertook a project to upgrade the dispatching services to decrease the response time. The county, along with Ogden City, partnered to assist with information technology services. It has become necessary to formalize an agreement for the county to be reimbursed for services performed by the county’s Information Technology Department on behalf of the Weber Fire District. This contract has been reviewed by the District and the county’s legal counsel.

Commissioner Bell moved to approve Contract C2013-223, Interlocal Agreement with the Weber County Fire District for information technology services; Commissioner Zogmaister seconded, all voting aye.

**6. FIRST READING OF A NEW ANIMAL CONTROL ORDINANCE AND ASSOCIATED CHANGES TO THE COUNTY FEE ORDINANCE**

Reed Richards, Deputy County Attorney, and Lt. Chad Ferrin, with County Animal Services, presented this item. There has been an attempt to have a uniform ordinance throughout the county for use in animal control. They county is now working with the cities for which it provides animal services to encourage them to adopt the county ordinance language. Lt. Chad Ferrin, with County Animal Services, stated that some fees needed to be adjusted to meet the industry standards and to bring them more in line with the services.

Commissioner Zogmaister moved to approve the first reading of a new Animal Control Ordinance and associated changes to the County Fee Ordinance; Commissioner Bell seconded, all voting aye.

**G. PUBLIC HEARING BEGINNING AT 6:00 P.M.**

1. Commissioner Zogmaister moved to adjourn the public meeting and convene the public hearing; Commissioner Bell seconded, all voting aye.

**2. PUBLIC HEARING TO TAKE INPUT ON THE WEBER COUNTY 2013 BUDGET AND PROPERTY TAX RATES, INCLUDING A REDUCTION OF THE GENERAL FUND TAX RATE AND AN ADDITION OF A NEW MUNICIPAL SERVICES FUND PROPERTY TAX FOR THE UNINCORPORATED AREAS**

Dan Olsen, County Comptroller, gave a slide presentation. He noted that this item was advertised according to statute. He stated that the economic indicators appear to be stabilizing and that the county's net taxable values are up about 2.8%.

Mr. Olsen explained that for years the County Sheriff's Office has contracted with eight cities to provide law enforcement services. A couple of years ago the Sheriff conducted a study to find out if the cities were paying for actual costs of these services and it was found that about \$1.7 million was being "subsidized" out of the County's General Fund. To correct this problem, the Sheriff made a proposal to the cities to either pay the full cost or reduce the number of deputies serving their areas.

The unincorporated areas or the Municipal Services Fund was only paying \$540,000 for the Sheriff's services, when it was costing \$1.3 million. When setting the budget last fall the Commission decided that the Sheriff's Office would receive an increase but not the full \$1.3 million, and that the number of deputies would be reduced. The costs for law enforcement services, planning/zoning, roads, etc., were being paid out of other revenue sources (i.e., sales tax, animal licenses). The county now needs to come up with \$420,000 to pay the Sheriff's Office for its services and a tax will be levied for the unincorporated area residents. The county will reduce the General Fund rate and the unincorporated areas will have a new line on the property tax bill that shows an increase of the same amount as the decrease in the General Fund, thus the tax impact from the county portion of the tax bill is zero.

Chair Gibson stated that the county has not raised taxes and with the adjustment, the county has not gained any money, that it is a net wash. Some cities received a larger bill from the Sheriff's Office this year but this is because they were being subsidized for years by the general county tax payers.

Chair Gibson invited public comments: Craig McCleary, of Eden, said he did not receive a tax decrease but instead his taxes increased almost 20% (\$40,000<sup>+</sup>). He tried to find comparatives for his appeal application going back three years but there are none in the Ogden Valley. He wanted to know how the Assessor's Office came up with his property value, how they can increase it by 20% and stated that assessments are getting out of control. He expressed frustration with the "Assessing & Collecting/County" line on the tax notices stating that it is the Assessor's job to assess and collect and asked why he has to give the Assessor extra money to do his job. Mr. Olsen explained that this charge is for the evaluating, calculating, billing, collecting and apportioning of property taxes. The State Legislature requires counties to show this levy separately from the normal operating costs of entities to better reflect the cost of general services and not the additional costs incurred from the collection of taxes. All property owners in Utah pay this tax and a portion of the tax is shared with smaller counties to subsidize them. The state levy is distributed to counties that do not collect enough revenue from the local levy to cover the costs of assessing and collecting.

Ricky Hatch, County Clerk/Auditor, noted that the Assessor's Office cannot appraise every property in the county each year, but they are required by law to do an actual appraisal every five years. In the intervening years, they use market and statistical analysis to arrive at market values. Mr. Hatch offered to speak with Mr. McCleary after this meeting and encouraged him to contact the Assessor's Office, which may be able to provide some options since he could not find sales comparisons. Mr. Hatch stated that the county cannot constitutionally increase its budget by appraising property values higher. He referred to Mr. Olsen's statement that property values increase more in certain areas than in others.

Mr. McCleary said that he has not gained one cent from his property to merit the property tax increase, and the property is worth what he paid for it until he sells it. Mr. Hatch said that the State determined how property taxes are assessed. Mr. McCleary gave an example of someone who had a good job but couldn't afford to pay for the birth of his child through his health benefits so he quit his job and is now having Medicaid pay for everything. He stated that something is wrong with our system when someone quits his job, quits paying taxes and gets all services paid for by those who work very hard every day and pay their taxes.

Tim Shupe, Farr West City councilman, concurred that cities have been subsidized (see item G.2) but that they did not know they were being subsidized until the Sheriff's Office made sure they were following State Code. He, and others with whom he has spoken, agree it is the right thing to follow the Code. He does not have an issue with how the taxes are assessed and he feels strongly that the citizens need to be more educated and aware of local, state and federal regulations.

Lamar Holt, of unincorporated Weber County near Roy City, said that in the 1990's and a decade later the Municipal Services Fund was discussed and determined meaningful but as they looked into it and assessed the expenditures, the sales tax was sufficiently abundant that it handled the costs. However, those costs probably were not correctly identified for the Sheriff's Office. Chair Gibson said that in the 1990's the county had significantly more sales tax base because it was before many of the incorporations and annexations that occurred in the mid 1990's. Mr. Holt said that the idea considered back then was whether the county Commission wanted to become the city council for the unincorporated areas and there had been discussion of creating an advisory committee constituted of the unincorporated area citizens to advise the Commission on budgetary issues. He said that there could be a conflict and wondered if anything had come of that idea. The commissioners had not heard of that.

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

4. **ACTION ON PUBLIC HEARING - ADOPTION OF 2013 PROPERTY TAX RATES – RESOLUTION 20-2013**

Commissioner Zogmaister moved to adopt Resolution 20-2013 adopting the 2013 property tax rates; Commissioner Bell seconded.

Roll call vote:

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

**H. ASSIGN PLEDGE OF ALLEGIANCE & THOUGHT OF THE DAY FOR TUESDAY, AUGUST 13, 2013, 10 A.M.**

**I. PUBLIC COMMENTS:** None

**J. ADJOURN**

Commissioner Bell moved to adjourn at 6:52 p.m.; Commissioner Zogmaister seconded, all voting aye.

Attest:

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Kerry W. Gibson, Chair  
Weber County Commission

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Ricky D. Hatch, CPA  
Weber County Clerk/Auditor