

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

Tuesday, September 3, 2013 - 10:00 a.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 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:** Kerry W. Gibson, Chair, Jan M. Zogmaister and Matthew G Bell.

**OTHERS PRESENT:** David C. Wilson, Deputy County Attorney; Dan Olsen, County Comptroller; and Fátima Fernelius, of the Clerk/Auditor's Office, who took minutes.

**A. WELCOME** – Chair Gibson

**B. PLEDGE OF ALLEGIANCE** – Jared Andersen

**C. THOUGHT OF THE DAY** – Commissioner Zogmaister

**D. CONSENT ITEMS:**

1. Purchase Orders for \$455,062.71
2. Warrants #301189-#301463 for \$2,241,449.09
3. Minutes for the meeting held on August 27, 2013
4. ACH payment to US Bank for \$67,902.27 for purchasing card transactions through 8/15/2013

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

**G. PUBLIC COMMENTS:** The comments are about the County Library Board.

Evelyn Bertilson, Friends of the Library Chair, said that she was addressing commissioners Gibson and Bell and that the Friends of the Library were appalled at the lack of respect and trust shown to their fellow commissioner, the current Library Board, the library administration and the public, that all of these entities have worked hard to formulate a capital plan to improve the libraries, that they have verified the costs and viability of the plan, and gone to the public with an election for its approval. She said that the commissioners have not given anyone the opportunity to discuss their plan to amend the ordinance by changing the number of Library Board members from 7 to 9. Chair Gibson said that Ms. Bertilson is entitled to her opinion but her comments needed to be truthful because this item was on the agenda previously. Ms. Bertilson read from Chair Gibson's comment in the Standard Examiner, which included that in Weber County if there is criticism to be had by having vigorous debate and asking a lot of questions, he welcomes the process. The Friends of the Library wanted to know the urgent need to increase the board's size to the largest in the State and where did all the vigorous debate take place.

Kathy Gambles, of South Ogden, had hoped for opportunity of looking at why there is a need to increase the Library Board membership; she is unaware of related discussion. She did not feel any disrespect from the Chair of the Friends of the Library as she listened to her preceding comments. She questions the need to increase the board when there is no other in the State with 9 members and these boards run successfully with 7. She expressed concern that this is happening without understanding what transpires at the board, and at a time when it seems like a diversion. She noted that there is a commissioner on the board, that the board looks at all the research and quality input with a variety of points of view, that they come together with the objective of responsibly serving the county, of which there are many examples in place, such as the building of the Pleasant View Library. She stated that there is no attacking intended on the Commission. She noted that three commissioners can run the whole county and asked if it really takes 9 to run the Library Board. She feels that there is justification in saying that this might be a diversion in taking away from what the board is doing since everything is running successfully.

Roz Badger thanked the Commission for providing such a wonderful library system and is proud to be in an area where it is important. The board has been so successful in the two recently built libraries and she hopes those in charge of making the new improvements can continue to do that work because they are experienced and it would be good for the community.

Chair Gibson said that there has been a lot of fervor on this issue, and that he has been frustrated at times with the personal attacks against him and commissioner Bell through the process of constructing and renovating the libraries. The commissioners take their responsibility very seriously and made every effort to include the public along the way on this issue. They have an open door policy and will continue working to the best of their ability to evaluate how they can do things better. Reviewing the number of members on the Library Board gives an opportunity to evaluate what works. From the comments he has received he does not believe it is the time to change the board's size.

**5. REQUEST FOR FINAL READING OF AN ORDINANCE AMENDING THE WEBER COUNTY LIBRARY CODE BY CHANGING THE NUMBER OF DIRECTORS SERVING ON THE WEBER COUNTY LIBRARY BOARD OF DIRECTORS FROM SEVEN TO NINE**

See above related item. Commissioner Zogmaister asked for the reason of the proposed amendment. She noted that Commissioner Bell attended a Library Board ("board") meeting since this item was last discussed at Commission meeting and saw it functioning, and that the results of the board and the Friends of the Library have been seen in the operations and facilities that have been built. Chair Gibson asked Commissioner Bell, the author of the proposed ordinance, to address the issue and he responded that interest rates have increased for the libraries and he is not aware of any board member that has addressed that, and it needs to be. The amount on the ballot for the bond was \$31.50/month but his last estimate indicates it would be \$34.50/month and a cap needs to be addressed. The \$15 million in interest is not included in the \$45 million dollar bond for the library. He noted that 17% of the taxpayers in the county voted to increase the taxes for libraries, 14% voted against and 71% did not vote but are still taxpayers and he spoke of the need to protect them.

Commissioner Zogmaister stated that the Finance Committee has been reviewing the costs related to the libraries and the board invited Dan Olsen, County Comptroller, to its last meeting and he is on today's board meeting agenda. The Finance Committee has also met with the Library Director and staff. She stated that these issues have been discussed and there are items in the process of being finalized. She said that the right people are at the table to handle this item and they are passionate about their service. From a Library Board's perspective, when a new board member comes onboard, it takes some time to get up to speed on such items as grants/funding, the relationship with the State, national, etc. There is a lot happening with libraries, which are different than many other entities and it is not an easy board. She feels it is not wise to bring in a new board member at this time. Chair Gibson agrees with Commissioner Bell that interest rates are increasing significantly and he wants to do what is right for the taxpayers. He stated that the county ought to lock in an interest rate as soon as it makes financial sense. The Library projects are significant and will double the county's indebtedness. He noted that the county has other priorities as well. No action was taken on this item.

**E. ACTION ITEMS:**

**1. ADOPTION OF AN AMENDMENT TO ASSESSMENT ORDINANCE NO. 2013-21 TO, AMONG OTHER THINGS, REDUCE THE AMOUNT OF THE TOTAL ASSESSMENT; MAKE PROVISION FOR A UNIFIED ASSESSMENT; AND RELATED MATTERS – ORDINANCE 2013-24**

Dan Olsen, County Comptroller, stated that this item relates to the Summit Mountain Special Assessment Area and he outlined the related actions taken by the Commission, including that on 8/13/2013 they adopted an Assessment Ordinance levying a certain amount of assessment against each property within the geographic area. Those assessments were based on an estimate of the bond amount. On 8/22/2013 the bonds were sold in the market at final pricing and this agenda item amends the assessments against the properties in order to match the actual amount of the bonds. The original bond was \$17.935 million, which has been amended to \$17.670 million. The assessments were levied based on Equivalent Residential Units (ERUs). The assessments decreased in zones 1-5 from \$22,427.84 to \$22,096.46 and in zones 6-8 from \$12,888.90 to \$12,698.46.

The ordinance language includes that in order to provide additional security for payment of assessments, the county requires that all assessments of all properties owned by the same owner/affiliate be aggregated as a single unified assessment against all properties owned by the same owner/affiliate. Chair Gibson iterated that the county is not financially liable for the bonds and that the county has followed the steps required under State law and taken every available safeguard suggested by the county’s financial team, legal counsel, etc., to mitigate risk. He noted that there is an opportunity to bring in close to a \$1 billion in economic development to the county. Mr. Olsen outlined the safeguards for the county in the event Summit or subsequent property owners fail to pay the assessments, including foreclosing on the property immediately, selling it and using the proceeds to pay the assessments, there is a debt service reserve fund (included in the par amount of bonds borrowed and equals 1 year debt service that can be used to make principal & interest payments during foreclosure process), the developer agreed to put up cash equaling 1 year worth of debt service in addition to the first reserve fund, and agreed to a third reserve account to be funded over time as building permits are sold (about \$6,000/ERU).

Mr. Olsen clarified an article in the Standard Examiner stating that the county is not paying any portion of the bonds; the obligation belongs entirely to Summit, and this is based upon the Assessment Ordinance, State law and the bond indenture adopted by the county. He explained capitalized interest, stating that Summit agreed to have two years of interest payments set aside in an account to make the bond payments for the first two years and will then make the annual debt service for the remaining 18 years. If capitalized interest had not been used, the bond size would have been lower and Summit would have started paying in the first year. The only way the county would have to pay is if Summit goes bankrupt, but every possible measure to protect the county has been taken.

Commissioner Bell moved to adopt Ordinance 2013-24 adopting an amendment to Assessment Ordinance No. 2013-21 to, among other things, reduce the amount of the total assessment; make provision for a unified assessment; and related matters. Commissioner Zogmaister seconded.

Roll Call Vote:

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

**2. CONTRACT AMENDMENT 4 WITH NATURAL RESOURCE CONSERVATION SERVICE TO INCORPORATE TWO DAMAGE SURVEY REPORTS INTO THE WEBER COUNTY EWP PROJECT – CONTRACT C2013-239**

Jared Andersen, County Engineer, presented this amendment to incorporate two damage survey reports.

Commissioner Zogmaister moved to approve Contract C2013-239 with Natural Resource Conservation Service to incorporate two damage survey reports into the Weber County EWP Project; Commissioner Bell seconded, all voting aye.

**3. AMENDMENT TO THE 1987 INTERLOCAL AGREEMENT WITH OGDEN CITY FOR LAND LEASE FOR THE GOLDEN SPIKE EVENT CENTER (GSEC) – CONTRACT C2013-240**

Jim Harvey, with GSEC, stated that this agreement amends the boundary of the leased property on the south from BDO due east and circles the cross-country course to include the trailer parking area to store materials to stage events.

Commissioner Bell moved to approve Contract C2013-240, amendment to the 1987 Interlocal Agreement with Ogden City for land lease for the Golden Spike Event Center; Commissioner Zogmaister seconded, all voting aye.

**4. FIRST READING OF THE COUNTY FEE ORDINANCE AMENDING CERTAIN FEES RELATING TO COUNTY PARKS, RECREATION AND GOLDEN SPIKE FACILITIES**

Jennifer Graham, County Recreation Facilities Director, stated that annually the fees are reviewed and this is for minor changes.

Commissioner Bell moved to approve the first reading of the County Fee Ordinance amending certain fees relating to county parks, recreation and Golden Spike Facilities; Commissioner Zogmaister seconded, all voting aye.

**F. ASSIGN PLEDGE OF ALLEGIANCE & THOUGHT OF THE DAY FOR TUESDAY, SEPTEMBER 10, 2013, 10 A.M.**

**H. ADJOURN**

Commissioner Bell moved to adjourn at 10:52 a.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