

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

Tuesday, August 20, 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** – John Bond
- C. THOUGHT OF THE DAY** – Commissioner Bell

D. CONSENT ITEMS:

- 1. Purchase Orders for \$126,501.89
- 2. Warrants #300682-#300895 for \$896,106.94
- 3. Minutes for the meeting held on August 13, 2013
- 4. New business licenses
- 5. New beer license
- 6. Surplus a Canon Copier from Property Management
- 7. Surplus two chairs from the Clerk/Auditor’s Office

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

E. ACTION ITEMS:

- 1. **ACTION ON AN ADMINISTRATIVE APPLICATION, FINAL APPROVAL OF MAW ESTATES SUBDIVISION LOT 2, 1ST AMENDMENT (3 LOTS) WITH A DEFERRAL OF CURB, GUTTER & SIDEWALK IMPROVEMENTS ON 3600 N. & VACATION OF LOT 2 OF MAW ESTATES SUBDIVISION INCLUDING ALL PUBLIC UTILITY EASEMENTS LOCATED THEREIN – ORDINANCE 2013-22**

Ben Hatfield, of the County Planning Division, noted that the applicant is requesting vacation of lot 2 (5 acres) and is dividing it into two additional lots. This subdivision is on 5.0 acres in the A-1 Zone. It is not within any public school. There are no curb, gutter and sidewalk improvements in the area.

Commissioner Zogmaister moved to grant final approval of Maw Estates Subdivision Lot 2, 1st Amendment (3 lots), deferring curb, gutter and sidewalk improvements on 3600 North, and adopting Ordinance 2013-22 vacating lot 2 of Maw Estates Subdivision, including all public utility easements located therein; Commissioner Bell seconded.

Roll Call Vote:

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

- 2. **FINAL APPROVAL OF OLYMPIC COVE ESTATES 2ND AMENDMENT LOTS 6 & 7 OF OLYMPIC COVE ESTATES AMENDED INCLUDING ALL PUBLIC UTILITY EASEMENTS**

Sean Wilkinson, of the County Planning Division, noted that the owner of both lots is enlarging one lot and decreasing the other. The Western Weber Planning Commission unanimously recommended approval of this item as presented today on 5/14/2013. Staff also recommends approval.

Commissioner Bell moved to grant final approval of Olympic Cove Estates 2nd Amendment Lots 6 & 7 of Olympic Cove Estates Amended including all public utility easements and adopting Ordinance 2013-23 vacating lots 6 and 7 of Olympic Cove Estates Amended, including all public utility easements; Commissioner Zogmaister seconded.

Roll Call Vote:

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

3. RESOLUTION OF THE BOARD OF WEBER COUNTY COMMISSIONERS (“ISSUER”), ESTABLISHING TERMS & CONDITIONS OF THE ISSUANCE OF THE ISSUER’S SPECIAL ASSESSMENT BONDS (SUMMIT MOUNTAIN ASSESSMENT AREA), SERIES 2013 IN THE TOTAL PRINCIPAL AMOUNT OF NOT TO EXCEED \$17,935,000 (“SERIES 2013 BONDS”), FOR THE PURPOSE OF (A) FINANCING THE COSTS OF THE CONSTRUCTION & INSTALLATION OF ROAD IMPROVEMENTS, CULINARY WATER IMPROVEMENTS, SEWER IMPROVEMENTS, & RELATED IMPROVEMENTS IN WEBER COUNTY, UTAH SUMMIT MOUNTAIN ASSESSMENT AREA (“ASSESSMENT AREA”) (B) FUNDING A BOND FUNDED RESERVE FUND, (C) PROVIDING FOR CAPITALIZED INTEREST, & (D) PAYING COSTS OF ISSUANCE OF SAID SERIES 2013 BONDS; AUTHORIZING EXECUTION BY ISSUER OF AN INDENTURE OF TRUST AND PLEDGE, A PURCHASE CONTRACT, AN OFFICIAL STATEMENT, & OTHER DOCUMENTS REQUIRED IN CONNECTION THEREWITH; AUTHORIZING THE TAKING OF ALL OTHER ACTIONS NECESSARY TO CONSUMMATION OF THE TRANSACTIONS CONTEMPLATED BY THIS RESOLUTION; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; & RELATED MATTERS – RESOLUTION 21-2013

Dan Olsen, County Comptroller, stated that this is the last official action required by the Commission in creating the special assessment area and issuing bonds. He outlined recent actions by the Commission relating to this item: they concluded that Summit met the conditions and/or some were waived/modified, and that the county would move forward in creating the special assessment area (7/30/13); designated the assessment area boundaries (8/6/13); adopted the assessment ordinance which formally levies the assessment on the properties within the area (8/13/13); and today approved the documents required to issue bonds. Mr. Olsen outlined the resolution, including that it sets the maximum interest rate (7%), the maximum maturity (20 years), and includes a Purchase Contract with CitiGroup, the bond underwriters. The resolution grants authority to two county officers—any Commissioner, the Clerk/Auditor or Treasurer—to approve the final sale of the bonds.

Tom Jolley, EDP/general counsel for Summit, expressed appreciation to county staff and the commissioners for all their hard work and support on this project.

Commissioner Bell moved to adopt Resolution 21-2013 Establishing the terms and conditions of the issuance of the issuer’s Special Assessment Bonds (Summit Mountain Assessment Area), Series 2013 in the total principal amount of not to exceed \$17,935,000 (the “Series 2013 Bonds”), for the purpose of (a) financing the costs of the construction and installation of road improvements, culinary water improvements, sewer improvements, and related improvements in the Weber County, Utah Summit Mountain Assessment Area (the “Assessment Area”) (b) funding a Bond Funded Reserve Fund, (c) providing for capitalized interest, and (d) paying costs of issuance of said Series 2013 Bonds; authorizing the execution by the issuer of an Indenture of Trust and Pledge, a Purchase Contract, an Official Statement, and other documents required in connection therewith; authorizing the taking of all other actions necessary to the consummation of the transactions contemplated by this resolution; providing a severability clause; providing an effective date; and related matters; Commissioner Zogmaister seconded.

Roll Call Vote:

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

F. ASSIGN PLEDGE OF ALLEGIANCE & THOUGHT OF THE DAY FOR TUESDAY, AUGUST 20, 2013, 10 A.M.

G. PUBLIC COMMENTS: None

H. CLOSED MEETING TO DISCUSS STRATEGY RELATING TO THE PURCHASE OR SALE OF REAL ESTATE AND TO DISCUSS STRATEGY RELATING TO PENDING OR IMMINENT LITIGATION

Commissioner Zogmaister moved to convene a closed executive session to discuss strategy relating to the purchase or sale of real estate and to discuss strategy relating to pending or imminent litigation; Commissioner Bell seconded.
Roll Call Vote:
Commissioner Bell aye
Commissioner Zogmaister..... aye
Chair Gibson aye

No action was taken on the closed executive session.

I. ADJOURN

Commissioner Zogmaister moved to adjourn at 11:05 a.m.; Commissioner Bell seconded, all voting aye.

Attest:

Kerry W. Gibson, Chair
Weber County Commission

Ricky D. Hatch, CPA
Weber County Clerk/Auditor