

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

Tuesday, June 2, 2015 - 10:00 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, Matthew G Bell and James Ebert.

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

A. WELCOME – Chair Gibson

B. INVOCATION – Commissioner Bell

C. PLEDGE OF ALLEGIANCE – Chair Gibson

D. THOUGHT OF THE DAY – Commissioner Ebert

E. CONSENT ITEMS:

1. Ratify purchase orders for \$53,251.84 dated May 26, 2015
2. Purchase orders for \$533,825.48 dated June 2, 2015
3. Ratify warrants #321300-#321510 for \$2,971,856.81 dated May 26, 2015
4. Warrants #321511-#321804 for \$1,496,974.27 dated June 2, 2015
5. Minutes for the meeting held on May 19, 2015
6. Request from Weber County Tax Review Committee to approve refund of \$553.52 to Lyle Dabb for overpayment due to county error on Parcel #15-002-0056
7. Retirement agreement with Lester Buatte – Contract C2015-179
8. A one-year lease extension of property adjacent to the Weber County Upper Valley Road Shops, to Summers & Summers, LLC (original Weber County Contract C2013-168) – Contract C2015-180
9. Interlocal agreement with Davis County for cooperative borrowing services – Contract C2015-181
10. Contract modification with JUB for Skyline Drive – Contract C2015-182
11. Ratify the 2015 Tax Sale
12. Final reading of ordinance updating the Weber County Flood Damage Prevention Ordinance Title 22 – Ordinance 2015-11

Commissioner Ebert moved to approve the consent items; Commissioner Bell seconded.
Commissioner Bell – aye; Commissioner Ebert – aye; Chair Gibson – aye

F. ACTION ITEMS:

1. **REQUEST FOR REIMBURSEMENT OF ELEVATED TAXES FROM 2003-2014 ON PARCEL #06-088-0005 OWNED BY MAREK MATYJASIK**

Joe Olsen, of the County Assessor's Office, stated that Mr. Matyjasik purchased a vacant lot in 2003 and was notified recently by his real estate title company that there is a Weber Basin waterline easement encumbering a portion of the lot. Mr. Matyjasik was unaware of the encumbrance. The county was also unaware of the easement when it valued the property. Mr. Matyjasik had contacted the county about adjusting the property value because of that encumbrance and provided an appraisal dated 8/2014 to the county that considered the waterline. Mr. Olsen said that the county's valuation may differ from that appraisal. Mr. Matyjasik submitted a 2014 property tax appeal late. Mr. Olsen stated that the county conducted a thorough research of all documents relating to the property and had discussion with the Recorder's Office to see if there was any information identifying that easement; there was none. The easement is not on the plat. The issue went before the County Tax Review Committee. No erroneous assessment or factual error created by the county on the valuation of the parcel could be found, and the Committee recommended that the Commission deny the request. Mr. Matyjasik said today that he paid excessive property taxes, that the property appraisal shows a reduced value of 40% and that he submitted it to the county as soon as it was available to him. He said that he understood what the limitations were for the Assessor's Office.

Chair Gibson noted that the county's goal is to give the proper ability to property taxpayers to rectify wrongs. The county is bound by law and has to be consistent. In the past, the county has followed the statute that erroneous assessments or factual errors must exist in order to issue refunds. Mr. Olsen said that the county Assessor's Office is adjusting the property value accordingly. He stated that this is a valuation issue and the appeal was not submitted timely. The county was made aware of the encumbrance on 3/2015. David Wilson, Deputy County Attorney, said that based on statute and past practice, the appeal was submitted late, and that it would be difficult to start a precedent with this item. Mr. Wilson addressed Commissioner Ebert's question stating that generally the person or entity that has an interest in an encumbrance is responsible to identify it.

Based on the discussion, Commissioner Ebert moved to deny the request for reimbursement of taxes from 2003-2014 on Parcel #06-088-0005 owned by Marek Matyjasik; Commissioner Bell seconded. Commissioner Bell – aye; Commissioner Ebert – aye; Chair Gibson – aye

2. CONTRACT WITH THE STATE OF UTAH, ADMINISTRATIVE OFFICE OF THE COURTS FOR DISTRICT COURT BAILIFF AND SECURITY SERVICES – CONTRACT C2015-183

Steffani Ebert, with the County Sheriff's Office, presented this annual contract. The county is mandated to provide these services. For 2015-2016 there is an increase over last year of \$118,000, the majority of which is due to the new Juvenile Court building, which is slated to open at the end of this month. The total allocation only covers about 39% of the actual costs to the Sheriff's Office.

Commissioner Bell moved to approve Contract C2015-183 with the State of Utah, Administrative Office of the Courts, for courts bailiff and security services; Commissioner Ebert seconded. Commissioner Bell – aye; Commissioner Ebert – aye; Chair Gibson – aye

3. CONTRACT WITH TYLER TECHNOLOGIES, INC. FOR LICENSING AND IMPLEMENTATION OF A NEW ERP SYSTEM – CONTRACT C2015-184

Scott Parke, County Comptroller, stated that this is for the Munis product, which he outlined, to replace the county's outdated current financial system (last written in 2000) and the Human Resources payroll system (last written in 1997). Mr. Parke explained that it is more cost effective to purchase the license for this ERP system. There were eight proposals received and Tyler was selected. With this contract, the county will always have the latest version of the software. The commissioners noted some detriments of the current county systems.

Commissioner Bell moved to approve Contract C2015-184 with Tyler Technologies, Inc. for licensing and implementation of a new ERP system; Commissioner Ebert seconded. Commissioner Bell – aye; Commissioner Ebert – aye; Chair Gibson – aye

4. AGREEMENT WITH UTAH PUBLIC WORKS EMERGENCY MANAGEMENT ALLIANCE FOR A MUTUAL AID INTERLOCAL COOPERATION AGREEMENT – CONTRACT C2015-185

Ryan Judkins, County Roads Division Director, presented this agreement with other participating agencies to provide mutual assistance in times of emergency regarding natural or manmade disasters in the form of personnel, equipment, materials and other services.

Commissioner Ebert moved to approve Contract C2015-185 with Utah Public Works Emergency Management Alliance for a Mutual Aid Interlocal Cooperation Agreement; Commissioner Bell seconded. Commissioner Bell – aye; Commissioner Ebert – aye; Chair Gibson – aye

5. CONTRACT WITH CLAS ROPES TO LEASE THE ROPES COURSE AT NORTH FORK PARK – CONTRACT C2015-186

Jim Carter, with County Parks, presented this contract. CLAS will manage and operate the course.

Commissioner Ebert moved to approve Contract C2015-186 with CLAS Ropes to lease the Ropes Course at North Fork Park; Commissioner Bell seconded. Commissioner Bell – aye; Commissioner Ebert – aye; Chair Gibson – aye

6. CONTRACT WITH PASKAR GOULD AMES & WEAVER, INC. FOR AN AIA ARCHITECTURAL AGREEMENT FOR THE OBSERVATORY PARK SHOOTING RANGE – CONTRACT C2015-187

Jennifer Graham, County Recreation Facilities Director, stated that is for design of the Range.

Commissioner Bell moved to approve Contract C2015-187 with Paskar Gould Ames & Weaver, Inc. for an AIA Architectural Agreement for the Observatory Park Shooting Range; Commissioner Ebert seconded.

Commissioner Bell – aye; Commissioner Ebert – aye; Chair Gibson – aye

7. CONTRACT WITH GREAT BASIN ANTIQUE MACHINERY TO DISPLAY ANTIQUE TRACTORS, A PARADE AND DEMONSTRATIONS AT THE 2015 WEBER COUNTY FAIR – CONTRACT C2015-188

Jan Wilson, of the County Fair, presented this contract for \$800.

Commissioner Ebert moved to approve Contract C2015-188 with Great Basin Antique Machinery to display antique tractors, a parade and demonstrations at the 2015 Weber County Fair; Commissioner Bell seconded.

Commissioner Bell – aye; Commissioner Ebert – aye; Chair Gibson – aye

8. FIRST AMENDMENT TO AN INTERLOCAL AGREEMENT WITH CACHE COUNTY DESIGNATING WEBER COUNTY AS THE LAND USE APPROVAL AUTHORITY FOR PROPERTY IN CACHE COUNTY LOCATED AT POWDER MOUNTAIN – CONTRACT C2015-189

Sean Wilkinson, County Planning Division Director, noted that this contract was first approved on 5/2013 and gave Weber County authority over land use approvals issued for part of the Summit/Powder Mountain development in Cache County. Subsequently, the county surveyors established the county line in Cache County and the contract is hereby amended to reflect the actual number of units in Cache. Cache County has requested that appropriate water approvals be in place before building permits are issued in Cache County.

Commissioner Bell moved to approve Contract C2015-189, First Amendment to an Interlocal Agreement with Cache County designating Weber County as the land use approval authority for property in Cache County located at Powder Mountain; Commissioner Ebert seconded.

Commissioner Bell – aye; Commissioner Ebert – aye; Chair Gibson – aye

G. ASSIGN PLEDGE OF ALLEGIANCE & THOUGHT OF THE DAY FOR TUESDAY, JUNE 9, 2015, 10 A.M.

H. PUBLIC COMMENTS:

Steve Wooly, Ogden Valley resident, wished to voice concerns regarding access on Old Trappers Loop Road. He was hiking on Old Trappers Loop Road recently but immediately was told by someone on the road that it was private property. Mr. Wooly subsequently contacted the county and he said that there is no dispute that the road is Weber County property. However, gates have been placed up there and block access to the public right-of-way. The road has existed for hundreds of years and he said that it would be a tragedy for the public to lose access to this fantastic area. The commissioners said that discussion continues and they are looking for a resolution, including access into Morgan County.

I. ADJOURN

Commissioner Bell moved to adjourn at 11:16 a.m.; Commissioner Ebert seconded.

Commissioner Bell – aye; Commissioner Ebert – aye; Chair Gibson – aye

Attest:

Kerry W. Gibson, Chair
Weber County Commission

Ricky D. Hatch, CPA
Weber County Clerk/Auditor

