

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

Tuesday, September 29, 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 C. Wilson, Deputy County Attorney; and Fátima Fernelius, of the Clerk/Auditor's Office, who took minutes.

A. WELCOME – Chair Gibson

B. INVOCATION – Commissioner Ebert

C. PLEDGE OF ALLEGIANCE – Sean Wilkinson

D. THOUGHT OF THE DAY – Commissioner Bell

E. PRESENTATION OF 13TH ANNUAL WEBER COUNTY COMMISSIONERS' CHARITY GOLF CLASSIC PROCEEDS

Cathie Critchlow, of the Women's Retreat House, explained how the Women's Retreat House helps save women from drug/alcohol addiction and their children and families. Laura Warburton, of Live Hannah's Hope, said that the organization is dedicated to youth suicide prevention by empowering youth. The commissioners expressed gratitude to those who work to help others in our community. They also thanked United Way, a major golf tournament partner/sponsor. Robert Hunter, United Way of Northern Utah CEO, spoke of the commissioners' compassion and of his admiration for the way they support social service causes.

F. CONSENT ITEMS:

1. Ratify purchase orders for \$294,270.96 dated September 22, 2015
2. Purchase orders for \$75,323.04
3. Ratify warrants #325056 - #325272 for \$1,019,784.37 dated September 22, 2015
4. Warrants #325273-#325610
5. ACH payment to US Bank for \$93,203.23 for purchasing card transactions through 9/15/2015
6. Minutes for the meeting held on September 15, 2015
7. Request from the Weber County Tax Review Committee to approve a refund to Donna Odekirk, DBA: Cross T Enterprises on parcels 12-128-0010 and 03-009-0041 for \$339.62.
8. Retirement agreement with Jeaneen T. Smith – Contract C2015-348
9. New business license

Commissioner Ebert moved to approve the consent items with a correction to item 4; Commissioner Bell seconded.

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

G. ACTION ITEMS:

1. **REQUEST BY BRAD BLANCH TO REINSTATE TO GREENBELT STATUS PARCELS #15-048-0036, #15-515-0001 AND #15-515-0002**

Joe Olsen, of the County Assessor's Office, representing the Tax Review Committee, said that Mr. Blanch created the 2-lot Blanch Estates Subdivision in 2012 from Parcel 15-048-0036. The parcel previously qualified for greenbelt status. Since that legal description change, the rollback tax was calculated and provided to Mr. Blanch, who appealed the market value timely but did not challenge the withdrawal of the land from greenbelt status per the Weber County's Rollback Statement of Tax Due and Lien. The rollback tax was not paid back timely and was attached to the new legal descriptions of 15-515-0001 and 15-515-0002. Mr. Blanch approached the Tax Review Committee (Committee) and requested the removal of the rollback tax and reinstatement of greenbelt status on the parcels for 2013 and 2014.

The Committee heard the item and after lengthy discussion, with analysis and input from Courtlan Erickson, county legal counsel, which included the process followed by Angela Hill, of the County Assessor's Office, it was determined that there was no erroneous assessment or factual error, that the county had followed State Code properly, and they recommended denial of the request. There had also been discussion with County Planning on this item. Mr. Olsen noted that there were several opportunities that the rollback issue could have been appealed, including when the notice was first mailed out identifying what the rollback was, and which included language about appealing. The 2013 and 2014 valuation notices also showed that the property was no longer in greenbelt.

Mr. Blanch stated that Mr. Olsen had described the item correctly. He said that it could be argued that the legal description of Parcel 15-48-0036 had changed because it became a subdivision but the boundary description had not changed and is contiguous to other property that he owns. In 2012 he recorded the subdivision and built a house on the parcel. He then received a tax notice. He said that it could have been his misunderstanding, but he did not think he could appeal the status of greenbelt, and he stated that he should have appealed. He also felt that because the use had not changed, that this issue did not apply to him. Early this year he started building a house on the property. A couple of community members told him that maybe the property should still be in greenbelt and he approached Ms. Hill this year to put it back into greenbelt and was successful. From 2012 prior it had been greenbelt and his question is concerning 2013 and 2014.

Mr. Blanch had said that there had not been a description change but Mr. Olsen pointed out that Mr. Blanch subdivided the property into the two lots and code states that if there is ownership or legal description change, that rollback tax is due unless application is made to re-qualify for greenbelt status. This was not done until 2015. Mr. Olsen noted that there is an improvement on the property. He said that the county followed code and Ms. Hill concurred, noting that the application deadline for greenbelt status is May 1 and no applications were submitted for 2013 and 2014.

Chair Gibson stated that the commissioners try to give the benefit to the taxpayers whenever possible to accomplish their goals, however, the county is subject to the law. No application to re-qualify was submitted for those two years. Commissioner Bell expressed concerned that Mr. Blanch had not paid the rollback taxes and Commissioner Ebert expressed concern with starting a precedent and going against the law.

Courtlan Erickson, Deputy County Attorney, addressed questions raised by Mr. Blanch and stated that the Committee had asked similar questions to the commissioners' about how the law applies to these particular facts. The Committee had asked if the process had been followed by the County Assessor according to statute 59-2-506(5) and the Committee determined that it had complied, that it had mailed notice to the owner that the land was withdrawn from this part, was subject to rollback tax and rollback tax would be delinquent if not paid within a specified time. An appeal was available and one was filed regarding valuation, but did not raise the rollback issue in that appeal, that appeal was carried to a final outcome, and conclusively dealt with the issues in that appeal, and the county did not err. Regarding Mr. Blanch's question whether greenbelt status was properly removed, statute 59-2-509(3) states that land is withdrawn from greenbelt status if there is a change in ownership or legal description of the land. The Committee determined that where it used to be one parcel, which was subdivided, and in fact now there are two parcel numbers, that this constituted a new legal description of the property, even though the external boundaries remained the same, and this automatically results in withdrawal from greenbelt status. However, the owner has the opportunity to submit a new application for greenbelt status to continue but it must be submitted within 120 days after the change. This did not occur. No error could be found on the part of the county. Mr. Erickson recommended following the law and to deny the request.

Commissioner Bell moved to uphold the Tax Review Committee's recommendation to deny the request to reinstate Parcels #15-515-0001 & #15-515-0002 to greenbelt status for the reasons stated above; Commissioner Ebert seconded.

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

2. **RIGHT-OF-WAY CONTRACTS FOR 3500 WEST:**

- Michael & Nedra Atkinson, Parcel 55 – Contract C2015-349
- Gary & Gwen Farr, Parcel 67 – Contract C2015-350
- Gary & Gwen Farr, Parcel 68 – Contract C2015-351
- Erik & Kristi Stratford – Contract C2015-352

Jared Andersen, County Engineer, briefly presented these contracts.

Commissioner Bell moved to approve the right-of-way contracts, C2015-349 through C2015-352, for 3500 West as listed; Commissioner Ebert seconded.

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

3. **RIGHT-OF-WAY CONTRACT FOR 12TH STREET:** Robert E. Urry & Alice Urry – Contract C2015-353

Jared Andersen, County Engineer, briefly presented this contract.

Commissioner Bell moved to approve the right-of-way Contract C2015-353 for 12th Street as listed; Commissioner Ebert seconded.

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

4. **FIRST READING OF ORDINANCE AMENDING CERTAIN PROVISIONS OF BILATERAL CONTRACT ORDINANCE**

David Wilson, Deputy County Attorney, stated that this relates to standard lease contracts.

Commissioner Bell moved to approve the first reading of an ordinance amending certain provisions of the Bilateral Contract Ordinance; Commissioner Ebert seconded.

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

5. **CONTRACT WITH THE FOLLOWING INDIVIDUALS TO REPRESENT INDIGENT PERSONS IN THE SECOND DISTRICT COURT WHEN APPOINTED BY THE COURT:**

- Logan Bushell – Contract C2015-354
- Jason Widdison – Contract C2015-355
- Meghann Mills – Contract C2015-356
- Richard Williams – Contract C2015-357
- Ryan Bushell – Contract C2015-358

David Wilson, Deputy County Attorney, presented these contracts.

Commissioner Bell moved to approve the above contracts, C2015-354 through C2015-358 with the listed individuals to represent indigent persons in the Second District Court when appointed by the court; Commissioner Ebert seconded.

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

6. **INTERLOCAL AGREEMENT WITH THE OGDEN CITY REDEVELOPMENT AGENCY (RDA) AUTHORIZING THE SHARING OF TAX INCREMENT FOR THE KIESEL COMMUNITY DEVELOPMENT PROJECT AREA (CDA)– RESOLUTION 38-2015, CONTRACT C2015-359**

Douglas Larsen, Weber County Economic Development Partnership Director, showed an area map of the CDA boundaries stating that it encompasses the area between Kiesel and Wall Avenues and 24th to 25th Streets. The agreement defines how the county as a taxing entity may participate in this CDA—which allows the new property tax generated within the assigned boundary to flow back to the development. Investment projections are \$11-\$17 million from private investment. The plan proposes to utilize tax increment for renovation of buildings that include the Kiesel Building, the Old Post Office Building, the Berthana Building, and parking infrastructure. The proposal asks that the county participate over a 20-year period at 100% of the tax increment generated within the project area with a cap at \$2.2 million.

Brandon Cooper, with Ogden City RDA, expressed gratitude to the commissioners on behalf of Ogden City for their cooperation. This area is targeted because 24th Street is historically the entry to downtown and in this corridor there is a large collection of historic buildings that lay vacant and dilapidated. This is an effort to rescue them and put them back into productive use. It will create jobs downtown, will add residential space, and add to the city's commercial viability.

Commissioner Bell moved to adopt Resolution 38-2015 approving Contract C2015-359 with the Ogden City Redevelopment Agency authorizing the sharing of tax increment for the Kiesel Community Development Project Area; Commissioner Ebert seconded.
Commissioner Bell – aye; Commissioner Ebert – aye; Chair Gibson – aye

7. REQUEST FROM THE CLERK/AUDITOR’S ELECTIONS OFFICE FOR APPROVAL OF POLL WORKERS

Ryan Cowley, County Elections Director, presented the list of poll workers.

Commissioner Ebert moved to approve of the list of poll workers; Commissioner Bell seconded.
Commissioner Bell – aye; Commissioner Ebert – aye; Chair Gibson – aye

8. CONTRACT WITH REAVELEY ENGINEERS AND ASSOCIATES FOR THE STRUCTURAL EVALUATION AND FEASIBILITY REPORT FOR THE WEBER CENTER PARKING STRUCTURE C2015-360

Dana Shuler, of County Engineering, stated that this contract is for a detailed evaluation of the parking structure.

Commissioner Bell moved to approve Contract C2015-360 with Reaveley Engineers and Associates for the structural evaluation and feasibility report for the Weber Center parking structure; Commissioner Ebert seconded.

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

9. REQUEST FOR INTERLOCAL AGREEMENT WITH POWDER MOUNTAIN WATER AND SEWER DISTRICT FOR ADMINISTRATION AND SUPPORT SERVICES

This item was held.

H. PUBLIC COMMENTS: None

H. ASSIGN PLEDGE OF ALLEGIANCE & THOUGHT OF THE DAY FOR TUESDAY, OCTOBER 6, 2015, 10 A.M.

I. ADJOURN

Commissioner Ebert moved to adjourn at 11:29 a.m.; Commissioner Bell 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