

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

Tuesday, January 11, 2011 - 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: Jan M. Zogmaister, Chair, Craig L. Dearden and Kerry W. Gibson.

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

A. WELCOME - Chair Zogmaister

B. PLEDGE OF ALLEGIANCE - Ricky Hatch

C. THOUGHT OF THE DAY - Commissioner Dearden

D. CONSENT ITEMS:

1. Purchase Orders in the amount of \$5,212,118.40
2. Warrants #270040-#270207 in the amount of \$525,110.71
3. Minutes for the meetings held on December 7 and 28, 2010 and January 4, 2011
4. Set public hearing for February 8, 2011, 10 a.m., to consider and/or take action on a request to amend the Weber County Zoning Ordinance by adding Day Care to the list of Conditional Uses found in Chapter 21B, Ogden Valley Manufacturing Zone (MV-1)

Commissioner Dearden moved to approve the consent items with the public hearing date change; Commissioner Gibson seconded, all voting aye.

E. ACTION ITEMS

1. **RESOLUTION OF THE WEBER COUNTY COMMISSION APPOINTING MEMBERS TO THE GOLDEN SPIKE EVENT CENTER ADVISORY BOARD - RESOLUTION 2-2011**

Jennifer Graham, presented the request to reappoint four members as recommended by the Arena Board. Commissioner Gibson asked what were the length of the terms and if there were other applicants. Ms. Graham responded that the terms were four years and there were no other applicants. Commissioner Gibson moved to adopt Resolution 2-2011 appointing Steve Fishburn (of Ogden City); Dave Hardman (Ogden/Weber Chamber); Robert Lindquist (Lindquist Mortuaries); and Brandon Peterson (Best Western High Country Inn) to the Golden Spike Event Center Advisory Board; Commissioner Dearden seconded.

Roll Call Vote:

Commissioner Dearden	aye
Commissioner Gibson	aye
Chair Zogmaister	aye

2. **CONTRACT WITH MINIMAX DIE GUTE LAUNE BAND FOR ENTERTAINMENT AT THE 2011 HOF WINTERFEST - CONTRACT C2011-2**

Jim Harvey, GSEC, presented this contract.

Commissioner Dearden moved to approve Contract C2011-2 with Minimax Die Gute Laune Band for entertainment at the 2011 Hof Winterfest; Commissioner Gibson seconded, all voting aye.

3. **CONTRACT WITH KERRY CHRISTENSEN TO PROVIDE ENTERTAINMENT AT THE 2011 HOF WINTERFEST - CONTRACT C2011-3**

Jim Harvey, GSEC, presented this contract.

Commissioner Gibson moved to approve Contract C2011-3 with Kerry Christensen to provide entertainment at the 2011 Hof Winterfest; Commissioner Dearden seconded, all voting aye.

4. **ORDINANCE & ZONING DEVELOPMENT AGREEMENT INITIATED BY SNOWBASIN RESORT COMPANY (ZONING PETITION #2010-03) TO REZONE APPROXIMATELY 3,808 ACRES AT SNOWBASIN RESORT FROM FOREST VALLEY-3 (FV-3), FOREST-5 (F-5), AND FOREST-40 (F-40) TO THE OGDEN VALLEY DESTINATION AND RECREATION RESORT ZONE (DRR-1) - ORDINANCE 2011-1, CONTRACT C2011-5**

Scott Mendoza, of the County Planning Division, stated that the Commission held a public hearing on 10/26/2010 regarding Snow Basin’s petition to rezone about 3,808 acres and Snowbasin had presented their master plan for the property. The Commission at that time directed staff to prepare an ordinance and development agreement to continue Snowbasin’s rezoning process. The documents were prepared with the assistance of the County Commission, Attorney’s Office and Snowbasin. Snowbasin prepared the private covenant between Snowbasin Resort and future home buyers within Snowbasin and which obligates each purchaser to reserve 1% of the purchase price. Mr. Mendoza said that Snowbasin had explained that the money will go into a fund that will be administered by a common interest association which will direct those funds in a manner to benefit the community as a whole, such as constructing a park. He explained that the county would be in a position to accept land for a park and may be able to use some of the funds to construct it. Snowbasin had also mentioned a separated pathway that could potentially go from the intersection of Highway 39 and Trappers Loop Road into Morgan County. Commissioner Dearden noted that it had been a long process with 3-4 versions of the development agreement.

Commissioner Dearden moved to adopt Ordinance 2011-1 rezoning approximately 3,808 acres at Snowbasin Resort from Forest Valley-3 (FV-3), Forest-5 (F-5), and Forest-40 (F-40) to the Ogden Valley Destination and Recreation Resort zone (DRR-1) and approve Contract C2011-5, Zoning Development Agreement; Commissioner Gibson seconded.

Roll Call Vote:

Commissioner Dearden	aye
Commissioner Gibson	aye
Chair Zogmaister	aye

5. **APPROVAL OF AN INTERLOCAL COOPERATION AGREEMENT WITH WEBER COUNTY AND THE MULTICOUNTY APPRAISAL TRUST APPOINTING JOHN ULIBARRI AS THE REPRESENTATIVE FOR WEBER COUNTY**

Commissioner Dearden explained that the Multicounty Appraisal Trust has a board that oversees funds currently being used to fund a program in certain counties throughout the State for the appraisal of properties. Weber County has a representative on this board. Chair Zogmaister noted that the Trust is working to unify the appraisal process state-wide.

Commissioner Gibson moved to appoint John Ulibarri to the Multicounty Appraisal Trust as the representative for Weber County; Commissioner Dearden seconded, all voting aye.

6. **CONSIDERATION TO WAIVE PENALTIES AND/OR INTEREST ON 2009 TAXES FOR THE FOLLOWING LSNs: 16-042-0010, 16-042-0041, 16-042-0055 AND 16-280-0001-16-280-0019**

Brenda Wheelwright, County Treasurer’s Office, stated that Clay Thomas, of Regency Development, had asked that the late penalties in the total amount of \$664.82 and interest of \$2,066.64 be waived on the 2009 delinquent taxes for 22 properties because he had not received the valuation or tax notices (notices) on these properties for 2009. The tax amount of \$25,248.12 was paid for these parcels a couple of weeks ago.

Mr. Thomas had also indicated that most of these properties were purchased in 2004 and that he had filled out a change of address request on the property tax payment stubs each year but the county had not made that update.

The Tax Review Committee was not able to reconcile the county records to what Mr. Thomas provided and unanimously recommended not waiving penalty or interest.

Debbie Conley, of the County Recorder's Office, stated that the Recorder's Office uses the mailing address from recorded documents. In 2004 the documents changed the mailing address from 807 E. 3100 N. to 5732 S. 1475 E. and remained as such until 2007, when an address change card was submitted changing the address back to 807 E. 3100 N., which is where the county sent the notices. In 2010 Mr. Thomas came in and changed the address to a P.O. Box. The Recorder's policy since 2006 requires that any address change must be signed by the requestor; it is initialed by staff and scanned. Ms. Conley noted that the taxes were paid in 2007 and 2008 by Regency Development.

Clay Thomas, owner of Regency Development and Construction, was present today and stated that the change of address card mentioned earlier (in 2007) was submitted by Donna Champneys, from whom he purchased the property in 2004, finalizing the transactions in 2007. The property address was then changed to a title company, which gave him the property taxes if they were not mailed directly to him. In 2010 he found out that the county has Regency Development as the owner, but that Donna Champneys may have made an error in requesting an address change for property she no longer owned. He recorded this property in 2009 as a subdivision and thought he had paid all the property taxes. The delinquent notices were mailed to Ms. Champneys and he did not receive them until June. He filled out an address change card four years ago but for four years the county has been mailing the notices to the former address, but fortunately, those people gave them to him. He appealed a property value this year and used his correct address, but the county used his previous address from four years ago to mail him communication about the appeal last week.

Commissioner Dearden asked how Mr. Thomas received notices for 2007 and 2008 and Mr. Thomas said that for 2004-2006 the notices were sent to the title company. John Bond, County Treasurer, stated that the taxes were not paid timely for 2004-2006 and now it is known that the notices were mailed to the title company. The county has receipts that Ms. Champney came in and paid taxes for 2004-2006 on 8/29/2007 and also requested a change of address at that time. The 2007 and 2008 notices were mailed to Ms. Champneys but were paid timely by Regency Development. Mr. Bond addressed Commissioner Dearden's question stating that at the time Ms. Champneys requested the address change there had been only two parcels because the subdivision was not recorded until 2009. Mr. Thomas stated this is a big problem in the county and he has spoken with others in the same situation where their notices are mailed to the wrong address. Commissioner Gibson asked if there is a system in place to check if the person signing the change of address card has authority. Ernest Rowley, County Recorder/Surveyor, responded that there is no mechanism because it is difficult to know that. He noted that when Ms. Champneys signed the card she was also the individual who paid the taxes. Proposed legislation by the County Recorders Association for the 2011 legislative session would require an address on a document conveying real property for valuation and tax noticing. Currently it only requires the grantee's address.

Commissioner Gibson asked how much of the information presented today did the Tax Review Committee have at its meeting and Ms. Wheelwright said they had most of it and the conclusion was based upon the fact that the county was not in error. Chair Zogmaister asked if the \$2,066.64 interest was for one year and Commissioner Dearden's understanding was that everything else was up to date.

Commissioner Gibson did not believe the county was in error but that there should be some leeway for unforeseen circumstances and moved to waive \$664.82 of penalties but not the interest on 2009 taxes for LSNs 16-042-0010, 16-042-0041, 16-042-0055 and 16-280-0001-16-280-0019; Commissioner Dearden seconded, all voting aye.

7. CONTRACT WITH WEBER PATHWAYS FOR A CONSERVATION EASEMENT AGREEMENT AND DEED OF CONSERVATION EASEMENT - CONTRACT C2011-4

Nate Pierce, County Operations Department Director, stated that Union Pacific Railroad has a policy not to sell property to an individual or corporation unless it is a governmental entity. In 2009 the county purchased a parcel of property from Union Pacific but Weber Pathways provided the money for the purchase. At that time Weber County had said that in the future it would be willing to grant a conservation easement on that parcel to preserve that property as open space for pathways purposes, which this item fulfills. This parcel is about 75 feet wide, constituting about 2.75 acres. The county has an agreement with Weber Pathways to maintain pathways developed in the unincorporated county. Commissioner Dearden moved to approve Contract C2011-4 with Weber Pathways for a Conservation Easement Agreement and Deed of Conservation Easement; Commissioner Gibson seconded, all voting aye.

F. ASSIGN PLEDGE OF ALLEGIANCE & THOUGHT OF THE DAY FOR TUESDAY, JANUARY 18, 2011, 10 A.M.

G. PUBLIC COMMENTS: None

H. CLOSED MEETING TO DISCUSS STRATEGY RELATING TO PENDING OR IMMINENT LITIGATION

Commissioner Dearden moved to convene a closed executive session to discuss strategy relating to pending or imminent litigation; Commissioner Gibson seconded.

Roll Call Vote:

Commissioner Dearden	aye
Commissioner Gibson	aye
Chair Zogmaister	aye

No action was taken for the closed executive session.

I. ADJOURN

Commissioner Dearden moved to adjourn; Commissioner Gibson seconded, all voting aye.

Jan M. Zogmaister, Chair
Weber County Commission

Ricky D. Hatch, CPA
Weber County Clerk/Auditor