

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

Tuesday, May 7, 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 Matt G Bell.

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

A. WELCOME – Chair Gibson

B. PLEDGE OF ALLEGIANCE – Shelly Halacy

C. THOUGHT OF THE DAY – Commissioner Gibson

D. CONSENT ITEMS:

1. Purchase Orders
2. Warrants #297459-#297605 for \$421,037.51
3. Minutes for the meeting held on April 30, 2013
4. New business licenses
5. New beer license
6. Contract with Ogden Valley Land Trust for a Recreation, Arts, Museums and Parks grant award – Contract C2013-144
7. Change Order #5 on SR-158, Contract #C2009-121, to address waterline utility conflicts that have occurred at the Elk Horn Drive – Contract C2013-145
8. Agreement with Craig Dearden for Elected Service Health Insurance Benefit – Contract C2013-146
Commissioner Bell moved to approve the consent items; Commissioner Zogmaister seconded, all voting aye.

E. ACTION ITEMS:

1. **CONTRACT WITH BONNEVILLE RESEARCH FOR CONSULTING SERVICES TO DEVELOP A PROJECT AREA PLAN AND BUDGET ASSOCIATED WITH A COMMUNITY DEVELOPMENT AREA (CDA) REGARDING THE DEVELOPMENT AT POWDER MOUNTAIN SKI RESORT AND THE SUMMIT HOLDING GROUP DEVELOPMENT – CONTRACT C2013-147**

Douglas Larsen, Weber Economic Development Director, stated that proposals were sought and Bonneville was selected. Due to the complexity of this project a consultant is needed in the development of the Project Area Plan that includes estimating the amount of tax increment needed for public improvements infrastructure, loans, and other eligible expenditures. The contract is not to exceed \$12,800 without prior approval. Initially during 2013 there will be some budget outlays from the Redevelopment Agency of Weber County, which will be repaid in future years.

Commissioner Zogmaister moved to approve Contract C2013-147 with Bonneville Research for consulting services to develop a Project Area Plan and Budget associated with a Community Development Area (CDA) regarding the development at Powder Mountain Ski Resort and the Summit Holding Group Development; Commissioner Bell seconded, all voting aye.

2. **CONTRACT WITH MARY ANN ELLIS TO PROVIDE LEGAL SERVICES FOR INDIGENT DEFENDANTS IN THE JUVENILE COURT – CONTRACT C2013-148**

Chris Allred, Deputy County Attorney, said that another attorney reviewed this item and it appears to be a standard contract.

Commissioner Bell moved to approve Contract C2013-148 with Mary Ann Ellis for legal services for indigent defendants in the Juvenile Court; Commissioner Zogmaister seconded, all voting aye.

3. ACTION ON AN ABATEMENT OF PRIVILEGE TAX, ASSOCIATED PENALTIES AND INTEREST, FOR 2010 AND 2011 FOR THE OGDEN PINEVIEW YACHT CLUB

Ricky Hatch, County Clerk/Auditor, stated that in 2009 the Club submitted an appeal for a property valuation they felt was incorrect. This appeal went to the State Tax Commission, which upheld their appeal and the county corrected the tax levied in 2009. The Club did not realize they needed to submit an appeal each year and the taxes continued to accrue for 2010, 2011 and 2012. From discussions with the County Assessor the privilege tax was determined to be considered an erroneous tax, requiring Commission approval to waive the taxes and related penalties and interest for a total of about \$40,074. Mr. Hatch pointed out that this was not an incorrect property valuation but an erroneous tax, and he recommends abating that amount. He addressed Commissioner Zogmaister's question stating that the tax was considered a privilege tax and that the Club does not own the land, which is owned by a tax exempt entity. The Assessor had determined that because the Club has exclusive use, they should be charged a privilege tax, but the State Tax Commission determined it was not a fully exclusive use and should not be charged a privilege tax.

Commissioner Bell moved to abate taxes, penalties and interest for 2010, 2011 and 2012 for the Ogden Pineview Yacht Club for \$40,074; Commissioner Zogmaister seconded, all voting aye.

4. FINAL APPROVAL OF THE CHALETS AT SKI LAKE PHASE 6 (14 LOTS, ABOUT 15.5 ACRES) INCLUDING A FINANCIAL GUARANTEE FOR SUBDIVISION IMPROVEMENTS IN THE AMOUNT OF \$874,799.66

Sean Wilkinson, of the County Planning Division, stated that this subdivision was originally submitted in 1999 and received preliminary approval based on one unit per acre. The subdivision would have expired, however, a few years ago that developer entered into an agreement with the County Commission extending that preliminary approval through 1/2016. This is the sixth phase that will be recorded and there are two remaining phases, which appear on track for completion. The Ogden Valley Planning Commission and County Planning staff recommended approval.

Commissioner Bell moved to grant final approval of The Chalets at Ski Lake Phase 6 (14 lots) and a financial guarantee for subdivision improvements in the amount of \$874,799.66; Commissioner Zogmaister seconded, all voting aye.

5. AMENDMENT #3 (EXTENSION) TO THE NATURAL RESOURCES CONSERVATION SERVICES (NRCS) GRANT AGREEMENT FOR MITIGATION WORK ON LOWER WEBER RIVER – CONTRACT C2013-149

Lance Peterson, of County Emergency Management, stated that the county entered into an agreement last year with NRCS for grant funds for the mitigation efforts in Weber County. This extends the agreement to 1/9/2014 allowing continuance of debris removal, commencement of work on the bank protection projects, and finishing the environmental assessment for work on various structures.

Commissioner Zogmaister moved to approve Contract C2013-149 Amendment #3 to the Natural Resources Conservation Services Grant Agreement for mitigation work on the lower Weber River; Commissioner Bell seconded, all voting aye.

F. ASSIGN PLEDGE OF ALLEGIANCE & THOUGHT OF THE DAY FOR TUESDAY, MAY 14, 2013, 10 A.M.

G. PUBLIC COMMENTS: None

H. ADJOURN

Commissioner Bell moved to adjourn at 10:27; Commissioner Zogmaister seconded, all voting aye.

Attest:

Kerry W. Gibson, Chair
Weber County Commission

Ricky D. Hatch, CPA
Weber County Clerk/Auditor