

MINUTES
WEBER COUNTY COMMISSION
Tuesday, September 24, 2019 - 10:00 a.m.
2380 Washington Blvd., Ogden, Utah

In accordance with the requirements of Utah Code Annotated Section 52-4-203, the County Clerk records in the minutes the names of all persons 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.

WEBER COUNTY COMMISSIONERS: Scott K. Jenkins, James "Jim" H. Harvey and Gage Froerer.

OTHER STAFF PRESENT: Ricky D. Hatch, County Clerk/Auditor; Courtlan Erickson, Deputy County Attorney; and Fátima Ferneliuss, of the Clerk/Auditor's Office, who took minutes.

A. WELCOME – Chair Jenkins

B. INVOCATION – Courtlan Erickson

C. PLEDGE OF ALLEGIANCE – Gary Myers

D. THOUGHT OF THE DAY – Commissioner Froerer

E. PUBLIC COMMENTS: Virginia Hernandez, of Ogden, congratulated Commissioners Froerer and Jenkins on winning the election and thanked Commissioner Harvey for listening to her concerns and for the positive outcome.

F. CONSENT ITEMS:

1. Warrants #2036-2050 and #442994-443153 in the amount of \$424,830.81.
2. Purchase orders in the amount of \$278,969.30.
3. Minutes for the meeting held on September 17, 2019.
4. Sell surplus real property at approximately 954 West & 4375 South.
5. Facility Rental Agreement with the Utah Division of Wildlife Resources.
6. Refund recommendations by the Weber County Tax Review Committee for the following:
Parcel 15-496-0002, sq. footage discrepancy, basement, basement finish; Parcel 21-010-0001, acreage discrepancy;
Parcel 17-299-0032- sq. footage discrepancy, basement, basement finish; Parcel 21-022-0017, basement sq. ft. discrepancy.
Commissioner Froerer moved to approve the consent items; Commissioner Harvey seconded.
Commissioner Harvey – aye; Commissioner Froerer – aye; Chair Jenkins – aye

G. ACTION ITEMS:

1. FIRST READING OF AN ORDINANCE SETTING A FOUR-YEAR LIMIT FOR PROPERTY TAX REFUNDS.

Courtlan Erickson, Deputy County Attorney, stated that this item is to clarify some confusion over the last few years about how far back the county can or should go for property tax refunds. There is a 4-year State statute of limitations that governs this issue and based on discussions by the Tax Review Committee and guidance from the County Commission in the past, a decision was made to put this into ordinance. Property owners receive valuation notices and tax bills every year and have the responsibility to check the information and to appeal each year. He proposed language to 2-11-7(c) to state that the county will not change the taxable status of a parcel of property for a previous tax year unless a timely appeal is filed with the Board of Equalization by its filing deadline. Most counties in the State do not go back the four years. Commissioner Harvey concurs with following the statute.

Commissioner Harvey moved to approve the first reading of an ordinance setting a four-year limit for property tax refunds, including the language to 2-11-7(c) pertaining to time limits as noted by Mr. Erickson; Commissioner Froerer seconded.

Commissioner Harvey – aye; Commissioner Froerer – aye; Chair Jenkins – aye

2. FIRST READING OF AN ORDINANCE GOVERNING THE PREPARATION, REVIEW, ENACTMENT AND PUBLICATION OF ORDINANCES.

Courtlan Erickson, Deputy County Attorney, stated that this is a revision to existing county Title 2-8. The current code includes a process, including a lot of responsibilities for the Clerk's Office in preparing ordinance paper copies. Over time, the paper copies have become somewhat less important as everything is stored online and readily available to anyone. Additionally, there was some concern regarding whether first readings were required, and there was lack of following the ordinance process as written. This proposal clarifies the previous ordinance and the process. It includes that the Commission shall adopt a policy to govern the process, which will soon be presented to the Commission.

Commissioner Froerer moved to approve the first reading of an ordinance governing the preparation, review, enactment and publication of ordinances; Commissioner Harvey seconded.

Commissioner Harvey – aye; Commissioner Froerer – aye; Chair Jenkins – aye

3. FIRST READING OF AN ORDINANCE GOVERNING GRAMA APPEALS.

Courtlan Erickson, Deputy County Attorney, stated that the GRAMA appeals process has suffered from lack of clarity in the county code because it is a several-step process and many questions have arisen. Additionally, the GRAMA appeals board has been unable to convene because of unavailability of a board member. This ordinance provides for alternate members and clarifies the process.

Commissioner Froerer moved to approve the first reading of an ordinance governing GRAMA appeals; Commissioner Harvey seconded.
Commissioner Harvey – aye; Commissioner Froerer – aye; Chair Jenkins – aye

4. CONTRACT WITH SKILLSOFT CORPORATION TO PROVIDE COMPLIANCE/SAFETY/EFFECTIVENESS WEB-BASED TRAINING FOR ALL WEBER COUNTY EMPLOYEES.

Cari Southwick, County Risk/Training Manager, stated that Skillsoft/Percipio provides web-based training. Commissioner Harvey moved to approve the contract with Skillsoft Corporation to provide compliance/safety/effectiveness web-based training for all county employees; Commissioner Froerer seconded.
Commissioner Harvey – aye; Commissioner Froerer – aye; Chair Jenkins – aye

5. A \$70,000 DONATION OF IMPACT FEES TO WEBER PATHWAYS FOR THE PINEVIEW LOOP PATHWAY (WINTERS GROVE TO OLD SNOWBASIN ROAD).

Sean Wilkinson, County Community Development Director, stated that Weber Pathways is requesting an impact fee donation of \$70,000 for engineering and construction-related expenses for replacing a bridge and putting new asphalt on the trail connecting Huntsville Town to Highway 39. These funds will come from the Ogden Valley Impact Fee Fund, they are specific for trails and must be used within a certain time period. Pathways has donations to cover the remaining costs. An MOU signed on 6/18/2019 allows the county to donate to Pathways without approving a new agreement each time.

Commissioner Froerer moved to approve the \$70,000 donation of impact fees to Weber Pathways for the Pineview Loop Pathway (Winters Grove to Old Snowbasin Road); Commissioner Harvey seconded.
Commissioner Harvey – aye; Commissioner Froerer – aye; Chair Jenkins – aye

6. CONTRACT WITH BH INC. FOR THE 12TH STREET CORRIDOR, SEGMENT 3, CHANGE ORDER #5, TO COVER GRAVEL OVERAGE AND LANDSCAPING.

Gary Myers, of County Engineering, noted that when the right-of-way was acquired from a resident, this portion of the project disrupted their front yard and the agreement was made during negotiations to restore it.

Commissioner Harvey moved to approve the contract with BH Inc. for the 12th Street corridor, segment 3, Change Order #5, to cover gravel overage and landscaping; Commissioner Froerer seconded.
Commissioner Harvey – aye; Commissioner Froerer – aye; Chair Jenkins – aye

7. CONTRACT WITH SMGH PHASE II INVESTOR, LLC, TO ENSURE DEVELOPER CONSTRUCTS AND INSTALLS MONUMENTS REQUIRED BY THE COUNTY SURVEYOR IN THE OVERLOOK SUBDIVISIONS PHASES 1 & 2.

Steve Burton, of the County Planning Division, presented the two monument improvement agreements for the Overlook Subdivisions Phase 1 and Phase 2 at Powder Mountain to ensure proper survey monument installation.

Commissioner Froerer moved to approve the contract with SMGH Phase II Investor, LLC, to ensure the developer constructs and installs monuments required by the County Surveyor in the Overlook Subdivision Phases 1 and 2; Commissioner Harvey seconded.
Commissioner Harvey – aye; Commissioner Froerer – aye; Chair Jenkins – aye

H. COMMISSIONER COMMENTS: Commissioner Harvey noted that the public budget process started, and that he feels more confident than ever in the process with the great staff and being very fiscally responsible. Commissioner Froerer and Chair Jenkins concurred. Commissioner Froerer encouraged the public to attend the hearings.

I. ADJOURN

Commissioner Froerer moved to adjourn at 10:38 a.m.; Commissioner Harvey seconded.
Commissioner Harvey – aye; Commissioner Froerer – aye; Chair Jenkins – aye

Attest:

Scott K. Jenkins, Chair
Weber County Commission

Ricky D. Hatch, CPA
Weber County Clerk/Auditor