

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

Tuesday, November 24, 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: James Ebert and Kerry W. Gibson. Matthew G Bell was excused.

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

- A. WELCOME** – Chair Gibson
- B. INVOCATION** – Ricky Hatch
- C. PLEDGE OF ALLEGIANCE** – Fátima Fernelius
- D. THOUGHT OF THE DAY** – Chair Gibson

E. CONSENT ITEMS:

- 1. Purchase orders for \$126,867.06
 - 2. Warrants #327034-#327277 for \$4,235,524.56
 - 3. Minutes for the meeting held on November 17, 2015
 - 4. New business licenses
 - 5. Granite Construction-Change Order No. 3 for the 3500 W. reconstruction project – Contract C2015-396
- Commissioner Ebert moved to approve the consent items; Chair Gibson seconded.
Commissioner Ebert – aye; Chair Gibson – aye

F. ACTION ITEMS:

- 5. **REQUEST FROM DEBORAH HOLDSWORTH, PARCEL #13-205-0006, FOR 2014 PRIMARY RESIDENTIAL STATUS**

Joe Olsen, of the County Assessor's Office, representing the Tax Review Committee (Committee), stated that Ms. Holdsworth purchased this parcel on 10/2013. The previous owner had requested, by signed affidavit, a non-primary taxable status. The county identified the taxable status as non-primary in both the 2014 valuation notice and the tax bill, including the definition of the taxable status but Ms. Holdsworth did not appeal the 2014 taxable status. She appealed the 2015 taxable status, which was accepted. She attended the Committee's meeting where the State Tax Commission's requirement was identified that the property owner has the burden of proving that the property qualifies for the primary exemption. The county ordinance requires evidence to identify the primary residential status. The Committee, with input from county legal counsel, recommended that the request be denied for 2014. Ms. Holdsworth stated today that she paid the taxes without reviewing the tax notice carefully. After comparing her 2015 tax bill with a neighbor, she came to the county for information. Mr. Olsen stated that taxable status needs to be appealed by approximately September 15 and late Board of Equalization (BOE) appeals submitted through March 31 of the following year. The property owner was given proper notice and does not have standing. Courtlan Erickson, Deputy County Attorney, stated that this should have gone before the BOE by March 31, 2015 and the county needs to adhere to the statute. Ricky Hatch, County Clerk/Auditor, noted that the valuation notice issued in July contains the taxable status and the definition above it, underlined.

Commissioner Ebert moved to deny the request by Deborah Holdsworth to change the 2014 primary residential status; Chair Gibson seconded.
Commissioner Ebert – aye; Chair Gibson – aye

- 1. **2015 WEBER COUNTY LOCAL TRANSPORTATION FUND PROJECT PRIORITIES**

Douglas Larsen, Weber County Economic Development Partnership Director, noted that the Weber Area Council of Governments' (WACOG) sub-transportation committee reviewed the application requests and made recommendations. He referred to the list of transportation projects before the Commission that were approved by WACOG on 10/2015.

Commissioner Ebert moved to approve the 2015 Weber County Local Transportation Fund project priorities list; Chair Gibson seconded.
Commissioner Ebert – aye; Chair Gibson – aye

2. 2014 LOCAL TRANSPORTATION FUNDING AGREEMENT WITH OGDEN CITY FOR FUND CAPACITY AND IMPROVEMENTS FOR THE NORTH STREET PROJECT– CONTRACT C2015-397

Douglas Larsen, Weber County Economic Development Partnership Director, noted that this project came out of the 2014 approval process. The purpose is to widen the northernmost east/west collector roadway and install improvements at the Monroe and Washington Blvd. intersection. The county will contribute up to \$300,000 from right-of-way funding and up to \$2.7 million from sales tax funding.

Commissioner Ebert moved to approve Contract C2015-397, 2014 Local Transportation Funding Agreement with Ogden City for fund capacity and improvements for the North Street project; Chair Gibson seconded.

Commissioner Ebert – aye; Chair Gibson – aye

3. LOCAL TRANSPORTATION FUNDING AGREEMENT WITH HARRISVILLE CITY TO DEFINE TERMS OF THE LARSEN LANE PROJECT – CONTRACT C2015-398

Douglas Larsen, Weber County Economic Development Partnership Director, stated that this is to reconstruct the intersection of Larsen Lane and Washington Blvd., a much needed project. The county will contribute up to \$192,000 from its transportation fund 3rd quarter percent sales tax.

Commissioner Ebert moved to approve Contract C2015-398, Local Transportation Funding Agreement with Harrisville City to define terms of the Larsen Lane project; Chair Gibson seconded.

Commissioner Ebert – aye; Chair Gibson – aye

4. CONTRACT WITH THE STATE OF UTAH, ATTORNEY GENERAL’S OFFICE

This item was held—no presenter was available.

6. RIGHT-OF-WAY CONTRACT FOR THE 12TH STREET PROJECT WITH KEVIN/TINE BAILEY, PARCEL 152 – CONTRACT C2015-399

Jared Andersen, County Engineer, briefly presented this contract.

Commissioner Ebert moved to approve Contract C2015-399, right-of-way contract for the 12th Street project with Kevin/Tina Bailey, Parcel 152; Chair Gibson seconded.

Commissioner Ebert – aye; Chair Gibson – aye

7. CONTRACT WITH THE UNION PACIFIC RAILROAD COMPANY FOR PRELIMINARY ENGINEERING SERVICES AND SUBMITTAL OF EXHIBIT “A” FOR RAILROAD APPROVAL – CONTRACT C2015-400

Jared Anderson, County Engineer, stated that the railroad crossing at 3500 W. (south of 12th St.) will need to be widened relating to the 3500 W. extension road project and this agreement outlines the project.

Commissioner Ebert moved to approve Contract C2015-400 with the Union Pacific Railroad Company for preliminary engineering services and submittal of Exhibit “A” for Railroad approval; Chair Gibson seconded.

Commissioner Ebert – aye; Chair Gibson – aye

8. FIRST READING OF AN ORDINANCE AMENDING CERTAIN PROVISIONS OF THE SPECIAL EVENTS APPLICATION PROCESS

Chris Crockett, Deputy County Attorney, presented the request to amend the Special Events Ordinance, Title 38-1-6 (a), to allow obtaining the event permit application at the Golden Spike Arena and online.

Commissioner Ebert moved to approve the first reading of the ordinance amending certain provisions of the Special Events application process; Chair Gibson seconded.

Commissioner Ebert – aye; Chair Gibson – aye

G. PUBLIC COMMENTS:

H. ASSIGN PLEDGE OF ALLEGIANCE & THOUGHT OF THE DAY FOR TUESDAY, DECEMBER 1, 2015, 10 A.M.

I. ADJOURN

Commissioner Ebert moved to adjourn at 10:47 a.m.; Chair Gibson seconded.

Commissioner Ebert – aye; Chair Gibson – aye

Attest:

Kerry W. Gibson, Chair
Weber County Commission

Ricky D. Hatch, CPA
Weber County Clerk/Auditor