

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

Tuesday, January 21, 2014 - 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 unreported 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, Jan M. Zogmaister and Matthew G Bell.

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

**A. WELCOME** – Chair Gibson

**B. PLEDGE OF ALLEGIANCE** – Deputy Ray Day

**C. THOUGHT OF THE DAY** – Commissioner Bell

**D. CONSENT ITEMS:**

1. Purchase Orders for \$1,367,920.56
2. Warrants #305551- #305757 for \$1,433,915.96
3. Minutes for the meetings held on January 7 and 14, 2014
4. New business licenses
5. New beer licenses
6. Retirement Agreement with Ann M. Stark – Contract C2014-11

Commissioner Bell moved to approve the consent items; Commissioner Zogmaister seconded, all voting aye.

**E. ACTION ITEMS:**

**1. FIRST READING OF FEE ORDINANCE AMENDMENTS RELATING TO THE SOLID WASTE DIVISION OF THE WEBER COUNTY OPERATIONS DEPARTMENT**

Gary Laird, of the County Solid Waste Division, presented changes to the transfer station tipping fee (increasing to \$32/ton from \$30/ton) and the demolition and construction waste tipping fee (decreasing to \$26/ton from \$30/ton). No price change has occurred in seven years. He noted that they have seen a decrease in waste for the last several years at the Transfer Station. The commissioners noted that a lot of related discussion has occurred recently, including at a WACOG meeting. The changes take effect July 1, 2014.

Commissioner Zogmaister moved to approve the first reading of the fee ordinance amendments relating to the Solid Waste Division of the County Operations Department; Commissioner Bell seconded, all voting aye.

**2. CONTRACT WITH WHITAKER CONSTRUCTION FOR THE OGDEN BAY WATERFOWL MANAGEMENT AREA PROJECT AS PART OF THE WEBER EMERGENCY WATERSHED PROTECTION PROJECT – CONTRACT C2014-12**

Jared Andersen, County Engineer, stated that the county went through a qualification bid process on awarding this contract. The selection committee unanimously selected Whitaker Construction.

Commissioner Bell moved to approve Contract C2014-12 with Whitaker Construction for the Ogden Bay Waterfowl Management Area project as part of the Weber Emergency Watershed Protection Project; Commissioner Zogmaister seconded. Commissioners Bell and Commissioner Zogmaister voted aye and Chair Gibson voted nay.

**3. FIRST AMENDMENT TO THE CITYWATCH ONLINE SERVICE AGREEMENT EXTENDING OUR CURRENT CONTRACT WITH CITYWATCH FOR ANOTHER YEAR – CONTRACT C2014-13**

Lance Peterson, of County Emergency Management, noted that for the past three years the county has had an emergency alert notification computer program service through CityWatch. This renews the contract for one more year at the same price of the past contract. The \$66,000 is 100% reimbursable through a Homeland Security grant.

Commissioner Bell moved to approve Contract C2014-13, first amendment to the CityWatch Online Service Agreement extending our current contract with CityWatch for another year; Commissioner Zogmaister seconded, all voting aye.

4. **CONTRACT WITH PING4ALERTS INC., TO PROVIDE WIDER AREA EMERGENCY NOTIFICATIONS VIA CELL PHONE – CONTRACT C2014-14**

Lance Peterson, of County Emergency Management, presented this license agreement for \$20,001 through 12/31/2015 with two extensions for a \$20,000 total. He noted that alerts can now be sent to geographic areas.

Commissioner Bell moved to approve Contract C2014-14 with Ping4Alerts Inc., to provide wider area emergency notifications via cell phone; Commissioner Zogmaister seconded, all voting aye.

5. **SITE DEVELOPMENT AGREEMENT FOR \$2,475.00 FOR REMOVAL OF THE TEMPORARY TRAILER AND LANDSCAPING AT WOLF MOUNTAIN (NOW KNOWN AS SKYLINE MOUNTAIN BASE) – CONTRACT C2014-15**

Sean Wilkinson, County Planning Division Director, noted that Wolf Mountain is undergoing some changes, including a name change and updates to their site plan. The temporary trailer had been approved for up to five years and the associated landscaping was never installed. The developers have put up a financial guarantee for the removal of the trailer and the four 6 ft. pine trees in pots.

Commissioner Zogmaister moved to approve Contract C2014-15, Site Development Agreement for \$2,475.00 for the removal of the temporary trailer and landscaping at Wolf Mountain/Skyline Mountain Base; Commissioner Bell seconded, all voting aye.

6. **FINAL APPROVAL OF SUMMIT EDEN PHASES 1A, 1B, 1C, 1D, SUMMIT EDEN RIDGE NESTS –P.R.U.D., SUMMIT EDEN VILLAGE NESTS CONDOMINIUMS AND THE ROAD DEDICATION PLAT FOR SUMMIT PASS AND SPRING PARK**

Sean Wilkinson, County Planning Division Director, showed an area map. He said that these subdivision and road dedication plats for the development at Powder Mountain are complete. All the agency reviews have come back favorable, all necessary changes have been made, and the Mylar plats have been signed by the County Surveyor's Office.

In 2013 the P.R.U.D. was approved for 154 units at Powder Mountain. These phases encompass 148 of those 154 units. Six units that were in the very first phase are not being developed at this time. All P.R.U.D. and Planning Commission conditions have been addressed. The Utah Division of Drinking Water has granted plan approval of the Hidden Lake Well, construction has begun on the water tank, and Summit has filed for annexation into the Powder Mountain Water & Sewer District. The Powder Mountain District engineer has concluded his plan review and is waiting for the District Board to authorize the release of the approval letters for the upgrade of the sewer system. There are approximately 40 documents (easements, agreement, conveyances, etc.) associated with this subdivision. Some of those are still under review but will be completed and recorded at the same time as all of the plats.

Almost all of the improvement costs for the subdivision are currently in escrow but there is a shortage of approximately \$233,866.94, based on cost estimates submitted by Summit. This amount will have to be provided before all the plats can be recorded. There are only two public roads (Summit Pass and Spring Park) and construction began last year. Commissioner Bell said that this is a major milestone for this project. He noted that most county departments have been involved with it, and that county staff has put in thousands of hours into this project, which has been scrutinized from many angles, and that it is difficult for the public to grasp and see all the work that has been done. Commissioner Zogmaister echoed Commission Bell's comments about the time, effort and expertise that have been put into this project and stated that the public will see an excellent product that comes from all parties.

Tom Jolley, Executive Vice President/General Counsel for Summit Mountain Holding Group, on behalf of the developer sincerely thanked the commissioners and county staff for the thousands of hours stating that it represents a major milestone for the development. They are grateful to all county staff for the enormous amount of work. He had the signed documents by the developer that included changes requested by the County Attorney and Surveyor's Offices.

Commissioner Bell moved to grant final approval of Summit Eden Phases 1A, 1B, 1C, 1D, Summit Eden Ridge Nests – P.R.U.D., Summit Eden Village Nests Condominiums and the road dedication Plat for Summit Pass and Spring Park; Commissioner Zogmaister seconded, all voting aye.

**7. REQUEST FOR CONTRACT WITH WEBER COUNTY MOSQUITO ABATEMENT DISTRICT TO PROVIDE EFFECTIVE AND EFFICIENT CORE ADMINISTRATIVE SERVICES TO THE DISTRICT**

This item had been handled last week.

**8. FIRST READING OF AN ORDINANCE WHICH WOULD SEPARATE THE OFFICE OF THE WEBER COUNTY RECORDER/SURVEYOR INTO SEPARATE OFFICES; WITH THE WEBER COUNTY RECORDER AND WEBER COUNTY SURVEYOR TO BE ELECTED IN THE 2014 ELECTION CYCLE, WITH THIS ORDINANCE TO TAKE EFFECT ON THE FIRST MONDAY IN JANUARY, 2015**

Chair Gibson noted that a public meeting was held Friday on this item. The commissioners have been available since then to speak with those who wished to address the issue privately. The commissioners continue to study efficiency and budgetary implications. David Wilson, Deputy County Attorney, explained that if the Commission approved a first reading today they would have opportunity to consider it next week and if they did not take action today this issue could not be addressed for six years.

Commission Zogmaister noted that people have been coming to the commissioners' offices since Friday to voice their opinions and the commissioners have also received emails and telephone calls. It has been good to hear the perspectives from those who receive the services, etc. She noted that there are differences on the proposed budgets by Mr. Rowley and Ms. Kilts; some of that is due to the philosophy on how they would run the offices and she would like those figures clarified. The reasons given for consolidation seven years ago were for efficiency and to save money and it is important to see if those have been accomplished.

Commissioner Zogmaister moved to approve the first reading of the ordinance which would separate the office of the Weber County Recorder/Surveyor into separate offices; with the Weber County Recorder and Weber County Surveyor to be elected in the 2014 election cycle, with this ordinance to take effect on the first Monday in January 2015; Commissioner Bell seconded, all voting aye.

**F. ASSIGN PLEDGE OF ALLEGIANCE & THOUGHT OF THE DAY FOR TUESDAY, JANUARY 28, 2014, 10 A.M.**

**G. PUBLIC COMMENTS:**

Jeaneen Smith, Recorder/Surveyor mapper, stated that when she started working for the Recorder's Office 20 years ago she had been impressed by the dedication and work ethic in that office. She added that all the mappers are State certified cadastral mappers.

When the offices combined in 2007, they hoped this would work and tried very hard to make it work; unfortunately it did not. She has witnessed the Recorder's Office slide slowly down in efficiency and morale. The Recorder's Office is down five employees and she asked why. She stated that there is no clear leadership within the Recorder's Office. She asked why the Surveyors have a chief deputy, an administrative assistant and the elected official but the Recorder has no voice, no clear leadership. They have the knowledge and expertise but no authority was assigned to anyone to carry out those duties. Sometimes the problems pile up and there has been no authority to handle them. There is no supervisor with Recorder knowledge that is over the front counter and the chain of command has been broken. Because of this the office is not functioning efficiently. Other county offices have told her that because of some of the policies their work load has increased dramatically. The abstracts of taxpayer records have been abstracted against when there was no description, and her understanding is that a description is necessary. Over abstracting of documents can cause this problem, which she said is another current policy. Ms. Smith did not wish to portray that Mr. Rowley had intentionally caused these problems, stating that he is an excellent surveyor but thinks like a surveyor. She outlined inherent differences between the Recorder's Office and the Surveyor's Office, stating that there has to be a check and balance. She stated that one person cannot wear both hats in that office.

They map for taxation purposes only and are expected to record to make a history of all documents, which is a sacred trust. She believes the Recorder's Office can function effectively without a chief deputy and administrative assistant and did so for years like when she first started working there, and the current staff can handle it without increased costs.

Ms. Smith gave the parallel of combining the police and fire departments, then getting rid of employees and training the police to go put out fires and the fire department to handle domestic disputes. She stated that these two offices do not function together, both are needed and our county is large enough to have both offices. As a taxpayer, she wants her records safeguarded by those for whom this is their priority. They have been expressing their concerns for the last seven years about this issue. She urged the Commission to separate these offices and restore the Recorder's Office to the previous standard.

Lance Jensen, a title searcher for 20+ years, echoed Ms. Smith's comments. The efficiencies in the Recorder's Office determines whether or not one is able to get the title work, which affects loans, sales, etc., thus the work of the Recorder's Office is crucial. It is important to have an efficient Recorder's Office. He stated that they thought it was a bad idea to combine those offices in 2007 and it is still a bad idea. He said that title companies support the separation of the two offices for efficiency and taxpayer services.

Connie Brand noted that she knows Mr. Rowley and they happen to live in the same neighborhood. She worked for over 25 years with Clark County, Las Vegas—the majority in the Assessor's Office (which handled parceling functions). She did not understand how the separation would make the Recorder's Office more efficient and productive. She feels that with separation there would be two elected officials that may put procedures in place that may be redundant and possibly conflict, and that it would be more costly. She feels that the current procedure of assigning new parcel numbers and retiring the other parcel numbers is a superior method to ensure a cleaner parcel history and she can understand why the Utah Tax Commission suggested the current procedure, which she said has been industry standard for decades and can reduce confusion and mistakes. She said that there may be management and training issues, employees with longer tenures may not feel listened to, additional employees may need to be hired (since they decreased by 5), and team building may be necessary, but she feels that these issues can be addressed.

Jeff Hales, Weber County resident, a real estate agent/developer for the past 27 years, is very involved with the county's planners, mappers, recorders, surveyors, health department, etc. He has dealt with the subject office as separate and as consolidated and has found that things have become more cumbersome over the years, but perhaps more has been asked of those in their positions. He said that Mr. Rowley is a wonderful man but may be spread a little too thin. As properties are divided, he has noticed that they become log-jammed in the Surveyor's Office. They are competent people and work hard but he feels strongly that the separation is best so that the two departments can act distinctively and that it would free up the time for the Surveyor to meet the needs of his department a bit better.

Lynda Pipkin sees valid points on both sides. She feels that one week to accomplish all the research to make this decision is not sufficient and asked why this issue was not brought up before.

Ernest Rowley, County Recorder, Surveyor, noted that obviously there is a difference of opinion on both sides regarding how the separation of the offices would function regarding staffing. He said that Ms. Kilts and others have indicated the staffing level is fine right now, thus he does not feel that the concern of backlog is a valid concern. If the offices are separated there would be a new elected official and Ms. Kilts would no longer be able to do mapping and that position would need to be filled. At minimum there would be an increase for the elected official's salary. If separated, the salaries of the Surveyor's Office will remain the same but will change in the Recorder's budget. He said that he has operated that office in the most cost effective manner. He referred to Ms. Smith's question as to why the Recorder does not have a chief deputy stating that was a Commission decision made seven years ago, at which time he had asked for one. He has a supervisor for the front area. Debbi Conley also manages the front counter and regarding the allegations that she does not have the knowledge to handle that area Mr. Rowley said that it is the employees' responsibility to be able to handle the front counter, and they can come to him if needed. Ms. Kilts is the mapping supervisor and she can consult with him if needed.

Mr. Rowley cited from the State's Property Tax Division Standards of Practice guidelines that when parcels are divided new parcel numbers shall be assigned and old parcel numbers permanently retired. He stated that this is not law but is the reason for his current practice. He stated that legislation passed directing County Recorders to spread the abstracted documents in the indexes and his policies are in compliance with the State. He studies as much as possible about the subject of real estate title. Mr. Hales had stated that there are inefficiencies and he agrees. The office was doing fine until this spring when Powder Mountain/Summit brought their very large project to the county. It has taken two full time staff to deal with that for the last several months. He said that backlog is due to a staffing issue. Chair Gibson noted that the county has experienced a unique year or two with unexpected demands on many county offices.

Leann Kilts referred to Mr. Rowley's comments that at the time the offices were combined there was no chief deputy for the Recorder but in seven years there is still no chief deputy or administrative assistant—there has been no such help for the Recorder. Additionally, the Recorder lost five employees and supervisors. She had also suggested at the first meeting after the consolidation occurred that they continue having the useful monthly meetings, but Mr. Rowley did not continue them. They do not have staff or supervisor meetings, and some of the office feels there is no direction. Ms. Kilts said that they take their questions to Mr. Rowley because he is the Recorder/Surveyor, and they want those decisions to come from him.

Ms. Kilts is under the understanding that Miradi was created so that they could track subdivisions and see where the bottlenecking comes from. Miradi has been online for several years and she believes that the accountability is not just recent Powder Mountain/Summit problems. By separating the offices, she would like to restore the integrity of the Recorder's Office. She feels the Recorder's Office has no say, that when they voice concerns or comments those fall on deaf years. She would like to restore communication with other county offices, title companies, taxpayers, and improve customer service, which she feels has been lost. Customer service is important to her, and the office is also very important to her. She expressed her willingness to continue working with Mr. Rowley if the office is separated and stated that her heart and soul is in Weber County and with the taxpayers. She stated that first and foremost the customers deserve to have their needs and concerns met. She feels that the employees in the Recorder's Office have been swept under the rug by this administration. She reiterated that the office should be separated.

#### H. ADJOURN

Commissioner Bell moved to adjourn at 11:21 a.m.; Commissioner Zogmaister seconded, all voting aye.

Attest:

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Kerry W. Gibson, Chair  
Weber County Commission

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Ricky D. Hatch, CPA  
Weber County Clerk/Auditor