

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

Tuesday, March 1, 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: 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 Zogmaister

B. PLEDGE OF ALLEGIANCE – Sean Wilkinson

C. THOUGHT OF THE DAY - Chair Zogmaister

D. PRESENTATION OF 2011 WEBER COUNTY MOTHER OF THE YEAR AWARD TO MS. MARILYN R. HARRIS

Chair Zogmaister read the proclamation . Commissioner Dearden, who knows the Harris family stated it was a great honor and well deserved. Commissioner Gibson expressed thanks to Ms. Harris for her great influence.

E. CONSENT ITEMS

1. Purchase Orders in the amount of \$231,196.04
2. Warrants #271433-#271751 in the amount of \$2,626,155.79
3. Minutes for the meeting held on February 22, 2011
4. ACH payment to US Bank in the amount of \$54,722.67 for purchasing card transactions made through the billing cycle ending February 15, 2011
5. New business licenses

Commissioner Gibson moved to approve the consent items; Commissioner Dearden seconded, all voting aye.

F. ACTION ITEMS

1. ACTION ON RECOMMENDATION FROM THE TAX REVIEW COMMITTEE REGARDING LSN # 07-014-0014

Brenda Wheelwright, County Treasurer's Office, stated that Sue Peterson was requesting that 2008, 2009 and 2010 penalties and interest paid in the amount of \$616.08 and 2007 penalty and interest unpaid in the amount of \$30.01 be waived.

Ms. Peterson owns property which in 2007 had a residence and was sold on contract to Paul Davis. Mr. Davis had intended to convert the home into office space, however, he and Ogden City could not agree on the remodeling approvals and eventually Mr. Davis moved out of State taking with him the improvements he had made. Ms. Peterson was forced to foreclose on the property on 4/2008. She reclaimed the property on 10/2008. The structure on the property was then condemned by Ogden City and Ms. Peterson was forced to demolish it on 3/2010.

There was no error by the county and the Tax Review Committee unanimously recommended not waiving penalty and interest.

Ms. Peterson also gave some history stating that she had never known anything about the issue because she was not receiving the tax notices. The commissioners discussed the county's obligation to follow the law.

Commissioner Dearden moved to uphold the Tax Review Committee's recommendation regarding LSN #07-014-0014; Commissioner Gibson seconded, all voting aye.

2. ACTION ON RECOMMENDATION FROM THE TAX REVIEW COMMITTEE REGARDING LSN# 21-028-0015

Brenda Wheelwright, County Treasurer's Office, stated that Craig Peterson was requesting waiver of 2007 late penalty and interest paid in the amount of \$265.63 and also 2010 unpaid penalty and interest in the amount of \$42.20. Mr. Peterson had indicated that in 2005 he was ordered by a Huntsville City councilman to divide his property in Huntsville because he had an uncle living with him at that time. The Recorder's Office split the property as requested by Mr. Peterson in 2005. He feels that he has been overtaxed due to the split of his property. The property was recombined into one parcel in 2010. The valuation and tax notices were mailed to the proper address and there were no property value appeals filed during that period. There was no error by the county and the Tax Review Committee unanimously recommended not waiving penalty and interest.

Craig Peterson stated today that a councilman had come to his home and told him to divide the property. He also asked that the 2010 tax of \$1,284 be waived and described his financial hardship. Chair Zogmaister noted that no appeals had been filed and the county followed Mr. Peterson's wishes.

Commissioner Gibson moved to uphold the Tax Review's recommendation regarding LSN# 21-028-0015; Commissioner Dearden seconded, all voting aye.

3. CONTRACT WITH HUNTER AND COMPANY COMMUNICATION FOR LOBBYIST SERVICES - CONTRACT C2011-32

Chair Zogmaister stated that this contract is for one year and will be evaluated after that. She noted that in the past the county has been successful in getting back \$187,000 through lobbyist efforts and is waiting on \$500,000 for stormwater.

Commissioner Dearden moved to approve Contract C2011-32 with Hunter and Company Communication for Lobbyist services; Commissioner Gibson seconded, all voting aye.

G. ASSIGN PLEDGE OF ALLEGIANCE & THOUGHT OF THE DAY FOR TUESDAY, MARCH 8, 2011, 10 A.M.

H. PUBLIC COMMENTS:

Brice Penrod, of Pleasant View, stated that yesterday he learned that the county is in the process of obtaining a commercial permit for the Class IVb C&D landfill. He said that Representative Brad Dee sponsored the legislation, H.C.R. 18, a Concurrent Resolution Approving Solid Waste Facility Classification Change. He asked if the county has adopted that resolution. David Wilson, Deputy County Attorney, replied the county had not and is not required to as the proposed resolution is approved by the house, senate and governor. Mr. Penrod expressed his opinion that this action would undermine the litigation before a state administrative law judge as this would change the classification and the current restrictions on where waste may be accepted from. He further expressed his opinion that the county C&D landfill manager has accepted waste generated in Cache and Rich Counties. He requested that the County Commission direct Brad Dee withdraw H.C.R. 18.

CLOSED EXECUTIVE SESSION

Commissioner Gibson moved to convene a closed executive session to discuss the character, competence or physical or mental health of an individual; Commissioner Dearden seconded.

Roll Call Vote:

Commissioner Dearden - aye

Commissioner Gibson - aye

Chair Zogmaister - aye

There was no action taken on 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