

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

Tuesday, May 3, 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 PRESENT:** 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** – Shelly Halacy

**C. THOUGHT OF THE DAY** - Commissioner Gibson

**D. CONSENT ITEMS:**

1. Purchase Orders in the amount of \$443,677.51
2. Ratify Warrants #273169-#273462 in the amount of \$3,359,608.24 dated April 26, 2011
3. Warrants #273463-#273697 in the amount \$390,102.74
3. Minutes for the meeting held on April 19, 2011
4. New business licenses
5. ACH payment to US Bank in the amount of \$76,568.08 for purchasing card transactions made through the billing cycle ending April 15, 2011
6. Tax Review Committee recommendations to approve tax sale extensions:
  - 04-020-0060, Schreib
  - 12-079-0064, Newlands (Also to correct 2010 assessment)
  - 12-079-0065, Newlands (Also to correct 2010 assessment)
  - 23-013-0234, Mather
  - 17-311-0021, Murdock
7. Approval of the Tax Review Committee recommendations regarding LSN 15-397-0001
8. Request for the Weber County Commission to accept to a financial guarantee in the amount of \$4,200 for installation of a fire hydrant in the David Bailey Subdivision

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

**E. ACTION ITEMS:**

1. **TAX REVIEW COMMITTEE RECOMMENDATIONS NOT TO APPROVE THE FOLLOWING REQUEST:  
17-311-0021, MURDOCK - REMOVE PENALTY & INTEREST AND ACCEPT SETTLEMENT OF \$8,000.00  
FOR DELINQUENT TAXES**

Douglas Larsen, of the County Clerk/Auditor's Office, noted that Mr. Murdock was notified of this meeting by letter, but he was not present. Mr. Murdock had requested tax sale extensions, which were approved under the consent items above. He also asked to settle delinquent taxes in the amount of \$8,000 and waiver of penalty and interest. The Tax Review Committee recommended denying the request to settle the delinquent taxes and the waiver of penalties and interest. They could not find any error by the county. Mr. Larsen referred to letters from Mr. Murdock in the commissioners' packets regarding appeal issues stating that the county had followed its policies to respond in 2007.

Commissioner Dearden moved to uphold the Tax Review Committee's recommendations not to approve the request by Mr. Murdock (17-311-0021) to settle the delinquent taxes and not to remove penalty & interest; Commissioner Gibson seconded, all voting aye.

**2. FURTHER DISCUSSION AND/OR ACTION OF EXTENSION REQUESTS FOR THE FOLLOWING PARCELS:**

15-017-0020 BP Properties Request for Tax Sale extension  
15-017-0040 BP Properties Request for Tax Sale extension  
15-017-0041 BP Properties Request for Tax Sale extension  
15-027-0036 BP Properties Request for Tax Sale extension

Roger Brunker, of the Clerk/Auditor's Office, stated that Kent Buie, of BP Properties, could not be present today. Mr. Brunker noted that the Tax Review Committee had recommended not granting the tax sale extensions, as discussed at the previous meeting. He met with Mr. Buie as requested by the Commission at its last meeting to see if an arrangement can be reached. He requested that Mr. Buie provide documentation showing that he is trying to market the property, provide documentation showing he has been renewing his application with Plain City annually to make the property development-ready as he had stated, and that he pay at least one of the properties prior to the tax sale. Mr. Brunker has received the real estate contract with Mrs. Coombs and the correspondence from Plain City stating Mr. Buie has renewed annually. Mr. Buie is gathering about \$5,600 to pay off one of the property's taxes prior to the tax sale. With that, Mr. Brunker feels comfortable in making the recommendation to the Commission to grant the extension and that Mr. Buie should have the obligations paid off within the year as requested by the forthcoming extension agreements. Mr. Buie is very aware of the commission's concern to grant extensions to developers who let property taxes go delinquent.

Commissioner Gibson moved to accept Mr. Brunker's recommendation to grant the tax sale extensions for this year and that Mr. Buie continue to meet the requirements; Commissioner Dearden seconded, all voting aye.

**3. REQUEST FOR CONTRACT WITH JOE L. GALLEGOS TO PURCHASE PARCEL #15-113-0002**

Nate Pierce, County Operations Department Director, requested that this item be removed from today's agenda because the Recorder/Surveyor's Office indicated to him that there may be a boundary dispute. The adjoining property owner to the south of this parcel, who was the owner when it went into default, has some outbuildings on a portion of it.

**4. CONTRACT WITH MIDWAY AMUSEMENTS FOR A CARNIVAL AT THE 2011 WEBER COUNTY FAIR - CONTRACT C2011-49**

Jan Wilson, of the Weber County Fair, presented this contract. The payment to the Fair will be 25% of their gross advance sales and 20% of the gross sales at the Fair.

Commissioner Dearden moved to approve Contract C2011-49 with Midway Amusements for a carnival at the 2011 Weber County Fair; Commissioner Gibson seconded, all voting aye.

**5. CONTRACT WITH WOODEN CREATIONS FOR CHAINSAW CARVINGS AT THE 2011 COUNTY FAIR - CONTRACT C2011-50**

Jan Wilson, of the Weber County Fair, presented this contract for \$3,800.

Commissioner Gibson moved to approve Contract C2011-50 with Wooden Creations for chainsaw carvings at the 2011 Weber County Fair; Commissioner Dearden seconded, all voting aye.

**6. CONTRACT WITH WINTERFEST CONCERT EVENTS FOR THE LONG RUN - COLORADO'S TRIBUTE TO THE EAGLES AT THE 2011 WEBER COUNTY FAIR - CONTRACT C2011-51**

Jan Wilson, of the Weber County Fair, presented this contract for \$3,000 plus hotel rooms.

Commissioner Dearden moved to approve Contract C2011-51 with Winterfest Concert Events for The Long Run - Colorado's Tribute to the Eagles at the 2011 Weber County Fair; Commissioner Gibson seconded, all voting aye.

**7. CONTRACT WITH ROCKY MOUNTAIN POWER, LIGHTING EFFICIENCY ALLIANCE FOR A REBATE INCENTIVE (RIDING ARENA) - CONTRACT C2011-52**

Jennifer Graham, County Recreation Facilities Director, discussed this and the following contract. She stated that an electrical engineer evaluated the buildings' lighting. Plans to upgrade the lighting, in order to save on electrical expenses, were formulated with the help of Rocky Mountain Power. The total project cost for both buildings was \$27,641.39 and Rocky Mountain is rebating the county \$4,608 for the Riding Arena (which is almost half of the project's cost).

Commissioner Gibson moved to approve Contract C2011-52 with Rocky Mountain Power, Lighting Efficiency Alliance, for a rebate incentive for the Riding Arena; Commissioner Dearden seconded, all voting aye.

**8. CONTRACT WITH WEBER COUNTY AND ROCKY MOUNTAIN POWER, LIGHTING EFFICIENCY ALLIANCE FOR A REBATE INCENTIVE (EXHIBIT HALL) - CONTRACT C2011-53**

See above contract. Jennifer Graham, County Recreation Facilities Director, stated that Rocky Mountain is rebating the county \$8,256 toward this expense. Chair Zogmaister asked what the projected efficiency would be and Ms. Graham responded that the return on investment is projected at less than two years for the Riding Arena and less than three years for the Exhibit Hall.

Commissioner Dearden moved to approve Contract C2011-53 with Rocky Mountain Power, Lighting Efficiency Alliance, for a rebate incentive for the Exhibit Hall; Commissioner Gibson seconded, all voting aye.

**9. REQUEST FOR CONTRACT WITH SANDERS ASSOCIATES ARCHITECTS FOR CSI CRIME LAB EXPANSION/REMODEL**

Reed Richards, Deputy County Attorney, presented this standard contract, which contains a set fee schedule. The maximum amount for the architect fees is \$16,760. Mr. Richards referred to changes made to the contract (regarding reimbursable expenses and liability) and requested not approving it until next week so that Sanders can review them.

**10. RECOMMENDATION FROM THE TAX REVIEW COMMITTEE REGARDING PARCEL #22-164-0006**

Machel Maycock, Assessor's Office, stated that Ogden Valley residents Kelly and Lavon Jackson built their home in 2006 and the Assessor's Office classified it as secondary residence after attempts to determine if it was being used as a primary or secondary residence. Mr. Jackson brought the error to the Assessor's Office attention in 3/2011 and a late appeal was accepted by the county. Mr. Jackson is requesting a refund of about \$9,700 for tax years 2006 through 2009.

Mr. Jackson stated today that in a letter he received from the county, justification for classifying his home as a secondary residence is that the vast majority of homes in this region are secondary. This statement is not correct. In his neighborhood there are 21 primary and 9 secondary, and 9 out of 30

is not a majority. After speaking with his neighbors, they either have or had this problem. He was the homebuilder, the construction loan is in his name and his wife told the Assessor's representative when she visited their home to see how much of the basement was finished that it is their primary residence. When he called the county to inquire about the taxes being about double he was told the Valley had just been reappraised and property taxes had increased greatly. It had not crossed his mind that the county would classify his home as a secondary residence. When the classification was finally pointed out to him, he finally located an "NP" on the valuation notice but it is not easily found. There is no justification to classify his home as secondary, other than that the "default" is used for Ogden Valley. He is not contesting paying taxes but does not feel he should pay an additional \$10,000 due to an error by the county.

Chair Zogmaister asked what is the county's policy regarding primary/secondary classification and Ms. Maycock stated that the Ogden Valley appraisers make efforts to talk with contractors and property owners to determine whether a residence is primary or secondary. If they cannot make that determination, the default goes to secondary. The Assessor's Office began the practice of mailing primary residence affidavits about one year ago to homeowners to declare the classification if they cannot contact them otherwise. Ms. Maycock addressed Commissioner Gibson's question stating that the Assessor's Office makes an effort to classify before the "default" occurs. Chair Zogmaister asked about the comment in the letter that there are more secondary than primary homes. Ms. Maycock said that her comment was that the majority of secondary residences are in Ogden Valley. Commissioner Dearden asked about the policy to refund in such situations and David Wilson, Deputy County Attorney, stated that the county does it work and sends it out to the taxpayer and the burden has always been on the taxpayer to clear up any errors.

Commissioner Dearden asked if Ms. Jackson's mention of the fact that it is their primary residence to the appraiser fall into the classification of notice and Ms. Maycock responded that that appraiser, who was very thorough, retired and the Assessor's Office does not have that reference. Commissioner Gibson asked if the secondary residence default has been longstanding and Ms. Maycock stated that it is because of the nature of that region.

Commissioner Dearden moved to deny the request for a refund for tax years 2006 through 2009; Commissioner Gibson seconded, all voting aye.

#### **11. CONTRACT WITH AVTEX - CITYWATCH NOTIFICATION SYSTEM - CONTRACT C2011-54**

Ely Johnson, of County Emergency Management, stated that about six years ago the county partnered with the State Department of Health to provide an emergency reverse notification system for the northern Utah region. The county has coordinated this system with Box Elder, Davis, Morgan and Cache Counties. As they have started adding Rich County into the system, they found it problematic due to the long distance telephone challenges in that county and through a bid process with the Northern Utah Homeland Security Coalition, Avtex was selected. Avtex offers a "hosted" solution. The cost will be paid through a regional grant and if the funding ceases, there is an opt-out clause.

Commissioner Gibson moved to approve Contract C2011-54 with Avtex Solutions - Citywatch Notification System; Commissioner Dearden seconded, all voting aye.

**12. CONSIDERATION AND ACTION ON A REQUEST FOR FINAL APPROVAL OF EDGEWATER BEACH RESORT PHASE 1 (1 BUILDING WITH 4 UNITS)**

Sean Wilkinson, County Planning Division, noted that Edgewater Beach Resort was approved as a P.R.U.D. in 2004. This first phase received recommendation for final subdivision approval from the Ogden Valley Planning Commission on 5/25/2010, and Staff is recommending final approval. Culinary Water is being provided by Lakeview Water Company and sewer by Mountain Sewer Company. All of the improvements for this phase are installed. The CC&Rs have been reviewed by Monette Hurtado, Deputy County Attorney, to ensure there will be private maintenance of the roads and common areas.

Ernest Rowley, County Recorder/Surveyor, stated that he and Mr. Wilkinson have a meeting tomorrow with the County Attorney's Office to discuss a pathway issue regarding this development and asked that if the Commission moves to approve this item that it be subject to the County Surveyor's approval of the plat. Mr. Wilkinson said that a portion of the pathway is deemed private but as it widens around and heads down the west side of this project it is built within a county right of way. He clarified that the original approval called for a 4 ft. wide bark and mulch interior trail to serve this development, not for it to be a major pathway. Mr. Rowley expressed concern that the trail leaves the private property and comes into the public right-of-way, which may create a point of conflict between the public and the homeowners association and the public may unknowingly trespass. David Wilson, Deputy County Attorney, stated that the private land would have to be noticed as such in order for it to become a trespassing issue.

Commissioner Dearden moved to grant final approval of Edgewater Beach Resort Phase 1, contingent upon the County Recorder/Surveyor's approval; Commissioner Gibson seconded, all voting aye.

**13. RAMP ARTS & MUSEUM AND RECREATION & PARKS CONTRACTS WITH THE FOLLOWING:**

Weber Pathways - C2011-55  
Weber County Recreation-Fencing and Scoreboards - C2011-56  
Weber County Recreation-Divider Curtain - C2011-57  
South Ogden - C2011-58  
Pleasant View City - C2011-59  
US Forest Service - C2011-60  
Ogden-Weber Community Action - C2011-61  
Ogden Nordic - C2011-62  
Roy City - C2011-63  
North Ogden City - C2011-64  
Ogden Valley Winter Sports Foundation - C2011-65  
Weber County Ice Sheet - C2011-66  
GOAL Foundation - C2011-67  
Dinosaur Park & Museum - C2011-68  
Ogden Nature Center - C2011-69  
Boys & Girls Club - C2011-70  
Hooper City - C2011-71  
Junior League of Ogden - C2011-72  
Aerospace Heritage Foundation - C2011-73  
Downtown Ogden Inc. - Winterfest - C2011-74  
Downtown Ogden Inc. - Music Festival - C2011-75  
Downtown Ogden Inc. - Sundance - C2011-76  
Downtown Ogden Inc. - First Friday - C2011-77

Downtown Ogden Inc. - Farmers Market - C2011-78  
Downtown Ogden Inc. -Amphitheater Season - C2011-79  
Eccles Community Art Center- Exhibitions - C2011-80  
Eccles Community Art Center - Film Series - C2011-81  
Egyptian Theater Foundation - Curtains - C2011-82  
Egyptian Theater Foundation -Classic Movie Series - C2011-83  
Egyptian Theater Foundation -Mighty Wulitzer - C2011-84  
Egyptian Theater Foundation - Performing Arts Series - C2011-85  
Historic 25<sup>th</sup> Association- Harvest Moon - C2011-86  
Historic 25<sup>th</sup> Association - Worldwide Festival - C2011-87  
Ogden Dinosaur Park - C2011-88  
Ogden Nature Center - C2011-89  
Ogden Pioneer Heritage Foundation- Horse Display - C2011-90  
Ogden Pioneer Heritage Foundation- Art Show - C2011-91  
Ogden Pioneer Heritage Foundation- Entertainment - C2011-92  
Ogden School Foundation - C2011-93  
Ogden Symphony Ballet - C2011-94  
Roy City - C2011-95  
Roy Historical Museum - C2011-96  
South Ogden City- South Ogden Days - C2011-97  
South Ogden City - 1936 Experience - C2011-98  
South Ogden City- Your Art on Our Canvas - C2011-99  
Union Station Foundation - C2011-100  
Veterans of Foreign Wars - C2011-101  
Weber State University - C2011-102  
Treehouse Museum - C2011-103

Mike Caldwell, County Public Information Officer, expressed thanks to all of those who spent much time reviewing these items.

Commissioner Dearden moved to approve RAMP Contracts C2011-55 through C2011-103 as listed; Commissioner Gibson seconded, all voting aye.

**F. ASSIGN PLEDGE OF ALLEGIANCE & THOUGHT OF THE DAY FOR TUESDAY, MAY 10, 2011, 10 A.M.**

**G. PUBLIC COMMENTS:** None

**H. ADJOURN**

Commissioner Dearden moved to adjourn at 10:54 a.m.; Commissioner Gibson seconded, all voting aye.

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Jan M. Zogmaister, Chair  
Weber County Commission

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Ricky D. Hatch, CPA  
Weber County Clerk/Auditor