

MINUTES
WEBER COUNTY COMMISSION

Tuesday, May 9th, 2023 – 10:00 a.m.

Via Zoom meeting + at Weber Center, 2380 Washington Blvd., Ogden, UT

In accordance with the requirements of Utah Code Section 52-4-203, the County Clerk records in the minutes the names of all persons who 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: Gage Froerer, James "Jim" H. Harvey, and Sharon Bolos
STAFF PRESENT: Ricky Hatch, County Clerk/Auditor; Christopher Crockett, Deputy County Attorney; and Craig D. Brandt (via Zoom), of the County Clerk/Auditor's office, who took minutes.

A. WELCOME: Chair Froerer

B. PLEDGE OF ALLEGIANCE: Scott Mendoza

C. INVOCATION: Stephanie Russell

D. THOUGHT OF THE DAY: Commissioner Froerer: I had the opportunity to represent our county at the Catholic Community Services function this morning. I have been told in the past that Utah is the number one state in the nation for volunteering. If that's true of the state then the governor should give Weber County recognition for the highest number of volunteers for any county in this state. It's not government's job to do everything that volunteers and people can do for themselves. Just last month 10,000 people have been served including meals for school kids, even on weekends. It was great to visit with the Catholic Community Services and to see volunteerism is alive and well in this county.

E. PUBLIC COMMENT:

1. Randy Reese: Issue with mortgage company in 2016. I was asked if I wanted the property taxes taken out instead of paying separate and I opted to do that. I was made aware recently that I have been overpaying. The Assessor team recommended I get one year of overpayment paid back. In fairness, I would like to get all my money back.

F. RECOGNITION OF NATIONAL CORRECTIONAL OFFICERS WEEK:

1. Commissioner Bolos: I hope they feel our appreciation every week. They have a hard job. I have a neighbor that works in the jail and have my eyes opened to what they go through in their day-to-day operations. I want to acknowledge Chief Reese and Capt. Ryan for their treatment and care for the inmates. Thank you for all that you do to not only care for our inmates and all you do to keep our residents safe. Thank you!

Commissioner Harvey: Having spent a little more time this week with the Sheriffs department, I really appreciate the situations you get us out of frequently. Thank you so much for the way you treat and respect and take care of those who come into your facility. I am grateful for all you do. We really appreciate you.

Chair Froerer: The service they provide is a tough job and they deserve our respect.

Sheriff Arbon: We couldn't do what we do without your support. The recognition should really go to the staff at the jail. As you know, there is a shortage of correctional facility staff around the nation and in our state. Our staff can do anything; they can't do everything but they can do anything.

G. CONSENT ITEMS:

1. Warrants #7927-7975, #476217-476366 and #264 in the amount of \$1,978,072.97.
2. Purchase orders in the amount of \$54,731.79.
3. Summary of Warrants and Purchase Orders.
4. ACH payment to US Bank in the amount of \$186,523.93.
5. New business licenses.
6. Surplus a Canon Imagerunner Color Copier for the Weber County Library.
7. Contract with Jonathan Meister releasing Weber County from all liability new construction SFD at Lot 85 of Elkhorn Subdivision, Phase 4. Parcel#22-171-0006.
8. Contract with EDA Architects for preliminary building and site design services related to a potential renovation of the Weber Center and site.
9. Contract with Wasatch Pony Club for the Spring Chicken Event to be held at the Golden Spike Event Center.
10. Contract with Acorn Productions to hold the Acorn Antique & Vintage Show at the Golden Spike Event Center.
11. Contract with Inoel Chavez to hold the May 2023 Matched Races at the Golden Spike Event Center.
12. Inter-local Agreements with the following for surveying services:
 - Marriott-Slaterville City
 - Pleasant View City
13. Inter-local Agreements with the following for election services in 2023 and 2025:
 - Hooper City

Commissioner Bolos moved to approve the consent items; Commissioner Harvey seconded.
Commissioner Froerer – aye; Commissioner Harvey – aye; Chair Bolos – aye

H. ACTION ITEMS:

1. **APPROVE A GRANT AGREEMENT WITH THE STATE OF UTAH DEPARTMENT OF ENVIRONMENTAL QUALITY, DIVISION OF WATER QUALITY FOR THE WEST WEBER SITE SEWER INFRASTRUCTURE GRANT PROGRAM.**

Stephanie Russell (Economic Development Director): This is a request received an allocation last year for ARPA funding for sewer improvements at LMSA lagoon. Contract between county and the division of Water Quality that received the funding. Contract outlines terms and conditions and the way we would interface with the Division of Water Quality as we proceed to assist LMSA with the renovation of their lagoon system. One caviat to the contract is the \$5M grant has specific restrictions only being used for construction costs but not administrative. Any leftover funds can go through the lift station at 5900.

Commissioner Harvey moved to approve a grant agreement with the State of Utah Department of Environmental Quality, Division of Water Quality for the West Weber Site Sewer Infrastructure Grant Program; Commissioner Bolos seconded.

Commissioner Harvey – aye; Commissioner Bolos – aye; Chair Froerer – aye

2. **APPROVE RESOLUTION 25-2023 INITIATING THE CREATION OF A GOVERNING DOCUMENT FOR THE PROPOSED PROMONTORY COMMERCE CENTER INFRASTRUCTURE DISTRICTS NOS. 1, 2, AND 3.**

Stephanie Russell (Economic Development Director): PIDs allow developers to pursue funding for needed infrastructure in particular areas. We have been working through our policies and procedures aligning with the state's code. Promontory's request has gone through the Economic Finance Committee which recommends approval of the resolution authorizing creation of the PID governing document.

Commissioner Bolos moved to approve Resolution 25-2023 initiating the creation of a governing document for the proposed Promontory Commerce Center Infrastructure Districts Nos. 1, 2, and 3; Commissioner Harvey seconded.

Roll Call Vote: Commissioner Harvey – aye; Commissioner Bolos – aye; Chair Froerer – aye

3. **APPROVE WEBER COUNTY TAX REVIEW COMMITTEE TAX REFUND RECOMMENDATION REGARDING PARCEL #20-114-0003.**

Deedee Kimber (Assessor's Office): Received request for a refund from Randy Reese for property purchased in 2016 when requirements were a little different than today. Pineview Summer Homes does not receive mail so he did not receive his valuation notices or his tax bills. He has since updated his address with the county this February to his PO box. The Tax Review Committee recommends a refund of one year refund for 2022.

Commissioner Harvey: What does 'timely' mean?

Ms. Kimber: Statute says you can apply for a late appeal up to March 31st for appealing the prior year. The state rules keep changing. We can only go back the one year which is the committee's recommendation.

Courtlan Erickson (Attorney): Between Title 59 and our own county Ordinance, you have the authorization to go back up to 4 years of repayment. What the Tax Review Committee recommended is to go back one year beyond what the Board of Equalization (BoE) would do. They are already recommending that you exercise your authority under State code section 59-2-1347 to grant a one year refund beyond what the Board of Equalization would do.

Commissioner Bolos: The Tax Review Committee recommends a one year refund. Can you tell me about the conversation on how you got to one year?

Ms. Kimber: We did talk about the four years but based on the county Ordinance reading that the taxable status change allowed up to one year drove the discussion. Normally you can make a solid case and just do it but recent changes in laws have made it difficult.

Mr. Erickson: I know some of the discussion committee members had related to a property owner's responsibility to be aware of their obligations under state law and to check the mail, provide the right addresses

and be current on what's going on. But they also felt there was some sympathy for the situation that Mr Reese, other than failing to ensure his mailing address was updated, didn't necessarily do anything wrong and should have been entitled to receive the residential exemption.

Chair Froerer: There is no question the residential exemption should have been allowed when it became the primary residence. I struggle with this one as well as this can be viewed as a self-imposed hardship to a certain extent but I also agree with one side of the tax review commission that has some type of empathy for what should have been if everything was done properly. But that type of thing can happen, Commissioners.

Commissioner Harvey: DeeDee, you are part of the reason that makes this county great. I appreciate the Board of Equalization that serves without pay, without a lot of thanks. People that made up that board that have fantastic backgrounds in tax, in real estate, with loans and Courtlan there to advise them, who is prepared in exactness and just wonderful. But I can't help sitting here feeling some empathy for Mr. Reese. I'm feeling a little sympathetic and feel we should go 2 to 3 years. This puts some responsibility on the home owner while we also side a little on that. I am leaning towards 2 or 3 years on this.

Commissioner Bolos: I'd be willing to entertain two years but given the recommendation from the Tax Review Committee I don't want to undermine that. So I don't feel comfortable going back three years.

Commissioner Bolos moved to approve Weber County Tax Review Committee tax refund recommendation regarding Parcel #20-114-0003 with extending to two years, in lieu of the recommended one year, for \$2583.23; Commissioner Harvey seconded.

Commissioner Harvey – aye; Commissioner Bolos – aye; Chair Froerer – aye

I. COMMISSIONER COMMENTS:

1. Commissioner Bolos: We talked a lot about RAMP in the past few meetings. I have noticed while driving around that on some city marquees that thank you's are posted for RAMP. I think it's great to have that gratitude and appreciation.
2. Chair Froerer: I was at Ogden Eccles Conference Center this morning. Kassi Bybee was there serving food to the 260 attendees where she mentioned this has been the highest grossing first quarter for the OECC. Commissioner Harvey, please make sure the people in your portfolio know how grateful we are for them.
3. Commissioner Harvey: The county general fund dollars do not subsidize the (OECC) facilities. They are subsidized in part by the TRT tax but mostly they are self sufficient. I'm really super proud of our people.

J. ADJOURN

Commissioner Bolos moved to adjourn at 10:49 am.; Commissioner Harvey seconded.

Commissioner Froerer – aye; Commissioner Bolos – aye; Chair Harvey – aye

Attest:

Gage Froerer, Chair
Weber County Commission

Ricky D. Hatch, CPA
Weber County Clerk/Auditor