

**MINUTES**  
**WEBER COUNTY COMMISSION**

Tuesday, December 11, 2018 - 10:00 a.m.  
Commission Chambers, 2380 Washington Blvd., Ogden, Utah

*In accordance with the requirements of Utah Code Annotated Section 52-4-203, the County Clerk records in the minutes the names of all persons 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.*

**WEBER COUNTY COMMISSIONERS:** James "Jim" H. Harvey, James Ebert, and Scott K. Jenkins.

**OTHER STAFF PRESENT:** Ricky D. Hatch, County Clerk/Auditor; Christopher Crockett, Deputy County Attorney; and Fátima Fernelius, of the Clerk/Auditor's Office, who took minutes.

**A. WELCOME** – Chair Harvey

**B. INVOCATION** – Joe Hadley

**C. PLEDGE OF ALLEGIANCE** – Scott Parke

**D. THOUGHT OF THE DAY** – Chair Harvey

**E. PUBLIC COMMENTS:** None.

**F. CONSENT ITEMS:**

1. Warrants #1628-1629 and #434605-434825 in the amount of \$1,847,241.64.
  2. Purchase orders in the amount of \$114,112.54.
  3. Minutes for the meeting held on November 27, 2018.
  4. Surplus an Edger Powermate from the Weber-Morgan Health Department.
  5. Request from Human Resources for approval of Policy 5-200: Pay Practices.
  6. Contract with Utah Youth Rodeo Assn. Rough Stock Safety School for addt'l date/event at Golden Spike Event Center.
- Commissioner Jenkins moved to approve the consent items; Commissioner Ebert seconded.  
Commissioner Ebert – aye; Commissioner Jenkins – aye; Chair Harvey – aye

**G. ACTION ITEMS:**

1. **WEBER COUNTY TAX REVIEW COMMITTEE (COMMITTEE) RECOMMENDATION REGARDING THE 2017 TAXABLE STATUS FOR PARCEL NUMBER 22-171-0002.**

Joe Olsen, of the County Assessor's Office representing this Committee, stated that Chris Karczewski built his home and resided there since 2017 and through the valuation and tax notices identified in 2018 that it was not classified as primary. He appealed the 2018 taxable status timely through the Board of Equalization (BOE) and it was granted and then requested through this Committee to address 2017, however, this is a BOE function. The taxable status was not appealed timely (in September) through the 2017 BOE. He referred to a couple of deeds before the Commission identifying the mailing address in Missouri. The county appraiser worked to identify taxable status for 2017 but had to default to the mailing address in Missouri. The 2017 valuation and tax notices clearly classified it as non-primary, plus it also defined it. He referred to a case in our county where the request for primary exemption was denied, it was heard by the Second District Court which found in the county's favor, and the Utah Supreme Court agreed with the Second District Court's decision. The Committee's recommendation is to deny the request to change the 2017 taxable status. Mr. Karczewski said that it was his mistake, but that he overpaid the taxes, and he asked for reimbursement. He addressed Commissioner Ebert's questions stating that it is his primary residence and owns no other property. Commissioner Jenkins stated that the Commission has no legal basis to approve this and Mr. Olsen said that it is due to the untimely filing and the application could have been accepted even until the following March 31<sup>st</sup>. There is precedent where the Commission has followed this and the courts have also held to it.

Christopher Crockett, Deputy County Attorney, stated that the law is designed to ensure finality. Courtlan Erickson, Deputy County Attorney, stated that the Committee makes recommendations based upon the law, that there is a process set up by the legislature for people to appeal by a certain deadline, and there were notices sent out listing the status and every property owner in the county received a similar notice and had the same opportunities. The law is fair in that Mr. Karczewski had the same opportunity to review and act timely, as set by the legislature. He asked if it was fair to give one person a pass and not apply the deadline. There is value on adhering to the law. He believes that the Committee's recommendation is the correct/fair one. Mr. Erickson read Utah Code 59-2-1347 which states if a person applies to the county legislative body for an adjustment or deferral of taxes levied against property assessed by the Assessor, a sum less than the full amount due may be accepted, or the full amount may be deferred, where, in the judgment of the county legislative body, the best human interests and the interests of the state and the county are served. Ricky Hatch, County Clerk/Auditor, noted that the county has made many clarifying efforts to the tax notices to better inform citizens. Mr. Olsen noted that taxable status is extended to the following March 31 because it is identified as a factual error.

Chair Harvey moved to accept the Weber County Tax Review Committee's recommendation to deny the request regarding the 2017 taxable status for Parcel Number 22-171-0002; Commissioner Jenkins seconded.  
Commissioner Ebert – aye; Commissioner Jenkins – aye; Chair Harvey – aye

2. **RESOLUTION APPOINTING TRUSTEES TO ROY WATER CONSERVANCY DISTRICT – RESOLUTION 59-2018.**  
 Stacy Skeen, of the Commission Office, presented the District’s recommendation for these two appointments. Commissioner Ebert moved to adopt Resolution 59-2018 appointing Tommy J. Smith and Gary L. Newman as trustees to the Roy Water Conservancy District through 12/31/2022; Commissioner Jenkins seconded. Commissioner Ebert – aye; Commissioner Jenkins – aye; Chair Harvey – aye
3. **RESOLUTION REAPPOINTING GARY BOYER TO THE WEBER COUNTY TAX REVIEW COMMITTEE – RESOLUTION 60-2018.**  
 Shelly Halacy, of the Commission Office, stated that Mr. Boyer is willing to continue to serve. Commissioner Ebert moved to adopt Resolution 60-2018 reappointing Gary Boyer to the Weber County Tax Review Committee through 6/30/2020; Commissioner Jenkins seconded. Commissioner Ebert – aye; Commissioner Jenkins – aye; Chair Harvey – aye
4. **RESOLUTION APPOINTING MEMBERS TO UTAH ASSOCIATION OF COUNTIES BOARD – RESOLUTION 61-2018.**  
 Chair Harvey presented this item. Chair Harvey moved to adopt Resolution 61-2018 appointing Commissioner Jenkins and Commissioner Harvey to the Utah Association of Counties Board; Commissioner Ebert seconded. Commissioner Ebert – aye; Commissioner Jenkins – aye; Chair Harvey – aye
5. **CONTRACT WITH CHRISTENSEN PALMER & AMBROSE FOR AUDITING SERVICES FOR THE COUNTY.**  
 Ricky Hatch, County Clerk/Auditor, stated that a request for proposals was issued for auditing services and the review committee selected this firm, which scored the highest. The county revisits this item periodically. Commissioner Jenkins moved to approve the contract with Christensen Palmer & Ambrose for auditing services for the county for five years with a one-year renewable option; Commissioner Ebert seconded. Commissioner Ebert – aye; Commissioner Jenkins – aye; Chair Harvey – aye
6. **RESOLUTION APPROVING THE 2019 WEBER COUNTY BUDGET – RESOLUTION 62-2018.**  
 Scott Parke, County Comptroller, noted that the county has been open to receive public input since the tentative budget public hearing on 11/27/2018. The highlights on the changes include moving the gun range from the Sheriff’s Office in the General Fund to the Cultural Parks and Recreation Department, moving the Garage from the General Fund into its own separate business-type fund, there was a \$50,000 appropriation to the YCC from the Restricted Housing Fund, \$50,000 for the Western Weber General Plan, \$27,000 was budgeted for a Roads grader, and an additional \$10,000 for public defenders for increased contract costs. He said that the last tax increase was unpopular but it aided the county to be forward-thinking and now the county has a capital projects plan that allows savings in the long run. Changes were made to post-employment benefits and payroll practices. Commissioner Jenkins thanked Mr. Parke and concurred that it had been a good budget process. Commissioner Ebert said that it had been more of a problem-solving process. Chair Harvey noted that the plan had been to lower taxes but because there had been several unsustainable funds, that was not possible. Commissioner Jenkins moved to adopt Resolution 62-2018 approving the 2019 Weber County budget; Commissioner Ebert seconded. Commissioner Ebert – aye; Commissioner Jenkins – aye; Chair Harvey – aye
7. **AMENDMENT TO THE TOURISM AND CONVENTION/EVENTS SALES AND MARKETING MANAGEMENT AGREEMENT WITH THE OGDEN/WEBER CONVENTION AND VISITORS BUREAU (CVB).**  
 Christopher Crockett, Deputy County Attorney, stated that as part of the agreement with the CVB, the county allocates funding to help implement their marketing plan annually. This is to receive the 2019 funding. Commissioner Jenkins moved to approve the amendment to the Tourism and Convention/Events Sales and Marketing Management Agreement with the Ogden/Weber Convention and Visitors Bureau; Commissioner Ebert seconded. Commissioner Ebert – aye; Commissioner Jenkins – aye; Chair Harvey – aye
8. **FIRST READING OF AN ORDINANCE AMENDING STORMWATER POLLUTION PREVENTION PLAN FEES IN SECTION 16-2-6 OF THE WEBER COUNTY CODE OF ORDINANCES.**  
 Blane Frandsen, of County Engineering, noted that the county adopted fees in 2017 for stormwater pollution prevention plan reviews and inspections, however, the fees are not covering the inspection costs for projects lasting longer than 6 or 8 months. This is for an additional \$50 fee per inspection to cover the costs. He outlined the inspection process. Commissioner Jenkins moved to approve the first reading of the ordinance amending Stormwater Pollution Prevention Plan fees in Section 16-2-6 of the Weber County Code; Commissioner Ebert seconded. Commissioner Ebert – aye; Commissioner Jenkins – aye; Chair Harvey – aye

9. **CONTRACT WITH THOMAS REUTERS/WESTLAW FOR LEGAL RESEARCH ACCESS FOR INDIGENT DEFENSE ATTORNEYS.**  
Christopher Crockett, Deputy County Attorney, presented this contract renewal for these attorneys.  
Commissioner Jenkins moved to approve the contract with Thomas Reuters/Westlaw for legal research access for indigent defense attorneys; Commissioner Ebert seconded.  
Commissioner Ebert – aye; Commissioner Jenkins – aye; Chair Harvey – aye
10. **INTERLOCAL AGREEMENT WITH MARRIOTT-SLATERVILLE CITY FOR ROAD MAINTENANCE & SNOW REMOVAL.**  
Joe Hadley, County Roads Department Director, presented this 5-year contract outlining the labor and costs.  
Commissioner Ebert asked if there was inflation built in and there is not but a provision allows amendments.  
Commissioner Jenkins moved to approve the Interlocal Agreement with Marriott-Slaterville City for road maintenance and snow removal; Commissioner Ebert seconded.  
Commissioner Ebert – aye; Commissioner Jenkins – aye; Chair Harvey – aye
11. **CONTRACT WITH ADMIRAL BEVERAGE CORPORATION REGARDING BEVERAGES SERVED AT THE OGDEN ECCLES CONFERENCE CENTER AND PEERY’S EGYPTIAN THEATER.**  
Kassi Bybee, Ogden Eccles Conference Center General Manager, stated that this 5-year contract went through the bid process and Admiral was selected. Commissioner Ebert noted the great benefit the county will receive.  
Commissioner Jenkins moved to approve the contract with Admiral Beverage Corporation regarding beverages served at the Ogden Eccles Conference Center and Peery’s Egyptian Theater; Commissioner Ebert seconded.  
Commissioner Ebert – aye; Commissioner Jenkins – aye; Chair Harvey – aye
12. **CONTRACT WITH EXCEL CONSTRUCTION AND DEVELOPMENT FOR STEEL AWNINGS AT SPORT SHOOTING COMPLEX.**  
Eric Jones, Sport Shooting Complex Director, stated that this contract went out for bid and is for range safety.  
Commissioner Jenkins moved to approve the contract with Excel Construction and Development for steel awnings at the Sport Shooting Complex; Commissioner Ebert seconded.  
Commissioner Ebert – aye; Commissioner Jenkins – aye; Chair Harvey – aye
13. **INTERLOCAL AGREEMENT WITH OGDEN CITY REDEVELOPMENT AGENCY TO PROVIDE TAX INCREMENT FOR CONTINENTAL COMMUNITY REINVESTMENT PROJECT AREA (CRA) – RESOLUTION 63-2018.**  
Holin Wilbanks, County Economic Development Director, said that this relates to a 52-acre area comprising of commercial, residential re-investment and additional parking that breeds life back into city’s the urban core. Brandon Cooper, Deputy Director of the City’s Economic and Community Development, said that this CRA is a 22-year project area or until full buildout from 27<sup>th</sup> St.-backside of 25<sup>th</sup> St. from Wall to Washington being proposed without eminent domain or finding of blight, it includes public outreach, and if all the projects come to fruition there would be a \$236 million investment in that area, adding a taxable value of about \$162 million. This is at 90% participation rate for the city (\$7,778,895 tax increment contribution), the Ogden School District (\$20,171,113 tax increment contribution) and the county (\$7,098,802 tax increment contribution). Commissioner Jenkins supports this and Commissioner Ebert spoke of past concerns when the county gave 100% contribution because it did not allow the county to recoup for the additional services.  
Commissioner Jenkins moved to adopt Resolution 63-2018 approving the Interlocal Agreement with the Ogden City Redevelopment Agency to provide tax increment for the Continental Community Reinvestment Project Area; Commissioner Ebert seconded.  
Commissioner Ebert – aye; Commissioner Jenkins – aye; Chair Harvey – aye

**H. PUBLIC HEARINGS:**

1. Request for a motion to adjourn the public meeting and convene public hearings.
2. Public hearing for consideration & action on request for First Amendment to Powder Mountain Zoning Development Agreement amending timeframes & trail locations within Zoning Development Agreement previously approved as Contract #2015-6 & adding language specific to Superseding, Reinvestment Fee & Development Funded Reserve Account.
3. Public Comments
4. Request for a motion to adjourn public hearing and reconvene public meeting.
5. Action on public hearing.  
H2-Action on request for First Amendment to Powder Mountain Zoning Development Agreement amending timeframes & trail locations within Zoning Development Agreement that were previously approved as Contract #2015-6 & adding language specific to Superseding, Reinvestment Fee & the Development Funded Reserve Account.

This item was held.

**I. COMMISSIONER COMMENTS:**

Commissioner Jenkins said that Brandon Miles is the outstanding employee to use the Stall of Fame for next month. Mr. Miles was recognized nationally for his work during the Project Safe Neighborhood conference, which was attended by the United States president. Mr. Miles was one of 16 to receive this recognition in the nation.

Commissioner Ebert stated that it been an immense pleasure and privilege to have served as a county commissioner. He thanked many for investing in him along the way and making him a better person. He recommended the book, *The Fred Factor*, addressing four very important principles.

**J. CLOSED MEETING:**

Commissioner Ebert moved to convene a closed meeting to discuss strategy relating to imminent or ongoing litigation; Commissioner Jenkins seconded.

Commissioner Ebert – aye; Commissioner Jenkins – aye; Chair Harvey – aye

Commissioner Ebert moved to reconvene the regular meeting; Commissioner Jenkins seconded.

Commissioner Ebert – aye; Commissioner Jenkins – aye; Chair Harvey – aye

There was no action taken on the closed session.

**K. ADJOURN**

Commissioner Jenkins moved to adjourn at 1:03 p.m.; Commissioner Ebert seconded.

Commissioner Ebert – aye; Commissioner Jenkins – aye; Chair Harvey – aye

Attest:

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James “Jim” H. Harvey, Chair  
Weber County Commission

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Ricky D. Hatch, CPA  
Weber County Clerk/Auditor