

MINUTES OF THE PUBLIC MEETING OF THE UINTAH COUNTY COMMISSION NOVEMBER 4, 2013 IN THE COMMISSION CHAMBERS OF THE COUNTY BUILDING AT 147 EAST MAIN, VERNAL, UTAH. MEETING COMMENCED AT 11:00 AM.

PARTICIPANTS: COMMISSION CHAIR MARK RAYMOND AND COMMISSIONERS MICHAEL MCKEE AND DARLENE BURNS.

ATTENDANCE: CHERYL STOCKS, LAURIE SANDAU, PETER SANDAU, MICHAEL WILKINS, JEFF MERRELL, ED ZURBUCHEN, DIANE COLTHARP, MARY BERNARD, WENDI LONG, ROLENE RASMUSSEN, BRYAN MEIER, BENJAMIN FLAKE, NICK RICHINS, MATT CAZIER, ROBERT BARNHILL, AND LOREN ANDERSON.

MINUTES RECORDED BY TAI BRUCKNER, DEPUTY CLERK-AUDITOR.

PRAYER: MICHAEL WILKINS

PLEDGE OF ALLEGIANCE: DIANE COLTHARP

COMMISSIONER MCKEE NOTED THERE ARE GROUPS THAT ARE TRYING TO ELIMINATE PRAYER AS PART OF PUBLIC MEETINGS. UINTAH COUNTY WILL CONTINUE SAYING A PRAYER UNTIL THE LAW FORBIDS IT.

CONSIDERATION OF UTAH DEPARTMENT OF CORRECTIONS COUNTY JAIL AGREEMENT

THIS AGREEMENT IS FOR THE HOUSING OF STATE INMATES. IT HAS BEEN REVIEWED BY THE COUNTY ATTORNEY AND IS IN GOOD ORDER THOUGH THEY HAD A FEW QUESTIONS. THE STATE WILL REIMBURSE THE COUNTY FOR HOUSING STATE INMATES. THE AGREEMENT WILL RUN FROM JULY 1, 2013 THROUGH JUNE 30, 2016. THE JAIL CURRENTLY HOUSES 48 STATE INMATES AT \$46.80 PER DAY. THE AGREEMENT REQUESTS A TOTAL OF UP TO 248 INMATES AT \$47.93 PER DAY.

COMMISSIONER MCKEE MOVED TO APPROVE THE DEPARTMENT OF CORRECTIONS JAIL AGREEMENT. COMMISSIONER BURNS SECONDED.

ED ZURBUCHEN ASKED IF THE THIRD FLOOR WOULD BE OCCUPIED AND HOW MANY NEW EMPLOYEES WOULD BE NEEDED. THE THIRD FLOOR WILL BE OCCUPIED AND IT WILL REQUIRE 12 NEW EMPLOYEES. ED ALSO NOTED HE THOUGHT THE STATE WOULD PAY \$56 PER INMATE. JEFF REPLIED THAT IS THE HOPE. ROLAND COOK IS THE NEW DIRECTOR OF THE STATE DEPARTMENT OF CORRECTIONS. HE COMES FROM THE SALT LAKE COUNTY JAIL AND HAS A FULL UNDERSTANDING OF HOW JAILS FUNCTION. THE INFRASTRUCTURE IS IN PLACE FOR THE ADDITIONAL INMATES. THIS AGREEMENT SHOULD RESULT IN ABOUT FOUR MILLION DOLLARS IN REVENUE AND SHOULD BE FULLY IN PLACE BY JULY OF 2014.

COMMISSIONER RAYMOND CALLED FOR A VOTE. MOTION PASSED UNANIMOUSLY.

MINUTES OF THE REGULAR COMMISSION MEETING OCTOBER 28, 2013 WERE APPROVED AS PRESENTED.

APPROVAL OF WARRANTS DATED OCTOBER 31, 2013 IN THE AMOUNT OF \$702,613.35 WERE APPROVED AS PRESENTED.

TAX MATTERS: ROLENE RASMUSSEN

ROLENE REQUESTED AN ABATEMENT OF GREENBELT ROLLBACK TAXES IN THE AMOUNT OF \$1,732.26 PLUS INTEREST AND PENALTY FOR SERIAL NUMBER 06:087:0007 AND \$1,553.23 PLUS INTEREST AND PENALTY FOR SERIAL NUMBER 06:087:0023 FOR THE TAX YEAR OF 2013. ROLENE EXPLAINED HER

REQUEST. THERE WAS AN AUDIT OF GREENBELT PROPERTIES DONE IN 2011. THIS AUDIT HAS BROUGHT SEVERAL SITUATIONS TO LIGHT. ROLENE DISCUSSED THE LAW WITH THE DIRECTOR OF THE PROPERTY TAX DIVISION AND WITH THE UTAH STATE TAX COMMISSION. THESE PROPERTIES HAVE BEEN ALLOWED UNDER GREENBELT ASSESSMENT SINCE 1991 AND ARE ELIGIBLE BUT NOT CONTIGUOUS. SOME ASSESSOR'S ACROSS THE STATE CHOOSE TO IMPOSE ROLLBACK TAXES AND OTHERS DO NOT. ROLENE IS ASKING FOR THE WAIVER IN FAIRNESS TO THE TAXPAYER. ROLENE ALSO EXPRESSED THIS ABATEMENT IS NOT TO BE INTERPRETED AS A PRECEDENT RULING BY THE COUNTY COMMISSIONERS ON ANY ROLLBACK TAX PAST, PRESENT, OR FUTURE. THIS ABATEMENT IS NOT A RULING OR PRECEDENT TO AFFECT ANY APPEAL THROUGH BOARD OF EQUALIZATION DECISIONS AT THE LOCAL OR STATE LEVELS. JON STEARMER HAS REVIEWED THE REASONS AND IS COMFORTABLE WITH THE STATEMENTS. THE PROPERTY OWNER IS AWARE THE PROPERTY IS NO LONGER UNDER GREENBELT ASSESSMENT.

COMMISSIONER MCKEE NOTED THE COUNTY HAS RECEIVED SEVERAL LETTERS AND PHONE CALLS. THE COMMISSIONERS WOULD LIKE TO VISIT WITH ROLENE REGARDING SOME OF THE QUESTIONS. ROLENE AGREED, THEIR OFFICE IS ALSO RECEIVING A LOT OF COMMUNICATION FROM TAXPAYERS.

COMMISSIONER MCKEE MOVED TO APPROVE THE ABATEMENT FOR SERIAL NUMBERS 06:087:0007 AND 06:087:0023 AS REQUESTED.

COMMISSIONER BURNS ASKED IF THE PROPERTY QUALIFIES FOR GREENBELT. ROLENE RESPONDED THE LAW SAYS THEY WILL NO LONGER BE ELIGIBLE FOR GREENBELT AND HAVE FILED AN APPEAL GOING TO THE STATE. THE PROPERTY'S ELIGIBILITY IS NOT IN QUESTION, JUST THE ROLLBACK TAX.

COMMISSIONER BURNS SECONDED THE MOTION.

ED ZURBUCHEN ASKED FOR CLARIFICATION THERE HAS NOT BEEN A GREENBELT INVENTORY SINCE 2000. ROLENE CLARIFIED; THE COUNTY WAS AUDITED BY THE STATE IN THE 80'S. AN ISSUE IN 2011 BROUGHT THE GREENBELT ISSUES FORWARD.

COMMISSIONER RAYMOND CALLED FOR A VOTE. MOTION PASSED UNANIMOUSLY.

ROLENE PRESENTED THE SAME ISSUE FOR SERIAL NUMBER 04:065:0061 IN THE AMOUNT OF \$2,157.04 PLUS INTEREST AND PENALTY.

COMMISSIONER MCKEE MOVED TO APPROVE THE ABATEMENT FOR SERIAL NUMBER 04:065:0061 AS PRESENTED. COMMISSIONER BURNS SECONDED. MOTION PASSED UNANIMOUSLY.

ROLENE PRESENTED AN ABATEMENT OF GREENBELT ROLLBACK TAXES IN THE AMOUNT OF \$2,029.32 PLUS INTEREST AND PENALTY FOR SERIAL NUMBER 03:065:0029 FOR TAX YEAR 2013. THE PROPERTY OWNERS SPENDS ABOUT THREE MONTHS A YEAR IN GERMANY. HIS MAILING ADDRESS HAS BEEN IN GERMANY SO THE PROPERTY HAS BEEN ASSESSED AS A SECONDARY RESIDENCE. IT HAS BEEN RECEIVING GREENBELT STATUS SINCE 2001. ROLENE NOTED THIS ABATEMENT SHOULD NOT BE INTERPRETED AS A PRECEDENT RULING. ROLENE HAS TRIED TO EXPLAIN THE LAWS TO HIM SINCE NOVEMBER OF 2012. RECENTLY, HE WAS ABLE TO APPEAR IN PERSON. AFTER SPEAKING WITH HIM, ROLENE DETERMINED HE UNDERSTANDS MORE OF THE SITUATION NOW. ROLENE ALSO BELIEVES SHE CAN CHANGE HIS PROPERTY STATUS TO PRIMARY RESIDENCE BUT IT DOES NOT QUALIFY FOR GREENBELT. SHE ALSO BELIEVES THE PROPERTY OWNER WILL NOT PURSUE GREENBELT STATUS. LIVESTOCK SPENDS A DAY OR TWO ON HIS PROPERTY EVERY YEAR ON THEIR WAY TO OTHER PROPERTY.

COMMISSIONER RAYMOND NOTED THERE IS NOT MUCH VEGETATION ON THIS 13 ACRES. IT MAY WITHSTAND A HERD OF CATTLE FOR A COUPLE OF WEEKS EACH YEAR. HE ALSO NOTED IT IS THE TAXPAYERS RESPONSIBILITY TO KNOW THEIR TAX STATUS. COMMISSIONER MCKEE ALSO NOTED THIS IS NOT A GREENBELT STATUS QUESTION BUT RATHER A ROLLBACK DECISION.

WENDI LONG NOTED SHE CURRENTLY DOES NOT SHOW ANY INTEREST OR PENALTIES ATTACHED TO THIS ROLLBACK. ROLENE BELIEVES THERE SHOULD BE AND THEY WILL LOOK INTO IT.

COMMISSIONER MCKEE MOVED TO DENY THE ABATEMENT FOR SERIAL NUMBER 03:065:0029 AS PRESENTED AND TO WAIVE ANY INTEREST AND PENALTIES. COMMISSIONER BURNS SECONDED. MOTION PASSED, COMMISSIONER BURNS OPPOSED.

ROLENE RASMUSSEN ALSO REQUESTED AN ABATEMENT OF GREENBELT ROLLBACK TAXES FOR SERIAL NUMBER 12:005:0011 FOR TAX YEAR 2013 IN THE AMOUNT OF \$1,496.52 PLUS INTEREST AND PENALTIES. DEEDS WERE RECORDED SPLITTING THE PROPERTY IN LESS THAN FIVE ACRE PARCELS. THE OWNERS WERE NOTIFIED THEY WOULD LOSE GREENBELT STATUS. THEY RESPONDED THAT NEW DEEDS WOULD BE RECORDED. THEY WERE NOT RECORDED TIMELY AND THE ROLLBACK TAXES WERE ASSESSED. SINCE THEN, THE DEEDS HAVE BEEN RECORDED AND THE PROPERTY IS IN COMPLIANCE FOR GREENBELT STATUS.

COMMISSIONER MCKEE MOVED TO APPROVE THE ABATEMENT FOR SERIAL NUMBER 12:005:0011 AS PRESENTED. COMMISSIONER BURNS SECONDED. MOTION PASSED UNANIMOUSLY.

ROLENE REQUESTED AN ADJUSTMENT OF TAXES FOR 72 PARCELS IN THE AMOUNT OF \$39,391.32. THE SERIAL NUMBERS RANGE FROM 05:053:0721 THROUGH 05:053:0792. THESE RESIDENTIAL CONDO PROPERTIES DID NOT RECEIVE RESIDENTIAL EXEMPTION AT THE TIME OF THE ASSESSMENT ROLL. THIS CHANGES THE CURRENT TAXES OWED FROM \$87,536.28 TO \$48,144.96. THE PROPERTY TYPE DID NOT GET CHANGED BEFORE THE ASSESSMENT ROLL DUE TO A NUMBER OF COUNTY ERRORS. THE PROPERTY OWNER CONTACTED THE ASSESSOR'S OFFICE TO CORRECT THE ISSUE.

COMMISSIONER MCKEE MOVED TO APPROVE THE ADJUSTMENT FOR THE 72 PARCELS. COMMISSIONER BURNS SECONDED. MOTION PASSED UNANIMOUSLY.

THIS ERROR WAS ALSO FOUND ON SERIAL NUMBER 05:052:0203. ROLENE REQUESTED AN ADJUSTMENT OF TAXES IN THE AMOUNT OF \$39,163.51 FOR TAX YEAR 2013. THIS CHANGES THE CURRENT TAXES OWED FROM \$86,981.14 TO \$47,817.63. THIS IS AN APARTMENT COMPLEX IN THE ASHLEY CREEK VILLAGE.

COMMISSIONER MCKEE MOVED TO APPROVE THE ADJUSTMENT FOR SERIAL NUMBER 05:052:0203 AS PRESENTED. COMMISSIONER BURNS SECONDED. MOTION PASSED UNANIMOUSLY.

ROLENE RASMUSSEN ALSO REQUESTED AN ADJUSTMENT OF 2013 TAXES FOR SERIAL NUMBER 06:060:0011 IN THE AMOUNT OF \$478.73. THIS PROPERTY IS NEAR THE ASHLEY INDUSTRIAL PARK AND WAS RENDERED UNINHABITABLE BY THE EXPLOSION EARLY THIS YEAR. THE ADJUSTMENT IS TO REMOVE THE IMPROVEMENT VALUE FROM THE PROPERTY, CHANGING THE MARKET VALUE FROM \$150,386.00 TO \$38,500.00. THIS HOME WAS DAMAGED BEYOND REPAIR. THE PROPERTY OWNER RECEIVED AN INSURANCE ESTIMATE OF REPAIR IN JUNE BUT BELIEVE SHE HAD TO WAIT UNTIL SHE RECEIVED THE FINAL TAX NOTICE TO SUBMIT IT. IT IS THE ASSESSOR'S OFFICE POLICY TO DO A PRORATED ADJUSTMENT OF HOMES DESTROYED EARLY IN THE YEAR. THERE WAS NO COMPENSATION FOR THE NEIGHBORING PROPERTY OWNERS OF THE BUILDING THAT EXPLODED.

COMMISSIONER MCKEE MOVED TO APPROVE THE ADJUSTMENT FOR SERIAL NUMBER 06:060:0011. COMMISSIONER BURNS SECONDED. MOTION PASSED UNANIMOUSLY.

BUSINESS LICENSES: ROBERT BARNHILL

CBM MANAGED SERVICES OF SIOUX FALLS, SD HAS BEEN CONTRACTED TO PROVIDE FOOD SERVICES AT THE JAIL. APPROVAL HAS BEEN RECEIVED FROM THE VARIOUS DEPARTMENTS. THEIR LOCAL ADDRESS WILL BE THE JAIL AT 641 EAST 300 SOUTH, VERNAL. THEY WILL HAVE THREE EMPLOYEES. THE SIOUX FALLS ADDRESS IS USED FOR MAILING. APPROVAL RECOMMENDED WITH THE CONDITION TO FOLLOW ALL I-1 ZONING REGULATIONS.

BWANA'S CAFÉ OWNED BY KERRY SCOTT LOCATED AT 7682 EAST HIGHWAY 40 IN JENSEN. THIS IS A RESTAURANT WITH A CLASS B, RESTAURANT ONLY, BEER LICENSE. THEY ARE IN COMMERCIAL ZONING AND HAVE RECEIVED ALL THE NECESSARY APPROVALS. APPROVAL OF THE BUSINESS AND CLASS B BEER LICENSE RECOMMENDED WITH THE CONDITION TO FOLLOW ALL C-1 ZONING REGULATIONS.

COMMISSIONER BURNS MOVED TO APPROVE THE BUSINESS LICENSES AS WELL AS THE BEER LICENSE AS PRESENTED. COMMISSIONER MCKEE SECONDED. MOTION PASSED UNANIMOUSLY.

CEMETERY CERTIFICATES: NONE

CONSIDERATION OF DISADVANTAGED BUSINESS ENTERPRISE PLAN FOR VERNAL REGIONAL AIRPORT

LOREN ANDERSON PRESENTED THE PLAN FOR APPROVAL. THE FAA IS REQUIRING THIS PLAN DUE TO THE AIRPORT EXPANSION. DISADVANTAGED BUSINESSES ARE NORMALLY OWNED BY FEMALES OR A RACIAL MINORITY. GDA HAS PUT TOGETHER THIS PLAN FOR US. IT SHOWS THE AIRPORT WILL NOT DISCRIMINATE AGAINST SUCH INDIVIDUALS; THEY MUST HAVE THE OPPORTUNITY FOR ANY SUBMITTED BID TO RECEIVE FAIR REVIEW. THE ATTORNEY'S OFFICE HAS REVIEWED AND IT IS IN ORDER. THE COMMISSIONERS HAVE NOT YET SEEN THE PLAN. THE ACCEPTANCE OF FEDERAL FUNDS REQUIRES SUCH A PLAN TO BE APPROVED.

COMMISSIONER MCKEE MOVED TO APPROVE THE DISADVANTAGED BUSINESS ENTERPRISE PLAN AS PRESENTED. COMMISSIONER BURNS SECONDED. MOTION PASSED UNANIMOUSLY.

RESOLUTION #11-04-2013: INTERLOCAL AGREEMENT WITH VERNAL CITY COMMUNITY DEVELOPMENT AGENCY FOR VERNAL TOWNE CENTER

MICHAEL WILKINS PRESENTED THE RESOLUTION FOR APPROVAL. THIS AGREEMENT REFERS TO HOW MUCH THE COUNTY WILL GIVE TO THE CDA OVER THE LIFE OF THE RESOLUTION, 15 YEARS.

COMMISSIONER MCKEE ASKED IF THE RESOLUTION ADDRESSED THE PERCENTAGE OF SALES TAX VERNAL CITY WILL BE PARTICIPATING WITH AS DISCUSSED. MICHAEL WILKINS INFORMED HIM THIS RESOLUTION ONLY ADDRESSES THE PROPERTY TAX THAT UTAH COUNTY WILL CONTRIBUTE TO THE AGENCY.

COMMISSIONER MCKEE MOVED TO APPROVE RESOLUTION #11-04-2013 BASED ON THE COMMITMENTS REGARDING THE SALES TAX. COMMISSIONER BURNS SECONDED.

ED ZURBUCHEN ASKED FOR MORE CLARIFICATION. UTAH COUNTY WILL PAY UP TO \$875,395.00 TO THE CDA OVER THE NEXT 15 YEARS AS DEVELOPMENTS CONTINUE. THIS IS NEW MONEY COMING INTO THE COUNTY BECAUSE OF THE NEW BUSINESSES BEING DRAWN IN BY THE CDA. SOME LARGE DEVELOPMENTS MUST HAVE THIS KIND OF INCENTIVE TO EXPAND TO A NEW AREA, IT IS A COMPETITIVE WORLD. ED ZURBUCHEN CONTINUED THAT HE HEARD THE CITY WILL LOSE 20 MILLION DOLLARS. THERE ISN'T AN EXACT AMOUNT BUT ANY LOSS WILL BE OF NEW REVENUE, NOT EXISTING REVENUE. MICHAEL WILKINS ADDITIONALLY CLARIFIED WHEN THE CDA IS CREATED THE VALUE OF THE PROPERTY BECOMES A BASE. AS THEY BUILD, TAXABLE VALUE IS ADDED TO THE PROPERTY. THE BUSINESSES WILL RECEIVE IN RETURN 75% OF THE NEW GROWTH; UP TO THE AMOUNT OF \$875,395.00. THEY WILL NOT RECEIVE A RETURN IF THERE ISN'T ANY GROWTH. THIS MUST BE COMPLETED IN THE NEXT FIFTEEN YEARS.

COMMISSIONER RAYMOND CALLED FOR A VOTE. MOTION PASSED UNANIMOUSLY.

RATIFY CONTRACT BETWEEN STATE AND GOVERNOR'S OFFICE OF ECONOMIC DEVELOPMENT FOR UTAH COUNTY BUSINESS EXPANSION AND RETENTION PROGRAM. THIS CONTRACT IS REFERRED TO AS THE BEAR PROGRAM. THE CONTRACT PROVIDES UTAH COUNTY \$51,750.00. THESE FUNDS WILL GO TO INDIVIDUALS SPECIALIZING IN HELPING BUSINESSES IMPROVE, EXPAND, AND GROW. THIS WILL INCREASE THE ECONOMIC DEVELOPMENT OF OUR COUNTY.

COMMISSIONER MCKEE MOVED TO RATIFY THE CONTRACT FOR THE BUSINESS EXPANSION AND RETENTION PROGRAM AS PRESENTED. COMMISSIONER BURNS SECONDED. MOTION PASSED UNANIMOUSLY.

COMMUNITY DEVELOPMENT: PUBLIC MEETING – MATT CAZIER

1. ROAD ACCEPTANCE: PHASE 4 OF THE MAYFAIR MEADOWS SUBDIVISION IN THE AREA OF 2800 WEST 500 SOUTH.

THIS DEVELOPMENT IS NEXT TO THE COTTONWOOD HEIGHTS SUBDIVISION. ROADS IN PHASES 1, 2, AND 3 HAVE ALREADY BEEN ACCEPTED. THE ROAD DEPARTMENT HAS INSPECTED THE ROADS AND APPROVES. THE COUNTY WILL TAKE OVER THE MAINTENANCE AND SNOW REMOVAL. THERE IS A 10% WARRANTY BOND IN PLACE FOR TWO WINTER SEASONS. THEREFORE, THE DEVELOPER IS ON THE HOOK FOR REPAIRS FOR TWO YEARS. THEY HAVE FOLLOWED THE STANDARD SUBDIVISION GUIDELINES. THE PROJECT IS A PUD BUT THE ROADS MEET COUNTY STANDARDS. THE COUNTY WILL NOT BE RESPONSIBLE FOR THE SIDEWALK, CURB, AND GUTTER.

COMMISSIONER MCKEE MOVED TO ACCEPT THE ROADS IN PHASE 4 OF THE MAYFAIR MEADOWS SUBDIVISION. COMMISSIONER BURNS SECONDED. MOTION PASSED UNANIMOUSLY.

2. SUBDIVISION: FINAL PLAT APPROVAL FOR PHASE 2 OF THE CANYON VILLAS PUD AT 630 NORTH 2500 WEST, VERNAL. SERIAL NUMBER 04:089:0052.

THIS SUBDIVISION IS ON TWO ACRES WITH 24 TOWNHOME UNITS. THE PROPERTIES FOR SALE ARE THE HOMES THEMSELVES. PHASE 1 IS NOT COMPLETE BUT THE LAST BUILDING IS UNDER CONSTRUCTION. THEY ARE LOOKING FORWARD TO PHASE 2. A CASH BOND IS BEING HELD FOR THE IMPROVEMENTS IN PHASE 2. THERE WILL BE FOUR MORE BUILDINGS WITH SIX UNITS IN EACH. THE ROADWAY WILL CONNECT TO 2500 WEST AND THERE IS AN ACCESS ON 500 NORTH. THE REQUIRED SIGNATURES HAVE BEEN OBTAINED. THE ROADS ARE PRIVATE. COMMISSIONER BURNS NOTED SHE HAS HEARD PEOPLE HAVE MOVED IN AND THEY ARE VERY NICE.

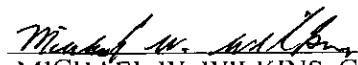
COMMISSIONER BURNS MOVED TO APPROVE THE FINAL PLAT FOR PHASE 2 OF THE CANYON VILLAS PUD. COMMISSIONER MCKEE SECONDED. MOTION PASSED UNANIMOUSLY.

BOARD APPOINTMENTS: NONE

CHERYL STOCKS ADDRESSED THE MEETING TO ASK THE COMMISSIONERS A QUESTION. SHE ASKED HER TO VISIT WITH THEM IN THEIR OFFICES AFTER THE MEETING.

ADJOURN: MEETING ADJOURNED AT 12:02 PM.


MARK D. RAYMOND, CHAIR


MICHAEL W. WILKINS, CLERK-AUDITOR

