

MINUTES
WEBER COUNTY COMMISSION

Tuesday, September 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 Hatch, County Clerk/Auditor; Christopher Crockett, Deputy County Attorney; and Fátima Ferneliuss, of the Clerk/Auditor's Office, who took minutes.

A. WELCOME – Chair Harvey

B. MOMENT OF SILENCE

C. PLEDGE OF ALLEGIANCE – Commissioner Jenkins

D. THOUGHT OF THE DAY – Chair Harvey

E. PUBLIC COMMENTS – ALL RELATED TO ITEM G.2:

--Laurie Brinkerhoff, of Hooper, said that she supports the study and expanding the current County Commission. The county's growing population makes it more difficult for three commissioners to fully represent the growing community and manage more in their portfolios. She supports a citizen-driven initiative and not HB 224, County Government Change Election Amendments. She has great concern about the county executive council or county council manager form of governments, preferring the separation of legislative and administrative powers.

--James Johnston, of South Ogden, supports expanding the Commission with the county executive form of government.

--Kimball Wheatley, of Huntsville, was involved with the group that asked the Commission last December to put the question on the ballot on whether to study government. It is premature to decide which form, that is the purpose of the study committee. He recommended moving ahead as promised by the Commission that if the petition did not reach its numbers that it would be placed on the ballot.

--Oscar Mata, of Ogden, co-chair of Weber County Forward, spoke about a year ago on the issue and noted that since then Gage Froerer's HB 224 had set barriers to ensure that one entity cannot control the process of selecting the study committee, with which he concurs. The diverse citizens group has educated over 7,500 county residents on the issue and hopes for a transparent process. Commissioner Jenkins noted that the group filed a petition and asked what happened to it. Mr. Mata said that there was confusion with HB 224 and they thought only 4,300 signatures were needed; once they reached that they were told they needed another 4,300, which was a large sum. Commissioner Jenkins noted that with HB 224 private citizens ran the initiative and got to do all the picking for the first committee.

--Jan Zogmaister, of West Haven, chair of Weber County Forward, which hopes to provide information to the citizens, that the study committee will be open to all information that will be coming forward, and that the process will be transparent and nonpartisan. Their group works closely with Bob Hunter and the Olene Walker group at Weber State University to help gather information to provide to the study committee.

F. CONSENT ITEMS:

1. Warrants #1539 and #431674-431829 in the amount of \$306,244.79.
2. Purchase orders in the amount of \$2,358.19.
3. Minutes for meeting held on September 4, 2018.
4. Amendment to contract with LSI Business Development, Inc., to allow LSR to seek funds for the IGP Initiative.
5. Retirement Agreement with Esther Martinez.
6. Surplus three office chairs from the USU Extension.

Commissioner Jenkins moved to approve the consent items; Commissioner Ebert seconded.

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

G. ACTION ITEMS:

1. **FINAL PLAT OF EDEN ESCAPE PLAT A (PART OF FAIRWAYS AT WOLF CREEK PRUD) INCLUDING APPROVAL OF THE IMPROVEMENT GUARANTEE AGREEMENT WITH A LETTER OF CREDIT.**

Ronda Kippen, of the County Planning Division, noted that the applicant's representative was present. This subdivision consists of 16 lots on about 9.25 acres, it includes three common areas, has ingress from a current parcel owned by Fairways at Wolf Creek, LLC, and public right-of-ways Sunrise Drive and Patio Drive. The developer will provide and care for amenities and common areas within the development by forming an HOA for this subdivision. About 21% of the 9.25 acres is to be dedicated to the county granting a permanent common open space easement. As part of the Improvement Guarantee Agreement, the Commission considered a Letter of Credit for \$1,008,483.74, rather than a cash bond. It was reviewed by the County Treasurer, Comptroller, the Planning Director, the Engineer and the Attorney's Office. Ms. Kippen read the considerations for a Letter of Credit from the Land Use Code. The applicant has a history of positive performance with no negative performance incidents as well as development-related contractual

obligations in Utah, including the applicant's financial institution, as determined by the County Treasurer. Due to the Capital Community Bank's history, the County Treasurer was not completely comfortable and a settlement was reached with the developer. Most of the improvements have been installed for this subdivision and Ms. Kippen believes they are within weeks of installing the asphalt at which time the majority of the bond will be released and it will move into a warranty period and the bond will be reduced to \$91,680.34 (10%). The developer has agreed to deposit 30% in cash at that time with the county with 70% as the Letter of Credit; this concession helped the County Treasurer feel more comfortable. This is not a typical standard subdivision—it is in the FR-3 Zone, which has less restrictive development standards and is part of a PRUD. She outlined some FR-3 requirements, including a minimum lot area of 6,000 sq. ft. Lot sizes in this subdivision vary from 9,889 to 22,646 sq. ft. with lot widths varying from about 73 to 161 ft. The majority of the front yard setbacks are 15 ft., side yards are 10 ft., rear yards 15 ft., and side facing corners are 15 ft. Lots 1-4 received an additional reduced setback during the conditional use permit process: the front yard, side yard, rear yard and side facing streets are all 10 ft. Three lots that have double frontage will have a no access line along lots 14, 15 and 16 to ensure no access off of Fairways and only off of the Mountain Trail Court public right-of-way. The CC&Rs were reviewed and meet State and county standards.

The Ogden Valley Planning Commission and County Planning Division recommend approval of the final plat with the Subdivision Improvement Agreement and Letter of Credit based on the following findings: the proposed subdivision conforms to the Ogden Valley General Plan, complies with applicable county ordinances, and the locations, lot area, width, yard, height and coverage regulations are acceptable as shown on the proposed final subdivision.

Commissioner Jenkins moved to approve the final plat of Eden Escape Plat A, including approval of the Improvement Guarantee Agreement with a Letter of Credit; Commissioner Ebert seconded.
Commissioner Ebert – aye; Commissioner Jenkins – aye; Chair Harvey – aye

2. **RESOLUTION TO SUBMIT TO THE VOTERS THE QUESTION OF WHETHER A STUDY COMMITTEE SHOULD BE APPOINTED TO CONSIDER AND POSSIBLY RECOMMEND A CHANGE IN THE FORM OF GOVERNMENT IN WEBER COUNTY – RESOLUTION 45-2018.**

Commissioner Ebert stated that when he came into office residents approached the Commission requesting that a study group be created to study the form of government. At that time there wasn't a tremendous appetite for it and the Commission expressed that it needed to be more than a handful of people. The original group that petitioned the Commission then worked with other community members to move it forward. About a year ago, they approached the Commission again in a more formal manner and Commissioner Ebert felt they were rebuffed. When Chair Harvey came into office, he had a strong desire to really look into a study. He said that the Commission is in favor of moving this forward. In a December 2017 Commission meeting Chair Harvey stated his desire to move that process forward. Around that time, Weber County Forward was in the process of putting a petition for a ballot initiative. Under Chair Harvey's direction, the Commission wanted to bring in the original petitioners to be part of the Weber County Forward because they had a tremendous interest in it and the Commission requested through Oscar Mata that the original petitioners from the Upper Valley be included, and they accepted Kimball Wheatley into their group. Mr. Mata had said that the Commission may be attempting to manipulate this and the Commission tried to relieve those concerns and adopted a resolution in 12/2017 hoping to allow Weber County Forward to feel comfortable that if they could not collect the signatures that the county would be willing to put that initiative on the ballot setting a target date of mid-April. Because of HB 224 this could not happen due to a moratorium on the resolutions for changing county government for 180 days (which ends tomorrow). Thus this resolution is now before the Commission.

Commissioner Ebert moved to adopt Resolution 45-2018 to submit to county voters next November the question of whether a study committee should be appointed to consider and possibly recommend a change in the form of government in Weber County; Commissioner Jenkins seconded.
Commissioner Ebert – aye; Commissioner Jenkins – aye; Chair Harvey – aye

H. PUBLIC HEARINGS:

1. Commissioner Jenkins moved to adjourn the public meeting and convene the public hearings; Commissioner Ebert seconded.
Commissioner Ebert – aye; Commissioner Jenkins – aye; Chair Harvey – aye
2. **PUBLIC HEARING TO CONSIDER AND TAKE ACTION ON ZMA 2018-05, A REQUEST TO AMEND THE WEBER COUNTY ZONE MAP TO REZONE APPROXIMATELY 15.23 ACRES FROM A-3 ZONE TO A-2 AT APPROXIMATELY 1935 SOUTH 7500 WEST.**

Charles Ewert, of the County Planning Division, showed area maps. The applicant is John Price and property ownership is under Mountain View Land and Livestock, LLC. This 15.23-acre parcel on 7500 W. in A-3

zoning (a heavy agriculture zone) is just to the south of a current A-2 Zone. The A-2 extends down only on the west side of 7500 W. Between this A-3 Zone parcel and the A-2 Zone is a ½-acre parcel in A-3. Mr. Price has asked for the entire 15.23-acre parcel to be rezoned to A-2, which allows for 40,000 sq. ft. residential lots, and other types of uses require 2-acres. The A-3 Zone requires the majority of all uses to be two acres and heavy agriculture requires five or more acres. Mr. Ewert recommended that the ½ acre parcel also be rezoned to A-2 for continuity; it abuts the A-2 Zone across the street. Two notices prior to hearings were sent to that landowner who has not responded. The subject request is in compliance with the General Plan (Plan). Mr. Price provided a concept plan for this property but is asking to not have it be required/applicable and wants to develop under the existing A-2 Zone. The Planning Commission and Planning staff recommended approval.

Chair Harvey invited public comments and Maryanne Call, area resident, asked why should the ½ acre lot be rezoned. She stated that 7500 W. is a very small road and if cluster subdivisions go in it cannot handle that. There are no other exits. Mr. Ewert spoke about zoning consistency/avoiding spot zoning and conflicting abutting zone uses, and said that 7500 W. is a dead-end road. Currently, there are a number of other streets for which the county is allowing entitlements that are dead-end roads. If the applicant develops, the 15.23-acre parcel rezone to A-2 would increase the potential density for the area by about two times.

3. PUBLIC HEARING TO CONSIDER AN AMENDMENT TO THE 2003 WEST CENTRAL WEBER COUNTY GENERAL PLAN AND AN AMENDMENT TO THE ADOPTED ZONING MAP FOR THE FOLLOWING: (A) TO TAKE ACTION ON GP 2018-03, A REQUEST TO AMEND THE WEST CENTRAL WEBER COUNTY GENERAL PLAN TO ENABLE A COMMERCIAL REZONE AT APPROXIMATELY 4311 WEST AND 1200 SOUTH; (B) TO CONSIDER AND TAKE ACTION ON ZMA 2018-03, A REQUEST TO AMEND THE ZONE MAP TO REZONE APPROXIMATELY 22 ACRES FROM A-1 TO C-2 AT APPROXIMATELY 4311 WEST AND 1200 SOUTH.

Charles Ewert, of the County Planning Division, stated that the applicant commenced with a request to rezone a 22-acre parcel on the southeast corner of 4700 W. and 12th Street to C-2. In reviewing this request, it was found that the Plan does not mention the C-2 Zone as an applicable zone for this area and Mr. Ewert read from code that, “Zoning for this commercial node should be C-1, which excludes most large uses, large box retail concerns, and intense uses such as auto sales; or create a new mixed-use zone designed to support small community center uses.” The plan talks about rezoning to the C-1 Zone or using some other planning tool that creates a neighborhood-oriented village. The county has not moved forward with rezoning to C-1 because it would be restructuring current property owners’ rights. The applicant filed a Plan amendment that ran concurrent with the rezone request. The Plan states that there can be between 7-14 acres in one spot and another 15 acres in another of commercial development at this intersection. The Planning Commission really did not support changing the Plan, feeling that this should involve more than just those few people noticed for this property, but they were comfortable with all 15 acres being on this parcel and that if adjacent land owners at the corner of that intersection want commercial they would consider it.

The Planning Commission gave a positive recommendation for 15 of the 22-acres to be rezoned C-1. Mr. Price’s application mentions a drive through restaurant, farm store, etc. These are not permitted in the C-1. Staff recommended two options to the Planning Commission: 1) Change the Plan to not be so specific but allow neighborhood-oriented village commercial uses. The Plan in 2003 was looking for a very small footprint of commercial but Mr. Ewert said that to create a strong, vibrant, economically viable village an acre or two is needed and an anchor—a grocery or farm store may be appropriate to encourage people to shop there rather than travel five miles to Ogden, which seems to be what Mr. Price is requesting. This was presented to the Planning Commission with a Development Agreement that restricts the types of uses that can go in without going above and beyond Mr. Price’s request, and it also restricts the sizes so that a grocery, farm store and a couple others uses can be a fairly big sized and in compliance with the current Plan but all other types of uses would be limited in size/scope. Other standards can be applied to better fit with the community. The other option is to 2) change the Plan to the C-2 Zone.

Considerations for the Commission: 1) Accept the Planning Commission’s recommendation to rezone 15 of the 22 acres to C-1; 2) Ask for an amended ordinance to adopt the C-2 Zone with a development agreement; 3) adopt the C-2 Zone without a development agreement, but Mr. Ewert urged amending the Plan also to comply with the Plan; and 4) Deny the rezone request. A staff report included a draft development agreement that had been reviewed with Mr. Price, including desired uses, development standards, more vegetation, dark sky lighting, a pathway, a park, etc., and could be executed very soon.

Commissioner Jenkins noted that there’s not only heavy automobile use on that road but substantial heavy truck use. Commissioner Ebert said that unincorporated Weber County residents pay into the Municipal Services Fund to support services they receive, which tax rate is woefully low and subsidized, mostly because there is no commercial base as much of that property is agriculture. He asked if the county should use tools through zoning to help create the village center. Mr. Ewert said that the Planning Commission staff reports speaks about economics. Residential dwellings are taxed at 50% and commercial base is taxed at 100%.

4. Public comments:

--Tami Baugh, applicant, said that they would like the 22 acres rezoned C-2, to bring some tax base for the community such as a grocery store, a drive-through restaurant, a bank, hardware/farm store and the big box stores to drive the rest of the development and so that area residents do not have to drive five miles to get grain or go to a restaurant. They do not want anything like a car dealership there. Staff would like a 3-4/acre park but that's not economically feasible for them, maybe a 1 or 2-acre parcel to handle retention problems and a park. They want to stay with a community feeling.

--Kerry Gibson, of West Weber, said that he would also be speaking on behalf of Laura Lee Degiorgio, Leann Morgan and Valerie Hansen who asked him to do so because they could not be present. He served in the Western Weber Planning Commission when this Plan was adopted. During the Plan process, there was significant discussion about how much commercial should be in this community and where. After painstaking effort, it was determined that there should be no more than 15 acres of commercial in that area and that it should be distributed equally among the four corners to the extent possible for balance, including the corner which already has about four acres of commercial. Shortly thereafter the current property owner purchased the subject property and applied for commercial rezone. It was unanimously decided subsequently by the Planning Commission that such a proposal did not meet the intent of the Plan. This was an important precedent and was reaffirmed several times in the absence of an updated Plan. He noted that now there is a new Planning Commission but the same request to rezone the entire parcel to commercial, but there are challenges such as lack of attendance at that hearing. He feels that the community is anxious to give input as to how they want it to look and the only opportunity they have is through a general plan process. As he spoke with area residents, they were not aware that something like this could happen without a general plan revision and what they value most is the opportunity to weigh in through that plan process. He said that those residents would be shocked, hurt and upset if a major commercial rezone happens in this area, stating that this is a big deal in such a small community. He would at some point support a larger amount of commercial but today he is concerned with the notion that a major rezone could occur outside of the appropriate process and leaving that community without input. He asked the Commission to respect the will of the people that was put forth in the adopted Plan and give them that opportunity as quickly as possible.

Referring to Mr. Gibson's comment to have equal commercial distribution on the corners, Commissioner Jenkins had not found anything stating that. Mr. Gibson had not seen specific text that said "equal" but had seen two different maps, one with a star and one with a circle and that this is how it had been interpreted by previous Planning Commissions, that there are property owners who perceive that at some time in the future they would be entitled to a few acres of commercial on each of those four corners, and that expanding dramatically the amount of commercial in this community is a major change to what those residents expected and believed was the precedent set in the Plan.

--Kim Wheatley, of Huntsville, said that recently a newly appointed Western Weber Planning Commissioner attended the GEM Committee and wanted to know how to encourage the County Commission to update the General Plan because they feel that their western Plan is out of date, that it is being handled piecemeal, and they are concerned. Mr. Wheatley said that it would be valuable to update that plan.

Commissioner Ebert sees this zoning at that corner as a way to create a commercial node so there is not the spreading throughout the community and there is one location/village community center accomplishing what the western Weber community wants. He feels that the size of the proposed grocery store would be a good size for that community along with small stores dotting around that node. Mr. Wheatley said that it is more than just a commercial node, there is higher density around there and it has to do with building a community around it. He said that a plan can create a viable community without intruding too much into the surroundings.

--Maryanne Call, area resident, stated that she heard rumors of what the village is to consist of and also that the village would have anywhere from 50-300 apartments on top, and she wanted to know the truth. When she turns into her property on 1150 S. there are no turning lanes, that it is a busy State road and that vehicles travel at high speeds. She is concerned with safety issues with the increased traffic of the village with a grocery and other stores. She stated that the State needs to widen that road, that it is not safe now for the people who live in that area, and she would like some conditions to change before bringing in more traffic. She moved to that area because her family likes the openness and quiet and would prefer one business on a small lot. Commissioner Jenkins explained that apartments are not part of this item.

--Brandy Olson, area resident, wanted the Commission to consider not rezoning, at least until they can get more public input. Residents received notices but she said that 10 a.m. on a Tuesday is not a good time for a public hearing and many residents would like to give input, and to consider amending the Plan if they had that opportunity. She said that they do not want any other businesses there and outlined the nearby stores. She stated that there is a reason people moved to West Weber—they did not want to live in a city.

--Regarding public hearings, Dan Baugh, applicant, stated that Planning staff had been out in West Weber for the past year for public meetings/hearings on this item. Before they purchased the property 18 years ago it was proposed commercial and during the Plan process they limited the uses. Residential is not permitted in C-2. The biggest store there will be 45,000 sq. ft.—a big box store is about 100,000 sq. ft. The State will probably want a turning lane. He said that Mr. Gibson owns a convenience store and doesn't want commercial there but the other two owners want this rezoning.

5.

Commissioner Jenkins moved to adjourn the public hearings and reconvene the public meeting; Commissioner Ebert seconded.

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

6. **ACTION ON PUBLIC HEARINGS:**

H.3-AMENDMENT TO 2003 WEST CENTRAL WEBER COUNTY GENERAL PLAN & AN AMENDMENT TO ADOPTED ZONING MAP: A) ACTION ON GP 2018-03, A REQUEST TO AMEND THE WEST CENTRAL WEBER COUNTY GENERAL PLAN TO ENABLE A COMMERCIAL REZONE AT APPROXIMATELY 4311 W. & 1200 S. AND B) ACTION ON ZMA 2018-03, A REQUEST TO AMEND THE ZONE MAP TO REZONE APPROXIMATELY 22 ACRES FROM A-1 TO C-2 AT APPROXIMATELY 4311 W. & 1200 S.– ORDINANCE 2018-14.

Commissioner Ebert referred to large commercial nodes and the traffic impacts and asked if the applicant could put in a big box store (over 50,000 sq. ft.) in the C-2 and Mr. Ewert believed that was possible. Commissioner Ebert asked about limiting those sizes in the development agreement as well as safe corridors with egress/ingress into facilities. Mr. Ewert said that if the county knows there will be harmful effects of development it can require road improvements and the Baughs are aware of this. The draft development agreement asks for a 10 ft. wide asphalt pathway in place of curb, gutter and sidewalk. Commissioner Ebert said that tremendous amount of work went into the Plan and that it is clear that the planners understood that this corridor intersection would be the center hub of this community. The county has put in about \$25 million into the corridor west of this location and has plans for further improvement. This has been identified as the commercial area but he is concerned that restrictions will not allow it to happen and suggested rezoning to C-2 with a strong development agreement and that area developers work with the community for input. Rick Grover, County Planning Division Director, addressed Chair Harvey's questions including that there had been about five public outreach meetings since February 2018 and there was discussion about commercial in this area but not with a lot of detail. A lot of the discussion was more about residential. The community wanted the north Weber corridor further out west than UDOT's plan. The county's transportation plan shows the corridor about a block west of 6700 W. but no environmental study has been conducted in the county. Chair Harvey had spoken with area resident Valerie Hansen last night. She really likes dark sky lighting but was not necessarily for this rezone. Commissioner Jenkins stated that commercial makes sense at that intersection.

Commissioner Ebert moved to adopt Ordinance 2018-14 to amend the zoning map to rezone approximately 22 acres from A-1 to C-2 at approximately 4311 West and 1200 South (southeast corner of 12th Street and 4700 W.) with a Development Agreement and directed staff to work with the developer, the Planning Commission and the community on that Development Agreement. Motion died for lack of a second. Commissioner Jenkins made a substitute motion to approve the Planning Commission's recommendation for rezone 15 acres to C-1; Commissioner Ebert seconded. Chair Harvey stated that this is an odd shaped property and with rezoning 15 acres it would leave a very odd shaped 7-acre piece of property that is not farmable and not much can be done with it, and he was uncomfortable with that. Because this property is so unique, if the county is amending the General Plan and rezoning 15 acres, he would like to ensure that the applicant has the ability to do more with his property. Commissioner Ebert reiterated that the community wants a commercial node there but the Planning Commission has put barriers in front of developers. Mr. Ewert addressed Commissioner Ebert's question stating that the C-1 would not allow a farm store or drive through restaurant. He added that there is language in the Plan that states 15 acres, and with that the Plan would not need to be amended. The Planning Commission recommended against amending the Plan. Commissioner Jenkins stated that he was trying to go part way for both sides. Commissioner Ebert's concern is that the property owner has investment in the property and the county would be lopping off a big section of its value. The Commission has been tasked to help the community have the commercial amenity and still keep the agricultural feel but the rules do not make sense for that location. Chair Harvey felt that it was not wise to only rezone 15 acres with this odd-shaped property. After some discussion, Commissioner Ebert requested to make an amendment to the motion to amend from the 15 to 22 acres so that the whole parcel is included in the C-1. Christopher Crockett, Deputy County Attorney, stated that if they expand the acreage and amend the General Plan that the proper documents and the Development Agreement have not been prepared for consideration, and he recommended holding off until that occurs. Commissioner Jenkins withdrew his original motion. Commissioner Ebert moved to adopt Ordinance 2018-14 approving the C-2 zoning with a Development Agreement. Motion died for lack of a second. Chair Harvey moved to adopt Ordinance 2018-14 amending the Weber County Zoning Map to rezone approximately 22 acres of property at 12th Street and 4700 West from A-1 to the C-1 Zone; Commissioner Ebert seconded. Commissioner Ebert – aye; Commissioner Jenkins – nay; Chair Harvey – aye

H.2-ZMA 2018-05 TO AMEND THE WEBER COUNTY ZONE MAP TO REZONE APPROXIMATELY 15.23 ACRES FROM A-3 ZONE TO A-2 AT APPROXIMATELY 1935 SOUTH 7500 WEST

Chair Harvey moved to adopt Ordinance 2018-15 amending the Weber County Zoning Map to rezone property at 7500 West from A-3 to A-2 but not to include the ½ acre discussed earlier because the property owner has not responded. Motion died for lack of a second. Commissioner Jenkins made a substitute motion to adopt Ordinance 2018-15 amending the Weber County Zoning Map to rezone property on 7500 W. from A-3 to A-2 as presented; Commissioner Ebert seconded.

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

H.3-AMENDMENT TO THE 2003 WEST CENTRAL WEBER COUNTY GENERAL PLAN – RESOLUTION 46-2018.

Commissioner Ebert moved to adopt Resolution 46-2018 amending the 2003 West Central Weber County General Plan to provide more acreage for neighborhood commercial at the intersection of 4700 West and 12th Street; Commissioner Jenkins seconded. Commissioner Ebert expressed frustration stating that the property was not rezoned to C-2 and the County Commission was hesitant with rezoning the total 22 acres because it went against the Plan, but yet two parcels currently zoned C-2 are staying C-2, which is against the Plan. He wondered if the Planning Commission was following the Plan. Mr. Grover said that those two parcels were not included because they were not part of the petition. Commissioner Ebert noted that the Planning Commission was cherry picking what they were choosing.

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

I. COMMISSIONER COMMENTS: None.

J. ADJOURN

Commissioner Ebert moved to adjourn at 12:22 p.m.; Commissioner Jenkins seconded.

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

Attest:

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

Ricky D. Hatch, CPA
Weber County Clerk/Auditor

9/11/2018


AMENDMENT 1
To The
Professional Services Agreement
Between
LSI Business Development, Inc. (LSI BD) and Weber County

The Professional Services Agreement (PSA) between LSI BD and Weber County, dated April 1, 2018, is hereby amended as follows:

1. The PSA is hereby amended to add the following: "As an agent of Weber County in this limited capacity, LSI agrees to cooperate and assist in complying with any request Weber County receives under Utah's Government Records Access Management Act related to LSI's scope of work. In addition, LSI agrees to assist Weber County in complying with any auditing requirements connected to funds it obtains and/or administers on Weber County's behalf. Finally, LSI agrees that pursuant to Section 7 of the PSA, LSI will also indemnify and hold Weber County harmless against any and all claims, damages, losses, and expenses, direct, indirect, or consequential that result from LSI's failure to comply with funding requirements.
2. This amendment shall be added to the agreement and become an integral part of it.
3. All other terms and conditions as specified in the agreement remain unchanged and binding for both parties.
4. This amendment will enter into full effect when signed by both parties.


ACCEPTED:

LSI BUSINESS DEVELOPMENT, INC.


Todd Weiler
Sr. V.P. & General Counsel

ACCEPTED.

WEBER COUNTY

By: 
Name: James H. Havel
Title: Commission Chair