

**MINUTES
WEBER COUNTY COMMISSION**

Tuesday, September 22, 2020 – 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 Scott K. Jenkins

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 Froerer

B. PLEDGE OF ALLEGIANCE - Charles Ewert

C. INVOCATION - Commissioner Harvey

D. THOUGHT OF THE DAY - Chair Froerer

E. PUBLIC COMMENTS: Don Hall, of West Haven City, expressed sincere thanks to the commissioners that his business received a Weber CARES grant because he was about to close it down due to COVID-19.

F. CONSENT ITEMS:

1. Warrants #3077-3092 and #452783-452911 in the amount of \$2,929,675.36
2. Purchase orders in the amount \$154,780.13
3. Minutes for the meeting held on September 15, 2020
4. New business licenses
5. Surplus eleven vehicles from the Weber County Fleet
6. Request from Human Resources to approve Skillsoft/Percipio Training contract renewal
7. Retirement Incentive Window-January 1, 2021 through July 1, 2021

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

G. ACTION ITEMS:

1. **RESOLUTION AUTHORIZING ISSUANCE & SALE OF NOT MORE THAN \$28,700,000 AGGREGATE PRINCIPAL AMOUNT OF GENERAL OBLIGATION REFUNDING BONDS; AND RELATED MATTERS – RESOLUTION 29-2020**
2. **RESOLUTION AUTHORIZING DEFEASANCE OF THE COUNTY'S OUTSTANDING SALES TAX REVENUE REFUNDING BONDS, SERIES 2014B FROM LEGALLY AVAILABLE MONIES OF THE COUNTY; & RELATED MATTERS – RESOLUTION 30-2020**

John Bond, County Treasurer, stated that currently the county was directly involved with six outstanding bonds (for the Animal Shelter, Health Department building, Ice Sheet, Pleasant Valley Library & the GO bond for the Library expansion) and it was working to defease the debt as expeditiously as possible. The county closed on the refunding bonds for the Animal Shelter this morning at an interest rate of 1.1%, down from 3.2%-5.7%. These resolutions start the process of refinancing the first GO bonds for the Library and defeasing the Pleasant Valley Library bonds. Our county is one of a few in the nation to receive the highest credit rating—AAA—on the GO bonds from Fitch. Over the last 2½-3 years the county's finance team has aggressively tried to address three bonds and pay them off completely, putting the county in a very strong financial position, and the plan is now to pay off the Pleasant Valley Library bond in the next few weeks. Johnathan Ward, of Zions Public Finance, county's financial advisor, stated that currently interest rates are low, that for the 2013 Library bonds the county will try to refinance and save on the interest costs with about 1½% interest rate for the remaining 14 years, saving about \$2.3 million on the net present value basis, it would maintain the same term, and the intent was to be on the market by 10/29/2020.

Commissioner Jenkins moved to adopt Resolution 29-2020 authorizing the issuance and sale of not more than \$28,700,000 aggregate principal amount of General Obligation Refunding Bonds; and related matters; Commissioner Harvey seconded.

Commissioner Jenkins – aye; Commissioner Harvey – aye; Chair Froerer – aye

Commissioner Harvey moved to adopt Resolution 30-2020 authorizing the defeasance of the county's outstanding Sales Tax Revenue Refunding Bonds, Series 2014B from legally available monies of the county; and related matters; Commissioner Jenkins seconded.

Commissioner Jenkins – aye; Commissioner Harvey – aye; Chair Froerer – aye

3. **REQUEST-FINAL APPROVAL OF HALCYON ESTATES PRUD, 39 LOTS AT APPROXIMATELY 4100 W 1800 S, OGDEN**
This item was held.
4. **DEVELOPMENT AGREEMENT WITH LEVANTA, L.L.C., LAS AMERICAS RESOURCES, L.L.C, TO GUIDE THE DEVELOPMENT OF STORAGE UNITS AT APPROXIMATELY 4706 E. 2650 N. (CLARK LANE), IN THE EDEN AREA, OTHERWISE KNOWN AS EDEN BOAT AND RV STORAGE**

Charles Ewert, of the County Planning Division, presented items G.4-G.7 with area maps, that included the applicant's property, the County Roads shed property, the CV-2 and M-Zones, the map of all of the proposed zoning changes, and architectural renderings.

Most of this presentation was made a few weeks ago. The commissioners had visited the facility site, which is located just to the west of the Jr. High School. The original idea was to possibly rezone to the M-1 Zone, however, there was public concern because this zone has uses which are less desirable for the community. The CV-2 Zone is close by and allows storage units. For some time there has been concern from the three residential properties sandwiched between the subject property and the CV-2 Zone about the activities happening at the County Roads shed because it is very much a manufacturing style of use. Rezoning the Roads shed property to the MV-1 would indicate this zoning to future investors and provide zoning continuity. Staff recommended rezoning all three current residential properties (which includes the applicant's) to CV-2. Mr. Ewert had spoken with the other two residential property owners and they had been very much in favor of the CV-2 Zone, and they desired more landscaping along the Roads shed property.

Commissioner Jenkins said that there had been talk of zoning the county property to CV-2 and thought that neighbors were more in favor of that; discussion ensued during item G. 7. Chair Froerer noted that the county property is currently zoned AV-3 and is utilized as MV-1, and that the county was looking at the possibility of relocating the shed in the future. Mr. Ewert said that if the shed was moved then the CV-2 would be better zoning for the property. He stated that the county property storage was legally established as a public entity use. He confirmed for Commissioner Harvey that the applicant could not put a gravel pit there and referred to the development agreement, which sets the terms. The applicant has 10 years to build the project out or at the end of construction the agreement terminates and all the rights of the AV-3 Zone would be restored, and buildings/uses established will continue legally. Commissioner Harvey noted that the applicant had at the previous meeting agreed to a prospective trail and Mr. Ewert said that the 10-ft. wide non-motorized trail with 1-ft. shoulders is voluntary by the applicant and is in the development agreement.

Commissioner Jenkins moved to approve the Development Agreement with Levanta, L.L.C., Las Americas Resources, L.L.C, to guide the development of storage units at approximately 4706 East 2650 North (Clark Lane), in the Eden area, otherwise known as Eden Boat and RV Storage; Commissioner Harvey seconded. Commissioner Jenkins – aye; Commissioner Harvey – aye; Chair Froerer – aye

5. **ORDINANCE AMENDING WEBER COUNTY ZONING MAP TO REZONE 4.7 ACRES OF LAND LOCATED AT APPROXIMATELY 4706 E. 2650 N. (CLARK LANE) FROM AV-3 TO THE CV-2 ZONE – ORDINANCE 2020-14**

Commissioner Jenkins moved to adopt Ordinance 2020-14 amending the Weber County Zoning Map to rezone 4.7 acres of land located at approximately 4706 East 2650 North (Clark Lane) from AV-3 Zone to the CV-2 Zone; Commissioner Harvey seconded.

Commissioner Jenkins – aye; Commissioner Harvey – aye; Chair Froerer – aye

6. **ORDINANCE AMENDING THE WEBER COUNTY ZONING MAP TO REZONE APPROXIMATELY 3.35 ACRES OF LAND LOCATED AT 4708 E., 4736 E., AND 4770 E., 2650 N. (CLARK LANE) FROM AV-3 TO THE CV-2 ZONE – ORDINANCE 2020-15**

Commissioner Harvey moved to adopt Ordinance 2020-15 amending the Weber County Zoning Map to rezone approximately 3.35 acres of land located at 4708 East, 4736 East, and 4770 East, 2650 N. (Clark Lane) from the AV-3 Zone to the CV-2 Zone; Commissioner Jenkins seconded.

Commissioner Jenkins – aye; Commissioner Harvey – aye; Chair Froerer – aye

7. **ORDINANCE AMENDING THE WEBER COUNTY ZONING MAP TO REZONE 5.24 ACRES OF LAND LOCATED AT APPROXIMATELY 4735 E. 2650 N. (CLARK LANE) FROM AV-3 TO THE MV-1 ZONE**

Commissioner Jenkins said that the county property would flow better rezoned as CV-2, matching the surrounding area, taking it out of manufacturing and putting it in commercial use. Commissioner Harvey would like to see a continuance of trails and tying-in the Old and New Town Eden in the future. Sean Wilkinson, County Community Development Director, and Mr. Ewert reiterated that the county is legally established as a governmental use. They did not know if it would remain so in the CV-2 Zone, but if the zone changed, the county would be grandfathered in. The county leases property there zoned AV-3 and Mr. Ewert wasn't sure that the tenant's use was in compliance with the AV-3, and the county could come in compliance if that portion of the property was rezoned to the MV-1 Zone. Chair Froerer wondered about the impact to the tenant with the CV-2 Zone and Mr. Wilkinson said that the lease was up on October 31, 2020 and there was the possibility of renewing for one more year under the current agreement, and that staff could research the AV-3 Zone's uses to see if their storage of landscaping products was allowed.

Commissioner Harvey moved to hold item G. 7 for that research. Commissioner Jenkins asked if Mr. Ewert could research it in five minutes and he asked for 10 minutes due to the Chapter's size. Commissioner Harvey rescinded his motion and made a substitute motion to move item G. 7 for after the public hearing; Commissioner Jenkins seconded.

Commissioner Jenkins – aye; Commissioner Harvey – aye; Chair Froerer – aye

H. PUBLIC HEARING

1.

Commissioner Harvey moved to adjourn the public meeting and convene the public hearing; Commissioner Jenkins seconded.

Commissioner Jenkins – aye; Commissioner Harvey – aye; Chair Froerer – aye

Commissioner Harvey moved to saunter for five minutes; Chair Froerer seconded.

Commissioner Jenkins moved to cease to saunter; Commissioner Harvey seconded.

Commissioner Jenkins – aye; Commissioner Harvey – aye; Chair Froerer – aye

2. **PUBLIC HEARING TO CONSIDER & TAKE ACTION ON A PROPOSAL TO AMEND WEBER COUNTY CODE SECTIONS §102-1-5 & §102-5 REGARDING REZONING PROCEDURES AND LEGISLATIVE AMENDMENTS. THE PROPOSAL WILL ALSO CREATE A NEW CHAPTER REGARDING DEVELOPMENT AGREEMENTS, ZTA 2018-05**

Steve Burton, of the County Planning Division, presented this county-initiated ordinance stating that under existing county regulations if the Planning Commission is unanimous in its decision on a legislative item, such as on a rezone, it takes a unanimous decision of the County Commission to overturn that decision. This is not in line with State code and this ordinance brings the county into compliance with statute. Other small changes included clarifying a few sentences, eliminating some redundancies, and adding a section for development agreements in order to be able to refer developers to the county's requirements. Both Planning Commission recommended approval of this item.

3. **PUBLIC COMMENTS:** None

4.

Commissioner Jenkins moved to adjourn the public hearing and reconvene the public meeting; Commissioner Harvey seconded.

Commissioner Jenkins – aye; Commissioner Harvey – aye; Chair Froerer – aye

5. **ACTION ON PUBLIC HEARING--AMENDING COUNTY CODE SECTIONS §102-1-5 & §102-5 ON REZONING PROCEDURES & LEGISLATIVE AMENDMENTS & CREATING A NEW CHAPTER REGARDING DEVELOPMENT AGREEMENTS, ZTA 2018-05 – ORDINANCE 2020-16**

Commissioner Jenkins moved to adopt Ordinance 2020-16 amending the Weber County Code sections §102-1-5 and §102-5 regarding rezoning procedures and legislative amendments, and also creating a new chapter regarding development agreements, ZTA 2018-05; Commissioner Harvey seconded.

Commissioner Jenkins – aye; Commissioner Harvey – aye; Chair Froerer – aye

- G. 7 **ORDINANCE AMENDING THE WEBER COUNTY ZONING MAP TO REZONE 5.24 ACRES OF LAND LOCATED AT APPROXIMATELY 4735 E. 2650 N. (CLARK LANE) FROM AV-3 TO THE CV-2 ZONE – ORDINANCE 2020-17**

Mr. Ewert reported that after researching code and consulting with county legal counsel that they believed that because the county is allowed to have a public storage facility in the AV-3 Zone, that it has the ability to lease out its right of storage to others, and there would be the grandfathered right if the entire property was rezoned CV-2. In the slim chance that this vote could have legal risk, it can be recalled next week.

Commissioner Jenkins moved to adopt Ordinance 2020-17 amending the Weber County Zoning Map to rezone approximately 5.24 acres of land located at approximately 4735 Clark Lane (2650 N.) from the AV-3 Zone to the CV-2 Zone (this is for both county shed property and the leased property); Commissioner Harvey seconded.

Commissioner Jenkins – aye; Commissioner Harvey – aye; Chair Froerer – aye

- I. **COMMISSIONER COMMENTS:** Commissioner Harvey encouraged citizens to help others in the cleanup stages related to the recent severe windstorm. Commissioner Jenkins referred to the actions taken today stating that the county is trying to be consistent with zoning and also to do what it can to allow private property rights. Chair Froerer concurred.

J. ADJOURN

Commissioner Harvey moved to adjourn at 11:24 a.m.; Commissioner Jenkins seconded.

Commissioner Jenkins – aye; Commissioner Harvey – aye; Chair Froerer – aye

Attest:

Gage Froerer, Chair
Weber County Commission

Ricky D. Hatch, CPA
Weber County Clerk/Auditor