

MINUTES
WEBER COUNTY COMMISSION

Tuesday, October 30, 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: Courtlan Erickson, Deputy County Attorney; Lynn Taylor, of the Clerk/Auditor's Office; and Fátima Fernelius, of the Clerk/Auditor's Office, who took minutes.

- A. **WELCOME** – Chair Harvey
- B. **INVOCATION** – Courtlan Erickson
- C. **PLEDGE OF ALLEGIANCE** – Brooke Stewart
- D. **THOUGHT OF THE DAY** – Commissioner Jenkins

E. PUBLIC COMMENTS:

--Bill Grilz, long time Eastwood Blvd. resident, said that his yard consists of 2/3 of the field that is being considered for development, and that he supports the new development on Eastwood Blvd.

--Dave Hartman, representing the Bingham Family Trust for property on Combe Road adjacent to the Burton property, stated the Trust's support for the development and rezoning.

--Brent Milne, Eastwood Blvd. resides immediately north of the proposed subdivision and supports it. His concern is that it will rezone a large area that is all RE-15 into R-1-10 with half of the lots not meeting even the minimum square footage requirements for the zoning. He said that planners of this area had felt that it was meant for 15,000 sq. ft.+ lot sizes. He referred to alternatives to the proposed plans in the staff report including the General Plan's recommendation that the road connect through from the stub on 5950 onto Eastwood, which he does not support because it is close to another intersection on 2250 East and would cause traffic problems, utilizing the RE-15, with a cul de sac, connecting to the 5950 stub and to maintain the current zoning, and the R-1-10 with the minimum 10,000 sq. ft. requirement. He is concerned with the large adjacent unsubdivided property because it could also easily be rezoned to R-1-10 or be even more condensed.

--Jeremy Jaggi (HCA investments/applicant), Mountain Green resident, said that the original 10-lot proposal was his error because he had mistakenly looked at lot averaging for West Weber but then submitted a revised plan for eight 10,000 sq. ft. lots. In talking with that community, he found that there is a need in the Uintah Highlands area for new affordable housing on smaller lots because people want a smaller footprint. He said that 65% of households in the Uintah Highlands area are 2-person households, that the community is aging and the community is not being revitalized, that the community does not want townhomes or apartments to come into this community. He said that planners in the 1970s and 1980s foresaw denser housing in the area. He does not support a through road, the community does not want it, and it would create significant congestion at the "T" on Eastwood. They received the geotechnical report and there are no abnormalities and the property is conducive to basement/2-story homes.

--Les Greenhalgh, Jennifer Dr. resident, presented the commissioners with a petition from 25 immediate neighbors who could not be present and whose lots exceed the 15,000 sq. ft. per lot. They do not want to sell or move and do not want to rezone to denser housing and feel that rezoning would have a negative impact on their property and way of life. He said that rezoning to R-1-10 would be setting precedent to the adjoining property owned by Bart Nelson to do this same thing and that involves 20+ acres, and with dense housing they feel comes rentals and hazards such as the recent fire in their neighborhood—if it had denser housing there would have been more casualties. He referred to the letter from Brenda Burton, applicant, and stated that this is a major change, and every neighbor he spoke with does not feel that the zone is outdated. Currently there are four lot sizes that do not meet the R-1-10 requirements and there are three lots that do not meet the minimum 80 ft. width. They are not against development but are against lowering the 15,000 sq. ft. to 10,000 ft. and feel that rezoning is inconsistent with current area zoning. He read from County Code that, "no application for rezoning shall be approved unless it is demonstrated that the proposed rezoning promotes the health, safety and welfare of the county," and they feel this proposal does not fit. Jared Way would be opened up if the Nelson property builds dense housing, it stubs/dead-ends into Bart Nelson's property and Jennifer Way is currently a cul de sac.

--Bruce Stratford, one of the property owners of the subject parcel said that a small part of his backyard is being contributed to this development. He said that the full intention is to have the houses on smaller footprints.

F. CONSENT ITEMS:

1. Warrants #1585-1586 and #433368-433649 in the amount of \$657,436.91.
2. Purchase orders in the amount of \$117,124.37.
3. Minutes for the meeting held on October 23, 2018.

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

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

G. ACTION ITEMS:

1. **RESOLUTION APPOINTING A MEMBER TO THE POWDER MOUNTAIN WATER & SEWER IMPROVEMENT DISTRICT – RESOLUTION 50-2018.**

Chair Harvey noted that one application was received for the vacancy.

Commissioner Jenkins moved to adopt Resolution 50-2018 appointing Ronald W. Wilson to the Powder Mountain Water & Sewer Improvement District with an expiring term of 12/31/2021; Commissioner Ebert seconded.

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

2. **RESOLUTION APPOINTING A WEBER COUNTY REPRESENTATIVE & AN ALTERNATE REPRESENTATIVE FOR THE UTAH COUNTIES INDEMNITY POOL (UCIP) ANNUAL MEMBERSHIP MEETING – RESOLUTION 51-2018.**

Courtlan Erickson, Deputy County Attorney, presented this item. Chair Harvey noted that the resolution appointed Commissioner Jenkins as the representative and Commissioner Ebert as the alternate. Commissioner Ebert noted that he will only be in office for about 46 days and requested amending the resolution.

Commissioner Ebert moved to adopt Resolution 51-2018 appointing Scott Jenkins as the Weber County representative and amending it to appoint Chair Harvey as the alternate for the UCIP Pool annual membership meeting; Commissioner Jenkins seconded.

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

3. **LOCAL TRANSPORTATION FUNDING AGREEMENT TO ESTABLISH TERMS FOR HOOPER CITY 4700 W. PROJECT.**

Brooke Stewart, with County Community Development, stated that the Commission originally approved funding for this project in 2016 to widen and install improvements along 4700 W. from 4800-5500 S. The City submitted an amendment request in September and reported that the 2nd phase of the project was nearing completion and that the intent for the original WACOG funding had been to construct full improvements along 4700 W. as far as the funding would allow. The City earmarked \$125,000 of the original funding as a local match for the final federally funded phase of the project. As the project was underway, the City decided not to end the improvements at a random location and used a portion of the earmarked match funds to end the project at a logically stopping point at 5100 S. The City learned from WFRC that they were eligible to exchange the federal funds for State funds but then learned that the matching funds for the City would be 4% higher and submitted an amendment request that was reviewed by the subcommittee and recommended for approval by WACOG to award an additional \$156,000 dollars in sales tax funds for the local match at the September 10th meeting. The City is contributing \$75,000 to the project as part of the local match.

Commissioner Jenkins moved to approve the Local Transportation Funding Agreement establishing terms related to the Hooper City 4700 West project; Commissioner Ebert seconded.

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

4. **AMEND WEBER COUNTY ZONE MAP TO REZONE APPROXIMATELY 3.0 ACRES FROM RE-15 ZONE TO R-1-10 AT APPROXIMATELY 2220 E. EASTWOOD BOULEVARD – ORDINANCE 2018-19.**

Rick Grover, County Planning Division Director, gave a presentation that included area maps. The property on the RE-15 (Residential Estates) Zone requires 15,000 sq. ft. minimum lot area, is intended to be a buffer between agricultural land and residential, and allows farm animals, and the R-1-10 (Residential Zone) requires 10,000 sq. ft. minimum lot area, is intended for low density single family dwellings, and does not allow animals. Staff looked at how Eastwood Blvd. is being traveled and currently it is considered more of a collector street and creates an edge along with Combe Road and the elementary school. The lots west of this area are either side or rear-facing, and to the east they are more to the side or rear-facing and create somewhat of an edge. Homes to the north have not been developed. The General Plan calls for low density residential between Eastwood Blvd. and Combe Road instead of very low residential and the proposal conforms with this. The Planning Commission forwarded a positive recommendation based on timing, changing conditions, changing area trends and on compliance with the General Plan. Staff also recommends approval of this. Mr. Grover noted that the applicant submitted a concept subdivision plan with this application but it is not on the table at this time, only the rezone. The applicant will need to go through the subdivision process and address the requirements. The General Plan talks about a road connection from Combe Road to Eastwood and this will need to be amended if they decide to make it a cul de sac. He said that there is not a need for a connection at this point; both are collector streets, it does not affect the long term transportation function, this will be looked at for subdivision, and staff has no preference. Commissioner Jenkins would vote for this with a cul de sac because of the minimal impact to surrounding neighbors but would not as a through street. Staff's recommendation is for the Commission to look at the approval of the rezone with encouragement for the developer and staff to work toward the elimination of the connection between Combe Road and Eastwood.

Chair Harvey had spoken with the School District regarding this issue. His concerns regarding the connectivity of the roads had been addressed. He said that connectivity between these two roads are not needed. To protect the future value for the residents, his concern lies more with the structure size that would be allowed. He received many telephone calls in support of this project and noted the positive recommendations from staff and the Planning Commission. Commissioner Ebert asked the developer for the estimated average cost of the homes and if they would be eventual rentals. Mr. Jaggi said that the average lot price should be \$150-\$160,000 and the average home price \$400,000-\$500,000 and they would be permanent residences. The rezone allows for two more lots. Commissioner Jenkins asked if Mr. Jaggi opposed his cul de sac recommendation and Mr. Jaggi said that after speaking with neighbors on Eastwood and Combe and hearing the comments from Mr. Milne and Mr. Greenhalgh that they are in full agreement with the cul de sac. Commissioner Ebert noted the concern of the large potential future development (20-30 acres) with more impact on Jennifer and Jared Way. R-1-10 could add another 7-8 houses. Mr. Grover said that all the telephone calls received by the County Planning Division on this was that residents do not want the connection between Combe and Eastwood. He addressed Commissioner Ebert's question stating that the majority of the area lots are residential. There is a little bit of agriculture on the 20+ acre lot.

Commissioner Jenkins moved to adopt Ordinance 2018-19 amending the Weber County Zoning Map to rezone approximately 3.0 acres from RE-15 to R-1-10 Zone at approximately 2220 E. Eastwood Boulevard with a high recommendation for the cul de sac as discussed; Commissioner Ebert seconded.

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

5. TENTATIVE OPERATING AND CAPITAL BUDGET OF WEBER COUNTY FOR THE 2019 CALENDAR YEAR.

Scott Parke, County Comptroller, noted that this process started in August 2018, which he outlined. The budget will be posted today on the county's website for public input. The public hearing will be on November 27th. Highlights include that property tax growth is estimated to increase by 3½% and sales tax growth by 4½%, the latter in light of State economists who anticipate a slow down toward the end of 2019. Chair Harvey noted that the county wanted to do a tax decrease but found that a previous body had borrowed funds that could become unsustainable if not addressed. He is proud of this Commission for choosing to right those funds.

Commissioner Jenkins moved to approve the tentative operating and capital budget of Weber County for the 2019 calendar year; Commissioner Ebert seconded.

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

H. PRESENTATION OF THE 3RD QUARTER FINANCIAL REPORTS.

Scott Parke, County Comptroller, referred to the interim financial reports before the Commission. His presentation included that revenues and expenditures are right where expected at this time of year, that the county originally budgeted for 4% sales tax growth but it is at about 6½%, that there has been a shift in how some revenues are classified in the Municipal Services Fund and is where expected as is the Enterprise Fund, the sales tax growth for the unincorporated area growth is about 3.8%, which is also on target, and some money was saved in the capital expenditures—a couple of projects were delayed relating to the Transfer Station.

I. PUBLIC HEARING:

1.

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

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

2. PUBLIC HEARING REGARDING AMENDMENTS TO THE OPERATING AND CAPITAL BUDGET OF WEBER COUNTY FOR THE 2018 CALENDAR YEAR.

Scott Parke, County Comptroller, stated that this is mostly for various grants received during the year. Highlights included accelerating the purchase of radios for the Sheriff's Office that had been budgeted for next year, various RAMP grants and State grants totaling over \$700,000, and a clerical error is hereby corrected—the sales tax revenue budget was not loaded in properly in last year's spreadsheet, and \$250,000 for the Summit Mountain Road project that will be recouped as Summit Mountain is responsible to repay the county. Commissioner Jenkins referred to the clerical error and asked if it was caught immediately and Mr. Parke responded yes and that it was corrected in the accounting system, it had not been referenced in the first quarter. Commissioner Jenkins requested any future clerical errors to be handled immediately.

3. Public Comments: None.

4.

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

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

5. ACTION ON PUBLIC MEETING:

I.2-AMENDMENTS TO COUNTY OPERATING & CAPITAL BUDGET FOR 2018 CALENDAR YEAR – RESOLUTION 52-2018.

Commissioner Jenkins moved to adopt Resolution 52-2018, amendments to the operating and capital budget of Weber County for the 2018 calendar year; Commissioner Ebert seconded.
Commissioner Ebert – aye; Commissioner Jenkins – aye; Chair Harvey – aye

J. COMMISSIONER COMMENTS:

Commissioner Jenkins referred to the budget process that was just concluded and expressed thanks to the accounting staff who did such a great job in being prepared and having all the needed information and resources. He is very happy that they righted two funds.

K. CLOSED MEETING TO DISCUSS STRATEGY RELATING TO IMMINENT OR ONGOING LITIGATION.

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

There was no action on the closed meeting.

L. ADJOURN

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