

**MINUTES OF THE REGULAR MEETING OF THE
CITY COUNCIL OF PLEASANT VIEW CITY, UTAH**

October 27, 2020

The public meeting was held through ZOOM with an anchor location at the city office at 520 West Elberta Dr. in Pleasant View, Utah, commencing at 6:03 P.M.

MAYOR: Leonard Call **Attendance method:**
(via *Zoom*)

COUNCILMEMBERS:
Ann Arrington (via *Zoom*)
Kevin Bailey (via *Zoom*)
Steve Gibson (via *Zoom*)
David Marriott (via *Zoom and left at 7:20PM*)
Sara Urry (via *Zoom and office*)

STAFF:
Bill Cobabe (via *Zoom and office*)
Laurie Hellstrom (via *Zoom and office*)
Ryon Hadley (via *Zoom and office*)
Jill Hunt (via *Zoom*)
Allison Christensen (via *Zoom*)

VISITORS:
Leshia Spencer (via *Zoom*)
Sydnie Palmer (via *Zoom*)
Sam Gibby (via *Zoom*)
Craig North (via *Zoom*)
Marc Christensen (via *Zoom*)

Pledge of Allegiance: Ann Arrington
Opening Prayer, Reading or Expression of Thought: Ann Arrington
Read the Electronic Meeting Determination for conducting a meeting w/o an anchor location: Leonard Call

Declaration of Conflicts of Interest:
None were given.

Comments/Questions for the Mayor & Council for items not on the agenda:
None were given.

Consent Items:
Motion was made by CM Gibson to accept the consent items (bills of Pleasant View City). 2nd by CM Urry. Voting aye: CM Arrington, CM Bailey, CM Gibson, CM Marriott and CM Urry. 5-0

Business:

1. Introduction of and discussion with the Youth City Council Mayor, Sam Gibby and Youth City Council Representative, Sydnie Palmer.

The Youth City Council Mayor, Sam Gibby, and Youth City Council Representative, Sydnie Palmer, were introduced. Sydnie Palmer will be attending the City Council meetings. There are 35 registered members.

2. Public Hearing. Discussion and possible action to consider a rezone for parcels along 2700 N as follows:

<u>Parcel No.</u>	<u>Current Zone to Proposed Zone</u>
17-072-0065	MUE to C-2
17-063-0071	MUE to C-2
17-063-0067	MUE to C-2
17-060-0047	RE-20 to CP-2
17-060-0035	RE-20 to CP-2
17-063-0027	MUE to C-2
17-063-0021	RE-20 to C-2
17-063-0022	RE-20 to C-2
17-066-0023	RE-20 to C-2
17-066-0025	RE-20 to C-2
17-066-0026	RE-20 to C-2
17-066-0094	A-2 to C-2
17-063-0021	RE-20 to CP-2
17-418-0021	RE-20 to CP-1
17-418-0022	RE-20 to CP-1

Ordinance 2020-12. (Presenter: Jill Hunt)

Motion was made by CM Marriott to open a public hearing to consider a rezone for parcels along 2700 N as stated above. 2nd by CM Arrington. Voting aye: CM Arrington, CM Bailey, CM Gibson, CM Marriott and CM Urry. 5-0

Jill Hunt: showed a map of the area to be rezoned. The current zones of the properties are RE-20, MUE and A-2. Why we are rezoning – because we want to preserve these lots for commercial use. Jill showed the General Plan and noted that all those properties are commercial. The MUE zone has some industrial uses and we are requesting that to be rezoned to C-2 and the ER building fits there and is still would be in compliant in that zone. The two lots in Fox Hollow Phase 5 we are requesting to be a CP-1 zone which is neighborhood commercial. Jody Deemer is hopeful for professional type businesses there. The CP-2 zone is more open than the CP-1 zone. I have talked with Jon Ulibarri at Weber County on what happens to property if rezoned. They can still use the property as it is being used until that use stops. There are a lot of parcels under 5 acres and they can still qualify for green belt. You can find that information on the County’s website. There was a question on who pays the roll back taxes and when. When someone buys the property the taxes apply and there is no set person that has to pay the taxes that is negotiable. CM Gibson: what is the difference between A-2 agriculture and green belt? Jill Hunt: A-2 is less tax and they can apply for green belt no matter what zone. If the land is rezoned the use can still stay there. Bill Cobabe: greenbelt is for productable uses. CM Gibson: that could be a problem with these property owners. CM Urry: does it matter how much hay is produced? Jill Hunt: there

is an annual production requirement. You can call Weber County. They are a good resource. CM Arrington: there is a minimum of 5 acres but also 2 acres qualify? Jill Hunt: yes. Commercial is taxed at 100% and residential is taxed at a percentage. I sent you comments that I have received. A lawyer wants to have an agreement. I talked with Brent Bateman and you can't have an agreement that triggers a legislature action. The agreement suggests to go along with the land. CM Urry: a zoning change is legislative and a deed restriction won't stick and not work. Jill Hunt: correct. One of the reasons to do or don't do is that property tax will go up and we don't want to put that on people but if we don't rezone it then any use in the current zone can come forth including residential development and I can't say no if allowed and then there goes that lot. Mayor Call: are there any residential in C-2 or CP-2? Jill Hunt: no and not mixed uses. CM Bailey: what about the small home in that area? Jill Hunt: we are not touching that lot. It fronts on 2550 N and it is established. If there are two zones on a lot they can chose the zone. We have met our max with storage units and that can't be applied for anymore. Mayor Call: how are C-2 and CP-2 different? Jill Hunt: C-2 has more uses it is like a tier 3. CP-2 is like a tier 2. Jill listed some of the uses. C-2 has storage unit. CM Gibson: we need to hear from the public. Bill Cobabe: there is comment from Rex Belnap stating the A-2 tax is \$3,717 and the commercial tax will be \$20,561. Bill Cobabe: I looked at the value of property at \$1.3 million \$1.4 million and in 2012 the zone went to A-2 and value dropped by \$1 million. The tax was \$20K and went to \$4,584 and then gone down more. Bill Cobabe: Rex Belnap said that his lawyer says a deed restriction can be placed on the buyer. Bill Cobabe: a development agreement on city and property is not binding to legislative actions and that type of deed restriction is not binding and it neither helps. Bill Cobabe: Rex Belnap asked if all the council members had a time to read their concerns. And state that the commercial zone will not help them sell their land and the history is not favorable. I have a note from John Hansen and listed the property and he said it may or not sell better being in commercial. CM Marriott: clarify the deed? Bill Cobabe: a deed restriction is not enforceable by the city. It only takes the majority of one to change the restriction. That is not a good answer for this. CM Urry: we can't do that per Brent Bateman and it is not binding on the city to enforce a commercial zone in the future. Bill Cobabe: Rex Belnap is concern with property tax increasing and taking two years to get there and access to water. It will affect his property taxes and it could be significant. CM Urry: if we move forward property owners can come back and ask to have a rezone. Do we know why? CM Marriott: for an agriculture use. Bill Cobabe: it takes two years to get into green belt. CM Bailey: the development agreement is not viable? Bill Cobabe: no. Bill Cobabe: Rex Belnap said to scrub the deed restriction they have started agriculture.

Motion was made by CM Gibson to end the public hearing. 2n by CM Marriott.

Voting aye: CM Arrington, CM Bailey, CM Gibson, CM Marriott and CM Urry. 5-0

CM Marriott: have they had offers? It doesn't seem they are trying to sell and hanging on to it. Mayor Call: I have talked to a broker about that property but they wanted high density. CM Urry: we are being proactive with what we are doing. Things might change and it is important to our economic future. CM Gibson: I don't like the idea of change. I don't feel that we will get something that we will want along there. We should look out west. Retail is going away and I don't want light manufacturing. Maybe a mixed use. I don't want to see tax increases just to see a commercial zone there. We need a better plan than to rezone these properties. I don't want to see property owners

suffer. I don't see strip malls there and gas stations come and go. I have talked with David Chugg. I don't want to make a motion now. CM Arrington: I have attended several EDC Utah meetings. If we want to attract commercial we need to have the zone. The way we have it now we can't protect the master plan. The way it is now we won't be able to say no to something. That is my overall concern but as a whole and if we don't we have a hodge-podge and a mess. CM Urry: I second Ann's comments. In talking with John Ulibarri, Roybal, and others they all say yes. We need to be proactive to see things happen. We have a whole city to look after. CM Gibson: 2700 N will never be a stop and shopping area. We have the northwest side of City by the Chevron and the CDA area. CM Bailey: we have heard the pitch that they are marketing northern Utah and that we need to be proactive. I hate to see property tax increase. Are there other options? If we want anything along 2700 N this has to happen. CM Marriott: I agree with CM Bailey. It is hard to raise taxes there but not change tax if in greenbelt and some could get into greenbelt. You know HWY 89. Washington Blvd, Riverdale were all planned to be pass through roads and there is commercial there. We need to be proactive. There is a lot we can do to make 2700 N a high flow and still commercial area. It is time we be proactive. CM Urry: this is one step.

Motion was made by CM Urry: to approve the rezone of properties Ordinance 2020-12 as listed above. 2nd by CM Arrington.

Discussion. CM Marriott: north of 2700 N to the east why is that not include? Bill Cobabe: it is already C-2. CM Bailey: is Fleming's property C-2? Jill Hunt: yes.

Vote: Roll call vote. Voting aye: CM Arrington, CM Bailey, CM Marriott and CM Urry. Voting nay: CM Gibson. (4-1)

3. Public Hearing. Discussion and possible action to consider a rezone from A-2 (agriculture) to RE-20 (residential) for parcels 17-062-0121 & 17-062-0122 located at approximately 973 W 3200 N, Ordinance 2020-13. Applicant: Brock Winzler. (Presenter: Jill Hunt)

Motion was made by CM Arrington to go into a public hearing to consider a rezone from A-2 (agriculture) to RE-15 (residential) for parcels 17-062-0121 & 17-062-0122 located at approximately 973 W 3200 N. 2nd by CM Bailey. Voting aye: CM Arrington, CM Bailey, CM Gibson, CM Marriott and CM Urry. 5-0

Jill Hunt: Brock Winzler is the applicant. Jill showed that area. Brock Winzler purchased a portion of the property and Blaisedell's property doesn't fit in the A-2 and to make it compliance the request rezone. They need the rezone first. I have received one comment from Joel Judd making sure what zone it is and make sure there are no problems. The planning commission recommend approval. CM Marriott: the property to the west is also in? Bill Cobabe that is only for the subdivision. CM Bailey: is that an easement? Jill Hunt: that will be part of the minor subdivision process. Brock convinced the Blaisedell to end at that south side of lot because they didn't want a jog in their lot.

Motion was made by CM Bailey to close the public hearing. 2nd by CM Marriott. Voting aye: CM Arrington, CM Bailey, CM Gibson, CM Marriott and CM Urry. 5-0

Motion was made by CM Bailey to approve a rezone from A-2 (agriculture) to RE-20 (residential) for parcels 17-062-0121 & 17-062-0122 located at approximately 973 W 3200 N, Ordinance 2020-13. 2nd by CM Urry. Roll call vote. Voting aye: CM Arrington, CM Bailey, CM Gibson, CM Marriott and CM Urry. 5-0

4. Public Hearing. Discussion and possible action to consider amending the 2020-2021 fiscal year budget, Resolution 2020-Q. (Presenters: Laurie Hellstrom and Ryon Hadley)

Motion was made by CM Bailey to go into a public hearing to consider amending the 2020-2021 fiscal year budget. 2nd by CM Urry. Voting aye: CM Arrington, CM Bailey, CM Gibson, CM Marriott and CM Urry. 5-0

Laurie Hellstrom: we're going to be amending the budget for two items. One of them is for a police officer for a half of a year starting from January. We're going to amend the budget for our sales tax revenue. I've taken another look at it and it has been coming in higher than we were anticipating. I'm still kind of cautious and I don't want to go too high on my estimates so I'm guessing we can still up it another \$275k. The other reason we're going to be amending the budget is for that additional amount on that land purchase on Highway 89 in the amount of \$100k. The cost will be shared between the water, sewer and storm sewer departments. In your packet you have an outline on the cost of a police officer. Ryon Hadley: we are getting a lot a more violent calls. We are 1,088 ahead of call from of last year. We are looking at our schedule. Investigations has 75 cases and the resource officer is tied up. The sergeant is the only double coverage. It is getting dangerous. This would add 40hours of double coverage and in the future we will need another for around the clock double coverage. It is about \$55K to \$58K for 6 months. We will use an existing car until July. There are a lot of issues with single coverage and we still need to work with vacation, sick and training time off. We will get moving on recruiting if approved.

Motion was made by CM Urry to end the public hearing. 2nd by CM Arrington. Voting aye: CM Arrington, CM Bailey, CM Gibson, CM Marriott and CM Urry. 5-0

Motion was made by CM Bailey to approve amending the 2020-2021 fiscal year budget, Resolution 2020-Q. 2nd by CM Arrington. Roll call vote. Voting aye: CM Arrington, CM Bailey, CM Gibson, CM Marriott and CM Urry. 5-0

5. Discussion and possible action to grant preliminary subdivision plat approval to Lindee's Loft Subdivision located at approximately 3367 N 1000 W and 3479 N 1000 W, Parcel No. 17-062-0047, 17-062-0046, and 17-062-0043. Applicant: Lesha Spencer. (Presenter: Jill Hunt)

Jill Hunt: this subdivision is off of 1000 W. Jill Hunt showed the area. It is Stimpson's and Singleton's properties. Lesha Spencer is on Zoom. This is changing 3 lots to 23 lots. Jill Hunt showed the layout of the development. There will be a temporary turnaround on parcel B and parcel A is a detention pond. This fits well. There was one comment from Scott Turner (an existing back neighbor) regarding whether this was too close to his back yard. I told him it was the same zone that he is in. This meets all the standards. Parcel A & B will be deeded to the city. CM Marriott was excused from the meeting. CM Arrington: is a temporary turn-a-round road base? Jill Hunt: it depends on the type of subdivision whether it is phased or not. If it is not phased it will be asphalt but no curb and gutter.

Motion was made by CM Arrington to approve preliminary subdivision plat approval to Lindee's Loft Subdivision located at approximately 3367 N 1000 W and 3479 N 1000 W, Parcel No. 17-062-0047, 17-062-0046, and 17-062-0043. 2nd by CM Bailey. Voting aye: CM Arrington, CM Bailey, CM Gibson and CM Urry. 4-0

6. Discussion and possible action to grant final subdivision plat and escrow approval to The Orchards Phase 3 Subdivision located at approximately 3225 N 1000 W. Applicant: Craig North. (Presenter: Jill Hunt)

Jill Hunt: this is at 3200 N and 1000 W. We brought this before you earlier with modifications of the sidewalks. He is ready for final. There was a pre-con today. Jill Hunt showed the layout. Hopefully you were able to look over your packet. The requirements are all there and he's actually met every single one of them. The only thing we're waiting on is the mylar. He does have the escrow and I did verify it. If approved he is going to be putting the sidewalk in and making those modifications that we spoke about. The only thing that Craig North and I were talking about for building-wise is that garage. He's going to make sure that the setbacks are accurate and if not then they will take care of that. Other than that everything's great. We're recommending approval.

Motion was made by CM Gibson to grant final subdivision plat and escrow approval to The Orchards Phase 3 Subdivision located at approximately 3225 N 1000 W. 2nd by CM Bailey. Voting aye: CM Arrington, CM Bailey, CM Gibson and CM Urry. 4-0

7. Closed Meeting.

Motion was made by CM Bailey to go into a closed meeting to discuss property acquisition. 2nd by CM Urry. Roll call vote. Voting aye: CM Arrington, CM Bailey, CM Gibson and CM Urry. 4-0

Minutes of the closed meeting are protected records and are filed separately.

Motion was made by CM Bailey to end the closed meeting. 2nd by CM Gibson. Voting aye: CM Arrington, CM Bailey, CM Gibson and CM Urry. 4-0

8. Discussion and possible action from the closed meeting.

None.

OTHER BUSINESS:

Bill Cobabe: we are working with Regency through the development agreement to extend Rulon White Blvd and preliminary plat. The city has a minimum and maximum standard for arterial roads which is 80'. We are asking the development to give 107' right-of-way and 37' is required for the development. We are also asking to increase the size of utilities to handle the development in that area and they are willing to work with us. Brooke Stewart with WACOG is willing to help along with Holin on potential buyers. It won't sit vacant for long. This will be hard for me to move forward. Thank you.

Ryon Hadley: we were call out last week to a home in Pole Patch where we found a man taking a shower. We are working on a \$4,500 grant for riot shields for each marked vehicle and a grant for a radar trailer. We will have a long warrant list.

CM Urry: there will be reindeer on November 2nd and there will 500 flag at city hall from Follow the Flag.

Adjournment: 7:58 P.M.