

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

December 10, 2024

The public meeting was held at City Hall, 520 W Elberta Drive, Pleasant View, Utah, commencing at 6:00 P.M.

MAYOR:

Leonard Call

COUNCILMEMBERS:

Ann Arrington

Steve Gibson (*absent during item #7 and other business*)

David Marriott

Philip Nelsen (*absent during item #7 and other business*)

Sara Urry

STAFF:

Amy Mabey

Laurie Hellstrom

Tyson Jackson

Stetson Talbot

Tammy Eveson

VISITORS:

Frank Maughan

CR Christopher

Kelli Jensen

Larry Jensen

Scott Nicholson

Emily Hall

Ryan Wintle

Ian Oxborrow

Jill Nicholson

Jadyn Wintle

Michele Thorpe

Johnny Ferry

Wilma Chadaz

Carson Jones

Julie Farr

James Bench

Scott Steiner

Jenice Jones

1. Introduction.

a. Pledge of Allegiance and Opening Prayer, Reading or Expression of Thought

Councilmember Sara Urry

b. Declaration of Conflicts of Interest

None given.

c. Public Comments/Questions for the Mayor & Council (limited to 3 minutes)

Ryan Wintle: you have a petition from me requesting to table and you should let us be involved. We have seen proposals before. Is this a benefit to the residents? What can be addressed by doing this? There needs to be more consideration for us impacted by this.

Glen Ames: I have lived here since 2006. I am a water engineer and work with UDOT. There are reports on the land. It is still a recharge area. The shingles on roofs and the road will affect the ground water. We don't want water running to the Great Salt Lake.

Paul Pitcher: Fox Meadow would like to take lot 22 and have it rezoned. Amy Mabey: there is a new ordinance coming and then you may make application.

Charlette Christopherson: I have been here many times for the same reason, and it is almost every two years. I know this is not a rezone but a word change wanting more density which invites a zone change. You are losing the trust of the citizens. Look at protecting an asset. Most of us don't want this change to anything. Don't invite increased density.

Julie Farr: some citizens are confused thinking this is apartments. We know it is not, and I am quick to correct. There is miscommunication from the city. It is still beneficial to update the General Plan with all the citizens involved and still have a way for the road with A-5. Let's wait and address the total hill and move forward with citizen input which we feel is not happening.

2. Consent Items.

a. Minutes of November 26, 2024

b. Bills of Pleasant View City

Motion was made by CM Marriott to approve the consent items (minutes of November 26, 2024, and the bills of Pleasant View City. 2nd by CM Urry. Voting Aye: CM Arrington, CM Gibson, CM Marriott, CM Nelsen and CM Urry. 5-0

3. Recognition of Frank Maughan. Recognizing Pleasant View resident Frank Maughan who was recently honored by Weber State University as the Community Veteran of the Year.

Mayor Call recognized Frank Maughan who received the WSU Community Veteran of the Year award.

4. Planning Commission Recommendations. (Presenters: Amy Mabey and Tammy Eveson)

a. General Plan Amendment. Consideration of a proposed amendment to the General Plan for 30.6 acres of land located at approximately 540 West 4300 North, from Rural Residential 5 to Rural Residential 2, Ordinance 2024-25.

Mayor Call: some clarification on what has been said that this comes up every two years. Every citizen has the right to petition their city and that is why we keep going over this. It is their right. The engineer and public works informed us we need the road and for fire, so how can we get the road? The developer is being villainized. He is one of the most honest and nice person I know. Amy Mabey gave a presentation (attached) covering the background, the stages of planning, the Master Road Plan, the proposal, the planning commission's review, and options. The options are: (Option 1) Reduce density in General Plan to Rural Residential 2 (two-acre average lots) for road to be installed as a legal exaction. (Option 2) City funding roadway (estimate of \$1.4 Million) and land acquisition costs to install road and retain current density. (Option 3) Eliminate planned roadway from General Plan. (Option 4) Other undefined options the Council wishes to consider or pursue. Amy Mabey: there were other options such as betterments and payback agreements that will not work. Mayor Call: I would like to add why we started this process. We need the road. The General Plan is non-binding and both the road and A-5 was on the plan and felt that it was important to go through this process. We need to increase density to get the road. There is no public hearing at the city council. That is not the process and we want to follow the process. Here are the options. The fire marshal feels that this is important to get the road. We can kick this down the road but sooner or later everyone will pay for the road not just the developer. If we think we can develop as is and put in the road it doesn't meet the Supreme Court ruling so we are at the A-2 option and there is nothing nefarious. Staff told administration that we need the road and we have competing things. CM Urry: if we kick down the road we will have to finish the road. Can we pay our portion when they are ready to develop? CM Marriott: we have addressed this many times. Two times while I have been here. My opinion – I am in favor of this change to the General Plan. Why – I think it should be a RE-20 zone. There is RE-20 next to it and the majority here tonight live in a RE-20.

The water is there and it needs Bona Vista Water for the lower area. Property owners have rights. If you have the property you would also want to do something. It being in a recharge area is a concern. Engineering or logic is doesn't make sense because this is lower than the wells. The property does not help recharge. Whether it is A-5 or A-2 will likely not change it. We can require or retain in areas in retention ponds and still get recharge. This is the best interest of the city. We need the infrastructure and traffic will flow better. Talking about A-2 there would be about 15/16 lots and A-5 there would be about 5/6 lots. We are talking 10 homes. Traffic will increase. Plans are still going forward with Skyline Drive. All the properties above 4300 N will want to develop. If we want the 30 acres we should buy it. Does everyone want a 20% increase in tax for it? CM Nelsen: my main concerns are sensitive lands and infrastructure. I see three options. Keep A-5 which is not an agriculture thing doesn't allow chickens unless there is a residence but RE-20 allows a commercial turkey farm. A-5 is an empty field zone which doesn't allow the property owner any rights. A-5 will be developed is economically affordable. You don't buy a \$2.5M lot for what. In an A-2 zone the homes could be clustered and keep some open land. I would call the A-5 zone an empty field zone and I think it is immoral what we are doing. I would put a dirt bike tracks. I called the U of U on this sensitive land study of 2016. It was based on a 1978 study done in North Ogden. They didn't dig any holes in the hill it was a study and done remotely. I don't see what people are saying in the study. The development needs to do a site specific study and development will do it. You could keep it at A-5 which is supposed to be our agricultural zone. When you hear "agricultural zone," would you assume they could do agricultural things on their property? Well, they can't. That property owner today, if they put a single chicken on that property, would violate our A-5 zone ordinance. Those of you that live in RE-20—which I think is everybody in this room. In that RE-20 zone, I can have a commercial turkey farm if I own five acres. That's agricultural stuff. This A-5 zone can't. It can only be incidental to residential use. It's obvious that the neighbors love this A-5 zone because it's an empty-filled zone. I would love an empty-filled zone behind my house as well, but it doesn't allow the property owner virtually any rights. You say, "Well, they can develop five-acre lots." Yes, if they can economically do it. And there's a reason that five-acre lots are not being developed. I know what those costs are. I've done plenty of development projects across Utah County and Salt Lake. There's a reason they're not doing it up there because they sell them for \$2.5 million each to justify the expense of the infrastructure, and nobody's buying \$2.5 million lots to put their house on. There are problems that exist with it. So what's a compromise?" Well, I think compromise A is you make it a real agricultural zone. Agricultural zones smell, sound, and look like turkey farms and domesticated elk ranches, just like we've got in Willard. I think Marriott would love to put his elk there and I don't think anybody in the neighborhood would want his elk up there. But that's what an agricultural zone is. Second, you make it A-2 and cluster some homes and keeps all of the surrounding area open. All of the land and the water can still take in the recharge of the water. Third we just have to call that zone what it is, an empty-field zone and we admit what it really is and that they can't do anything in that zone. I think that is immoral. I think we've created a zone that limits the landowner. I can tell you what I would do. I would put a dirt bike track in that land. I would invite all the neighborhood kids to ride motorcycles on it. Instead, it seems that the landowner has been respectful and brought these proposals, which I think are reasonable in my view. The last thing I want to say regarding the sensitive land study. I'm not a hydrologist. I spent about three hours today. I called the University of Utah. I talked to their geology department. The sensitive land study that we have that was in 2016 is based entirely off of a 1978 study that was conducted in North Ogden. That 1978 study, I understand, is not a single person dug a single hole in that property to determine any of the water flows and any of the alluvial fans. It's based off of a 1978 study, as far as the University of Utah was able to tell me, done completely remotely. I'm not aware of a public study that has been conducted where anybody's dug a hole in the ground. I've got a lot of emails saying, "Well, they identified springs there that are essential to our water infrastructure." I just don't see that anywhere in the study. I think that

we're grasping to a study for what we hope that it would say, but not what it actually says. I've spent a whole day reading it today. I do know, that when the developer comes they will do site-specific studies as part of the development. CM Urry: RE-20 was allowed to the east before 2016. The big cost is infrastructure. We have a good budget but not a lot of money. We can work with the developer to put in the infrastructure. We are working on a sensitive overlay. A-2 still falls under rural low density. I would assume that open space would be dedicated. I feel for Wintle but the state noticing laws have changed and there was a lot of invitation. We need a General Plan update. In this situation the A-2 is appropriate. CM Arrington: I thank the public and the emails received. I appreciate the input. The last time this come to us it was for ½ acre lots. I was worried about the recharge downhill. With the stages of planning they have to go through by time they will bring in someone that knows about it. The road is important and I don't want the citizens to pay for the road. The sensitive land study if there is a problem it will surface. Mayor Call: We don't have to rezone the property. The developer could still come in and there would be no guarantee that we would get the road with the slope of the land and wetlands. It may not pencil out. There are still a lot of unknown. We could hold another public hearing but I don't want to treat projects differently. Need to keep it consistent. CM Gibson: development is how infrastructure goes in. I agree with all that has been said. Development plays a part because we can't do it. We have failing roads. Amy Mabey: we would have to also acquire the land and install the road. Mayor Call: we will work on the General Plan update next year. I am worried about the younger generation. They don't think the same as us old timers. We need to be careful for what we ask for. The younger generation may cave to pressure to have more housing and it might happen someday. CM Urry: A-2 is a good compromise.

Motion was made by CM Arrington to adopt the amendment to the General Plan for 30.6 acres of land located at approximately 540 West 4300 North, from Rural Residential 5 to Rural Residential 2, Ordinance 2024-25. 2nd by CM Nelsen. Roll call vote. Voting Aye: CM Arrington, CM Gibson, CM Marriott, CM Nelsen and CM Urry. 5-0

5. Engineering Professional Services Agreement. Discussion and possible action to approve an Engineering Contract with Jones & Associates Consulting Engineers. (Presenter: Amy Mabey)

No discussion.

6. Closed Meeting. Consideration for a closed meeting pursuant to one or more of the provisions of the Utah Open and Public Meetings Law, Utah Code § 52-4-205(1).

Motion was made by CM Arrington to go into a closed meeting to discuss the character of an individual. 2nd by CM Nelsen. Roll call vote. Voting Aye: CM Arrington, CM Gibson, CM Marriott, CM Nelsen and CM Urry. 5-0

Mayor Call signed a sworn statement for the purpose of the meeting.

Motion was made by CM Arrington to end the closed meeting. 2nd by CM Urry. Voting Aye: CM Arrington, CM Gibson, CM Marriott, CM Nelsen and CM Urry. 5-0

Motion was made by CM Arrington to go into a closed meeting to discuss property acquisition. 2nd by CM Urry. Roll call vote. Voting Aye: CM Arrington, CM Gibson, CM Marriott, CM Nelsen and CM Urry. 5-0

Minutes of the closed meeting are filed separately.

Motion was made by CM Marriott to end the closed meeting. 2nd by CM Arrington. Voting Aye: CM Arrington, CM Gibson, CM Marriott, CM Nelsen and CM Urry. 5-0

7. Retirement Contribution Election. Discussion and possible action to pick-up member contributions for Tier 2 Public Safety Employees. (Presenter: Amy Mabey)

Amy Mabey: this is to adjust the contribution to the Utah Retirement System in order to retain public safety officers. The total allowed is 4.73% from 2.59% for the Tier 2 Public Safety. It is immediate upon submitting the form. CM Marriott: most or all cities are incurring this cost.

Motion was made by CM Marriott to pick-up the contribution according to Resolution 2024-X. 2nd by CM Urry. Roll call vote. Voting Aye: CM Arrington, CM Gibson, CM Marriott, CM Nelsen and CM Urry. 5-0

8. Other Business.

Tyson Jackson: I am working on the fleet plan.

Stetson Jackson: I appreciate the URS pick-up and we are continuing to try to recruit. We have DUI shifts for the holidays.

Laurie Hellstrom: the audit will be uploaded to the state before the end of the year and the presentation will be given in January.

CM Urry: the Santa Event went well and there is the Shop with a Hero event.

CM Marriott: I was approached to change the ordinance to allow chickens in the RE-15 zone. Mayor Call: we also need to address the A-5 zone.

Mayor Call: the Slop Shop had their grand opening.

9. Adjournment: 7:43 PM