

# **SOUTH WEBER CITY COUNCIL 2017 SUMMIT**

**DATE OF MEETING:** 12 January 2018

**TIME COMMENCED:** 1:00 p.m.

**LOCATION:** Davis County Library located on 133 S. Main St. Farmington, Utah

**PRESENT: MAYOR:**

**Jo Sjoblom**

**COUNCILMEMBERS:**

**Blair Halverson  
Kent Hyer  
Angie Petty  
Merv Taylor  
Wayne Winsor**

**PLANNING COMMISSIONERS:**

**Tim Grubb  
Rob Osborne  
Wes Johnson  
Debi Pitts  
Taylor Walton**

**CITY MANAGER:**

**Tom Smith**

**CITY RECORDER:**

**Mark McRae**

**CITY ATTORNEY:**

**Doug Ahlstrom**

**CITY TREASURER:**

**Paul Laprevote**

**CITY ATTORNEY:**

**Doug Ahlstrom**

**PUBLIC WORKS DIRECTOR:**

**Mark Larsen**

**BATTALION CHIEF:**

**Roney Ketts**

**RECREATION DIRECTOR:**

**Curtis Brown**

**Transcriber:** Minutes transcribed by Michelle Clark

**VISITORS:** Brian Poll, Farrell Poll, and Charlie Poll.

## **Introductions**

**Financial Status of the City - Mark McRae -**

- **General Fund & Capital Projects Funds**  
GF 2017 \$ 421,021

CP 2017 \$1,806,482  
 CP 2018 \$2,257,000 \*

\*One time money – Sale of property \$1,300,000

Upcoming expenses: Fire Truck, Snowplow, new shop

Mark said the general fund has a maximum of how much a city can keep in it, which is 25%. He said Capital Projects are for major expenditures and equipment over \$10,000. The sources of revenue for the General Fund are: property taxes, sales tax, and franchise taxes. Capital Projects revenue comes from sales tax. Mark explained that the amount of money the city receives from property tax per household is the same every year. He said the only growth in property tax is from new homes. He said the city takes approximately 6% to 7% from property tax. He said the certified tax rate has historically been going down. Mark discussed how the county estimates property taxes. He said sales tax grows with inflation, but property taxes don't.

**Utility Fund Balances**

<b>Water</b>	<b>2017</b>	<b>\$1,564,357</b>	
	<b>2018</b>	<b>\$1,613,257</b>	<b>133% of Rev.</b>
<b>Sewer</b>	<b>2017</b>	<b>\$1,712,497</b>	
	<b>2018</b>	<b>\$1,811,751</b>	<b>193% of Rev.</b>
<b>Sanitation</b>	<b>2017</b>	<b>\$ 375,568</b>	
	<b>2018</b>	<b>\$ 394,568</b>	<b>115% of Rev.</b>
<b>Storm Water</b>	<b>2017</b>	<b>\$ 503,495</b>	
	<b>2018</b>	<b>\$ 461,495</b>	<b>199% of Rev.</b>

**Impact Fee Balances – 2017**

<b>Water</b>	<b>\$ 0</b>
<b>Sewer</b>	<b>\$ 0</b>
<b>Storm Water *</b>	<b>\$ 143,279</b>
<b>Roads</b>	<b>\$ 200,516</b>
<b>Parks</b>	<b>\$ 49,520</b>
<b>Public Safety</b>	<b>\$ 0</b>
<b>Recreation</b>	<b>\$ 0</b>

\*Regional detention basin brought it to \$0.

Mark said impact fees should be reviewed every six years. He said the city has five years in which to spend impact fees. He said this takes long term planning.

**Fund Balances vs Depreciation**

<b>Capital Project</b>	<b>2017</b>	<b>\$ 1,806,482</b>	<b>\$ 483,097</b>
<b>Water</b>	<b>2017</b>	<b>\$ 1,564,357</b>	<b>\$ 207,439</b>
<b>Sewer</b>	<b>2017</b>	<b>\$ 1,712,497</b>	<b>\$ 95,465</b>
<b>Sanitation</b>	<b>2017</b>	<b>\$ 375,568</b>	<b>\$ 0</b>
<b>Storm Water</b>	<b>2017</b>	<b>\$ 503,495</b>	<b>\$ 108,000</b>

Mark asked if anyone has questions. There were none.

**Land Use Review - City Attorney, Doug Ahlstrom:** Doug discussed the meaning of exactions. He said private property can't be taken for public use, without just compensation. He said South Weber City Code is the law. He said an exaction is a required contribution to a governmental entity imposed as a condition of approval for a proposed land development. Exactions generally take the form of:

- (1) Mandatory dedication of land to the public;
- (2) Construction of public improvements;
- (3) Money paid in lieu of property dedication or construction;
- (4) Connection fees; or
- (5) Impact fees.

Doug asked who makes exactions. He stated the City Council, Planning Commission, Design Review Committee, on-the street staff (building official; inspectors). He asked what are the standards for a permissible exaction? He said an exaction may be imposed on a proposed development provided that it meets "rough proportionality" analysis, which is: (1) An essential link exists between the exaction and a legitimate governmental interest; and (2) Each exaction is roughly proportionate, both in nature and extent, to the impact of the development. He then reviewed "essential link". He stated an essential link between an exaction and a legitimate government interest is established if the proposed exaction promotes or advances a public interest. The exaction does not necessarily need to be the most efficient or "best" means of promoting the public interest. He said a Rough Proportionality analysis has two aspects: An exaction must be roughly proportionate to the development's impact, both in *nature* and *extent*.

Doug reviewed the Municipal Land Use, Development, and Management Act (LUDMA). He then reviewed the definition of "general plan". He said it is a guide from which the city creates ordinance. He recommended a general plan be updated and reviewed every five to six years. Discussion took place regarding conditional uses. He also reviewed the subdivision process, appeal authority and variances, and district court review.

## Break

### Commercial Development and the General Plan

*Dan Murray, Local Land Owner & Barry Burton, City Planner:* Dan Murray discussed trade areas. He discussed how Maverik tracks what you purchase, if you have a Maverik card. He also discussed interstate location. He reviewed market share with distance. He said the closer you are to a location, the more likely you will shop there. He reviewed the customer spotting for the South Weber City Maverik store. He said South Weber City is a smaller trade area because of physical boundaries. He discussed the need for UDOT to conduct a traffic study at the intersection with the street light verses closer to the city office. He has talked to associated grocery stores as well as other fast food stores, dollar store, etc. He estimates there will be more neighborhood oriented stores verses big box stores in South Weber. He discussed the location from the Highway 89 and Highway 84. Barry Burton, City Planner, said he would like to discuss areas in which he thinks the general plan may need to be updated. He identified Layne Kap's business located on the west end of the city on the projected land use map. He also discussed the area along Cottonwood Drive known as the Frisbey property. He identified the city owned

property on South Weber Drive. He said the developer interested in purchasing this property would like to construct high density. Barry then reviewed the Jane Poll property next to Highmark Charter School. Barry said there was a rezone request for high density on this property; however, the Planning Commission denied the request. He said the sewer in this area needs to be upgraded. Tim Grubb said this request doesn't conform to the general plan. Barry identified the property south of Maverik that is owned by Dan Murray. He said this property is close to the intersection but questionable if it will pull people off from there going south and how will that impact residents. Barry discussed the property owned by Laurie Gail along 2700 East. He said this property is questionable at being viable commercial property. He identified the property on 2750 East as well as commercial property along Cornia Drive.

## Break

### Old Fort Road and Lester Dr.

*Brandon Jones, City Engineer & Barry Burton, City Planner*

- **Overview** -Brandon Jones has prepared a presentation of **Old Fort Road** that entails the alignments, cross sections, property acquisitions, and construction of the road. The project is broken up into three segments, one of which is a third option: 1) 475 East to the Cook property; 2) The Cook property to Cottonwood Cove; and (third option) 3) South Bench Dr. (Exhibits E-H). The South Bench Dr. option would deviate traffic from going into the Cottonwood Cove Subdivision (Exhibit F), continue across South Weber Dr. (exhibit G), over the Davis & Weber Canal (Exhibit H) and connect into a future Layton City road (Exhibit E).

#### **Old Fort Road.** Staff recommends that:

- The alignment from 475 East to the Cook property allow for open space between the road and the trail to preserve some of the existing trees (Exhibit B);
- The alignment from the Cook property to South Bench Dr. allow for open space between the road and the trail to preserve some of the existing trees (Exhibit D). This is what is being proposed by the Visual-Buffer Overlay Zone;
- The cross section from 475 East through South Bench Dr. be a 78' Right-of-Way with 50' of asphalt allowing for 2 lanes; or 3 if needed in the future.

#### **475 East to the Cook Property:**

**Alignment** - Exhibit A and Exhibit B show the difference between these two alignments across the Cook property.

- **Exhibit A** puts the road as close to I-84 ROW as possible. Any existing trees in this alignment would have to be removed. Given the proximity of this alignment, consideration may be given to the trail being paved or concrete (more like a sidewalk).
- **Exhibit B** allows for open space between the road and the trail and preserves some of the existing trees.
- The alignment is nearly the same in both exhibits across the Posse Grounds, only varying by a few feet at the east end. Both alignments preserve as much of the Posse Grounds parking lot as possible without pushing the road into the power substation across the street.
- The street layout on the Cook property is preliminary and included only for reference.

*Direction Needed: Decide which alignment to move forward on.*

### **Cross Sections**

- The cross sections shown in Exhibit A and Exhibit B were adopted on 12-8-2015.
  - 78' ROW (50' pavement) – Major Collector, Commercial Area
  - 70' ROW (38' pavement) – Minor Collector, Residential Area
  - Transportation Capital Facilities Plan (Horrocks Engineers) – Big Picture
- Consider Major Collector (78' ROW, 50' pavement) with a new alignment to South Weber Drive and continuing to South Bench Drive and Layton City connection.

*Direction Needed: Decide which cross section(s) to move forward with.*

### **Property Acquisition**

- Archuleta: Acquire by donation or purchase with comp estimate
- Spaulding: Agreement
- Riverside Place: Deeded with Phase 5 or prior to, if needed
- Cook property: Development Agreement
- Rocky Mountain Power: Agreement
- Stephens: Agreement

### **Construction**

- Complete Design; coordinate with the Developer's engineer on the Cook property
- Potential phasing
  - Cost Estimates
  - Redesign, as necessary
- Bid Project
- Construct Project

### **Cook Property to Cottonwood Cove**

#### **Alignment**

- Exhibit C and Exhibit D show the difference between these two alignments
  - Exhibit C puts the road as close to I-84 ROW as possible. Any existing trees in this alignment would have to be removed. Given the proximity of this alignment, consideration may be given to the trail being paved or concrete (more like a sidewalk).
  - Exhibit D allows for open space between the road and the trail and preserves some of the existing trees. This has direct correlation to the proposed V-B Overlay Zone. This is a conceptual alignment. The final location can either be decided now or when development occurs.

*Direction Needed: Decide which concept to move forward on.*

### **Cross Sections**

- The cross section shown in Exhibit C and Exhibit D was adopted on 12-8-2015.

- 70’ ROW (38’ pavement) – Minor Collector, Residential Area
- Transportation Capital Facilities Plan (Horrocks Engineers) – Big Picture
- Consider Major Collector (78’ ROW, 50’ pavement) with a new alignment to South Weber Drive and continuing to South Bench Drive and Layton City connection.

*Direction Needed: Decide which cross section to move forward with.*

**Old Fort Road / South Bench Drive Option**

**Alignment**

- Exhibit E shows the overall conceptual alignment of Old Fort Road and South Bench Drive from I-84 to a future Layton City connection.
- Exhibit F shows a detailed conceptual alignment of the intersection of Old Fort Road and South Bench Drive. It also shows how the trail could continue in this area.
- Exhibit G shows a plan and profile view of the conceptual crossing of South Bench Drive with South Weber Drive and the grades associated with traversing the grade.
- Exhibit H shows a plan and profile view of the conceptual crossing of the Davis & Weber Canal and the grades associated with traversing the grade.

*Direction Needed: Decide which alignment, (current, proposed, or something else) to move forward with.*

**Cross Sections**

- Transportation Capital Facilities Plan (Horrocks Engineers) – Big Picture  
Consider Major Collector (78’ ROW, 50’ pavement) with a new alignment to South Weber Drive and continuing to South Bench Drive and Layton City connection.

*Direction Needed: Decide which cross section to move forward with.*

**Recommendations**

- The Transportation Capital Facilities Plan will provide recommendations on important street connections, alignments, cross sections, etc. Staff would recommend that the transportation section of the General Plan be revised with the recommendations from this report. A further discussion on this matter has been scheduled for the February 20th work meeting; which will be a joint meeting with the Planning Commission and Horrocks Engineers.

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**Lester Drive**

**Alignment**

Option #1 – Lester Drive connected to 7375 South with an “S” Curve, and 1200 East connected to 1160 East.

Option #2 – Lester Drive connected to 7375 South with a “T” intersection via 1100 East, and 1200 East connected to 7375 South with no direct connection to 1160 East

Other – Consideration could be given to leaving 1200 East as a “T” intersection at South Weber Drive with no road connection to the south

**Cross Sections**

Sheet #1 – This shows the overall concept for ROW, pavement, park strip and sidewalk widths for Lester Drive, 7375 South, and 925 East.

Sheet #2 – This shows a closer detailed look of the same streets from Sheet #1

Option #1 – This is the cross section for a 50' ROW (35' pavement). This is the cross section that was constructed on 1250 East, and would fit on 925 East without having to acquire any property.

Option #2 – This is the cross section for a 60' ROW (36' pavement). This is the cross section that Lester Drive is currently built for (although the sidewalk on the north has not been constructed yet). This is also the best fit for 7375 South. Additional property on the north of 7375 South will still need to be dedicated when developed.

Option #3 – This is the current City Standard Section (70' ROW, 36' pavement). This is included just for reference.

**1025 East (Private Road)**

- The property underlying the road is owned in parts by Delong's, Barrett's, and Poll's.
- Access to properties (Jorgenson and Mitchell) beyond the properties that own the ground has been granted via an access easement.
- A public road can cross a private road as long as the underlying property is a dedicated public right-of way and the access rights of the private road continue to remain in force.
  - The Delong's own the property that abuts 7375 South. Therefore, if this property was dedicated, a public road could be built and connect to 7375 South. Access from this public road to the private road on both the north and south sides would have to remain in force.
- This road could be developed into a public road, but the following would have to occur.
  - Enough property would have to be acquired from 7375 South to South Weber Drive. This would likely affect 5 different properties (north and south sides of the road).
  - Acquire access approval from UDOT. Whereas the current road / access is private, a new access permit would be required to change the use to a public road / access. This may or may not be granted given its proximity to Skyhave Cove (1060 East) to the east.

**Construction**

- Property Acquisition
- Design project
- Potential phasing
  - Cost Estimates
  - Redesign, as necessary
- Bid Project
- Construct Project

Break

**Open & Public Meetings Act Training - City Attorney, Doug Ahlstrom**

**Those in attendance: Mayor Jo Sjoblom, Council members Blair Halverson, Kent Hyer, Angie Petty, Merv Taylor, and Wayne Winsor. Planning Commissioners Tim Grubb, Rob Osborne, Wes Johnson, Debi Pitts, and Taylor Walton.**

The state requires each year that both the elected and appointed officials receive training on UCA Title 52(4): The Open and Public Meetings Act. Doug Ahlstrom, City Attorney, stated the Legislature finds and declares that the state, its agencies and political subdivisions exist to aid in the conduct of the people's business. It is the intent of the Legislature that the state, its agencies and its political subdivisions; (a) take their actions openly; and (b) conduct their deliberations openly. The Open Meetings Act requires government to take actions openly, ensures deliberations allow for an open public process; however, the Utah Supreme Court has held that deliberations in a judicial or quasi-judicial matter may be held in private and are exempt from the Open Meetings Act. Once a decision has been made, the public body must announce it in a public meeting. Doug asked, who is subject to this law? And stated an administrative, advisory or legislative body which: (1) Was created by the Utah Constitution, statute, rule, ordinance or resolution; (2) Consists of two or more persons; (3) Spends, distributes, or are supported by tax monies; and (4) Has authority to make decisions or recommendations about the public's business. Entities who must comply with the Act include: City Council, County Council, Planning Commission, Board of Adjustment, Project Committees, and Special Districts. Those not affected by the Act include: County Manager, Chair of public body (Acting in Administrative role), Political Parties, Community Councils, and Staff Meetings.

Doug discussed the what defines a meeting and stated a "Meeting" means the convening of a public body, with a quorum present, including a workshop or an executive session whether the meeting is held in person or by means of electronic communications, for the purpose of discussing, receiving comments from the public about, or acting upon a matter over which the public body has jurisdiction or advisory power.

Doug then reviewed what is not a "Meeting" which includes: a chance meeting, a social meeting, email (UCA 52-4-210) so long as no decision is made, meeting of a legislative body with both legislative and executive responsibilities where: no public funds are appropriated; and meeting solely for discussion or to implement administrative/operational matters.

Doug said attendance at meetings can take place by phone, computer, or other electronic means. Notice requirements still apply. The public must have a means to attend or participate (anchor location). It must be adopted into existing rules/ordinances.

Doug reviewed Closed Meetings and stated they are held to discuss an individual's character, professional competence, or physical or mental health (this includes all personnel discussions), strategy session to discuss collective bargaining, discussions regarding security personnel, devices, or systems, investigative proceedings regarding allegations of criminal misconduct., discussing pending or reasonably imminent litigation, and strategy sessions to discuss the purchase, exchange, lease, or sale of real property. Doug asked if there are any meetings the must be closed? He said no the decision to close a meeting to the public is always discretionary and not mandatory. He said the law does not require any meeting to be closed. During a closed meeting or executive session, a quorum must be present. Two-thirds of the body present must vote to close the meeting. The body must first hold a public meeting with proper notice before entering into the closed meeting. The body must publicly disclose: the vote by name of each



member for or against entering into the closed meeting, the reasons for holding the closed meeting, and the location of the closed meeting. During a closed meeting you may not: approve ordinance, resolution, rule, regulation, contract or appointment. You may not interview a person to fill an elected position. You may not take final action, except in the case of judicial or quasi-judicial decision. All judicial or quasi-judicial decisions must be announced on the record. Doug then asked if there are any notice requirements. They are as follows: must be posted as a written notice at the place where the meeting will be held, must be given to at least one local general circulation newspaper or local media correspondent, must post notice to the "Utah Public Notice Website" (unless you are a municipality with a budget less than \$1,000,000), and at least 24 hours prior to the meeting post: agenda, including all action items stated with "reasonable specificity." Reasonable specificity is not defined in Utah law, the courts, or by a formal opinion of the Attorney General. One interpretation may be whether the notice is sufficient so as to allow a citizen of average intelligence to understand the general topic of discussion. Date, time and place. Doug said the law allows for meetings for "emergency or urgent" matters if: (1) The best notice practicable is given; and (2) The minutes include a statement of unforeseen circumstances that made the meeting necessary.

Concerning the records of the meeting, written minutes must be taken of both **open** and **closed** meetings. Closed meeting minutes have minimal requirements. A recording of an **open** or **closed** meeting must also be kept. The closed meeting recording is confidential and can only be released upon court order. The only exception to this rule pertains to personnel executive sessions where no recorded minutes are taken, but instead an affidavit is signed by the chair indicating that the purpose of the executive session was to discuss a personnel matter.

Doug stated all minutes must include: date/time, place of meeting, names of all members present or absent. In addition, all minutes of **open** meetings must include: (1) All matters proposed, discussed, or decided, (2) All names and substance of information from individuals giving testimony, (3) Individual votes on each matter, and (4) Any additional information requested by a member.

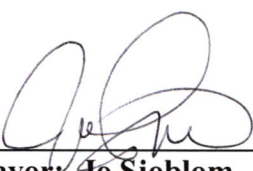
Unapproved written minutes shall be made available to the public within 30 days and thereafter posted to the website within three days following approval. The minutes released prior to final approval must be identified as "unapproved". Recordings of open meetings shall be available within three days of the meeting. Minutes and recordings of closed meetings are not public records. Site visits do not have to be recorded so long as no votes is taken.

Doug explained what happens if someone violates the Utah Open Meetings Act. He stated a member of the public who intentionally violates or intentionally abets or advises a violation of the closed meeting provisions is guilty of a Class B Misdemeanor, punishable of a fine not exceeding \$2,500 and confinement of not more than six months in jail. A court may void any action taken in violation of the Act. A violation can be "cured" by discussing the voided action and taking a public vote in a subsequent meeting. He said common violations of the Act include: (1) Closing meetings without members of the body voting first in an open meeting to close the meeting. (2) Conducting a closed meeting for reasons other than those allowed by the Act. (3) Taking official or final action in a closed meeting (except with respect to judicial or quasi-judicial decisions. (4) Failing to properly provide notice of a public meeting (failing to post the Agenda on the State web site). (5) Failing to provide adequate notice of a public meeting (descriptions of Agenda items that do not meet the "reasonable specificity" requirement). (6)

Although not a specific violation of the Act, it is a potential “due process” violation to allow public comment on a pending application where the applicant has not been given prior notice. He said the County Attorney, Attorney General, and Private Citizen (although a citizen who attends a meeting cannot thereafter claim lack of notice) can enforce the Act. If there is a violation, a party must pursue corrective action, 90 days after discovery of the violation, and 30 days if it involves bonds, notes, or debt.

**City Council & Planning Commission Discussion:** Discussion took place regarding direction needed for the streets identified by Brandon Jones, whether or not to amend the general plan, Planning Commission making recommendations to the City Council concerning streets, commercial development, etc. It was stated some of these amendments may change the Capital Facilities Plan and the Impact Facilities Plan.

**Adjourned at 5:13 p.m.**

**APPROVED:**  \_\_\_\_\_ **Date** 2/14/18  
**Mayor: Jo Sjoblom**

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**Transcriber: Michelle Clark**

**Attest:**  \_\_\_\_\_  
**City Recorder: Mark McRae**

