

SOUTH WEBER CITY CITY COUNCIL MEETING

DATE OF MEETING: 14 May 2019

TIME COMMENCED: 6:00 p.m.

LOCATION: South Weber City Office at 1600 East South Weber Drive, South Weber, UT

PRESENT: MAYOR:

Jo Sjoblom

COUNCIL MEMBERS:

Blair Halverson
Kent Hyer (electronically)
Angie Petty
Merv Taylor
Wayne Winsor

FINANCE DIRECTOR:

Mark McRae

CITY ENGINEER:

Brandon Jones

CITY RECORDER:

Lisa Smith

CITY MANAGER:

David Larson

Transcriber: Minutes transcribed by Michelle Clark

ATTENDEES: Tammy Long, Trent Nelson, Derek Tolman, Chris Tremea, Sandra Layland, Louise Cooper, Stan Cook, Jeff Bench, Hilary Bench, Misti Lopez, Kelly Sparks, and Taylor West.

Mayor Sjoblom called the meeting to order and welcomed those in attendance including Officer West from the Davis County Sheriff's Department. She stated she brought cupcakes tonight in celebration of David Larson's one year anniversary as City Manager.

Approval for Councilman Hyer to Join the Meeting Electronically via Phone

Councilman Taylor moved to approve Councilman Hyer joining tonight's meeting electronically via phone. Councilman Winsor seconded the motion. Mayor Sjoblom called for the vote. Council Members Halverson, Petty, Taylor, and Winsor voted aye. The motion carried.

PLEDGE OF ALLEGIANCE: Councilman Winsor

PRAYER: Mayor Sjoblom

CONFLICT OF INTEREST: None

CONSENT AGENDA:

- 9 April 2019 City Council Meeting Minutes
- 16 April 2019 City Council Meeting Minutes

Councilman Taylor moved to approve the consent agenda as amended. Councilwoman Petty seconded the motion. Mayor Sjoblom called for the vote. Council Members Halverson, Hyer, Petty, Taylor, and Winsor voted aye. The motion carried.

PUBLIC COMMENTS: (None)

Councilman Halverson moved to open the public hearing for Ordinance 19-12. Councilman Taylor seconded the motion. Mayor Sjoblom called for the vote. Council Members Halverson, Hyer, Petty, Taylor, and Winsor voted aye. The motion carried.

***** PUBLIC HEARING *****

Public Hearing for ORDINANCE 19-12 Regulations Pertaining to Short-Term or Vacation Rentals: Mayor Sjoblom stated South Weber City has been working toward the establishment of an ordinance that permits the proper operation of short-term rentals in the City while strengthening the City’s values of community, family, and safety.

A proposed ordinance was drafted and presented during a public hearing at the Planning Commission on February 21, 2019. Comments were received, reviewed, and incorporated into a revised ordinance that is presented before the City Council tonight.

Mayor Sjoblom stated we will hold a public hearing prior to the Council deciding whether to adopt or amend the proposed ordinance. The proposed ordinance, along with an executive summary, was published to the community more than 10 days ago through social media and City website.

Tammy Long, 2178 E. Deer Run Drive, read from State code 10-3-1304, use of office for personal benefit. She said there isn’t anything in the state code that short-term or vacation rentals must be in all residential zones. She suggested the council table the ordinance and confer with the City Attorney. She recommended allowing these businesses in Residential High-Density Zones only.

Jeff Bench, 1916 Canyon Drive, said he reviewed the policy the way it was written and was disappointed there isn’t an owner occupancy rule. He questioned who will track the three strikes and who enforces the ordinance. He believed without owner occupancy requirements individuals will purchase homes solely for the purpose of operating short-term rentals.

Sandra Layland, 7294 S. 1950 E., explained she moved to South Weber City in 2005 into a residential neighborhood with one acre lots. She related there is a home located in her neighborhood that is a short-term rental. She wanted to know who is looking out for her. She said there is no privacy with a chain link fence. She told the Council this business has been disruptive to her neighborhood.

Councilman Taylor moved to close the public hearing for Ordinance 19-12. Councilman Winsor seconded the motion. Mayor Sjoblom called for the vote. Council Members Halverson, Hyer, Petty, Taylor, and Winsor voted aye. The motion carried.

***** PUBLIC HEARING *****

Councilwoman Petty asked who served on the Short-Term Rental Committee. It was stated that Councilman Halverson, Councilman Winsor, Chris Tremea, Doug Ahlstrom, and David Larson served on the Committee. David Larson, City Manager, said it was difficult to define owner occupied as it applies to a short-term rental. Councilman Halverson stated it would be difficult to enforce as well. David Larson explained that Chris Tremea, City Code Enforcer, is responsible for complaints. Councilwoman Petty questioned what happens if there is a complaint after hours. David replied Davis County Sheriff's Department will be contacted and they will communicate with Chris Tremea. Councilman Taylor expressed rentals should be owner occupied. Councilwoman Petty agreed. Councilman Halverson emphasized it is difficult to clarify owner occupied. Chris Tremea agreed owner occupied is not enforceable. David said the Committee didn't explore limiting them to specific zones. He clarified short-term rentals are a business and will require a license and a conditional use permit. He explained the City can enforce business license requirements and if they don't operate and follow the rules, the license and/or conditional use permit may be revoked. Chris Tremea related he has been in touch with all the neighbors concerning a specific short-term rental. He said currently there is nothing he can do about it because there is no ordinance in place. He believed this ordinance will allow him to enforce the rules. He explained giving a fire marshal ability to inspect dwellings offers more authority as well. David pronounced that we need to differentiate in our minds between the act of renting and the nuisance of occupants who are there. Councilwoman Petty appreciated that the ordinance requires off street parking. Councilman Halverson voiced it is difficult to look at specifying zones because there are currently some short-term rentals throughout the City that don't receive complaints.

Chief Tolman expressed that if this ordinance requires a business license, then the Fire Department can set the occupancy based on the square footage of the home along with other factors. Councilman Winsor explained the difference between "living" versus "staying" at a location and having a policy that will help establish security for the people who live here. Councilman Winsor suggested adding "and occupancy requirements" to the end of paragraph G Section 10-18-10.

Councilman Winsor moved to Adopt Ordinance 19-12 Enacting Regulations Pertaining to Short-Term or Vacation Rentals with the addition of the wording "and occupancy requirements" to the end of paragraph G. Councilwoman Petty seconded the motion. Mayor Sjoblom called for the vote. Council Members Halverson, Hyer, Petty, Taylor, and Winsor voted aye. The motion carried.

Councilman Winsor directed the City Staff to allow individuals 60 days to come into compliance with this ordinance.

RESOLUTION 19-19: Approve Final Plat and Improvement Plans of La Pintana

Subdivision: An application for subdividing 0.26 acres at approximately 1880 E South Weber Drive into 1 building lot was provided by Kody Holker. Both the City Planner and the City Engineer have analyzed all forms presented and found all conditions of City Code met and relayed their findings to the Planning Commission. The South Weber City Planning Commission held a public hearing for the above subdivision on the 29 January 2019 in which the Planning Commission reviewed all the supporting documents and gave a favorable recommendation for approval by the City Council at the same hearing.

Councilman Taylor moved to approve RESOLUTION 19-19: Final Plat and Improvement Plans of La Pintana Subdivision. Councilman Halverson seconded the motion. Mayor Sjoblom called for the vote. Council Members Halverson, Hyer, Petty, Taylor, and Winsor voted aye. The motion carried.

Mayor Sjoblom welcomed Sheriff Sparks from the Davis County Sheriff's Department to tonight's meeting.

RESOLUTION 19-20: Approve Inter-local Agreement for Law Enforcement Services

Mayor Sjoblom stated South Weber City contracts for law enforcement services through Davis County and the Davis County Sheriff's Office (DCSO). Our current agreement expires June 30, 2019. This contract with DCSO increases our monthly rate from \$11,247.67 (\$134,972.04 annually) to \$18,490.00 (\$221,880 annually).

Mayor Sjoblom stated in the interest of receiving the best service for a competitive price, South Weber City reached out to surrounding agencies to see if they would be interested in providing law enforcement services. In the end, we had offers from DCSO and Layton City. The Public Safety Committee reviewed both offers and originally approached Layton City, feeling like they had the preferred offer; however, DCSO responded with a lower cost than Layton City along with plans for increased service levels. The Committee reconsidered the offers and recommends staying with DCSO.

David Larson, City Manager, discussed the differences between the contracts. He explained the contract provides a minimum of 10 hours a day for preventative and patrol type activities. He said 40 hours are specifically law enforcement personnel as opposed to paramedic or other services.

Councilman Taylor moved to approve RESOLUTION 19-20: Inter-local Agreement for Law Enforcement Services. Councilwoman Petty seconded the motion. Mayor Sjoblom called for the vote. Council Members Halverson, Hyer, Petty, Taylor, and Winsor voted aye. The motion carried.

RESOLUTION 19-21: Approve Inter-local Agreement for Fire Dispatch Services: This agreement is regarding dispatching services that are provided by the Davis County Sheriff's Office for the South Weber City Fire Department. These services include all medical and fire emergency and non-emergency calls and is consistent with previous years.

Councilwoman Petty moved to approve RESOLUTION 19-21: Inter-local Agreement for Fire Dispatch Services. Councilman Winsor seconded the motion. Mayor Sjoblom called for the vote. Council Members Halverson, Hyer, Petty, Taylor, and Winsor voted aye. The motion carried.

RESOLUTION 19-22: Approve Inter-local Agreement for Community Development Block Grant: Mayor Sjoblom stated since 2010, Davis County has qualified for and administered its own Urban County Community Development Block Grant (CDBG) program funded by the U.S. Department of Housing and Urban Development (HUD). South Weber City has not participated

in this program in the past few years and has not been eligible to apply for grants that benefit low and moderate-income residents of the City.

Mayor Sjoblom stated this inter-local agreement enters South Weber City into the program and opens the possibility of applying for CDBG. It does not require application or guarantee any grant funding, but simply provides “a seat at the table” and makes it possible to apply if an applicable project were identified.

Councilman Halverson moved to approve RESOLUTION 19-22: Inter-local Agreement for Community Development Block Grant (CDBG). Councilwoman Petty seconded the motion. Mayor Sjoblom called for the vote. Council Members Halverson, Hyer, Petty, Taylor, and Winsor voted aye. The motion carried.

RESOLUTION 19-23: Approve Inter-local Cooperation Transportation Project Reimbursement Agreement: Mayor Sjoblom stated South Weber City applied to Davis County to receive a portion of the County’s Prop 1 money to help pay for South Bench Drive Phase 1. The City has been awarded \$240,000. This agreement solidifies that amount and outlines the procedures for receiving the money.

Councilman Halverson moved to approve RESOLUTION 19-23: Inter-local Cooperation Transportation Project Reimbursement Agreement. Councilman Taylor seconded the motion. Mayor Sjoblom called for the vote. Council Members Halverson, Hyer, Petty, Taylor, and Winsor voted aye. The motion carried.

Discussion: SWC Irrigation Main Replacement in South Bench Drive, phase 1: Brandon Jones, City Engineer, stated concern has been raised about the South Weber Irrigation Company’s main line within the limits of the South Bench Drive Phase 1 Project that is currently under construction. The concern is that the type of pipe installed is not intended to be placed under a road, but as irrigation pipe in a farmer’s field. He explained we are not aware of this pipe having any problems to date, but the concern is that any future problems would require the new road to be cut thus shortening its life and increasing maintenance costs.

The pipe was installed in 2008 and was not anticipated to be replaced for many years; however, the construction of the new road worries the SWIC. Cost is the major obstacle to replacing the line now.

Here is a list of arguments that could be made relative to the situation:

From the SWIC’s perspective:

- There are currently no problems with the pipe.
- If the City was not doing the Project, there would be no cause for concern.
- The City is changing the loading on the pipe by changing the use of the road from a local road to a major collector.

From the City’s perspective:

- The City should not be responsible for the decision that was made by SWIC to install pipe not correctly suited to the needed use.

- The SWIC currently has pipe located in roads (6650 South and 475 East). Even though the use of the road will increase traffic and loading, the increased loading is being accounted for in the increased pavement section. Therefore, the new road has no measureable loading impact on the existing line.
 - SWIC installed the same class of pipe in existing roads and in farmer's fields. It would therefore appear that SWIC (or the design engineer of the initial project) was not concerned about the different loading scenarios between an existing road and a farmer's field.
 - The City has an obligation to the citizens to make fiscally responsible decisions that are in the best interest of the City. Maximizing the life of the roads is one of the primary responsibilities.

The following are a list of potential options, and the associated risks or considerations:

1. **Do Nothing.**

- a. Move forward with the project as is; no changes.
- b. Adopt a Moratorium on the cutting of new roads. This would still need to provide an option for emergency repairs, such as a water leak.
- c. Re-evaluate the Road Degradation Fee that is charged on all road cut permits. This is a non-refundable fee intended to compensate the City for the shortened life of the road due to the cutting of the road. The fee is based on the square footage of the cut, and is higher for new roads.

2. **Replace the line now.**

- a. 100% SWIC Cost (\$200,000 - \$250,000).
 - i. SWC could offer to be the bank for all or a portion of the cost, with some kind of reimbursement agreement.
- b. 50/50 SWIC/SWC Cost Split (\$100,000 - \$125,000 for each party). This shares the cost half and half.
- c. 70/30 SWIC/SWC Cost Split (\$175,000 SWIC / \$75,000 SWC). This correlates to SWIC responsible for 100% of the cost in 6650 South portion and the City responsible for 100% of the cost across the Cook portion.
- d. 84/16 SWIC/SWC Cost Split (\$210,000 SWIC / \$40,000 SWC). This correlates to SWIC responsible for 100% of the cost in 6650 South portion and then SWIC and SWC splitting the cost across the Cook portion 50/50.

Brandon expressed it is difficult to evaluate the risk associated with doing nothing, but replacing the line comes with a cost that is difficult to bear. He related the City Staff does not have a specific recommendation on this issue.

David Larson explained the line is not only in phase 1 of South Bench Drive. Councilman Halverson disclosed he is President of the SWIC and will abstain from any voting but will answer any questions. Brandon noted the City doesn't have any franchise agreement with SWIC. Councilman Winsor reiterated the City has an obligation to protect utilities. He said there is a risk component to this decision. He asked if a structural engineer has looked at this situation. Councilman Halverson divulged that SWIC brought this problem to the City. He revealed the SWIC engineering company is J&B Engineering. He replied there hasn't been a structural determination done. He said the load has changed because of the amount of development in the area. He recounted it is difficult to decide who is responsible, but the SWIC feels this should be a shared responsibility with the City.

Stan Cook, representing SWIC, thought there is enough coverage on the pipe and there shouldn't be an issue in the future if it is left as is. He pointed out the pipe is embedded in sand. Councilman Winsor articulated we recognize there needs to be some improvement. Brandon felt a better use of money would be to replace the line. Stan related SWIC is willing to go 50/50 on this project. Brandon announced SWIC got a soft bid for the project of \$200,000. He said if the Council is considering this funding arrangement then he can put together an agreement. Councilman Winsor questioned if reserve money is available in the budget. Mark McRae replied we will use Class C road money and impact fees. Councilwoman Petty stated this is a large project and South Bench Drive has been somewhat controversial, but she doesn't want problems down the road because the City did nothing. Councilman Winsor expressed the City needs to do a better job with communicating with utilities when future projects arise.

Councilman Winsor suggested a 50/50 split between South Weber City and South Weber Irrigation concerning the main line replacement in South Bench Drive, phase 1 and to include a written agreement for next week's meeting. Council Members Hyer, Petty, and Taylor agreed.

Budget Workshop Fiscal Year 2019-2020

Mayor Sjoblom stated the 2020 Budget revenues by fund have been prepared by Staff and reviewed by the various Council Committees. Committee changes, deletions, and additions have been included in this version of the budget. Every effort has been made to prepare a conservative budget that addresses the needs of the City and maintains current service levels. Significant revenue changes will be discussed by City Manager David Larson and Finance Director Mark McRae in tonight's workshop. David thanked those who have been involved in this process and presented a power point presentation. Highlights from the power point are as follows:

Enterprise Funds

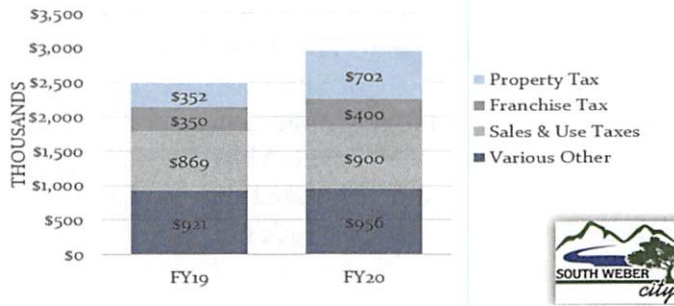
- Water (Culinary) – No Rate Change
- Sewer – No Rate Change
- Storm Drain – No Rate Change
- Sanitation – Monthly Rate Increase

Type	Current Rate	New Rate
Residential – 1 st Can	\$12.00	\$14.55
Residential – 2 nd Can	\$6.25	\$8.70
Commercial – 300 gal	\$47.65	\$58.20
Commercial – 2 nd Can	\$30.45	\$34.80
County or Non-Res.	\$14.00	\$16.55
Non-Res. 2 nd Can	\$7.00	\$10.70
Replace Damaged Can	\$60.00	\$65.00

Special Revenue Funds

- Recreation – No Rate Change
- Transportation Utility – Increase \$5/month
 - Now \$15/month
 - 3rd year of a graduated increase

General & Capital Projects Funds



David reviewed the following questions concerning a proposed property tax increase:

- Why?
 - Recent public safety service level and cost increases
 - Provide for on-going and one time needs through responsible, sustainable budgeting
- How much will this increase be for me personally?
 - \$327,466 assessed average home value in South Weber City would increase by \$352
- When will I pay this?
 - Paid annually beginning in the Fall of 2019
- Don't my property taxes go up every year already?
 - South Weber City has not increased property taxes since incorporation in 1971
 - South Weber City receives 6.5 cents of every dollar you pay in property taxes
 - Any increase you have experienced is due to an increase from one of these other entities (Davis School District, Davis County, Central Weber Water Improvement District, County Library, County Assessing and Collecting Levy, Weber Basin Water Conservancy District, Davis County Mosquito Abatement District, and Multi County Collecting and Levy).
- Can't we cut expenses instead of raising taxes?
 - City Council attempted a 10% cut on O&M in 2017
 - Due to the budget already being lean, they only managed to cut 4.5%
 - Cut money was reinstated the next fiscal year due to its detriment to City services
- What will the additional property tax be used for?
 - The City can progress on unfinished parks and trails (Canyon Meadows ball field, etc.)
 - New streets construction (\$5.2 M need identified over next 10 years)
 - Full service fire/EMS (cut response time from 9 min to less than 4 min on critical incidents)
 - Davis County Sheriff's Office contract & service increase (\$85,000/year)

Councilman Winsor said inflation has outpaced new growth leaving a shortfall in revenue which leads to the property tax increase. He cautioned the Council and others not to use the police and fire service as scapegoats. David explained that if property tax is used for public safety, it frees up sales tax for capital projects in parks and streets. Councilwoman Petty related we are trying so hard to plan for future capital projects. Councilman Winsor communicated the Council and Staff have put great effort into the budget and we now have a plan in place.

RESOLUTION 19-24: Adopt 2019-2020 Tentative Budget

Mayor Sjoblom stated per state law, the City is required to prepare and file a tentative budget for the upcoming fiscal year by the first City Council Meeting in May. City Staff, along with the various Council Committees, have spent the last 4 months working through the budget process and have developed the Tentative Budget to be ready for adoption. The City Council has discussed the expenses and revenues in the Tentative Budget during Council Meetings and tonight will be formally adopting the Tentative Budget and setting a public hearing date for June 11, 2019 prior to adoption of the Final Budget for Fiscal Year 2019-20.

Councilman Winsor moved to approve RESOLUTION 19-24: 2019-2020 Tentative Budget. Councilman Halverson seconded the motion. Mayor Sjoblom called for the vote. Council Members Halverson, Hyer, Petty, Taylor, and Winsor voted aye. The motion carried.

Set Public Hearing: 2019-2020 Tentative Budget hearing on June 11, 2019

Councilman Winsor moved to set 2019-2020 Tentative Budget Public Hearing on June 11, 2019. Councilman Taylor seconded the motion. Mayor Sjoblom called for the vote. Council Members Halverson, Hyer, Petty, Taylor, and Winsor voted aye. The motion carried.

NEW BUSINESS: Councilwoman Petty suggested establishing a moratorium on our streets and making that a priority.

REPORTS:**Mayor Sjoblom:**

- Reported ULCT Conference went well. All council members attended along with David Larson, City Manager.
- Pointed out May is bike month. WFRC Golden Spoke is hosting an event (bicycle ride from Provo to the High Adventure Park in Ogden) and encouraged everyone to attend noting the benefits: free t-shirt, swag and exercise.
- Had a meeting with Lisa Wilson from UDOT on the possibility of putting trails in UDOT ROW on South side of I-84 and widening SR 60 to include a bike lane. She will report on the outcome after research into the matter is complete.
- Attended a landfill meeting. WIWMD anticipates that the second final cover will be placed around fall 2020, along with a temporary cap to cover this phase. They will then direct their energies farther south until the area around our phase is level with that phase. They will then do the final layers, place a permanent cover, and vacate the landfill. This will be years down the road.
- Explained a sketch plan for Riverside RV Park was held. The design includes tubing on the river, pickle ball court, and trails.
- Reported HAFB is expecting to add 3200 + high level jobs soon.

Councilman Taylor: Stated 8100 South has been patched where there was a water leak.

Councilman Halverson: Said ordinance correcting conditional use permits for preschools was approved at the Planning Commission. He added the Planning Commission is recommending City Staff conduct a feasibility study for South Bench Drive.

CLOSED EXECUTIVE SESSION—UTAH CODE 52-4-205(1) (D) DISCUSSION OF THE PURCHASE, EXCHANGE, OR LEASE OF REAL PROPERTY.

Councilman Winsor moved to close the public session and open a closed executive session as per Utah Code 52-4-205(1) (D) discussion of purchase, exchange, or lease of real property at 8:24 p.m. Councilman Taylor seconded the motion. Council Members Halverson, Hyer, Petty, Taylor, and Winsor voted aye. The motion carried.

Closed Session Commenced at 8:31 p.m.

In Attendance: Mayor Sjoblom, David Larson (City Manager), Brandon Jones (City Engineer), Lisa Smith (City Recorder), Michelle Clark (Transcriber), Council Members Halverson, Petty, Taylor, and Winsor.

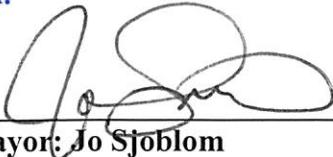
Councilman Winsor moved to adjourn the closed executive meeting at 8:41 p.m. Councilman Halverson seconded the motion. Mayor Sjoblom called for a roll call vote. Council Members Petty, Taylor, Halverson, and Winsor voted aye. The motion carried.

City Council meeting reconvened at 8:42 p.m.

Councilman Winsor moved to open the public session. Councilwoman Petty seconded the motion. Council Members Halverson, Petty, Taylor, and Winsor voted aye. The motion carried.

Councilman Winsor moved to approve the agreement with Doug Stephens for the benefit of the South Bench Drive phase 1 project. Councilman Taylor seconded the motion. Mayor Sjoblom called for the vote. Council Members Halverson, Petty, Taylor, and Winsor voted aye. The motion carried.

ADJOURNED: Councilman Winsor moved to adjourn the Council Meeting at 8:43 p.m. Councilman Taylor seconded the motion. Council Members Halverson, Petty, Taylor and Winsor voted yes. The motion carried.

APPROVED:  Date 6/11/19
Mayor: Jo Sjoblom


Transcriber: Michelle Clark

Attest: 
City Recorder: Lisa Smith