

SOUTH WEBER CITY CITY COUNCIL MEETING

DATE OF MEETING: 20 August 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 (via phone)
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, Linda Marvel, Julie Losee, Elizabeth Rice, Michael Grant, Marlene Poore, Sharon & Larry Cervantes, Tony Mackintosh, Cory Mackintosh, Haley Alberts, Mindi Smith, Lacey Westbroek, Bruce & Tammy Higginson, Quin Soderquist, Paul Sturm, Jeramy Hunt Loveless, Laura Chabrios, Dale Torene, Mitch Johnson, Stacey Eddings, Steven Hansen, Debbie Hansen, Sally Roberto, Jacyi Layton, Craig Layton, Brandyn Bodily, Mark West, Sherry Wootton, Jean Jenkins, Corinne Johnson, Mark Wiggins, Natalie Browning, Ross McKinnon, Sandra Layland, Landy Ukena, Amy Hayes, Sergeant Baxter, Rob Osborne, Burke Johnson, Melanie Schenck, Crystal Hansen, Farrell Poll, and Aaron Soderquist.

Mayor Sjoblom called the meeting to order and welcomed those in attendance. She apologized for the construction currently taking place on South Weber Drive.

Approval for Councilman Hyer to join the meeting electronically via phone

Councilman Halverson moved to approve Councilman Hyer joining tonight's meeting electronically via phone. Councilman Taylor 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 Taylor

PRAYER: Councilman Winsor

CONFLICT OF INTEREST: None

PUBLIC COMMENT:

Mindi Smith, 2440 E. 8300 S., discussed the Lofts at Deer Run located at approximately 7870 S. 2700 E. She urged the elected officials to stop this development. She suggested a building moratorium until the General Plan is complete and citizens express the type of city they want. She expressed the commercial overlay zone is not right for South Weber City and didn't feel citizens would support businesses with ease of access to neighboring communities. She was concerned for the effect this type of development will have on the city's infrastructure, school system, etc. She questioned how individuals living in apartments will feel about not having big city amenities. She asked if 10' setbacks and 10% green space fits this city. She heard the city needs more people to attract more commercial to provide more money but challenged if that is true. She pointed out since the city has adopted this philosophy, the capital projects have increased from \$320,000 in 2015 to 2.6 million. She announced water rates have increased by 1.4 million and the sewer has increased by 1.2 million. She disclosed that part of the capital projects increase is due to the 1.4 million for the South Bench Drive road project, which at this point is only going to a development. She asked what money has come in with all these projects if building permits only equal \$80,000 and sales tax is inconsistent. She questioned if the city is spending more getting people here than they will ever get back with commercial income. She believed South Weber City is still a desirable place to live. She accused the Council of favoring developers over citizens. She expressed many in the community would like to help the city in finding the right kinds of development. She related the Planning Committee and staff are making decisions that the citizens don't want. She understood the city can't control people selling their property, but the city doesn't have to help them with rezones. If a property owner isn't having any luck selling their property, they can lower their price. She vocalized that is what people will have to do in her neighborhood after the high-rise apartments are developed down the street. South Weber was meant to be different and she moved here for what the City wasn't. (SEE ADENDUM #1)

Tammy Long, 2178 E. Deer Run Drive, announced she will be addressing the property tax increase and the Transportation Utility Fund (TUF). She explained households are now paying \$180 a year for the TUF. If that would have been a property tax increase every year, it would have been 150% and now the City wants to increase the property tax by 100%. In her opinion, that is intolerable. The TUF is more than enough. She suggested the City Council look at the numbers and look at how much revenue was budgeted compared to three years ago.

Michael Grant, 2622 Deer Run Drive, mentioned that last Tuesday he met with Councilman Winsor who expressed concern with Mr. Grant wanting to audit the City. Mr. Grant explained he is frugal and wants to assure everyone else is as well. It is important to be tight on the budget and make sure only the necessary things are being done. He opposed the purchase of OpenGov software. He related until 2012 that company didn't even exist, and the city is proposing spending \$5,000 for the software and the maintenance fee is \$15,000 per year. He questioned if it is needed at this time. He recently had a two-hour long visit with Commissioner Tim Grubb. He felt Mr. Grubb was aggressive but honest and loyal to his own reasoning and cause. He opined Commissioner Grubb believes differently than most of the citizens in South Weber. He

wanted to know the process for removing Commissioner Grubb. He was concerned Commissioner Grubb's position at the Davis County level may influence his decisions in South Weber City.

Hayley Alberts, 7560 S. 1740 E., thanked the Council and Mayor for their service. She focused on the upcoming General Plan. She urged each Council Member to research Senate Bill 34 which addresses moderate-income housing. She clarified there are 23 options available and the city must choose three. Barry Burton, City Planner, is proposing that to meet these standards the city needs to add more zoning to commercial overlay and high-density. She listed Hooper, Farr West, Pleasant View and others as communities near us that don't have high density housing because their city leaders worked to keep the community the way their city wanted. She referred to three options not mentioned by Planner Barry Burton during the August 8, 2019 Commission Meeting. (B) (E) and (U) are available choices that have limited impact on our city and zoning. She communicated she would like these options added to the record and proclaimed there are other low impact options as well. She recounted the City Council and the Planning Commission have asked for public comment and she is responding to ask for a stop to high-density housing and commercial overlay. She reported high-density housing does not equal moderate-income housing. She used State Ombudsman Brent Bateman's description of the Council's responsibility to consider property owners, neighbors, and residents equally when it comes to developing land. While property owners have a right to sell, they don't have the right to sell it fast or for what they want. There is proof that adding more to our population increases the cost of safety and road maintenance. She solicited the City Council to eliminate mixed-use and consider a moratorium on any high-density building until the city can better see how the current and proposed high density developments currently underway will affect our city. She questioned if anyone has contacted Kent's Market as a potential grocer. She then thanked the Council for their time and hard work. (SEE ATTACHED ADDENDUM #2)

Stacey Eddings, 2645 E. 7800 S., requested making the whole frontage road a non-parking area. She said there is a blind spot on that road whether the Lofts at Deer Run is there or not. She was apprehensive about the safety hazard created by impatient drivers on the South Weber exit.

Teri George, 7825 S. 2000 E., expressed he is a big advocate of small government. He announced he doesn't oppose tax increase, but 100% property tax increase is grossly excessive. He related how Granger transformed into West Valley as it developed and compared it to South Weber. He reminded everyone the Council has a tough job and the citizens have gotten lackadaisical. He quoted President Lincoln, "Government of the People, by the People, for the People" and petitioned the Council to listen to the People.

Elizabeth Rice, 7875 S. 2310 E., said her father bought a forty-acre farm next to the gravel pit. She recalled the process of losing pieces of that property for various reasons. She stressed that their farm was in South Weber long before homes were built for the others in the audience. The problem with development on the east side was it was not properly planned but built piece by piece by builders. She explained the problem with the Lofts on Deer Run is that Highway 89 was moved, and the frontage road is not suited for commercial development. She said South Weber Drive is suitable. It has 10 acres identified for commercial property which are sprawled out. She disclosed the attempts her family has made to attract commercial development and stressed they want to leave a legacy and do it the right way.

Corinne Johnson, 8020 S. 2500 E., thanked the Mayor and Council for their service. She disliked the commercial overlay zone and was opposed to the Lofts development. She noticed in the proposed General Plan update the C-O Zone does not exist. She questioned the purpose and requirements for mixed-use overlay which would be adopted. (SEE ATTACHED ADDENDUM #3)

Landy Ukena, 7918 S. 2175 E., recommended tabling the property tax increase if Councilman Hyer will be unable to vote. He was against purchasing the OpenGov Software. He desired removal of the Commercial Overlay Zone.

Farrell Poll, 2316 E. 7800 S., quoted Stephen Covey, "Seek first to understand and then to be understood". He asked individuals to keep an open mind and consider both sides. He communicated the population of the state has increased and needs to be addressed. He commented every development has been opposed including those the audience live within. He emphasized property owners have a right to develop their property. He reminded people they may purchase open fields if they want to control growth. There are 6,000 different opinions in South Weber City. His family has tried to entice a grocery store for three years. There has been commercial space available for years, but developers require a residential component with the commercial for it to be viable.

Julie Losee, 2541 E. 8200 S., petitioned placement of school zones and speed limit signs on South Weber Drive for Highmark School. She worried about growth affecting the school population increasing bus stops, class size and traffic. She articulated opposition to the Lofts at Deer Run stating parking concerns. She pled for no parking on the frontage road to be implemented now. She suggested an environmental impact study done and publicly released.

Paul Sturm, 2527 Deer Run Drive, was concerned about the Lofts because the developer has had issues in other cities. He pointed out Utah State Code Title 76 Chapter 8 concerning lying to government bodies (SEE ATTACHED ADDENDUM #4)

Mark West, 8025 Peachwood Drive, suggested the sand pit could be turned into commercial developments. If planned correctly to preserve the character of the city, it could draw people and income as well as serving our needs. He thanked the Council and Mayor for their hard work.

Rob Osborne, 2317 View Drive, agreed the commercial overlay zone should be eliminated which would close loopholes. Other zones are available that address both residential and commercial needs.

Councilwoman Petty iterated the Council has reviewed the potential property tax increase for the past several months. She gave some personal background relating to the issues at hand and empathized with the audience. She expressed how difficult it is to rezone property as the Council must be fair to property owners and developers. She hoped some of the growth we are experiencing is due to the citizen's families wanting to remain here. She announced she does not love high-density, but realized growth is inevitable. She had mixed feelings on the commercial overlay zone and had been studying the issue. She proclaimed TUF funds and property taxes go to different things and urged others to research that.

Councilman Halverson related the full budget is online for anyone's review. He repeated the TUF funds can't be used for items paid with property taxes. He requested a "No-U Turn sign" on South Weber exit. He addressed the proposed mixed-use overlay and stated it is under consideration and hasn't been determined yet. It is part of the General Plan review.

CONSENT AGENDA:

- **City Council Minutes of 23 July 2019**

Councilman Halverson moved to approve the consent agenda as presented. Councilman Winsor seconded the motion. Mayor Sjoblom called for the vote. Council Members Halverson, Hyer, Taylor, and Winsor voted aye. Councilwoman Petty abstained as she was excused from the meeting. The motion carried.

Resolution 19-36 Adopt Certified Tax Rate of 0.001441

Mayor Sjoblom explained each year Davis County determines the assessed value of all properties in South Weber City. The county works with the state to determine the certified tax rate by taking the dollar amount levied last year divided by the current assessed value and then adding an additional amount for new growth. The city must adopt this certified tax rate allowing Davis County to collect and distribute property taxes in the city's behalf.

Last year's rate was .000769 and is .001441 for 2019. Because this is higher than the rate initially determined by Davis County, a Truth-in-Taxation hearing was publicized and held on August 13, 2019. The city also held an open house to inform citizens on the need for this property tax increase. This rate should generate \$701,000 in property taxes, an increase of about \$369,000.

Councilman Halverson expressed how difficult this decision has been and disclosed he is aware 100% is a lot. He noted the average service cost per household is \$631, but the average collected is \$123 per household. Costs are for police, fire, plowing the roads, taking care of the lights, etc. He wasn't in favor of going back to a part-time fire department. The city negotiated lowered cost for police services. He believed changing to 50% would be a short-term fix which would not put anything aside for a rainy-day fund. It would be irresponsible to not increase the taxes. He is not in favor of increasing taxes, but the options are limited. He clarified that the decision affects him personally. He pointed out the amount collected through sales tax is very minimal compared to what the city needs to operate. He stated the city needs more than 100% if we want to keep the city rural. He stated he has not taken this item lightly.

Councilman Winsor assured the audience that public comments have been heard. He communicated that it is easy to make campaign promises. He explained budget page 32 has an \$85,000 new expense for renewing the contract with Davis County Sheriff's Office. He described the decision-making process which led to that expense. Budget page 36 has \$216,000 fire expense related to a 2017 budget decision to go from part-time/volunteer fire department to a fully staffed fire department without adding revenue. Funds had to be shifted to cover costs instead of funding potential capital projects. He clarified the city does not pay benefits to these professional fire fighters working full-time elsewhere and part-time here. He described the benefits of the fire services. The city had only received \$32,000 for new growth over the last five years. He declared a previous Council approved a resolution to set aside \$85,000 per year for a fleet replacement project without new revenue. If the tax increase isn't passed, services will not

be covered. He articulated this decision has nothing to do with high density or pet projects, but basic services the community needs. He explained he could vote no to please the citizens, but it is not the right thing to do.

Councilwoman Petty agreed with Councilmen Halverson and Winsor.

Mayor Sjoblom asked those in attendance to ask why a Council would desire a property tax increase. It is not to be more popular with the public, increase chances for re-election, increase contention or get beat up in social media, on the street, and at public hearings. The Council is not exempt from the tax increase.

She recalled the attempt to raise taxes three years ago which was voted down by the Council. City needs are simply greater than the revenue stream. She reviewed the list of priorities in determining how funds are utilized emphasizing safety as the top priority. She reported 56 cities in Utah are raising taxes and their reasons are mainly for public safety. If there is anything left over then the Council can consider capital project funding from a long, prioritized list.

Mayor Sjoblom described the massive increase to water bills years ago explaining it came from bonding to pay for a new tank and other failing infrastructure. By the time it has matured, citizens will have spent twice the amount of the initial cost. This Council is planning for future needs to avoid a similar situation. Capital facilities plans are in place on all infrastructure but there are no funds to fill those needs.

She noted three years ago there was a crisis with the Fire Department. The choices were to contract with another city or the county, or to fix and improve it. The next summer South Weber City experienced three major wildfires, but the department was professionally trained and ready to combat those fires. She was convinced those fires would have been absolutely devastating to our city and its residents without Council forethought. Response time has gone from 10 minutes to 4 and other communities request help from our city. What is the price tag for safety?

Mayor Sjoblom proclaimed these measures are necessary and crucial to the health of our City. This Council has taken a beating for this proposal, but they do it because they have crunched the numbers, studied the budget, and love South Weber City. She expressed not increasing taxes is the only thing worse than a 100% increase.

Councilman Hyer stated his opinion last week. He heard people say they trusted the Council to make decisions. City Council has been a learning experience and they have seen what has happened to the City finances over the years. There were many things stated tonight which are not true. He disclosed the Council has spent a great deal of time and energy studying this issue and asked individuals to trust they are doing the city the best service possible for the long term. He conveyed if they don't do this now, the city will be in a worse situation requiring more money as time goes on. Morally it is the right thing to do.

Councilwoman Petty moved to approve Resolution 19-36 Adopt Certified Tax Rate of .001441. Councilman Taylor seconded the motion. Mayor Sjoblom called for the vote. Council Members Halverson, Hyer, Petty, Taylor, and Winsor voted aye. The motion carried.

Resolution 19-37 Adopt Fiscal Year 2020 Final Budget with Consolidated Fee Schedule

Mayor Sjoblom described cities are required to adopt a city budget outlining expected revenues and expenditures for the next fiscal year. Staff and the City Council have worked together over the past several months to put together a balanced budget which is fiscally responsible and meets the needs of South Weber City. A public hearing was held on June 11, 2019 for public comment on the Tentative Budget. A Truth-in-Taxation hearing was held on August 13, 2019 for the property tax increase. Included as part of the budget is the Consolidated Fee Schedule which will also become effective August 20, 2019.

Three changes have been made since the adoption of the Tentative Budget. They are as follows:

1. In the Capital Projects Fund the Restriction for Future Fire Vehicle Replacement was added in the amount of \$85,000. The yearly amount of \$85,000 to be set aside for future fire vehicles was adopted three years ago by resolution of the City Council.
2. In the Capital Projects Fund the replacement of a Park Department's truck in the amount of \$100,000 was added. The purchase was approved in 2018 and the truck ordered. The truck has not yet been delivered so the amount is carried over to the 2020 budget.
3. Chapter 2 of the Consolidated Fee Schedule has been amended. The title has been changed from Animal Control to Public Safety adding Ambulance Rates and Fees as regulated by State Code.

City Manager David Larson explained the transition from Word to PDF document caused some format errors, but all numbers were correct.

Councilman Taylor moved to approve Resolution 19-37 Adopt Fiscal Year 2020 Final Budget with Consolidated Fee Schedule. Councilman Halverson seconded the motion. Mayor Sjoblom called for the vote. Council Members Halverson, Hyer, Petty, Taylor, and Winsor voted aye. The motion carried.

Resolution 19-38 Award Westside Reservoir exterior improvement contract to Ormond Construction

Mayor Sjoblom reported on August 8, 2019 at 2:00 p.m., bids were opened for the Westside Reservoir Improvements Project. Four (4) bids were received were received from the following contractors:

1. Claude H. Nix Construction
2. J.R. Burton Contractors
3. L&M Farm Industries
4. Ormond Construction

In addition to the Base Bid, costs were requested for two (2) additive alternate items which were items were 1) demolition of the existing 100,000-gallon water tank, and 2) addition of a safety net to the large hatch. From lowest to highest, the order and bids are:

1. Ormond Construction – \$106,569.74
2. J.R. Burton Contractors – \$114,639.88
3. Claude H. Nix Construction – \$126,690.00
4. L&M Farm Industries – \$141,376.17

Councilman Winsor related the previous Council decision to spend \$475,000 to get another ten to twenty years in service life rather than replace the westside reservoir at a cost of \$3.5 million.

Councilman Winsor moved to approve Resolution 19-38 Award Westside Reservoir exterior improvement contract to Ormond Construction including additive alternates 1 and 2 to the contract amount. 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 19-39 Agreement between South Weber City and Davis Weber Counties Canal Company for new bridge crossing

Mayor Sjoblom disclosed the bridge currently in place over the Davis Weber Counties' canal at 7150 South is no longer serviceable. Replacing the existing bridge will require encroachment upon Davis Weber Counties Canal Company's property. This agreement formalizes the encroachment permit, and defines ownership, users, and maintenance of the new bridge.

Brandon Jones, City Engineer, clarified it is formalizing the agreement stating the city is the owner of the bridge.

Councilman Taylor moved to approve Resolution 19-39 Agreement between South Weber City and Davis Weber Counties Canal Company for new bridge crossing. Councilman Winsor seconded the motion. Mayor Sjoblom called for the vote. Council Members Halverson, Hyer, Petty, Taylor, and Winsor voted aye. The motion carried.

Approve buyout of lease contract for Public Works 2017 Dodge Ram

Mayor Sjoblom conveyed the city has had a two-year lease on two 2017 Dodge ½ ton trucks. The lease had ended and one of the trucks had been turned back in. The Public Works Department budgeted \$45,000 for a new truck in the 2020 budget. The price for the lease buy-out is \$19,750.00. The Public Works Department recently hired Jody and Karl and are short pickup trucks that can pull the parks' trailers.

Councilman Hyer questioned how many total trucks the Public Works Department has and why this truck is needed. David Larson, City Manager, answered the current number is not available, but can be researched. He clarified a new employee needs a vehicle either through purchase or a new lease. The used vehicle is already equipped making it cost effective. Councilman Hyer recalled years ago Council decided purchasing was the best option.

Councilman Halverson moved to approve the buyout of lease contract for Public Works 2017 Dodge Ram for \$19,750.00. Councilman Taylor seconded the motion. Mayor Sjoblom called for the vote. Council Members Halverson, Hyer, Petty, Taylor, and Winsor voted aye. The motion carried.

Approve purchase of OpenGov software package

Mayor Sjoblom recited the city staff has recognized a need in presenting financial information to citizens and Council in a more graphical and storytelling format. Mark McRae, Finance Director, had researched software that interfaces with the current financial software and found only two

options. End users would be able to customize the financial data to meet their preferences. The modules requested cost \$5,500 annually and will be reviewed after a year for effectiveness.

Councilman Winsor commented this is not the time to spend this type of money especially for an item that is not in the current budget. Councilman Hyer expressed gratitude for the staff, but he was not in favor of the expenditure.

Councilman Taylor moved to deny the purchase of OpenGov software package. Councilman Halverson seconded the motion. Mayor Sjoblom called for the vote. Council Members Halverson, Hyer, Petty, Taylor, and Winsor voted aye. The motion carried.

Discussion: Fire Station driveway options

David Larson, City Manager, reviewed the discussion the Council had previously regarding the city civic building and reported staff conducted research and received a quote from a contractor for creating a driveway. He recommended taking this item to committee. Councilman Hyer discussed previous project research found the cost was prohibitive. Backing into the fire station is a safety concern, but with proper caution the current situation is workable.

Discussion: Commercial Overlay zone

David Larson, City Manager, reported City Code includes a zone titled Commercial Overlay which allows for a mixed-use of residential and commercial on the same property. The current zoning map has 2 properties zoned Commercial Overlay – the proposed Lofts at Deer Run property and the property west of the storage units along South Weber Drive next to 2100 East. He inferred the vision at creation in 2014 was to give property owners some flexibility by allowing stacked units with commercial base and residential overhead. He recalled in May 2018 the Council conducted a field trip in Davis and Weber Counties to assess the viability of this type of development. They found it was successful in walkable communities and historical areas, but not in other configurations. The current General Plan allows all commercial property to rezone to Commercial overlay. In practice this zone has proven problematic.

David referenced Senate Bill 34 requiring three options from a menu which must be included in the General Plan. If the City does not abide by the law, the state withholds transportation funds. He discussed options 1) keep current zone 2) remove mixed-use completely 3) create a well-defined mixed-use overlay which could allow for stacking or side by side development giving the Council more control.

Barry Burton, City Planner, expounded Senate Bill 34. This year the State Legislature thoroughly outlined what is required in a moderate-income housing plan. Cities are now required to use the median income of the County--not the City. Davis County is \$75,961 making moderate-income defined at \$60,768. The formula used to purchase a home at 3.1 times that annual salary equals a home purchase price of \$188,380. The formula for rent is .27 x monthly income equaling \$1,367. Due to the housing crisis, South Weber has no homes and only one apartment complex that meet the qualifications. Those 87 rental units comprise 5% of housing in the city. The state does not currently have a required target number but is trending that way. At build out (population 13,000) South Weber would need 755 apartment units to meet the 24% of residents considered to have moderate-income. He proclaimed the city needs to provide space for the opportunity to build rentals units in this community. He said currently, the only option besides high-density residential is the commercial overlay zone. He explained without replacing commercial overlay

with another form of mixed-use, the city will need to plan many more high-density zones. He said one of the gravel pits might provide options.

Councilman Halverson explained the city can't dictate how someone develops their property but must provide options that allow moderate-income housing. He clarified the city is not going to rezone everything to apartments. He cautioned the plan shouldn't be changed to accommodate what may happen but is still unknown. Councilman Winsor charge the city could accept the penalty of restricted transportation funds realizing those funds would need to be found elsewhere.

Councilman Taylor queried if the Lofts development can be stopped. David communicated when the property was rezoned in 2017 it established the rules for development. He suggested conversing with the developer to create a design that is more palatable. The mixed-use can't be changed on that property, but there are many things that can be done to assure code is met. This development is still in the early stages. Councilman Taylor requested getting the city attorney, Doug Ahlstrom involved. David Larson reminded everyone the overlay zone began before the Lofts at Deer Run. He clarified Council can deny all future requests to rezone to commercial overlay.

Councilwoman Petty questioned the disparity in number of units between high density and commercial overlay. Councilman Halverson recommended removing the commercial overlay zone. He believed an overlay with defined guidelines would allow more options. He doesn't want 100% commercial highway either.

Barry Burton explained the mixed-use overlay approval process and the Council's power. It would require a public hearing through the Planning Commission, and they would make recommendation to the Council. He expressed the commercial overlay zone lacks detail.

Councilman Winsor suggested the city should do away with commercial overlay. He felt it has become a loophole to maximize high density. The citizens don't want it. He discussed the capital cost associated with high density. Councilman Taylor didn't want to set a precedent.

David related the General Plan update process has a goal to finish by December 2019. Barry announced this discussion is critical to the moderate-income housing plan. David divulged the Planning Commission will be reviewing the General Plan draft this Thursday prior to presentation to the public for comment.

Mayor Sjoblom sought more information on positive or negatives of a mixed-use overlay. She conveyed the option to keep the commercial overlay zone is off the table. Several people were confused with what the proposed mixed-use overlay would be. Councilwoman Petty proposed directing the Planning Commission to first define the overlay zone for Council review. David stated the General Plan is a planning document and suggested using language that the city envisions a possible mix of commercial and residential units on one property. Creating a mixed-use overlay allows for options but doesn't bind them. Barry clarified that a general idea is all that is needed for the General Plan. The exact zoning details are a separate issue which can be discussed in the future.

Brandon Jones, City Engineer, explained for a mixed-use overlay to be considered it would need to be reviewed by the city staff, Planning Commission, and City Council and the details would be defined in that process. David stated an overlay can be used as a tool to promote dialogue allowing flexibility. Council would have full discretion. Mayor Sjoblom saw that mixed-use might benefit the community.

Councilman Hyer followed the discussion but he was concerned about possible conflicts. He said if the current zone is allowing things that are unreasonable, then dramatic changes need to be made. He vocalized the city needs to strictly enforce the zoning code. David made known meeting code doesn't necessarily equal quality development. Councilman Hyer agreed the commercial overlay zone is not the vision of the community.

Mayor Sjoblom summarized the Council direction for Planning Commission to remove commercial overlay zone and draft a mixed-use overlay.

Reports:

Mayor Sjoblom: She communicated Country Fair Days was a huge success and thanked Holly Williams, Vicki Christensen, and Tani Lynch for their hard work. She was able to participate nearly every day and was reminded why she loves this city so much. She participated in the ribbon cutting and open house for the beautiful, new assisted living center on July 31, 2019. She attended the Central Weber Sewer Improvement District (CWSID) meeting yesterday and spoke with Lance Wood (General Manager of CWSID). He informed her that increased capacity on the east side of South Weber is not a concern. She asked for detailed information and she will send the council the material when she receives it. She reached out to Cameron Diehl and Rachel Otto with Utah League of Cities and Towns to ask the temperature of the legislature regarding incentives or requirements in the future for cities to accommodate moderate-income families and the population increase. They are working toward formulating an answer to her inquiry.

Councilman Winsor: He reminded individuals to contact the Mosquito Abatement District with concerns and they will come out and spray. He suggested those who are not in favor of the Flats at Deer Run shouldn't look at the Council as their enemy but as a partner. He expressed in the future he will not sign any development agreement without adequate review time. He questioned the sewer capacity and legality of the Lofts agreement. David defined sewer capacity elaborating on technical versus actual sewer capacity. He declared staff would not recommend approval of a development if capacity could not be provided. He reminded Council the city conducted a sewer study to identify the technical capacity. He promised to provide the numbers that show what the state required regulatory flow is and how we meet it. Mayor Sjoblom restated Lance Wood, of Central Weber Sewer District, has confirmed South Weber City is in full compliance.

Councilwoman Petty: She reviewed the emotional aspects of the meeting. She thanked everyone for coming and being involved with what is going on in South Weber City.

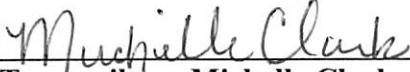
Councilman Halverson: He reported the Planning Commission did approve three short term rental conditional use permits. David Larson divulged the city staff has been reviewing the building code for short term rentals and found there are more layers on short term rentals that need to be addressed by the committee.

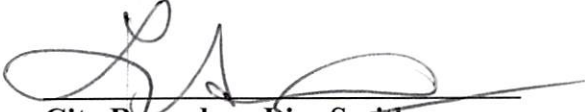
Councilman Hyer: He appreciated being able to be involved electronically. He also appreciated the community interest in some of these agenda items. He thanked the Country Fair Days Committee for a successful celebration. He desired more volunteers to help share the load with the families that carry the burden each year.

City Engineer, Brandon Jones: He reported he met with the contractor who will be milling and overlaying the 8150 South project and found an area deficient beyond the scope budgeted. He explained 2570 South up to 2700 South will not be milled and overlaid but will be fully reconstructed next year.

ADJOURNED: Councilman Winsor moved to adjourn the Council Meeting at 9:20 p.m. Councilman Taylor seconded the motion. Council Members Halverson, Hyer, Petty, Taylor and Winsor voted yes. The motion carried.

APPROVED:  Date 09-17-2019
Mayor Pro Tempore: Wayne Winsor


Transcriber: Michelle Clark

Attest: 
City Recorder: Lisa Smith

CC 2019-08-20

Addendum #1 Mindi Smith

I, like many others here today have never gotten involved or cared much about city planning until hearing about the Lofts at Deer Run.

You say we are too late we should have been here earlier to voice our opinions, but After researching through city minutes, Im realizing that doesn't seem to matter. The west side spoke out about their eyesore non-profit soccer complex that pays no property tax, uses a ton of water, and causes wear and tear on our roads. They also spoke out about the duplex city going in off of 475, The middle of town has the Rays subdivision that wasn't denied when a huge crowd of residents came to speak out against it in June, but instead it was tabled, because one planning commissioner and one city planner and one developer were still in favor of it.

Despite what anyone has said YOU do have the power to stop the lofts development and others like it and as our elected officials I feel it is your moral obligation to represent the people of South Weber and not let your individual interests stop you. At the very least we would like to see a building moratorium put in place.

Then our city can take some time to figure out the kind of general plan that our citizens want to have, let the dust settle, see how all these other high density units across town are going to effect our schools, infrastructure and resources.

This Commercial-Overlay zone seems like something that would only be successful in downtown Ogden, or downtown Salt Lake, not on a frontage road of South Weber.

How will they be able to ever fill that commercial space, With Uintah having so many more commercial spots available that are visible, with ample parking and no limiting hours. You say a daycare, but a daycare that has zero green space doesn't make any sense either. Also, Since it's such a unique development in a unique town How would anyone really know if people like to live in a small city type apartment without any of the big city amenities near them, they can't ride a bike to school or work from here.

I have heard the city's motives for allowing so many high density units is because we need more people to attract more commercial and we need more commercial for more money? But is that all really true?

Since our city has adopted this philosophy our capital projects budget has shot through the roof from \$320,000 in 2015 to 2.6 million. Our water has increased by 1.4 million and our sewer has increased by 1.2 million Part of that capital Projects increase is due to 1.4 million going towards the South Bench Rd project, which at this point is going to nowhere but a development.

What money has come in from all of these projects in recent years?

Sales and use tax has been so up and down that I wouldn't count that as revenue.

Building permits have only added \$80,000. The whole general Fund Revenue has only seen an increase of \$278,000 total since 2015.

Could we very well be spending more on getting the people here than we will ever get back from the Commercial, and that's if the right Commercial Businesses ever do come.

While we still have a desirable city that people want to live in, you should be using that to your advantage to get developers to pay for something awesome that you wanted like walking trails, splash pads, pickle ball courts, or baseball field. Instead, It seems that the city has bent over backwards for the Lofts developer, he doesn't even have to pay for or wait for sewer upgrades for building permits, because we the tax payers are paying for that.

You don't want to run the risk of your only legacy being a 100% tax hike, overcrowded neighborhoods, roads and schools, without anything desirable left behind.

Many of us would much rather be putting our efforts into helping you find the right kind of developments and businesses, instead of fighting the wrong ones. I guarantee if we knew what was about to happen with "The Lofts" property, we would have rather used our energy and resources to find a way to buy it, get grants and donations and fill it with pickleball courts with a plaque with the Mayor's name on it, instead of letting Laurie Gale get her rezoned and skip out of town with hundreds of thousands of dollars in her pocket, and also providing a developer a way to make millions.

The planning committee you appointed and employ seem to be making decision after decision that don't align with what the majority of your citizens want. This has been going on for years but back in the day they got away with a measly train but now it's grown into a million dollar soccer complex and a million dollar city high rise.

Yes, we realize you can't control people selling their property, but you certainly don't have to help them with rezones. If they are having no luck selling their property, they can lower their price. It's exactly what everyone in my neighborhood will have to do after the high rise building down the street goes in. You have the power to control the quality and quantity that goes into each acre of this city, we gave you that power because we believed you would represent us well.

South Weber was meant to be different. We moved here for the things it wasn't, we didn't pay more to live here in hopes it would end up being just like Ogden or Riverdale, we were willing to pay more because it wasn't anything like those places.

Mindi Smith
2440 E. 8300 S

- []



The east end of South Weber is currently nearing capacity of the sewer system. The bulk of the properties slated for rezoning for high density residential or mixed-use development is in the east end of the City. South Weber is currently in Phase One of a multi-year project that will upgrade the sewer system to handle potential future multi-family and mixed-use developments in this area.

(E) create or allow for, and reduce regulations related to, accessory dwelling units in residential zones;

It is recommended that the City consider allowing accessory dwelling units in single-family dwelling zones. The circumstances and provisions under which this type of housing could be allowed need to be thoroughly researched and a determination as to how best to move this initiative forward.

(F) allow for higher density or moderate income residential development in commercial and mixed-use zones, commercial centers, or employment centers;

South Weber has the Commercial Overlay Zone that allows mixed-use development. The City currently has the first proposal of this type under consideration. As previously stated, there are an additional 231.8 acres where mixed-use development is a potential. The Commercial Overlay Zone allows the highest dwelling density in all zones at 25 units per acre.

(U) apply for or partner with an entity that applies for programs administered by a metropolitan planning organization or other transportation agency that provides technical planning assistance;

South Weber has applied for a planning assistance grant from the Wasatch Front Regional Council. We should know prior to the adoption of this Plan if we have been successful in procuring the grant.

MODERATE INCOME HOUSING NEEDS: The exact number of moderate income housing units recommended for any community by the Utah Affordable Housing Manual depends on a number of variables. An analysis the existing housing and income situation using available information and come to some reasonable conclusions as to need.

Number of Dwelling Units 2017	1724
201 Population	7310
Persons Per Household 2017	4.24
2017 Median Davis County Annual Household Income	\$ 75,961

Development Agreement for The Lofts at Deer Run in South Weber City

2. **City Laws and Purpose.** City determines that the provisions of this Agreement relating to establishment of Developer's rights and obligations are consistent with City laws, including the City's land use ordinances, the purposes set forth in the zoning district, and the City's General Plan. This Agreement is adopted by a City ordinance as a legislative act and hereby amends the City laws only to the extent within the authority of City and only to the extent necessary to give Developer the effect of the rights and obligations of this Agreement where such City laws may be inconsistent with this Agreement's intent.
3. **Subdivision Approval.** This Agreement does not remove the Developer from their obligation to adhere to the City's established Subdivision approval process. The Developer shall comply with all applicable time frames as specified in City Code. Approval will be based on substantial compliance with Exhibit B.
4. **Geotechnical.** The Development is located within the area identified in the General Plan as Sensitive Lands. As such, the Developer must comply with all provision of City Code, Title 10 Zoning Regulations, Chapter 14 Sensitive Lands Development Regulations.
5. **Sewer Capacity.** The Sewer Capital Facilities Plan, dated August 2017, identifies the Property as requiring 4.0 Equivalent Residential Units (ERU's) based on an assumed commercial-only land use. The City acknowledges that the Development exceeds the anticipated demand and the needed capacity will be addressed through future Capital Facilities Plans and future capital improvement projects. The Development's proportional share of the future capital improvement projects which will provide the desired capacity will be paid through the impact fees assessed when the Building Permits are issued. Building permit approval and occupancy will not be contingent upon sewer capacity.
6. **Density.** The Development will be limited to not more than seventy-four (74) new residential units. There shall be a minimum of 27,000 square feet of commercial space.
7. **Parking.** In order to accommodate the parking needs of both the residential and commercial users within the Development, there shall be at least one hundred and sixty-four (164) parking spaces. Of these spaces, there shall be one (1) space dedicated solely for each residential unit with the remaining spaces being shared by both commercial and residential occupants. In order to ensure parking requirements are followed, Developer agrees that future residents and commercial tenants/operators are made aware in writing of the dedicated and shared parking requirement. Signage and pavement marking must be provided designating a specific parking stall to each residential unit. Signage is not required for any remaining parking spaces.
8. **Hours of Operation.** Commercial buildings shall limit the hours of operation of all businesses within the Development to the hours between 5:00 am to 6:00 pm.
9. **Detention Basin.** A detention basin is required in order to control the flow of storm water leaving the site. The basin is the sole responsibility of the Development and will be privately owned and maintained. However, the sizing, design, location and construction of the basin must comply with City Code and City Standards.

CC 201908-20 Addendum #2 Hayley Alberts

Thank you to the mayor and the city council for all your hard work and dedication to south weber. I also throw my support behind eliminating commercial overlay zones from our code.

My comments tonight focus on the upcoming general plan that is being worked on as we speak. I urge each city council member to research and study Senate bill #34. This is the bill that includes the mandates in regards to moderate income housing. There are 23 options available, and we must choose three. Barry Burton is proposing that in order to meet these standards, we need to add more zoning to commercial overlay and high density housing, to the number of over 250 acres. That is simply not the case.

Hooper, Farr West, Plain City, Pleasant View, Marriott-Slaterville, Morgan, Mountain Green and Uintah are just a few communities near us that do not have high density housing. Why is this the case? It is because their city leaders have decided what kind of community they want to have and have worked to keep it that way.

In Barry's notes included in the packet on the August 8th meeting, he mentions 3 other options he did not speak about verbally at the commission meeting. Options B, E and potentially U are available choices that will have limited impact on our city and our zoning. Option B is to expansion of infrastructure – the planned updates to our sewer system on the east side will apply to that option. Option E is to make changes in our city code to accommodate for accessory housing and option U is to apply for a planning assistance grant South Weber has already applied for and should hear back from soon. I will add those to the record for your convenience. These are options we can have that do not include changing any zones, and certainly not to the tune of 250 acres. There are other low impact options we can choose from as well.

Between the council and the planning commission it has been mentioned repeatedly that they desire public comment so here we are...we don't want anymore high density housing or commercial overlay in South Weber, and we certainly don't have to legally have it. Furthermore, the High Density Housing we currently have doesn't even apply to moderate income housing. While it is in your power to add zoning for high density housing, we have no control over the rent or listed sale price a developer chooses. In short, high density housing does not equal moderate income housing.

Brent Bateman, state ombudsman for small citites on towns explained your roles as a council this way. It is part of your responsibility to ensure that you are considering property owners, neighbors and residents equally when it comes to developing land. Think of it like a 3 legged stool. When a developer approaches a property owner and would like to rezone that property into a high density zone, all 3 legs of that stool needs to be considered. While property owners do have the right to sell, they don't have the right to sell it fast or for what they want. None of us have that right when it comes to selling anything we own. When there is public outcry against that zoning, you have an obligation to take the concerns of the residents and neighbors, as well as the property owner, into consideration before making your final decision. Neighbors and residents have spoken out repeatedly of their concerns that comes with high density housing and mixed use zoning and what they want to have their community to look like. In addition to many other concerns, there is the proof that adding more to our population increases the costs in public safety and road maintenance. In effect, while we may be bringing in more money through building permits and property taxes, we are immediately handing over those funds over to pay for increased public safety protection and road maintenance. For this reason, I urge the council to consider a moratorium on any high density housing and eliminate mixed use in the upcoming general plan until we can better see how the current and proposed high density developments currently underway will effect our city. Let's take this time pause and reassess, so that we can better plan for the future community we would like to have.

There has been much talk of bringing in a grocery store. Some developers have mentioned it will never happen, and I am proud of the council for disregarding that type of commentary. I wondered if anyone has approached Kents Market? As a family owned business, Kents market has proven it thrives on small communities. Starting in Tremonton and then Ephraim, Kents has grown to include other small towns like Brigham city, Roy, Clearfield and most recently Plain City. Plain City has approximately 6,000 residents and is not a thoroughway city – meaning you don't go pass Plain City to get somewhere else. We have the advantage of I84 and 89 corridor and if we bring more rec to our city with the river and parkway upgrades, a grocery store would do very well. And you can take note that wherever a Kents market pops up, several other retail businesses soon come with it. If there has not been an outreach to Kents, I hope that you will take that into consideration. We may be a small community - and we want to STAY that way - but there are 7,000 residents who would no doubt support a family owned grocery store, especially as high quality as Kents has

proven itself to be. And Kents has been serving smaller communities than ours for over 30 years. By the way, I don't have any affiliation to Kents, I just feel it would be a good fit for South Weber.

I hope to see action on your part to these thoughts and that we can continue to have an open dialogue as a community between our council and our residents. Thank you.

-Hayley Alberts, 7560 S 1740 E South Weber

2005 Moderate Annual Household Income \$60,768

Once again by extrapolating from information contained in the Utah Affordable Housing Manual, we find that a household with this income level could afford a mortgage of approximately 3.1 times the annual income or could afford to spend 27% of their monthly income on rent.

Maximum Purchase Price $\$60,768 \times 3.1 = \$188,380$

Maximum Monthly Rent $\$60,768/12 = \$5,064 \times .27 = \$1,367$

Statistically, there are a no residences within the City that would fall under the maximum purchase price of a moderate income family. The maximum monthly rent, however, points to rental units as the most attainable type of moderate income housing likely to be established in South Weber. There are currently 87 rental units in the City, 60 being in one apartment complex and the rest are basement type apartments. It is believed that all rental units do, or will, qualify as moderate income housing. The existing rental units comprise 5% of the housing stock in the City.

Recommendations: It is apparent that to meet demands for moderate income housing, as well as meet the recommendations of this Plan for open space and agricultural character of the community, multi-family rental residences will continue to be the primary type of housing in this price range. According to the U.S. Census Bureau 36% of Davis County households have an income below \$60,000 per year while 24% of South Weber households fall into that range.

It is apparent that South Weber needs a lot more moderate-income housing stock to meet the demand. The proposed 19.5 acres of high density residential property could potentially produce another 253 multi-family dwelling units. The 231 acres of potential mixed-use zoning could produce many more, but given the nature of mixed-use development, it is difficult to predict how much. If the City is to reach a goal of providing housing for the 24% of households that are considered median income, that would be a total of 755 units at build-out. With an existing 87 moderate income dwelling units, we have a long way to go. Of course, in the past, individually owned multi-family dwelling units (condominiums, townhomes, etc.) qualified as moderate income housing. In the current housing market, that is no longer the case; individually owned unit prices exceed the maximum purchase price to be considered moderate income housing. Future market changes could bring those units back into play as moderate income units. South Weber currently has 197 townhomes built or under construction.

It is recommended that South Weber continue to support the development of multifamily housing in the areas designated in this Plan.

INDUSTRIAL:

In order to determine how many homes fall into the moderate income housing category, it would be necessary to determine the actual gross income of every household in South Weber. This information; however, would not be of a great significance in the ability to provide moderate income housing as the information would not provide an adequate picture of the housing which can be purchased or rented today.

According to the U.S. Census Bureau, the 2017 median household income for Davis County is \$75,961. Eighty percent of that median income is then \$60,768. Information extrapolated from the Utah Affordable Housing Manual indicates that a household with this income level could afford to purchase a dwelling which has a maximum purchase price of 3.1 times the annual income. In the case of South Weber that translates **to a maximum purchase price of \$188,380**. The same manual indicates that 27% of the monthly income could be spent on rent which would mean a **maximum monthly rent of \$1,367**.

There are no new housing units of any type being constructed in South Weber that would have a maximum purchase price of \$188,380. In the current housing market, it would be inadvisable to assume this will change in the near future (the life of this General Plan Version.) Therefore, we must conclude that the only new moderate income housing that might be reasonably expected to be constructed would be high density multi-family rental units.

PRESERVING AND ENCOURAGING MODERATE INCOME HOUSING: There are many factors that affect the cost of housing. It is the duty and responsibility of the City to take necessary steps to encourage moderate income housing and to meet the housing needs of people of various the people with various incomes to benefit from and fully participate in all aspects of neighborhood and community life.

Utah Code Annotated 10-9a-403 (2) (b) (iii) requires the City to choose at least three from a list of 23 ways, A through W, in which it can and will pursue the encouragement of moderate income housing in the five years. South Weber chooses the following:

(A) rezone for densities necessary to assure the production of moderate income housing;

This General Plan update is recommending an additional 19.5 acres of land be rezoned for high density housing. It is also recommending an additional 31.8 acres be rezoned for mixed use development. An additional 200 acres are being recommended for Commercial Highway zoning with the potential for some of that to be zoned for mixed use development.

(B) facilitate the rehabilitation or expansion of infrastructure that will encourage the construction of moderate income housing;

The east end of South Weber is currently nearing capacity of the sewer system. The bulk of the properties slated for rezoning for high density residential or mixed-use development is in the east end of the City. South Weber is currently in Phase One of a multi-year project that will upgrade the sewer system to handle potential future multi-family and mixed-use developments in this area.

(E) create or allow for, and reduce regulations related to, accessory dwelling units in residential zones;

It is recommended that the City consider allowing accessory dwelling units in single-family dwelling zones. The circumstances and provisions under which this type of housing could be allowed need to be thoroughly researched and a determination as to how best to move this initiative forward.

(F) allow for higher density or moderate income residential development in commercial and mixed-use zones, commercial centers, or employment centers;

South Weber has the Commercial Overlay Zone that allows mixed-use development. The City currently has the first proposal of this type under consideration. As previously stated, there are an additional 231.8 acres where mixed-use development is a potential. The Commercial Overlay Zone allows the highest dwelling density in all zones at 25 units per acre.

(U) apply for or partner with an entity that applies for programs administered by a metropolitan planning organization or other transportation agency that provides technical planning assistance;

South Weber has applied for a planning assistance grant from the Wasatch Front Regional Council. We should know prior to the adoption of this Plan if we have been successful in procuring the grant.

MODERATE INCOME HOUSING NEEDS: The exact number of moderate income housing units recommended for any community by the Utah Affordable Housing Manual depends on a number of variables. An analysis the existing housing and income situation using available information and come to some reasonable conclusions as to need.

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1206 strategies:

1207 (A) rezone for densities necessary to assure the production of moderate income
1208 housing;

1209 (B) facilitate the rehabilitation or expansion of infrastructure that will encourage the
1210 construction of moderate income housing;

1211 (C) [~~encourage~~] facilitate the rehabilitation of existing uninhabitable housing stock into
1212 moderate income housing;

1213 (D) consider county general fund subsidies or other sources of revenue to waive
1214 construction related fees that are otherwise generally imposed by the county;

1215 (E) create or allow for, and reduce regulations related to, accessory dwelling units in
1216 residential zones;

1217 (F) allow for higher density or moderate income residential development in
1218 commercial and mixed-use zones, commercial centers, or employment centers;

1219 (G) encourage higher density or moderate income residential development near major
1220 transit investment corridors;

1221 (H) eliminate or reduce parking requirements for residential development where a
1222 resident is less likely to rely on the resident's own vehicle, such as residential development near
1223 major transit investment corridors or senior living facilities;

1224 (I) allow for single room occupancy developments;

1225 (J) implement zoning incentives for low to moderate income units in new
1226 developments;

1227 (K) utilize strategies that preserve subsidized low to moderate income units on a
1228 long-term basis;

1229 (L) preserve existing moderate income housing;

1230 (M) reduce impact fees, as defined in Section 11-36a-102, related to low and moderate
1231 income housing;

1232 (N) participate in a community land trust program for low or moderate income
1233 housing;

- 1234 (O) implement a mortgage assistance program for employees of the county or of an
1235 employer that provides contracted services for the county;
- 1236 ~~[(E) consider utilization of]~~ (P) apply for or partner with an entity that applies for state
1237 or federal funds or tax incentives to promote the construction of moderate income housing;
- 1238 ~~[(F) consider utilization of]~~ (Q) apply for or partner with an entity that applies for
1239 programs offered by the Utah Housing Corporation within that agency's funding capacity; [and]
- 1240 ~~[(G) consider utilization of]~~ (R) apply for or partner with an entity that applies for
1241 affordable housing programs administered by the Department of Workforce Services[-];
- 1242 (S) apply for or partner with an entity that applies for services provided by a public
1243 housing authority to preserve and create moderate income housing;
- 1244 (T) apply for or partner with an entity that applies for programs administered by a
1245 metropolitan planning organization or other transportation agency that provides technical
1246 planning assistance;
- 1247 (U) utilize a moderate income housing set aside from a community reinvestment
1248 agency, redevelopment agency, or community development and renewal agency; and
- 1249 (V) consider any other program or strategy implemented by the county to address the
1250 housing needs of residents of the county who earn less than 80% of the area median income.
- 1251 (c) In drafting the land use element, the planning commission shall:
- 1252 (i) identify and consider each agriculture protection area within the unincorporated area
1253 of the county or mountainous planning district; and
- 1254 (ii) avoid proposing a use of land within an agriculture protection area that is
1255 inconsistent with or detrimental to the use of the land for agriculture.
- 1256 (d) In drafting the transportation and traffic circulation element, the planning
1257 commission shall:
- 1258 (i) consider the regional transportation plan developed by its region's metropolitan
1259 planning organization, if the relevant areas of the county are within the boundaries of a
1260 metropolitan planning organization; or
- 1261 (ii) consider the long-range transportation plan developed by the Department of

1178 ~~and extent of existing and proposed freeways, arterial and collector streets, mass transit, and~~
1179 ~~any other modes of transportation that the planning commission considers appropriate, all~~
1180 ~~correlated with the population projections and the proposed land use element of the general~~
1181 ~~plan;] that:~~

1182 (A) provides the general location and extent of existing and proposed freeways, arterial
1183 and collector streets, public transit, active transportation facilities, and other modes of
1184 transportation that the planning commission considers appropriate;

1185 (B) addresses the county's plan for residential and commercial development around
1186 major transit investment corridors to maintain and improve the connections between housing,
1187 employment, education, recreation, and commerce; and

1188 (C) correlates with the population projections, the employment projections, and the
1189 proposed land use element of the general plan;

1190 (iii) a plan for the development of additional moderate income housing within the
1191 unincorporated area of the county or the mountainous planning district, and a plan to provide a
1192 realistic opportunity to meet the need for additional moderate income housing; and

1193 (iv) before May 1, 2017, a resource management plan detailing the findings, objectives,
1194 and policies required by Subsection 17-27a-401(3).

1195 (b) In drafting the moderate income housing element, the planning commission:

1196 (i) shall consider the Legislature's determination that counties should facilitate a
1197 reasonable opportunity for a variety of housing, including moderate income housing:

1198 (A) to meet the needs of people ~~[desiring to live there]~~ of various income levels living,
1199 working, or desiring to live or work in the community; and

1200 (B) to allow ~~[persons with moderate]~~ people with various incomes to benefit from and
1201 fully participate in all aspects of neighborhood and community life; and

1202 (ii) shall include an analysis of ~~[why the recommended means, techniques, or~~
1203 ~~combination of means and techniques]~~ how the county will provide a realistic opportunity for
1204 the development of moderate income housing within the planning horizon, which ~~[means or~~
1205 ~~techniques]~~ may include a recommendation to implement three or more of the following

Corinne Johnson 8020 S 2500 E South Weber Ut 84405

Thank you to the mayor and the city council for all your hard work and dedication to south weber. South Weber has been my home for 5 years and I share a story in common with so many citizens who have made this city their home, I knew the moment I entered south weber it was special and it was where we wanted to have our forever home. When I heard about the Lofts Development, I was shocked, and like so many others who have stated their opposition to the Lofts Development, deeply saddened that our city allowed this to happen. I strongly oppose the Lofts Development and wholeheartedly support the removal of the C-O zone from the City Code. My list of concerns for the lofts has been shared through e-mail with the mayor and I have added them here and ask that they be included in the public record.

Regarding the C-O zone. I have a few questions that start with the General Plan Map posted on the city website. I noticed that in this plan the C-O zone does not exist? There is no listing, color designation, or mention of C-O code anywhere on the proposed map. This is a change from the 2014 map. Instead every commercial property in the entire city is marked with a yellow grid pattern denoting Mixed Use Overlay. David Larsen The General Plan shows a cross hatch on all commercial property that would allow for a rezone to mixed-use. Is the C-O code being replaced with this Mixed-Use designation? Is it the same thing? Will removing the C-O code remove Mixed Overlay? Or is it the intent of our City Planner to replace one with the other? Prior to the General Plan Update there were TWO properties zoned as C-O the Lofts property and the property West of the Storage Units on South Weber Drive neither of these are marked as C-O code but as mixed-use overlay. If they are different things how can the zoning be changed? I have searched along with others for any information of this Mixed-Use Overlay and there is nothing.

I believe that the inclusion of the C-O zone in our city code has created the problem we are facing with the lofts. Several council members expressed to me that the C-O code is too vague, the 25 units per acre is too dense for our city and it gives developers too much leeway. I agree. This code must be removed in order to protect the integrity of our quiet bedroom community. If the Mixed-Use Overlay and C-O code are different things then I also ask the City Council to look into the Mixed-Use Overlay and remove it as well.

Dear Mayor Sjöblom,

I am writing to express my opposition and extreme concern over the development "The Lofts at Deer Run Dr". In fact, I am so concerned about the negative impacts this development will have on our neighborhood I created a facebook group to create public awareness. You can find it at <https://www.facebook.com/groups/487728305320218>

You can read posts regarding my concerns but I will list them here as well:

Increased Taxes:

We currently do not have legal sewer capacity per State Regulations for the development. The current 4 sewer connections will expand to over 80! Our sewer system is already operating at max capacity. The needed sewer capacity for "The Lofts at Deer Run" would have to be provided through Capital Facilities Plans Improvement Projects. The Developer will only share a *proportional* share of these costs. I am concerned my taxes will go up.

Negative Impact on our neighborhood long term:

The property "Lofts at Deer Run" are being built on are designated as "Sensitive Lands" in the General Plan. It is a small 3-acre parcel and I feel the overdevelopment of these lands are irresponsible and can negatively affect our water quality. Not to mention the additional pollution, noise and transient element it brings to our neighborhood.

A few of us started a nonprofit organization as SWPCA South Weber Preservation and Conservation Advocates. This was done before we had any idea that you once had a citizens committee. The idea is that our group functions like a type of citizens committee where we can take the concerns from the Facebook group bring them to a counsel present them to the city etc.

Aaron Stone posted about the Citizens committee and that you are open to restarting it. I would like to be on the citizens committee. If you could let me know what I need to do fir application that is appreciate it.

There are so many questions flooding into our Facebook group and I was hoping maybe you could address some of them. These are things people are asking over and over again.

What studies were done prior to the approval of this development? Why didn't the city Council and planning commission ask more questions and ask for more studies and more information before they approved this?

How do we get the lofts on the agenda for the planning commission or City Council meeting? Can we have a special session for citizens so they can ask questions and get answers?

The questions on the sewer issues are coming in right and left! What does "proportional share" mean? Do we know how much it will cost? How will the city pay for their share? (also to just to clarify I never gave a number. I don't know where the 2 million came from. I shared the exact wording from the development agreement and then stated that "capital improvement projects" could cost the city millions of dollars. Maybe I should've said hundreds of thousands of dollars? The point is that we really don't know how much this could cost. I'm trying really hard to be very accurate on Facebook. I'm using information directly from the development agreement as a representative of the SWPCA.)

We posted a link to the development agreement and a lot of people are reading it and asking why the city would approve the development and issue building permits without legal sewer capacity or knowing how much that will cost?

A lot of people are asking if the reason the city approved this development is because we are in massive debt to the point where we approve any type of commercial development or high-density housing to bring in tax revenue? Citizens are posting tax revenue information on Facebook and asking why since the Maverick and other commercial business went in revenues dropped? I'm hoping you'll answer these tax questions on the 13th as I keep telling people to go to that meeting to get those answers.

The other big question and big concern is first responder access. People are looking at these plans, the number of units, the height of the buildings, the tight parking and they can't figure out how on earth a firetruck is supposed to turn in around in there let alone get a ladder up to a third story apartment?

Any answers I can directly quote from you and share would be great.

Thanks

Corinne Johnson

The Commercial business occupying the approximately 27,000 square ft of commercial space will only be allowed to operate between 5am and 6pm and have shared parking? We can't get the commercial we have on South Weber Dr. leased. I am concerned these will be black.

Plans for daycare as a business? With no green space for a playground for the daycare, I don't see that as a viable business plan leaving a vacant business

20-foot sound wall and 33-foot tall buildings! It will be like driving through an urban tunnel. The beauty of South Weber is why people move here. This will ruin it.

Transient housing and black commercial businesses with no buffer from the neighborhood is a horrible plan! This just does not make sense. If we need commercial space build commercial. This plan is catering to the condos and will be an eyesore in our community.

Safety:

The exits from the "The Lofts at Deer Run" will be up a hill making them nearly blind to pedestrian traffic. My children who are walking to and from the charter school, as well as kids walking to Maverick, will be at increased risk of pedestrian accidents.

The Lofts at Deer Run will have only one dedicated space will be reserved per condo and the remaining spaces are shared between the residents and commercial businesses. I am concerned that all the overflow of parking will go on the Frontage Rd and down Deer Run Dr.

There will be 164 parking spaces for the "Lofts at Deer Run" That is a minimum of 164 cars coming and going several times a day equaling several hundred cars crossing the sidewalk daily. The exits are also on a blind corner up a hill increasing the chance of pedestrian and vehicular accidents.

There is no room for designated turn lanes into the "Lofts at deer Run" thus traffic will be stopping on the frontage to turn into the complex posing increasing the risk of accidents. The same can be said for exiting the complex. With the sound wall, there will be no way to expand the road safely for proper turn lanes.

There is concern for access for EMT, Fire and other first responders to be able to turn around and get ladders tall enough to access the full height of the building.

I do not understand why you would approve such a plan? It doesn't make sense to build this high density and commercial complex in a neighborhood! Is the city receiving some type of Federal Funding that is influencing the building of this complex in our community? Are you willing to trade the safety of our kids and the legacy of South Weber for a kick-back? I only say this because I don't understand why else you would approve this horrible project.

I am asking you to put pressure on the developer to address these concerns and change the plans!

Reduce the number of units to provide more parking.

Demand a farther set-back and more open space for the safety of pedestrians and drivers.

Demand a 3rd party inspections of sewer needs to truly asses the costs and poetical risks to the city with the needed sewer expansion.

Demand a 3rd party study on traffic impact and access for first responders.

Thank You

Dear Mayor Sjblom,

I'm sure you've been keeping tabs on things but wanted to I communicate with you. The Facebook group is growing. We're almost to 400 members and we have a petition that will be at South Weber Days.

CC 2019-08-20 Addendum #4 Paul Sturm
QUESTIONS FOR SOUTH WEBER CITY - CITY COUNCIL

CITY COUNCIL MEETING DATE: 20AUG19

- 1) Is the SWC City Council aware that "The Lofts" developer, Joseph Cook, has also had significant issues with the Sunset City Council regarding a development in Sunset City. The developer started work before the City Council approved, Councilman Noyes stated that "this has become a habit on this project". Mr. Cook apologized and claimed ignorance. (Please see Exhibit #1 - Excerpt from Sunset City Council Meeting minutes of 15May18 - Attached)
[NOTE: Please ensure that this developer's past lack of cooperation with, and starting work without approval of, Sunset City (Just about a year ago) does not repeat itself here in SWC with his next development - "The Lofts at Deer Run"!!]

- 2) Also, just to make the SWC City Council aware, there is a Utah State Code, under Title 76, Utah Criminal Code; Chapter 8, Offenses Against the Administration of Government; Part 5, Falsification in Official Matters; that may be applicable to various activities that have happened within SWC in the past several years! (Please see Exhibit #2 Utah Code 76-8-501 Falsification in Official Matters - Attached)

EXHIBIT #1

<http://www.sunset-ut.com/pdf/051518cm.pdf>

**Sunset City Corporation
City Council Minutes
May 15, 2018
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placed on commercial lots. The ordinance has also been reviewed by Administration. He believes the ordinance was simplified and is easier to follow.

Council Member Bangerter made a motion to adopt Ordinance 2018-02 amending Title 10, Chapter 5, Article D: Commercial Zone C-2 of the Sunset City Code. Council Member Carlson seconded the motion. The motion passed unanimously with a roll call vote: Council Member Noyes – yes, Council Member Wiggill – yes, Council Member Carlson – yes, Council Member Bangerter – yes.

- 2. Discuss allowing a sanitary sewer lift station to be installed to service the final 16 townhomes of the Sunset Place Townhouses PUD:** Joseph Cook advised they have already installed the vault for the lift station and one of the uninhabited buildings is already tied into it. Roy City will only allow 60 of his units to dump sanitary sewer into their lines, so they redesigned the remaining 16 units to flow into the lift station, which will then dump into the Sunset City sewer line. The lift station is a 2-pump system with an emergency third pump and he also has a contract with a company to service it and repair it if it fails. It holds up to 8 hours of sewage if it malfunctions. He reiterated that it is already installed and he hopes it passes. Scott Nelson of CEC Engineering has approved their plan. He said those 16 units would be assessed HOA fees for the maintenance of the lift station and sewer lines. The other 60 units are being assessed HOA fees for the maintenance of the lines going into Roy City.

Council Member Noyes is concerned that some of the work has been done prior to obtaining Council approval and believes this has become a habit on this project. That concerns him for what may or may not happen with future projects. Mr. Cook apologized and said he was not aware they needed Council approval on this. Council Member Noyes said when the project was approved Mr. Cook knew about the sanitary sewer issue and it should have been resolved with Roy City before even one building was built in 2015. He is concerned that this is only being brought before them just now. He does not like lift stations because they require constant maintenance; not just when they malfunction. He feels it is not in the best interest of 16 residences to pay for that because Sunset City is not going to do it. He is also concerned that when the station fails, the residents will be calling Sunset City. Council Member Noyes believes that a lift station is just not in the best interest of the residents.

Council Member Bangerter stated the project needs to be completed, but feels an amendment needs to be added to the development agreement that states Sunset City has no liability for the lift station at all and, if the City eventually has to step in, all costs will be paid by the HOA. As Council Member Bangerter reviewed the agreement he wondered about the sections stating Mr. Cook is supposed to install an entry monument, playground equipment, fencing, gates, etc. Mr. Cook stated they are still moving forward with those items, but there may be a problem with planting trees along the back of the west side because a major gas pipeline runs through there and in the front there are some really tight spaces. However, he plans to plant trees in the playground area. The vinyl fencing has been put in along the east side and has been started along the north side. Council Member Bangerter agreed with

Council Member Noyes that all these issues should have been addressed prior to now and they need to amend the agreement absolving Sunset of any liability.

The Council does not want to see one more building started or anything else done on this project until the Council has reviewed and approved the agreement amendment. The agreement needs to protect the City from any potential liability or any added cost to the City forever and it will also need to be reviewed by the City Attorney.

Public Works Director Monroe clarified he told Darrell, the Project Manager, several times over the past six months to stop working on the lift station until they had Council approval.

Mr. Cook explained another issue he won't be able to comply with is the privacy fencing along the train tracks. The berm from the ground of the the Sunset Place Development to the top of the train tracks is about 15 to 20 feet tall. There is no way for them to block the train from the residences or to put a fence on top of the UTA wall due to wind and no place to anchor it. He'll have a vinyl fence along the north side of the property and he's looking at maybe putting slats in the existing chain link fence along the tracks on the west side. Council Member Bangerter asked why that was even in the agreement then and suggested trying to grow tall shrubbery along there.

Mr. Cook will begin work on the agreement amendment.

- 3. Mayor, Council and Department Head Reports:** Council Member Bangerter reported the Bark in the Park car and dog show took place Saturday, but it was raining so there was not a good turn-out. There were a lot of dogs, but only about 20 cars. There were 19 vendors, so he believed if it had been sunny it would have been a great success. He would like to bring it back next year. He has also been wondering if the City should do an RFP for the City's attorneys.

Council Member Carlson reported on his attendance at the North Davis Sewer District Board meeting. The Board has moved a lot of pipes in Layton and released the easements to those residents affected.

Council Member Wiggill said he also attended the Bark in the Park event and thought it was well attended considering the rain.

Council Member Noyes noticed a business has built a nice fence around part of their property and wondered about the ordinance stating the fence has to be opaque where it abuts residential property. It needs to be followed up on to see why it wasn't done. The Council received an invitation to take a Weber Basin Water tour on June 6th and said it was really nice when he has attended it in the past. He will be out of town the first week of June.

Police Chief Eborn reported he had officers at the Bark in the Park event and there were no issues.

Exhibit #2**Part 5****Falsification in Official Matters**

Index Utah Code

Title 76 Utah Criminal Code

Chapter 8 Offenses Against the Administration of Government

Part 5 Falsification in Official Matters

76-8-501 Definitions.

As used in this part:

- (1) "False statement" includes a false unsworn declaration, with "unsworn declaration" being defined in Section 78B-18a-102.
- (2) "Material" means capable of affecting the course or outcome of an official proceeding, unless the person who made the statement or provided the information retracts the statement or information before the earlier of:
 - (a) the end of the official proceeding in which the statement was made or the information was provided;
 - (b) when it becomes manifest that the false or misleading nature of the statement or information has been or will be exposed; or
 - (c) when the statement or information substantially affects the proceeding.
- (3) "Official proceeding" means:
 - (a) any proceeding before:
 - (i) a legislative, judicial, administrative, or other governmental body or official authorized by law to take evidence under oath or affirmation;
 - (ii) a notary; or
 - (iii) a person that takes evidence in connection with a proceeding described in Subsection (3)(a)(i);
 - (b) any civil or administrative action, trial, examination under oath, administrative proceeding, or other civil or administrative adjudicative process; or
 - (c) an investigation or audit conducted by:
 - (i) the Legislature, or a house, committee, subcommittee, or task force of the Legislature; or
 - (ii) an employee or independent contractor of an entity described in Subsection (3)(c)(i), at or under the direction of an entity described in Subsection (3)(c)(i).

Amended by Chapter 298, 2018 General Session

76-8-502 False or inconsistent material statements.

A person is guilty of a felony of the second degree if in any official proceeding:

- (1) He makes a false material statement under oath or affirmation or swears or affirms the truth of a material statement previously made and he does not believe the statement to be true; or
- (2) He makes inconsistent material statements under oath or affirmation, both within the period of limitations, one of which is false and not believed by him to be true.

Amended by Chapter 324, 1997 General Session

76-8-503 False or inconsistent statements.

(1) Except as provided in Subsection (2), a person is guilty of a class B misdemeanor if:

- (a) the person makes a false statement under oath or affirmation or swears or affirms the truth of the statement previously made and the person does not believe the statement to be true if:
 - (i) the falsification occurs in an official proceeding, or is made with a purpose to mislead a public servant in performing the public servant's official functions; or

- (ii) the statement is one that is authorized by law to be sworn or affirmed before a notary or other person authorized to administer oaths; or
 - (b) the person makes inconsistent statements under oath or affirmation, both within the period of limitations, one of which is false and not believed by the person to be true.
- (2) Subsection (1) does not include obstructing a legislative proceeding, as described in Section 36-12-9.5.
- (3) A person is not guilty under this section if the person retracts the falsification before it becomes manifest that the falsification has been or will be exposed.

Amended by Chapter 167, 2014 General Session

76-8-504 Written false statement.

A person is guilty of a class B misdemeanor if:

- (1) He makes a written false statement which he does not believe to be true on or pursuant to a form bearing a notification authorized by law to the effect that false statements made therein are punishable; or
- (2) With intent to deceive a public servant in the performance of his official function, he:
 - (a) Makes any written false statement which he does not believe to be true; or
 - (b) Knowingly creates a false impression in a written application for any pecuniary or other benefit by omitting information necessary to prevent statements therein from being misleading; or
 - (c) Submits or invites reliance on any writing which he knows to be lacking in authenticity; or
 - (d) Submits or invites reliance on any sample, specimen, map, boundary mark, or other object which he knows to be false.
- (3) No person shall be guilty under this section if he retracts the falsification before it becomes manifest that the falsification was or would be exposed.

Enacted by Chapter 196, 1973 General Session

76-8-504.5 False statements -- Preliminary hearing.

- (1) A person is guilty of a class A misdemeanor if the person makes a false statement:
 - (a) which the person does not believe to be true;
 - (b) that the person has reason to believe will be used in a preliminary hearing; and
 - (c) after having been notified either verbally or in writing that:
 - (i) the statement may be used in a preliminary hearing before a magistrate or a judge; and
 - (ii) if the person makes a false statement after having received this notification, he is subject to a criminal penalty.
- (2) Notification under Subsection (1) is sufficient if it is verbal or written and is in substantially the following form: "You are notified that statements you are about to make may be presented to a magistrate or a judge in lieu of your sworn testimony at a preliminary examination. Any false statement you make and that you do not believe to be true may subject you to criminal punishment as a class A misdemeanor."

Enacted by Chapter 215, 1999 General Session

76-8-504.6 False or misleading information.

- (1) A person is guilty of a class B misdemeanor if the person, not under oath or affirmation, intentionally or knowingly provides false or misleading material information to:

- (a) an officer of the court for the purpose of influencing a criminal proceeding; or
 - (b) the Bureau of Criminal Identification for the purpose of obtaining a certificate of eligibility for:
 - (i) expungement; or
 - (ii) removal of the person's name from the White Collar Crime Registry created in Title 77, Chapter 42, Utah White Collar Crime Offender Registry.
- (2) For the purposes of this section "officer of the court" means:
- (a) prosecutor;
 - (b) judge;
 - (c) court clerk;
 - (d) interpreter;
 - (e) presentence investigator;
 - (f) probation officer;
 - (g) parole officer; and
 - (h) any other person reasonably believed to be gathering information for a criminal proceeding.
- (3) This section does not apply under circumstances amounting to Section 76-8-306 or any other provision of this code carrying a greater penalty.

Amended by Chapter 131, 2015 General Session

76-8-505 False or inconsistent statements -- Proof of falsity of statements -- Irregularities no defense.

- (1) On any prosecution for a violation of Subsection 76-8-502(1) or 76-8-503(1)(a), falsity of a statement may not be established solely through contradiction by the testimony of a single witness.
- (2) In prosecutions for violation of Subsection 76-8-502(2) or 76-8-503(1)(b), it need not be alleged or proved which of the statements are false but only that one or the other is false and not believed by the defendant to be true.
- (3) It is not a defense to a charge under this part that the oath or affirmation was administered or taken in an irregular manner.

Amended by Chapter 324, 1997 General Session

76-8-506 Providing false information to law enforcement officers, government agencies, or specified professionals.

A person is guilty of a class B misdemeanor if he:

- (1) knowingly gives or causes to be given false information to any peace officer or any state or local government agency or personnel with a purpose of inducing the recipient of the information to believe that another has committed an offense;
- (2) knowingly gives or causes to be given to any peace officer, any state or local government agency or personnel, or to any person licensed in this state to practice social work, psychology, or marriage and family therapy, information concerning the commission of an offense, knowing that the offense did not occur or knowing that he has no information relating to the offense or danger; or
- (3) knowingly gives or causes to be given false information to any state or local government agency or personnel with a purpose of inducing a change in the person's licensing or certification status or the licensing or certification status of another.

Amended by Chapter 92, 2005 General Session

76-8-507 False personal information to peace officer.

- (1) A person commits a class C misdemeanor if, with intent of misleading a peace officer as to the person's identity, birth date, or place of residence, the person knowingly gives a false name, birth date, or address to a peace officer in the lawful discharge of the peace officer's official duties.
- (2) A person commits a class A misdemeanor if, with the intent of leading a peace officer to believe that the person is another actual person, he gives the name, birth date, or address of another person to a peace officer acting in the lawful discharge of the peace officer's official duties.

Amended by Chapter 42, 2002 General Session

76-8-508 Tampering with witness -- Receiving or soliciting a bribe.

- (1) A person is guilty of the third degree felony of tampering with a witness if, believing that an official proceeding or investigation is pending or about to be instituted, or with the intent to prevent an official proceeding or investigation, he attempts to induce or otherwise cause another person to:
 - (a) testify or inform falsely;
 - (b) withhold any testimony, information, document, or item;
 - (c) elude legal process summoning him to provide evidence; or
 - (d) absent himself from any proceeding or investigation to which he has been summoned.
- (2) A person is guilty of the third degree felony of soliciting or receiving a bribe as a witness if he solicits, accepts, or agrees to accept any benefit in consideration of his doing any of the acts specified under Subsection (1).
- (3) The offense of tampering with a witness or soliciting or receiving a bribe under this section does not merge with any other substantive offense committed in the course of committing any offense under this section.

Amended by Chapter 140, 2004 General Session

76-8-508.3 Retaliation against a witness, victim, or informant.

- (1) As used in this section:
 - (a) A person is "closely associated" with a witness, victim, or informant if the person is a member of the witness', victim's, or informant's family, has a close personal or business relationship with the witness or victim, or resides in the same household with the witness, victim, or informant.
 - (b) "Harm" means physical, emotional, or economic injury or damage to a person or to his property, reputation, or business interests.
- (2) A person is guilty of the third degree felony of retaliation against a witness, victim, or informant if, believing that an official proceeding or investigation is pending, is about to be instituted, or has been concluded, he:
 - (a)
 - (i) makes a threat of harm; or
 - (ii) causes harm; and
 - (b) directs the threat or action:
 - (i) against a witness or an informant regarding any official proceeding, a victim of any crime, or any person closely associated with a witness, victim, or informant; and
 - (ii) as retaliation or retribution against the witness, victim, or informant.

- (3) This section does not prohibit any person from seeking any legal redress to which the person is otherwise entitled.
- (4) The offense of retaliation against a witness, victim, or informant under this section does not merge with any other substantive offense committed in the course of committing any offense under this section.

Enacted by Chapter 140, 2004 General Session

76-8-508.5 Tampering with juror -- Retaliation against juror -- Penalty.

- (1) As used in this section "juror" means a person:
 - (a) summoned for jury duty; or
 - (b) serving as or having served as a juror or alternate juror in any court or as a juror on any grand jury of the state.
- (2) A person is guilty of tampering with a juror if he attempts to or actually influences a juror in the discharge of the juror's service by:
 - (a) communicating with the juror by any means, directly or indirectly, except for attorneys in lawful discharge of their duties in open court;
 - (b) offering, conferring, or agreeing to confer any benefit upon the juror; or
 - (c) communicating to the juror a threat that a reasonable person would believe to be a threat to injure:
 - (i) the juror's person or property; or
 - (ii) the person or property of any other person in whose welfare the juror is interested.
- (3) A person is guilty of tampering with a juror if he commits any unlawful act in retaliation for anything done by the juror in the discharge of the juror's service:
 - (a) to the juror's person or property; or
 - (b) to the person or property of any other person in whose welfare the juror is interested.
- (4) Tampering with a juror is a third degree felony.

Amended by Chapter 219, 1992 General Session

76-8-509 Extortion or bribery to dismiss criminal proceeding.

- (1) A person is guilty of a felony of the second degree if by the use of force or by any threat which would constitute a means of committing the crime of theft by extortion under this code, if the threat were employed to obtain property, or by promise of any reward or pecuniary benefits, he attempts to induce an alleged victim of a crime to secure the dismissal of or to prevent the filing of a criminal complaint, indictment, or information.
- (2) "Victim," as used in this section, includes a child or other person under the care or custody of a parent or guardian.

Enacted by Chapter 196, 1973 General Session

76-8-510.5 Tampering with evidence -- Definitions -- Elements -- Penalties.

- (1) As used in this section, "thing or item" includes any document, record book, paper, file, electronic compilation, or other evidence.
- (2) A person is guilty of tampering with evidence if, believing that an official proceeding or investigation is pending or about to be instituted, or with the intent to prevent an official proceeding or investigation or to prevent the production of any thing or item which reasonably

would be anticipated to be evidence in the official proceeding or investigation, the person knowingly or intentionally:

- (a) alters, destroys, conceals, or removes any thing or item with the purpose of impairing the veracity or availability of the thing or item in the proceeding or investigation; or
 - (b) makes, presents, or uses any thing or item which the person knows to be false with the purpose of deceiving a public servant or any other party who is or may be engaged in the proceeding or investigation.
- (3) Subsection (2) does not apply to any offense that amounts to a violation of Section 76-8-306.
- (4)
- (a) Tampering with evidence is a third degree felony if the offense is committed in conjunction with an official proceeding.
 - (b) Any violation of this section except under Subsection (4)(a) is a class A misdemeanor.

Amended by Chapter 167, 2014 General Session

76-8-511 Falsification or alteration of government record -- Penalty.

A person is guilty of a class B misdemeanor if under circumstances not amounting to an offense subject to a greater penalty under Title 76, Chapter 6, Part 5, Fraud, the person:

- (1) knowingly makes a false entry in or false alteration of anything belonging to, received, or kept by the government for information or record, or required by law to be kept for information of the government;
- (2) presents or uses anything knowing it to be false and with a purpose that it be taken as a genuine part of information or records referred to in Subsection (1); or
- (3) intentionally destroys, conceals, or otherwise impairs the verity or availability of the information or records, knowing that the destruction, concealment, or impairment is unlawful.

Amended by Chapter 238, 2003 General Session

76-8-512 Impersonation of officer.

A person is guilty of a class B misdemeanor who:

- (1) impersonates a public servant or a peace officer with intent to deceive another or with intent to induce another to submit to his pretended official authority or to rely upon his pretended official act;
- (2) falsely states he is a public servant or a peace officer with intent to deceive another or to induce another to submit to his pretended official authority or to rely upon his pretended official act; or
- (3) displays or possesses without authority any badge, identification card, other form of identification, any restraint device, or the uniform of any state or local governmental entity, or a reasonable facsimile of any of these items, with the intent to deceive another or with the intent to induce another to submit to his pretended official authority or to rely upon his pretended official act.

Amended by Chapter 4, 2013 Special Session 1

Amended by Chapter 4, 2013 Special Session 1

76-8-513 False judicial or official notice.

A person is guilty of a class B misdemeanor who, with a purpose to procure the compliance of another with a request made by the person, knowingly sends, mails, or delivers to the person a notice or other writing which has no judicial or other sanction but which in its format or appearance

simulates a summons, complaint, court order, or process, or an insignia, seal, or printed form of a federal, state, or local government or an instrumentality thereof, or is otherwise calculated to induce a belief that it does have a judicial or other official sanction.

Enacted by Chapter 196, 1973 General Session