

# SOUTH WEBER CITY CITY COUNCIL MEETING

**DATE OF MEETING:** 26 November 2019

**TIME COMMENCED:** 6:01 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 (excused 7:24 p.m.)  
Angie Petty  
Merv Taylor  
Wayne Winsor

**CITY ENGINEER:**

Brandon Jones

**CITY RECORDER:**

Lisa Smith

**CITY MANAGER:**

David Larson

**Transcriber:** Minutes transcribed by Michelle Clark

**ATTENDEES:** Lacey Westbroek, Lynn Poll, Ned McCracken, Kathy Devino, Linda Marvel, Paul Sturm, Sandra Layland, Natalie Layland, Quin Soderquist, Corinne Johnson, Julie Losee, Michael Grant, Jeff Judkins, Hayley Alberts, Marci Poll, Traci Wiese, Chris Tremea, Lara Wright, Tom Wright, Rob Edwards, and Brent Poll.

Mayor Sjoblom called the meeting to order and welcomed those in attendance.

**PLEDGE OF ALLEGIANCE:** Councilman Hyer

**PRAYER:** Lacey Westbroek

**CONFLICT OF INTEREST:** None

**PUBLIC COMMENT:** Please respectfully follow these guidelines:

- a. Individuals may speak once for 3 minutes or less
- b. State your name and address for the record
- c. Speak to the entire City Council
- d. Do not comment from the audience
- e. Note City Council will not respond during the public comment period

Hayley Alberts, 7560 S. 1740 E., asked for an update from the Army Corp of Engineers concerning the wetlands at Canyon Meadows Park.

Kathy Devino, 2480 E. 8300 S., requested status on the Riverside RV Park.

Michael Grant, 2626 Deer Run Drive, voiced his concerns with Mayor Sjoblom’s comments. He remarked the citizens have demonstrated in multiple ways by open protests, emails, websites, and voting that they oppose South Bench Drive and the connection to Layton City. He expressed, “majority rules and that is democracy”.

Mayor Sjoblom asked City Manager David Larson to provide information on the Canyon Meadows Park wetlands and the Riverside RV Park during his report.

**CONSENT AGENDA:**

- a. September Budget to Actual
- b. September Check register
- c. October Check Register

Councilman Winsor voiced his concern with the Fire Department paying \$300 month for an ice machine and suggested looking into other options with the possibility of purchasing versus leasing. David was directed to provide options for consideration.

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

**Westside Reservoir Rehabilitation Project—Change Order #1**

David Larson, City Manager, explained the cost breakdown change order #1.

No.	Description	Quantity		Unit Price	Total Price
101	Furnish and install meter vault complete with fittings (no meter)	1	LS	\$ 27,561.41	\$ 27,561.41
102	Pothole existing water line	7	HRS	345.00	2,415.00
103	Furnish and install 12" butterfly valve on feed line	1	EA	4,641.07	4,641.07
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**Total Change in Contract Price: \$ 34,617.48**

David explained there is still some question with state requirements on the vault. He recommended removing #101 (furnish and install meter vault complete with fitting (no meter)) but leave item #102 (pothole existing water line) and #103 (furnish and install 12” butterfly value on fee line).

Councilman Winsor moved to approve the Westside Reservoir Rehabilitation Project—Change Order #1 for items #102 and #103 for \$7,056.07. Councilman Halverson seconded the motion. Mayor Sjoblom called for the vote. Council Members Halverson, Hyer, Petty, Taylor, and Winsor voted aye. The motion carried.

**Ordinance 19-16: Amending the Residential High-Density (R-H) Zoning District to Residential Multi-Family (R-7):** Mayor Sjoblom explained limiting growth was discussed at the joint meeting of Planning Commission and City Council on October 22, 2019. The Planning Commission was directed to come up with a recommended density less than the current 13 units and a name change which would more accurately reflect what is allowed. The Planning Commission met on November 14, 2019 and recommended 7 units per acre and a rename of the zone to (R-7). They also suggested a moratorium until all zoning codes are reviewed. In keeping consistency in the zone, staff recommended the name be changed to Residential Multi-Family (R-7).

Councilman Halverson wanted more information about moratoriums. David explained the Planning Commission's needs time to review all zoning codes; however, there are specific guidelines for a moratorium and when it can be done. He discussed there is currently one property in the City that is zoned R-H. If this ordinance is approved, this property owner will need to follow the Residential Multi-family (R-7) Zone.

David reviewed the aerial slides that Barry Burton, City Planner, presented to the Planning Commission concerning subdivisions with different units per acre. Councilman Hyer suggested reviewing the special conditions of the ordinance. Councilman Winsor felt there were details missing concerning special conditions. David said the packet includes only the changes and everything else was left. He pointed out the only change was the density and the name. Councilman Hyer was concerned about driveway space, garage space, and green space. Councilman Winsor thought the whole package needs to be looked at to know if 7 units is the right number. Councilman Halverson didn't have a problem with approving the name change and 7 units because the Council directed the Planning Commission to find a number and that is what they provided.

**Councilman Hyer moved to approve Ordinance 19-16: Amending the Residential High-Density (R-H) Zoning District to Residential Multi-Family (R-7). Councilwoman Petty seconded the motion. Mayor Sjoblom called for the vote. Council Members Halverson, Hyer, and Petty voted aye. Councilman Taylor and Winsor voted no. The motion carried 3 to 2.**

The City Council directed the city staff to update the Residential Multi-Family (R-7) Zone.

**Ordinance 19-17: Amending City Code 10-7-2 Regarding Conditional Use Permit Requirements:** Mayor Sjoblom stated the recent concerns with a short-term rental conditional use permit (CUP) necessitated a look at the CUP revocation process. The City wanted to prevent any permittee from reapplying for the same purpose which was revoked without having adequate time to address the problems. On November 20, 2019, the Planning Commission reviewed the proposed ordinance and recommended approval. They would like the Council to consider a clause to allow discretion in the timeline if a property is sold.

Mayor Sjoblom explained Ordinance 19-17 amends City Code 10-7-2 to require 2 years following a conditional use permit revocation prior to allowing a conditional use application at the same address, for the same applicant, or for the same purpose.

Councilwoman Petty asked if two years is long enough. David explained the state law gives direction that it needs to be reasonable without defining a time. He reminded Council the ordinance applies to all conditional use permits. He related he spoke with the City Attorney, Doug Ahlstrom, and he concurred two years is reasonable. David reiterated an application for a conditional use permit would be disallowed for two years following the revocation of a conditional use permit at the same address and/or for the same applicant and/or for the same purpose.

**Councilman Halverson moved to approve Ordinance 19-17: Amending City Code 10-7-2 Regarding Conditional Use Permit Requirements with the following language amendment “an application for a conditional use permit is prohibited for two years following the revocation of a conditional use permit at the same address and/or for the same applicant and/or for the same purpose”. Councilman Taylor seconded the motion. Mayor Sjoblom called for the vote. Council Members Halverson, Hyer, Petty, Taylor, and Winsor voted aye. The motion carried.**

**Consider Revocation: Conditional Use Permit #STR 19-03 at 1923 E Canyon Drive:**

The Cobblestone resort is in a large single-family dwelling located at 1923 E Canyon Drive. This short-term rental is owned and operated by WonAe Mier and her son Dustin Shiozaki. The City has been heavily involved with this property due to the high volume of complaints from residents. The Code Enforcement Officer Chris Tremea made repeated efforts to educate the operators of City laws and encourage adherence. When education efforts did not work, enforcement of the code became necessary. Chris spent a disproportionate amount of time enforcing ordinances at this location. The Planning Commission held a Public Hearing on October 23, 2019 and recommended revocation of Conditional Use Permit #STR 19-03 for Cobblestone Resort. Councilman Hyer echoed there were a number of issues with this short-term rental.

**Councilman Taylor moved to approve the Revocation: Conditional Use Permit #STR 19-03 at 1923 E Canyon Drive. Councilman Hyer seconded the motion. Mayor Sjoblom called for the vote. Council Members Halverson, Hyer, Petty, Taylor, and Winsor voted aye. The motion carried.**

Chris Tremea, Code Enforcement Officer, explained the process moving forward: Written notice of the revocation of the conditional use permit would be sent to the property manager and property owner. David further clarified the City will be working with the City Prosecutor regarding criminal charges. Councilman Winsor suggested sending information certified mail. Councilman Taylor wondered about placing something on the door of the home noticing the conditional use permit has been revoked.

**Discussion: Plume maps by Brent Poll:** Mr. Poll stated the City’s plume maps are inaccurate. He suggested the City get a copy of the updated plume maps. He averred everything the City needs to know is in the risk assessment of 1991. He stated Hill Air Force Base has hundreds of plume maps. He inquired if the City Council and Planning Commission had read the risk assessment. He contended the Planning Commission had not read it. He related the assessment was reviewed by the EPA and Congress. He discussed public awareness and the clean-up. He portrayed the City’s primary concerns are for developers. He charged the City to get someone who can read the risk assessment study. He reviewed the 1980’s pollution coming down the

hillside and individuals could see it, smell it, and it went clear to the Weber River. He discussed the natural attenuation that took place with the cleanup procedures completed by HAFB. He explained the three factors of pollution: the contaminant, the pathway, and the human receptor. He described side effects including birth defects, skin disorder, immune system failures, blood disorders, cornea damage, hearing loss, etc. He said there are uncertainties that can't be measured well. He hoped the City Council has read the letters he has sent. He iterated everything in South Weber City is polluted. He stated there isn't much the City can do except stop approving subdivisions allowing more people to be exposed. He suggested the City be held accountable. Councilman Halverson declared he had read the risk assessment cover to cover as well as the last review. He declared responsibility lies with the landowners. He said owners have the right to leave property as open space forever. Councilman Hyer also read the items to which Mr. Poll referred. He expressed that there is nothing definitive enough to say levels are dangerous. He disclosed there are other studies that have come out since 1991. Mr. Poll questioned why our plumes haven't been removed from the national priority list. Councilman Halverson clarified each operable unit has a different date of attenuation, not all are 2040. Mr. Poll declared anytime the City approves a building permit and subdivision the City becomes responsible.

**Councilman Hyer was excused at 7:24 p.m.**

**NEW BUSINESS:** David discussed 2725 East having sections labeled "Cornia Drive" and other parts "Highway 89". There have been issues with emergency response. He inquired about renaming the street to be uniform. Councilwoman Petty voiced this item has been on her mind for about nine years. She recommended changing the road to Mountainside Drive. Brandon Jones, City Engineer, relayed individuals who live along the street will need to be contacted. Council chose Mountainside Drive for the street name and directed Brandon to make the necessary contacts.

**REPORTS:**

**Mayor Sjoblom:** reported on the TLC Grant and that the RFP is in process. The work will be scheduled for January 2020. She reviewed why the streetlights on Old Fort Road are different than what is throughout the City.

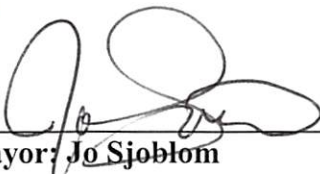
**Councilman Taylor:** thanked the Public Works Department for snow removal and Chris Tremea for enforcing laws against pushing snow into the street. He directed David to discover the grade for 1900 East.

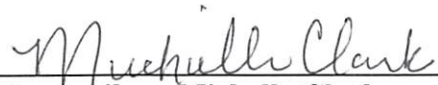
**Councilwoman Petty:** pointed out a typo on Ordinance 19-16 which was immediately corrected.

**David Larson, City Manager:** reported on the wetland situation at Canyon Meadows Park. He recounted the wetland restoration plan is due the end of December. He verified there will be no work done on private property. He announced Riverside RV Park conditional use permit approval will be coming before the City Council on 10 December 2019. He communicated the work on South Bench Drive, Phase 1 has been suspended due to weather constraints. The asphalt was completed to Pebble Creek Drive. He reported progress on the waterline on Cottonwood Drive. Brandon met with Uintah City's engineer and both Councils have agreed to move forward.

The City Council will be meeting jointly with the Planning Commission to continue General Plan review on 3 December 2019 and on 10 December 2019 for a regular business meeting.

**ADJOURNED:** Councilwoman Petty moved to adjourn the Council Meeting at 7:41 p.m. Councilman Winsor seconded the motion. Council Members Halverson, Petty, Taylor and Winsor voted yes. The motion carried.

**APPROVED:**  \_\_\_\_\_ Date 1/14/20  
Mayor: Jo Sjoblom

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Transcriber: Michelle Clark

Attest:  \_\_\_\_\_  
City Recorder: Lisa Smith