

# SOUTH WEBER CITY CITY COUNCIL MEETING

**DATE OF MEETING:** 25 February 2020

**TIME COMMENCED:** 6:02 p.m.

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

**PRESENT: MAYOR:**

Jo Sjoblom

**COUNCIL MEMBERS:**

Hayley Alberts (excused)  
Blair Halverson  
Angie Petty  
Quin Soderquist  
Wayne Winsor

**CITY RECORDER:**

Lisa Smith

**CITY ENGINEER:**

Brandon Jones

**CITY MANAGER:**

David Larson

**Transcriber:** Minutes transcribed by Michelle Clark

**ATTENDEES:** Kathy DeVino, JoAnn Reynolds, Paul Sturm, Roney Ketts, Peggy Bateman, Marsha Prantil, Joe Prantil, Jeff Judkins, Byron Bateman, Scott Mortensen, Lynn Poll, Amy Mitchell, Jeff Eddings, Corinne Johnson, Julie Losee, Sandra Layland, Chris Pope, Linda Marvel, Dan Murray, and Doug Ahlstrom.

Mayor Sjoblom called the meeting to order and welcomed those in attendance and excused Councilwoman Alberts from tonight's meeting.

**PLEDGE OF ALLEGIANCE:** Councilman Soderquist

**PRAYER:** Councilwoman Petty

**CONFLICT OF INTEREST:** None

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

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

Jeff Eddings, 2645 E. 7800 S., commented on the South Weber Transition Zone Development. He believed this is a poor location for a carwash because there are already carwashes in Layton and South Ogden. He pointed out this location can be windy. He expressed concern about light pollution especially another sign like the Maverik. He felt loud music might be played also.

**Paul Sturm, 2527 Deer Run Drive**, asked if it is the City Council or the Planning Commission that would approve the breaking up of Dan Murray's property along the frontage. Mr. Sturm referenced the RV Park agenda item questioning if the city is rewriting an ordinance for the developer. He had numerous questions concerning the carwash on 2700 East including access and traffic congestion. He suggested widening 2700 East to address additional traffic and install a left-hand turn lane going north into Maverik. He related he addressed these same concerns with the Planning Commission. (see Citizen Input #1 Sturm)

**Byran Bateman, 626 Cottonwood Drive**, thanked the Mayor, David Larson, and Councilman Halverson for the meeting held last Thursday night with Cottonwood Drive residents. He stated all (7) residents along Cottonwood Drive are willing to transfer to Uintah City. He identified they are currently in fact finding mode. He thanked the City for the asphalt patching that took place yesterday.

**Joe Prantel, 800 East Cottonwood Drive**, said the residents on Cottonwood are still trying to evaluate whether they want to be in unincorporated Weber County or Uintah City. He indicated they have not met with Uintah City. He was not antagonistic to South Weber City but wanted what is best for those residents in the future. He thanked the City for patching the road.

**JoAnn Reynolds, 377 S. 7900 W.**, referenced Resolution 2020-06 and would like to know what items have been escrowed.

**Julie Losee, 2541 E. 8200 S.**, referenced Ordinance 2020-01. She questioned why Mr. Mortensen could rezone the lot when he isn't the property owner. She suggested checking out Fairfield Road and Highway 193 where the Chevron is located. She specified this location is too small for what is being proposed. She proposed dividing it into two lots rather than three. She emphasized this area is the entrance to South Weber City.

**Corinne Johnson, 8020 S. 2500 E.**, also mentioned Ordinance 2020-01. She discussed the motion made at the last Planning Commission meeting. She wanted to make sure the Conditional Use Permit (CUP) stays attached to the rezone request. She charged there is a conflict of interest with Commissioner Tim Grubb working on the R-7 zone as he currently owns R-7 Zoned property.

**Lynn Poll, 826 E. South Weber Drive**, commented he will miss the residents living along Cottonwood Drive if they go to Uintah City. He suggested widening 2700 East to three lanes, especially with the recent request for townhomes, carwash, etc. He communicated apprehension about the aesthetics of the townhomes. He reported the city has come a long way; however, he met with individuals at the senior luncheon who declared the City Council is not listening to them.

**Amy Mitchell, 1923 Deer Run Drive**, voiced misgiving with the South Weber Transition Zone Development. She specified the shared exit with the warehouses was a problem. She discussed likelihood of blocking the Maverik dump station. She averred this city is not a starter community. She announced individuals can find high density housing somewhere else. She vocalized the duplex on 1900 East and South Weber Drive looks nice. She had misgivings about the sewer capacity especially with the construction of the Lofts at Deer Run Drive. She echoed distress at the possible conflict of interest with Tim Grubb and the R-7 Zone. She thanked everyone for their service.

**CONSENT AGENDA:**

- **January Check Register**
- **December Budget to Actual**

Councilwoman Petty questioned page 3 of the January check register concerning public defender fees. David Larson, City Manager, explained the City is required to cover public defender fees for criminal charges. He further explained defendants must meet eligibility requirements to be assigned a public defender. Lisa Smith, court clerk, clarified if the charge is dismissed, the defendant cannot be required to make any payment towards attorney fees. If the defendant is found guilty or pleads guilty, the judge can assess some of the fees for the defendant to pay. In all cases the City pays the attorney fees and if the judge determines the defendant is able to pay fees the defendant pays the court restitution for that service.

David explained three years ago there was an evaluation as to whether to buy an ice machine for the fire department. At that time, the decision was made to lease an ice machine. The Fire Chief was open to re-evaluating options and so David presented a cost estimate for leasing an ice machine versus purchasing an ice machine. (see packet addendum) Councilman Halverson indicated it is important to keep in mind that the City must provide ice for large calls regionally. It was decided the Fire Department will continue leasing the ice machine.

Councilwoman Petty commented about the email received explaining payment to Jones & Associates. She understood there was an issue with the check which was subsequently voided. David explained there was a system error and a check was voided.

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

**Resolution 2020-06: Final Acceptance of Bowman Old Farm Estates Improvements.**  
**Applicant Warren Reynolds:** Brandon Jones, City Engineer's, reviewed his memo of 13 February 2020. It reads as follows:

**Background**

This subdivision was approved and began construction back in December of 2015. In December 2017, the Developer requested inspection for Conditional Acceptance of the subdivision improvements (which would start the 1-yr Guarantee period). A punch list of items left to complete was generated and given to the Developer. Since this punch list was generated, there has been a lot of back and forth between the Developer and the City on the addressing of these remaining items. The main reason for this is because the Developer did not agree with all the items on the punch list. As a result, Conditional Acceptance was never formally given and 1-yr Guarantee period was never formally completed. At this point, all but three items have been addressed.

As it relates to all the other improvements, we have completed inspections of the improvements and have found them to meet the minimum South Weber City standards in accordance with the approved improvement plans.

**Remaining Improvements:**

The three remaining improvements as follows:

- \$1,500 – Rip rap at storm drain outlet
- \$1,800 – Flared-end section at storm drain outlet
- \$3,000 – Street repair at subdivision entrance
- **\$6,300 - Total**

### **Escrow Release**

The following are the items and associated amounts that have been released from escrow to the City:

- \$6,300 – Remaining Improvements (see above)
- \$14,960 – Fee in lieu of Detention
- \$8,181 – Chip & Seal
- \$6,400 – Streetlights
- **\$35,841 – Total**

Completion of Improvements As it was difficult to come to terms on the remaining improvements, the Developer agreed to have the above amount for the remaining improvements released from escrow to the City. The City will complete the street repair as a part of this summer's street maintenance projects. The flared-end section and rip-rap can be installed by the City or in conjunction with the next Canyon Meadows Park project (as the location is adjacent to the park and has better access than through the backyard of the current property owner). The fee in lieu of detention will be used towards payment of the City's participation in the Old Maple Farms regional detention basin. The chip & seal will be completed as part of this summer's street maintenance projects. The streetlights will be installed with the streetlight project.

### **Recommendation**

Even though the 1-yr Guarantee period was never officially granted, we feel that the purpose of the Guarantee period has been fulfilled. The majority of the improvements have been installed and in good working order for nearly 3 years. We therefore recommend granting Final Acceptance of the subdivision and all associated improvements.

Once accepted, all remaining escrow funds can be released.

**JoAnn Reynolds, 377 S. 7900 W.**, explained they paid \$14,000 in cash and not in escrow. Brandon stated the remaining escrow will be given back to the developer. Brandon addressed the storm drainpipe that crosses South Weber Drive. He was not aware the pipe had been crushed. He said the grade of the pipe crosses through the subdivision and exits out of Canyon Meadows Park, which was approved and installed. Brandon was tasked with researching the crushed pipe. He mentioned it could take place during the wetland improvements for Canyon Meadows Park.

**Councilwoman Petty moved to approve Resolution 2020-06: Final Acceptance of Bowman Old Farm Estates Improvements. Applicant Warren Reynolds. Councilman Halverson seconded. Mayor Sjoblom called for the vote. Council Members Halverson, Petty, Soderquist, and Winsor voted aye. The motion carried.**

**Councilman Winsor moved to open the public hearing to open and amend the Fiscal Year 2020 Budget. Councilman Halverson seconded. Mayor Sjoblom called for the vote. Council**

Members Alberts, Halverson, Petty, Soderquist, and Winsor voted aye. The motion carried.

\*\*\*\*\* PUBLIC HEARING \*\*\*\*\*

**Public Hearing to Open and Amend the Fiscal Year 2020 Budget:**

Mayor Sjoblom explained the current city budget for 2019-2020 was adopted on August 20, 2019. At the time the budget was prepared, South Weber City was studying our streetlights and working on a plan for the City to install and to own the streetlights in the future. A plan has now been developed, and the City desires to move forward with the first installation of 39 streetlights in new subdivisions. The second amendment is for the restoration of wetlands at Canyon Meadow Park. Since budget adoption the Army Corp of Engineers has informed the City of what must be done to meet their requirements. This year’s budget needs to be opened and amended to reflect these two changes.

**Capital Projects Revenues**

45-34-270	Developer Payments for Improvements	+	\$241,600
45-39-389	Fund Balance to be Appropriated	+	\$ 69,400
45-39-389	Fund Balance to be Appropriated	+	\$ 75,000

**Capital Projects Expenditures**

45-60-730	Improvements other than Buildings	+	\$311,000
45-70-730	Improvements other than Buildings	+	\$ 75,000

Mayor Sjoblom asked if there were any public comment. There was none.

Councilman Winsor moved to close the public hearing to open and amend the Fiscal Year 2020 Budget. Councilman Halverson seconded. Mayor Sjoblom called for the vote. Council Members Halverson, Petty, Soderquist, and Winsor voted aye. The motion carried.

\*\*\*\*\* PUBLIC HEARING CLOSED \*\*\*\*\*

**Resolution 2020-08: Amend Fiscal Year 2020 Budget:**

Mayor Sjoblom petitioned when the streetlights will be purchased. David replied as soon as the funds are approved the streetlights will be ordered with an estimated 8 to 10-week delivery.

Councilwoman Petty moved to approve Resolution 2020-08: Amend Fiscal Year Budget 2020. Councilman Soderquist seconded. Mayor Sjoblom called for the vote. Council Members Halverson, Petty, Soderquist, and Winsor voted aye. The motion carried.

**Streetlight Purchase:**

**City Engineer, Brandon Jones, memo of 20 February 2020 is as follows:**

**BACKGROUND** Years ago, developers worked directly with Rocky Mountain Power (RMP) for the installation of the streetlights needed for their developments. Then several years ago, RMP changed their policy to require the City to file the Installation Request form on behalf of the developer, since the lights would be added to the City’s monthly bill. This meant that the City paid RMP for the streetlights, but it was paid by adding it to the monthly bill. The developer was required to escrow for the streetlights. The amount established in the escrow for the streetlights was then to be released to the City before the escrow account was closed. Through this process there was not much control over the streetlights being installed, nor the estimated amount held in escrow. The staff became concerned about the inconsistent style of streetlights

being installed, the amount being escrowed and the potential poor performance of the streetlights. Therefore, they began looking into the idea of City-owned lights rather than RMP-owned lights.

In the later part of 2017, the City began having developers pay for the streetlights up-front before the plat was recorded rather than escrow for them. This was done to help ensure that the City was collecting the money for the streetlights and limiting the risk of the money getting released inadvertently from an escrow account. However, the amount being paid was still an estimate, since the actual cost was unknown. Based on discussions relating to the possibility of the city owning the streetlights, the staff did not move forward on any installation requests for RMP owned streetlights, knowing these streetlights would only need to be bought back in the future if the City made the decision to own their own streetlights.

In order to help facilitate making a well-informed decision, the Municipal Utilities Committee (MUC) was tasked with analyzing and evaluating what would be best for the City as it related to short-term and long-term costs, performance, and aesthetics. The City made the policy decision to move forward with City-owned streetlights in November 2018 and selected 3 different standard streetlight styles for the appropriate uses (residential, intersection, and corridor). The MUC recognized at the time that the amount of money collected from developers up to that point in time may not be enough for what it would actually take to install the new streetlights according to the new policy. However, given the long-term cost savings of the high-efficiency LED lights, the power savings made it worth the potential extra install costs. Since implementing the new policy, developers have been paying enough to cover the full cost to purchase and install the new streetlights.

## DEVELOPMENTS

The following is a summary of developments needing streetlights:

Subdivision	Streetlight Style		Cost	Notes
	LP-1 (Residential)	LP-2 (Intersection)	Estimate Date	
Bowman Old Farm Estates	1	1	9/15/2016	
Ferndale		1	10/16/2017	
Freedom Landing 1	1		11/16/2017	
Freedom Landing 2	1		11/7/2018	
Harvest Park 1	2	3	9/6/2019	
Harvest Park 2		1	9/6/2019	1 installed w/ Old Fort Rd.
Hidden Valley Meadows 1	1	2	10/26/2017	
Hidden Valley Meadows 2	1	3	8/24/2018	
Old Maple Farms 1 & 2	2	4	12/21/2017	1 installed w/ Old Fort Rd.
Old Maple Farms 3	2	2	8/24/2018	
Ray Creek Estates	1	1	2/14/2018	
Riverside Place 1 & 2	2	3	7/28/2017	1 installed w/ Old Fort Rd.
Riverside Place 3	2	1	3/18/2019	
Sun Rays	1	1	3/5/2019	
Valley Flats	1	1	7/22/2016	
Subtotal	18	24		
<b>Total (to be installed)</b>	<b>18</b>	<b>21</b>		

**BUDGET**

Based on the fixed pricing in the Agreement that the City has with Stevens Sales Company (SSCO), the purchase price for the 39 streetlights listed above is \$131,403. The installation of these streetlights will be bid out and a recommended contractor will be brought back to the City Council for a potential awarded contract. At this point, our estimate for this work (including installation, connection fees, and contingency) is approximately \$178,000, giving a total project cost of \$310,000. The revenue received from developers for the streetlights listed above totals \$241,600. Therefore, a minimum of an additional \$70,000 would need to be budgeted in order to complete the installation of all the streetlights listed above. Based on the cost savings from power alone, this additional installation amount will pay for itself in 7 years (compared to the previous policy of RMP-owned streetlights).

**Councilwoman Petty moved to approve the streetlight purchase. Councilman Winsor seconded. Mayor Sjoblom called for the vote. Council Members Halverson, Petty, Soderquist, and Winsor voted aye. The motion carried.**

**Resolution 2020-09: Amend Consolidated Fee Schedule:**

**Background:** There were two items to be changed in the Consolidated Fee Schedule. The first was to add verbiage to clarify how the culinary water rates were adopted and calculated. The City's water rates have historically been based per 1,000 gallons of use which is the generally accepted practice of municipal water companies across the state. The phrase "per 1,000 gallons" is being added to Chapter 16.2. The second Change was adding the "Franchise Application" fee to Chapter 1.16. During a recent review of the Telecommunication Right-of-Way code adopted in 1998, staff found it includes an application fee of \$500. This change would bring the Consolidated Fee Schedule in line with the city code.

**Summary:** Change the Consolidated Fee Schedule to add clarification to the city water rates and to add the Franchise Application Fee.

**Councilman Soderquist moved to approve Resolution 2020-09: Amend Consolidated Fee Schedule. Councilman Halverson seconded. Mayor Sjoblom called for the vote. Council Members Halverson, Petty, Soderquist, and Winsor voted aye. The motion carried.**

**Medical Director Contract**

Mayor Sjoblom recounted the Fire Departments three-year contract with their medical director, Doctor Summer Grace, is set to expire March 1st. The current contract is \$4,000. Fire Chief Tolman requested to renew the contract with Doctor Summer Grace for three more years and increase her pay to \$8,000 annually which will be paid quarterly.

**Councilman Soderquist moved to approve Medical Director Contract of \$8,000. Councilwoman Petty seconded. Mayor Sjoblom called for the vote. Council Members Halverson, Petty, Soderquist, and Winsor voted aye. The motion carried.**

**DISCUSSION:****City Code 10-1-10: Definitions, Recreational Vehicle Park Occupancy**

Riverside RV Park has applied for a conditional use permit which has brought into question the appropriate length of stay allowed in an RV park. The current definition was amended by ordinance 18-03 to read "RECREATIONAL VEHICLE PARK OCCUPANCY: The length of

stay at a recreational vehicle park shall be no greater than one hundred eighty (180) consecutive days provided that:

A. The recreational vehicle:

1. Is not permanently connected to utilities.
2. Maintains wheels attached to the unit.
3. Shall not have any permanent additions attached.
4. Has left the park for at least five (5) consecutive days before returning.”

Councilman Halverson recommended amending the 180 days. Councilwoman Petty advocated amending the leave time to 14 days. The matter was sent to committee.

**Ordinance 2020-01: Rezone South Weber Transition Lot 1 from Commercial Highway (CH) to Commercial (C). Applicant Scott Mortensen**

Mayor Sjoblom explained Scott Mortensen is proposing to construct a car wash along the 2700 East frontage road directly behind Maverik. The property is currently zoned commercial highway (CH) and he is requesting to rezone to commercial (C). An automatic car wash not to exceed four (4) wash bays is specifically identified as a conditional use in the commercial zone. Planning Commission reviewed the rezone request along with preliminary site and improvement plans on February 13, 2020. Planning Commission recommended approval of the rezone and approved the preliminary plans.

Approving the rezone would not approve the site and improvement plans. Prior to the Council granting final approval, final plans would need to be completed and submitted for staff review, followed by Planning Commission review, and ultimately City Council review.

Although the preliminary plans are included for information, the only thing being considered is the rezone application. The rezone ordinance includes a reversion clause that would change the zone back to CH on January 1, 2021 if the property were not developed as a car wash by Scott Mortensen and open for business by December 31, 2020.

Brandon Jones reported Dan Murray has signed an affidavit allowing Scott Mortensen to apply for a rezone. He explained this item is on the agenda for discussion only and no action will take place. Brandon clarified the application states the legal description for the area proposed for rezone although it is referenced as lot 1 for convenience, there is not an actual lot 1 yet. David related the intent is to have the CUP approved with the rezone and that is still the case with this subdivision. He stated ultimately the intent is to understand the entire concept and development proposal and that is why it all went before the Planning Commission for their review. The only item that has been recommended for approval is the car wash. He specified an applicant can request a rezone without any development plan.

Brandon explained there are still things that need to be addressed prior to any final approval. In fact, items brought up will be addressed and considered before final approval. David addressed the sunset clause for this request and the property reverting to the original zone at the end of the year. Councilman Soderquist asked about the safety of getting in and out of the development. Brandon conveyed those concerns still need to be reviewed and addressed. Councilman Halverson uttered the developer is trying to put too much on this property. He relayed the lot should stand on it own and it currently doesn't.



Mr. Murray discussed UDOT requiring access points to be shared because it is safer. He stated on the north side of South Weber Drive, UDOT approved the access and the driveways alignment. He was applying those same principles to 2700 East. He was willing to look at a configuration where access is not shared. He pointed out the other proposals are off the table.

Scott Mortensen stated the goal of the carwash is to provide a service for the community. Councilman Soderquist asked about the wind. Scott revealed the angled design was to help with the wind. He reminded everyone that on the city survey asking about potential business a car wash was ranked #3. He explained the standard recommended distance between car washes is 5 miles. Regarding light pollution, he stated a photometric study will be completed. He verified the sign will meet city code. He discussed ingress/egress. He had a consultant review it and found the flow was smooth and works well. On the south side there is 20 ft. between the self-serve bays and an additional 30 ft. to the parking stalls. He expressed there is adequate turning. There will be signage and painted arrows to direct traffic. The chemicals are approved by the EPA. Each bay has a sump and clarifier. The lot size is larger than most car washes. He is restricted by a gas line easement. The agreement between Maverik and Mr. Murray are in process. There will be no music played by the carwash. The vacuum noise is very little as the motor is housed within the building. He is doing an audible analysis on vacuums and air blowers. He agreed there will be a sound with the time expiring on the self-serve bays; however, they won't be louder than the vacuums and air blowers.

Discussion took place regarding the ingress/egress and the lot needing to stand on it owns and whether to tie the zone to a timeline or developer. It was recommended the timeline be based from date of approval. Councilman Winsor indicated the noise, lights, and traffic have been addressed by the developer. He advised the City Council needs to make sure the city code is acceptable. Councilman Halverson reviewed the city code allows for a 25 ft. sign. Mr. Mortensen reported he had not designed a sign. He discussed the aesthetics and expressed there are benefits to make the project blend with Maverik and there are benefits to be dissimilar. He communicated willingness to work with the city on the noise and look.

Councilman Soderquist was having a hard time approving the rezone with the size of the property right now. David suggested an access agreement as well. Councilman Winsor was concerned about tying this to the owner, use, and developer. Doug Ahlstrom proclaimed if the City Council doesn't like the provisions, then they can do a development agreement in tandem with the conditional use.

Councilman Soderquist wondered if the city determines 2700 East needs to be widened which property is taken. Brandon discussed the capacity of the road and the access point need to be considered. He was aware a trip generation study had been completed, which is helpful, but it doesn't address how that will impact the existing capacity of the road. He agreed the turning movement still needs to be addressed. The Council decided that a development agreement should come forth with the full project.

### **Transportation Utility Fee:**

David reported South Weber City currently collects a Transportation Utility Fee (TUF) that goes toward the costs of local road maintenance. A lawsuit was recently completed in the Fourth District Court that addressed TUFs and the City Council would like to discuss how this court case may or may not affect our TUF. David read the ruling from the Fourth District Court for Pleasant Grove.

Brandon Jones, City Engineer, explained adjustments made for South Weber City included commercial businesses on South Weber Drive because it is a State road. David offered Pleasant Grove will appeal this decision. He discussed the State Legislature needs to clarify and act on this ruling as well. He revealed what South Weber City implemented is very factual and equitable and there was nothing done inappropriately in terms of a Transportation Utility Fee. Brandon added he was intimately involved with the study and he is confident the study was equitable and is directed towards the use of that facility and those who pay it are the direct beneficiaries of what was done. He noted it would be helpful to allow the city staff to put together a written compilation of what was done so everyone could understand the way the City approached it.

Doug Ahlstrom, City Attorney, explained the court didn't rule on the need or equitable nature, so that isn't the issue, the issue is if it is a fee or a tax, and the court ruled it is a tax. He referenced other courts across the nation that have ruled it a fee. He announced it is too early to tell right now how this would affect South Weber City. He didn't find a violation or problem with what South Weber City had done. He iterated there is no concrete answer he can give the Council at this time.

Councilman Winsor referred to the Fourth District Court Ruling with Pleasant Grove. He discussed the definition for fee. He said the TUF is a fee for a service. He discussed the court being hung up on individuals who drive on the roads who don't pay the fee. He said South Weber has addressed it as a fee, and the question is if it is a general fee, do we wait, or do we take the risk to continue to spend the fee, or do we suspend it and let the roads get in disrepair.

David had talked with other city administrations and most of them haven't had the conversation with their respective Councils. He commented the city budget is heavily driven by the TUF. The City receives approximately \$400,000 per year. Mayor Sjoblom suggested sending a letter to each resident explaining what is going on. Councilwoman Petty charged the city cannot afford to stop charging the fee. Councilman Winsor communicated there might be further clarification from the Legislature. It was decided to stay the course for another month. It will be discussed on the 10<sup>th</sup> or 17<sup>th</sup> of March 2020.

### **2020 Legislative Review:**

House Bill 273 – City Council had received information on talking points for the Legislature. The Legislature is looking at allowing annexation and city services to properties not directly adjoining city property. Cooperation contracts are being discussed for emergency medical services based on EMS licensor needing to provide services to cities and receive compensation. David pointed out Davis County Sheriff's Department holds South Weber's license for paramedic service. There is transportation legislation being discussed.

Councilman Winsor discussed several bills he is monitoring: House Bill 31 requiring local governments to register term information for board members, House Bill 40 – are we a public water system?, House Bill 133 has some amendments, and House Bill 168 – UDOT and relocation of water utilities. Brandon clarified the city has utilities that cross Highway 89. Councilman Winsor also mentioned House Bill 226 – storm water per meeting amendments and Senate Bill 90 - Procurement code amendments.

**New Business:**

Mayor Sjoblom thanked the city staff for repairing the potholes on Cottonwood Drive. She acknowledged the detention basin by the elementary school has sticker weeds which need to be addressed. Councilman Halverson recommended discussing the waterline agreement with Uintah as an action item on a future agenda.

David discussed the issues with the flagpole at the city office and the difficulty of bringing the flag down. A phone call was made to Colonial Flag to service it, but they were scheduled out until March 20<sup>th</sup>. Ultimately, the city staff was able to get it fixed on Monday. It was decided the city staff will review the agreement with Colonial Flag.

**Reports:**

**Mayor Sjoblom:** She thanked those involved with the meeting that was recently held with residents along Cottonwood Drive. She spent a few days down at the Capitol with Wasatch Front Regional Council and Utah League of Cities and Towns. She attended an open house at Rep. Kelly Miles home last week to talk about city concerns at the legislature. She commented Kelly Miles has bent over backwards working to help our city in the past two years. She appreciated his attention and availability.

Mayor Sjoblom, David Larson, and Barry Burton attended a program kickoff for the HAFB Compatible Use Plan. HAFB received federal funding to conduct this planning effort with the Base and surrounding communities. Our city and other surrounding communities will be in close collaboration with the Base for the next ten months sharing information and ideas for future planning that will protect the health and safety of all, preserve long-term land use compatibility, sustain the vitality of local economics, enhance communication between HAFB and community officials, and provide tools that assist in land use decision making. We will keep our citizens informed on what is going on in the next few months and will soon have a link on our website with information and updates on the HAFB Compatible Use Plan.

**Councilman Halverson:** The Planning Commission recommended approval of the South Weber Transition Development. Alpha Coffee was recommended for approval. He met with residents of Cottonwood Drive and all residents had a representative in attendance. He recommended South Weber City meet with Uintah City. Mayor Sjoblom wanted everyone to understand that South Weber City has open arms for those residents.

**Councilwoman Petty:** The Parks and Recreation Committee met and directed city staff to move forward with those items on the parks' priority list.

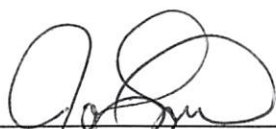
**Councilman Soderquist:** David Larson had set up a quarterly meeting with the gravel pits and will be on the second Monday in March. He attended the U.S. 89 meeting. There will be an email list in which individuals can receive updates.

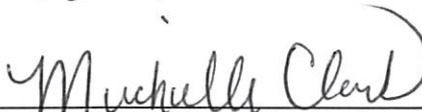
**City Manager, David Larson:** The appeal hearing took place today concerning the Cobblestone Resort, but the decision could be several weeks. He met with Weber Basin concerning the transmission line easements and what is going on with the installation of two lines. Budget committee meetings will be upcoming and scheduled.

**ADJOURNED:** Councilman Halverson moved to adjourn the Council Meeting at 8:59 p.m. and go into a Closed Executive Session (Utah Code 52-4-205(1) (c)) to discuss pending or reasonably imminent litigation. Councilwoman Petty seconded the motion. Mayor Sjoblom called for the vote. Council Members Halverson, Petty, Soderquist, and Winsor voted aye. The motion carried.

Councilman Winsor moved to go back into an open session at 9:44 p.m. Councilman Halverson seconded the motion. Mayor Sjoblom called for the vote. Council Members Halverson, Petty, Soderquist, and Winsor voted aye. The motion carried.

Councilman Winsor moved to adjourn the City Council Meeting at 9:45 p.m. Councilwoman Petty seconded the motion. Mayor Sjoblom called for the vote. Council Members Halverson, Petty, Soderquist, and Winsor voted aye. The motion carried.

**APPROVED:**  \_\_\_\_\_ Date Mar <sup>31</sup>~~17~~, 2020  
Mayor: Jo Sjoblom

 \_\_\_\_\_  
Transcriber: Michelle Clark

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

CC 2020-02-25 Citizen Input #1 Sturm  
**QUESTIONS/COMMENTS PROVIDED TO  
SOUTH WEBER CITY - CITY COUNCIL  
SUBMITTED BY PAUL STURM**

**CITY COUNCIL MEETING DATE: 25Feb20**

1) Public Comments on: **(Agenda Item #XX)**

South Weber Transitional Subdivision Plat (3 Lots)

**Question:** Does the City Council have to approve the division of the Dan Murray property into three lots, or is that the purview of the Planning Commission. The reason for this question is that, if it needs City Council approval, then Agenda Item #12 is moot. If not, I have the following comment.

**Comment: Information Presented to the SWC Planning Commission on 13Feb20**

While reviewing the application documents, especially those provided by Reeve & Associates, I found several inconsistencies in this documentation with regard to area calculations and other references to current and proposed zones. A general comment is that the purpose of this request is to create a "Sardine Can" development, trying to put ten pounds of development into a five pound sack. This is not what the citizens of South Weber City want for the gateway to their city.

2) Public Comments on: **(Agenda Item #11) -**

City Code 10-1-10: Definitions, Recreational Vehicle Park Occupancy

**Note:** See attachment - Presentation to SWC City Council 28Jan20 (repeat)

**Question:** It is my understanding that the City permitted the land owner/developer to rewrite City Ordinance 18-03. If this is not the case, I apologize. Since when does the City permit an individual to rewrite an ordinance? this appears to be another incident where, as Merv Taylor stated, "We have been hoodwinked"

**Comments:**

- a) **Regarding the Length of Stay:** Increasing the length of stay by more than ten times than what had previously been the maximum period for the City is ridiculous
- b) **Regarding the Property Boundary** - It is my understanding that the property boundary and whether or not it is in both Davis and Weber Counties could impact whether or not SWC had the authority to actually make the ordinance change in 2018.
- c) **Recommendation:** SWC should revert to the previous ordinance that was in place prior to 2018 because of the unknown whether or not SWC had legal authority to make the 2018 revision, and therefore if it was a legal action or not.

3) Public Comments on: **(Agenda Item #12) -**

City Ordinance 2020-01: Rezone South Weber Transitional Lot 1 from Commercial Highway (CH) to Commercial (C). Applicant Scott Mortensen

**Comments:**

- a) **Regarding Whether or Not the City Council Needs to Approve the Subdivision of the Murray Property:** I do not know if this Agenda Item is putting the cart before the horse. If the subdivision of the property must be approved by the City Council, then Agenda Item #12 is moot.
- b) **The Following Comments/Information Was Provided During the Planning Commission Meeting of 13Feb20:**

"I have numerous questions and concerns regarding the proposed car wash and its environs."

- i) The general layout of the Car Wash provides multiple logistical questions regarding the facility's entrance and egress. The primary access to the facility is through the Maverik parking lot. That is already highly congested, especially at the east entrance (2700 East/Frontage Road) due to the convergence of:
  - aa) Semi trucks pulling through the parking lot from the truck fuel pumps,
  - bb) Vehicles departing the Maverik store and the front fuel pumps,
  - cc) Vehicles entering the Maverik parking lot from 2700 East (both north and southbound).
- ii) This area is currently a severe choke point. Adding the Car Wash traffic to this location will create a gridlock situation.

### **Comments/Suggestions:**

- a. Widen the 2700 East access driveway to address additional traffic.  
Note: Even in the current configuration one can observe that the turning radius is too small for vehicles turning right onto 2700 East as is evidenced by the mud hole behind the curb on the south side of this driveway.
- b. Widen 2700 East. Currently, when a vehicle is on 2700 East heading northbound, and attempts to enter Maverik, traffic backs up on 2700 East and creates a hazardous traffic situation. This is a pinch point and requires drivers to either stop or cross the centerline to pass the car that is turning into Maverik. A left hand turn lane (from 2700 East into Maverik) should be installed to prevent back-ups from occurring.
- c. I have a question as to whether or not Semis will be permitted to use this proposed Car Wash.
- d. Once again, the design shown does not provide sufficient access and egress. Also, the design indicates that vehicles exiting the various car wash bays will necessarily infringe upon the thruway and parking at the proposed Lot #2 Light Industrial Office/Warehouse units. This is potentially a hazardous traffic area due to crossing traffic and parked cars.

### **Concerns:**

Of concern is the environmental impact of the washings from the facility. Will an oil sump/skimmer be installed to prevent grease and oil from the facility either entering our storm drains (that eventually flow into the Weber River), or into the sewer system? The sewer system also raises other questions such as sewer capacity, and impact to the Central Weber Sewer District facility. In addition, grease and oil contaminants will kill the bacteria in the digesters used to treat sewage and can cause the CWSD to shut down and bypass the sewage into the Weber River. Also, has Central Weber Sewer District been informed as to this potential development?

### **Questions Concerning Statement Made In Scott Mortensen's Zone Change:**

Statements made by Mr. Mortensen in the application stated that the number of automatic wash bays would not exceed 4, yet his preliminary plan only shows three. There is no mention of the self-serve wash bays shown. What else might we expect to be changed? Be Careful!

# ATTACHMENT

## QUESTIONS/COMMENTS FOR THE SOUTH WEBER CITY CITY COUNCIL SUBMITTED BY PAUL STURM

CITY COUNCIL MEETING DATE: 28Jan20

Riverside RV Park Conditional Use Permit #220-01  
and

Development Agreement for Riverside RV Park in South Weber City

- 1) Riverside RV Park Conditional Use Permit #220-01  
Item 5. states "Tenants may remain in a campsite a maximum of 60 days.  
They must move to a different site on day 61.
  - a) How is SWC going to enforce the 180 day maximum stay under the SWC Code?
  - b) How will the RV Park prove that they have completely complied with this SWC Code?
    - i) I believe that the RV Park should have a daily log for each site in the RV Park that identifies the occupant of each site and the current number of days that the site has been occupied by that tenant.
    - ii) Unannounced periodic inspections should be performed by SWC Code Enforcement to ensure that the RV Park is compliant.
    - iii) Code Enforcement should have full access to the RV Park records.

Note: What is the penalty to be assessed upon the RV Park if they are not compliant?

- 2) I have a general question on the RV Park and how the number of site for short-term and long term occupant is being accounted. In different versions of the discussions, the numbers of sites for "Tiny Homes" has not been disclosed. If the Tiny Homes are short-term, when do they have to be moved? If Tiny Homes only assigned as long-term rentals, how does this fit into the scheme of application of SWC Codes?



3) Development Agreement - Paragraph 21.3: In past actions by the City Council it was determined that a 10 year term for a Development Agreement was too long and this was reduced to seven (7) years.

4)

**Boundary Resolution.** A portion of the Development adjacent to the Weber River has Weber County parcel numbers although indications are that the property is within Davis County. The Owner is responsible for resolution of this boundary conflict prior to the granting of Occupancy. Resolution shall mean, 1) Documentation provided by the proper authorities of both Weber and Davis Counties showing that the entire Development is located within Davis County, or 2) The written approval of the Development from Weber County for the portion of the Development located in Weber County.

The statement "The Owner is responsible for resolution of this boundary conflict prior to the granting of Occupancy" is not appropriate to defend SWC against potential litigation. It should read "The Owner is responsible for resolution of this boundary conflict prior to the granting of an SWC Building Permit."

If SWC issues a building permit on land that is further determined to actually be in Weber County or Uintah City, SWC could be sued by either Weber County or Uintah City for usurpation of authority.