

SOUTH WEBER CITY CITY COUNCIL MEETING

DATE OF MEETING: 26 January 2021 **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: Hayley Alberts
Blair Halverson
Angie Petty
Quin Soderquist
Wayne Winsor

FINANCE DIRECTOR: Mark McRae

CITY ATTORNEY: Jayme Blakesley

CITY ENGINEER: Brandon Jones

CITY PLANNER: Shari Phippen

CITY RECORDER: Lisa Smith

CITY MANAGER: David Larson

Transcriber: Minutes transcribed by Michelle Clark

ATTENDEES: Chris Pope, Paul Sturm, Kelly Sparks, Gary Boatright, Amy Mitchell, Corinne Johnson, and Cole Fessler.

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

1.Pledge of Allegiance: Councilwoman Alberts

2.Prayer: Councilwoman Petty

Mayor Sjoblom announced she was aware of comments and opinions surrounding the 14 January 2021 Planning Commission meeting. She understood the appointments of chair and vice-chair of the Planning Commission took place prematurely. As a result, she expressed the Planning Commission chair will call for a re-nomination of the chair and vice-chair position at a future Planning Commission meeting.

3. Corona Update: Mayor Sjoblom reported the overall case numbers for COVID-19 are receding in Davis County. The percent positive test rate is declining with a seven-day average at 18.4%. Hospital rates and mortality rates also declining. South Weber City has 13 actives cases

with 638 total positive cases. Vaccinations are currently taking place for the age group of 70+. 5.4% of residents in each city in Davis County will be vaccinated at the Davis County Health Department Clinics.

4. Public Comment: Please respectfully follow these guidelines

- a. Individuals may speak once for 3 minutes or less: Do not remark from the audience.
- b. State your name & address and direct comments to the entire council (council will not respond).

Paul Sturm, 2527 Deer Run Drive, reviewed the meeting minutes from the City Council of 12 January 2021 and found a minor inconsistency with the emphasis of the text regarding the Lofts development. He requested the minutes be amended to clarify the intent of his original comment.

Corinne Johnson, 8020 S. 2500 E., commented on the state of the Planning Commission in South Weber. She asked for changes as to who serves on the Planning Commission and the form and function of the commission as well. She opined the current Planning Commission actions go against the General Plan, recommendations of the City Council, legal counsel, and voice of the citizens. She expressed her frustration with a lack of responsiveness and leadership by Mayor Sjoblom. She attended and watched several Planning Commission meetings and was saddened and frustrated by the behavior and leadership of Commissioner Osborne. She asked that he be removed from the Planning Commission. She also expressed the Mayor's recommendation for Taylor Walton to serve an additional five-year term is not in the best interest of the citizens of South Weber. She acknowledged Commissioner Walton has done a great service to the city; however, she didn't feel he should serve an additional five years when there are others willing to serve. She recommended expanding the Planning Commission to seven members which would allow for a wide cross section of citizens. She suggested a shorter term of three years. She thanked everyone for their continued and dedicated service.

Gary Boatright, 579 Petersen Parkway, commented from his position as current Planning Commission member. He stated implications that some actions taken in the last Planning Commission meeting were meant to circumvent the process are incorrect. He agreed it was a mistake to appoint the chair and vice chair, but it can be corrected. He apologized that he nor any member of the Commission noted the Commissioner appointment was still in process. There were also objections raised about the Commission entertaining a proposal from a property owner for a change in zoning. He proclaimed a property owner has a right to petition for a zone change and he believes the city should respectfully hear any proposal made by a property owner. He reviewed a comment from the second general plan survey which conveyed "I wish people would quit telling me what I can do with my land". Gary related though some may disagree with what their neighbors wish to do with their property, communication always leads to better solutions.

He expressed there is a misunderstanding of the role of the Planning Commission. He referenced city code 10-3-5 which states the Planning Commission recommends and advises. The City Council approves, amends, or rejects recommendations made by the Planning Commission. There is very little the Planning Commission has authority to approve. The real authority rests with the City Council.

Serving on the Planning Commission this past year opened his eyes to a side of South Weber City he never knew existed. He appreciates the interest of the community and their willingness to participate and provide feedback regarding civic affairs. He recalled when he served on the

Planning Commission in Riverdale, they rarely had citizens attend although it was desired. Here there are few meetings that go without public comment. He is grateful for public comment and welcomes feedback and insight from neighbors and friends.

During the past twelve months he learned that no one; the Mayor, City Council, staff, or Planning Commission members; can do anything without being criticized. He experienced this immediately after his first or second Planning Commission meeting. A resident approached him and asked him how he felt about a specific topic. Not knowing all the issues, he stated he was unsure if he believed what was being related, but he would investigate it further. Upon receiving that answer, the resident stated Commissioner Boatright would be “hearing” from many people. That same evening, he found himself being attacked on social media. This same resident made several statements and assumptions that were and continue to be false. Gary expressed his appreciation that the post was removed. After dealing with inaccurate accusations on social media and email repeatedly, the thought of resigning crossed his mind several times.

He emphasized that he has no agenda, nor is he seeking authority or power. He applied to be on the Planning Commission for two reasons: (1) to serve his community; and (2) to get to know more people in South Weber. He enjoys serving most of the time and he is thankful for the people he has gotten to know. He does his best to represent the values of the citizens of South Weber City as Planning Commissioners should, but as a citizen himself, he has his own opinions. He averred that no one on the City Council or Planning Commission is doing this for personal gain or notoriety. Despite the many allegations made on social media, none of them are lining their pockets with money from developers. He verified everyone on the City Council and Planning Commission has a sincere desire and willingness to serve the community we all live in and love. He expressed disappointment with the assumptions, negative remarks, and even personal attacks that they have all seen during this past year and the years before that. Seeing neighbors attack each other on social media is alarming and does not represent the values the community holds dear. He hopes and prays that community officials and citizens of South Weber City can have more patience, understanding, and a willingness to treat each other as friends and neighbors, because that is who we are. We may not always agree with each other, and that is okay. Differences of opinion and healthy dialogue bring about solutions. Personal attacks and constant criticism divide, breed discord, and end friendships.

Mayor Sjoblom reported the following individuals emailed their public comment:

- Terry George, 7825 S. 2000 E. (CC 2021-01-26 CI #1 George)
- Amy Mitchell, 1923 Deer Run Drive (CC 2021-01-26 CI #2 Mitchell)
- Joel Dills, 7749 S. 2100 E., (CC 2021-01-26 CI #3 Dills)

PRESENTATION:

5. Davis County Sheriff's Quarterly Report

Sergeant Pope presented the Davis County Sheriff's quarterly report from September 9, 2020 to January 25, 2021. Sergeant Pope related his background as a paramedic for 20 years and a Law Enforcement Officer with the Davis County Sheriff's Office for 14 years. He reviewed the weekly hours that officers are present in South Weber. They averaged 115.4 hours per week in South Weber City with 68.4 dayshift hours and 47.0 nightshift hours. He reviewed the work performance which includes: 1,020 calls, 24 arrests, 221 traffic stops, 78 citations, 118 violations, 25 radar enforcement and 2 DUI.

Significant Events included suspicious persons, drug offenses, several vehicle burglaries, evading, domestic assault, stolen vehicle recovery, suicide threats, theft (including from the SWC fire station), child abuse, identity fraud, welfare check, family disturbance, and multiple traffic stops.

Davis County conducted a drive-thru voting at the Legacy Event Center in Farmington on November 2nd and 3rd and are assisting with COVID-19 vaccinations for first responders, teachers, and residents age 70 and older.

Councilwoman Alberts received a call from a resident concerning vehicles parking on the street. She requested more enforcement. Mayor Sjoblom and the City Council thanked Sergeant Pope and the Davis County Sheriff's Department for all they do. She thanked Sheriff Sparks for his attendance as well.

ACTION ITEMS:

6. Approval of Consent Agenda

- **January 12, 2021 Minutes**
- **December Check Register**
- **November Budget to Actual**

Councilman Soderquist moved to approve the consent agenda with the amendments to the January 12, 2021 minutes as indicated by Mr. Sturm. Councilwoman Alberts seconded the motion. Mayor Sjoblom called for the vote. Council Members Alberts, Halverson, Petty, Soderquist, and Winsor voted aye. The motion carried.

7. Resolution 21-04: Appointment to Planning Commission

Mayor Sjoblom explained Planning Commission appointments are for a five-year term. Commissioner Taylor Walton's term expires January 31, 2021. City Code 1-2-2 grants the Mayor the authority to appoint a citizen to the Planning Commission with the advice and consent of the City Council. Mayor Sjoblom acknowledged she is charged with selecting an individual who is willing to serve using whatever means desired and bringing that person's name forward to the City Council for their consideration. The Council may approve or reject that selection. The process is repeated if the selection is rejected.

She reviewed the process she completed. A call for applications was published in December 2020. Three individuals submitted applications. Mayor Sjoblom evaluated the applications and interviewed all three candidates with the assistance of City Planner Shari Phippen and Planning Commission Chair Rob Osborne.

Mayor Sjoblom announced she did not take this recommendation lightly. She solicited applications and conducted all interviews for applicants. She wanted to bring who she felt was the best candidate to the Council for recommendation. Although there were three qualified candidates, there was one who stood out among the group according to all those on the interview team including Shari Phippen who is new to the city and who didn't have any preconceived notions. Mayor Sjoblom expressed she is presenting Taylor Walton for appointment to serve a second term as a Planning Commissioner.

Mayor Sjoblom conveyed Taylor Walton has served well for the past five years and has considerable knowledge and experience and responds well with a cool head and a calm

demeanor. He has been charged with the arduous task of serving on the Code Committee which is currently in the process of updating city code. He has spent many hours outside those meetings reviewing and preparing material for committee discussion.

Councilwoman Petty submitted she contemplated this appointment and has evaluated the Planning Commission. She advised if we keep doing what we are doing, we are going to keep getting what we are getting. She voiced she does not approve of the Mayor's recommendation for Taylor Walton to serve another five-year term.

Councilman Winsor echoed it wasn't an easy decision. He stated not enough has been done to address the problems we have been having on the Planning Commission. He acknowledged Taylor Walton is a hard worker; however, he charged there needs to be a change on the Planning Commission.

Councilman Soderquist recognized there is public outcry concerning the process of appointment to the Planning Commission; however, he recounted the process has been clearly defined and followed for many years. He noted some are desiring new blood, but he declared the applicants were interviewed and the best qualified candidate was brought to the Council.

Councilwoman Alberts conveyed the only qualification to serve on the Planning Commission is someone who wants to serve and is willing to commit to the meetings. She expressed if we habitually choose the incumbent, fewer people will apply. She put forth the five-year term is too long and especially opposed ten-years. She thanked Taylor Walton for his service.

Councilman Halverson agreed the length of term for a Planning Commission member needs to be reviewed. Because he serves as the Council representative to the Planning Commission, he attends all meetings and knows Taylor Walton is a great asset. He expressed it is the Council's responsibility to support the interview committee and he supported the Mayor in her selection.

Mayor Sjoblom commented she performs her duties to the very best of her abilities. She went above and beyond what is asked of a mayor. Her position was to choose the candidate who is the best qualified to help the city move forward. She enjoined Taylor Walton is the best candidate. She communicated changes to the Commission are being made. She indicated the new Planner Shari Phippen and past appointee Commissioner Gary Boatright are helping to move the city forward in a positive direction.

City Manager David Larson explained the current sitting member of the Planning Commission will serve until replaced. If the vote is no, Taylor Walton will serve until he is replaced. Also, if the appointment were made tonight, it could not be contingent upon future changes as the code in place would be what applies.

Councilman Soderquist asked the Council to pause and seriously think before they undermine the code and appointment process by doing something contrary to what is currently written. He submitted the Council may be setting a precedent of circumventing the current code because of a desire to change the code in the future.

Councilman Soderquist moved to approve Resolution 21-04 to appoint Taylor Walton to serve as Planning Commissioner from February 1, 2021 to January 31, 2026. Councilman

Halverson seconded the motion. Mayor Sjoblom called for the vote. Council Members Halverson, Soderquist voted aye. Council Members Alberts, Petty, and Winsor voted no. The motion failed.

8. Coronavirus Aid, Relief, and Economic Security (CARES) Funding Review

Mayor Sjoblom explained the latest COVID-19 relief bill was signed by President Trump on Sunday, December 27, 2020. This bill extended the time to spend the CARES Act funds. But it did not include any additional funding for cities and states. On Monday, December 28, 2020, the State of Utah extended the deadline to use CARES Act funds distributed to cities to June 30, 2021. In anticipation of this extension, the final expenditure of our remaining CARES Act funds have not been made. With the extension we have several options:

1. Send the remaining money to the county as originally planned.
2. Use the remaining money for additional eligible projects such as:
 - a. Purchase six new radios for the Fire Department.
 - b. Replace digital sign by Maverik with an up-to-date sign.
 - c. Install new digital sign in another part of city such as Old Fort Road and I-84.
 - d. Website redesign.
 - e. Cover Fire Department salaries and benefits in 2021.

Finance Director Mark McRae remarked there is \$67,000 left to spend. City staff recommends replacing the city entrance sign by Maverik and purchasing six new radios for the South Weber Fire Department. The approximate cost for a sign is \$39,872 and six new radios total \$27,689 for a grant total of \$67,661.

Councilman Halverson declared the city entrance sign is a safety hazard and should be addressed with the Public Safety Committee. There was some doubt if could be installed by June 2021. Cole Fessler from South Weber Fire Department indicated the current radios were purchased from other departments and are between 10 to 20 years old.

Councilwoman Alberts moved to approve Coronavirus Aid, Relief, and Economic Security (CARES) Funding Priority #1 purchase six new radios for \$27,689, Priority #2 new entrance sign \$27,689 and Priority #3 fire salaries and benefits. Councilwoman Petty seconded the motion. Mayor Sjoblom called for the vote. Council Members Alberts, Halverson, Petty, Soderquist, and Winsor voted aye. The motion carried.

DISCUSSION:

9. City Code Title 10 Chapter 3 Planning Commission Sections 3 Terms of Office and 4 Organization

Mayor Sjoblom explained City Code section 10-3 establishes a Planning Commission and outlines the provisions of the Commission. Members of the City Council have expressed a desire to discuss specific items related to the Planning Commission from sections 10-3-3 Terms of Office and 10-3-4 Organization to see if the Council as a body would like to make any amendments.

The current city code states: **10-3-3: TERMS OF OFFICE; REMOVAL:** A. Term of Office: The term of office for each appointive member of such Planning Commission shall be five (5)

years and until his successor is appointed. One member shall be appointed in January of each successive year. The number of terms that one individual may serve is two (2) consecutive terms.

Councilman Soderquist wasn't confident changing both the number of Commissioners and length of term would work well. He wanted consideration of staggering terms so that there would be newer and more seasoned Commissioners.

Councilman Winsor offered various scenarios and questioned partial terms. Attorney Jayme Blakesley answered the partial would be considered a term. He suggested more public involvement and diversity by appointing seven members. He also felt three-year terms would be appropriate. City Planner Shari Phippen remarked the most effective Planning Commission she has worked with had five members with two alternates. All members attend but if there is a conflict or an absent member the alternate would vote. She recommended individuals start out as an alternate and rotate into a voting member. In her opinion, serving three years is too short. She related the first year is learning the process, codes, and expectations of the position.

Memo from City Attorney Jayme Blakesley and City Planner Shari Phippen of 25 January 2021:

At its January 26, 2021 meeting, the South Weber City Council is scheduled to consider a new appointment to the Planning Commission. We understand this appointment has raised questions among council members about the appointment process and composition of the Planning Commission. The purpose of this memorandum is to provide context for the council's discussion.

I. State Law

Every city in the State of Utah is required to pass an ordinance establishing a Planning Commission.¹ The ordinance must define the following:

- Number of members;
- Terms of the members;
- Mode of appointment;
- Procedures for filling vacancies and removal from office;
- Authority of the Planning Commission;
- Rules of order and procedure for use by the Planning Commission in a public meeting; and
- Other details relating to the organization and procedures of the Planning Commission.

State law does not require Planning Commissions to be a certain size; nor does it dictate the terms of its members.

Planning Commissions are required to be given the authority to perform four core duties. These duties include:

- (a) Holding public hearings and making a recommendation to the City Council on the adoption or amendment of the general plan;
- (b) Holding hearings and making recommendations to the City Council on the adoption or amendment of land use ordinances, zoning maps, or official maps;
- (c) Holding hearings and making recommendations on proposed subdivision plats; and

¹ Utah Code Ann. § 10-9a-301.

(d) Recommending an annexation policy plan for the City.²

These are all advisory duties. The council may delegate additional duties to the Planning Commission. Planning Commission involvement in other matters is appropriate only as delegated by the city council. The city council is not obligated to follow Planning Commission recommendations.

II. City Code

As presently ordained, South Weber City has a five-member Planning Commission. Its members are appointed by the mayor with the advice and consent of the city council.³ The term of each Planning Commission member is five years and until a successor is appointed. One member of the Planning Commission is appointed each January. No member may serve more than two consecutive terms.⁴

Members of the Planning Commission may be removed at the discretion of the mayor and with approval by a majority of city council.⁵

Each year, the Planning Commission must elect a chair and vice chair. The election of a chair and vice chair is not required to occur in any particular month, so long as it occurs annually.⁶

In addition to the core duties assigned by state law, the South Weber City Planning Commission enjoys the authority to hear and decide certain conditional use permits and to advise the city council on matters as directed by the city council.⁷

III. Discussion

The South Weber City Council has broad discretion to establish the appointment process and composition of the Planning Commission. It has full legislative prerogative to determine the number of members, terms of the members, mode of appointment, procedures for filling vacancies and removal from office, authority of the Planning Commission beyond the four core duties establishing by state law, and the rules of order and procedure used by the Planning Commission.

The Planning Commission plays an important role in city government—it is the first and primary body responsible for soliciting, hearing, and weighing public input on land use matters. Public confidence in city leadership is affected by the openness, fairness, and competence of the Planning Commission. The city council depends on the Planning Commission for sound recommendations on plans and land use decisions.

The following is a list of principles for the council to consider should it decide to amend the appointment process or composition of the Planning Commission:

Number of members. A best practice is for the Planning Commission to be large enough to achieve broad representation of the community (geographic, technical experience, length of

² Utah Code Ann. § 10-9a-302.

³ South Weber City Code § 10-3-1.

⁴ South Weber City Code § 10-3-3.

⁵ South Weber City Code § 10-3-3.

⁶ South Weber City Code § 10-3-4.

⁷ South Weber City Code § 10-3-5.

residence in city, etc.) and small enough to conduct its work efficiently. To avoid tie votes, an odd number is optimal.

We are not aware of a city in Utah with a Planning Commission of fewer than five members. The largest we know of is Salt Lake City with eleven members.

Terms of the members. Most decisions of the Planning Commission are administrative in nature. They are not elected bodies. Their recommendations to the city council are technical in nature. For this reason, most cities prefer that the Planning Commission be insulated from political influence. This is achieved by appointing Planning Commissioners to terms that overlap those of an individual mayor or member of the city council. Without exception, every city we surveyed overlaps the terms of Planning Commissioners.

We are not aware of a city in Utah with terms shorter than two years. The longest terms we know of are five-year terms in South Weber, Salt Lake City, and North Ogden; and six-year terms in Price.

Mode of appointment. In keeping with the traditional executive-legislative functions, the best practice is for the mayor to appoint Planning Commissioners with the advice and consent of the city council. We are not aware of any city that appoints Planning Commissioners other than by mayoral appointment with advice and consent of the legislative body.

Timing of appointment. In general terms, there is no best practice for the timing of Planning Commission appointments. For this decision, we recommend considering the practical timing relative to other city appointments or decisions.

Other municipalities. To aid the council, on the following page is a matrix depicting the number of members, term, term limits, method of appointment, and timing of appointment for ten other municipalities in the State of Utah. The shaded cells are those of municipalities with populations comparable to South Weber City

City Attorney Jayme Blakesley explained the chart (Planning Commissions in peer cities)

**PLANNING COMMISSIONS IN PEER CITIES:
COMPOSITION & APPOINTMENT**

City	Number	Term (years)	Term Limits	Method of Appointment	Timing of Appointment
South Weber	5	5	2	Mayor w/ advice and consent of council	January
Plain City	5 (1 alt)	3	2	Mayor w/ advice and consent of council	n/a
Price	7	6	n/a	Mayor w/ advice and consent of council	n/a
Providence	5 (2 alt)	3	2	Mayor w/ advice and consent of council	February
Richfield	7	3	3	Mayor w/ advice and consent of council	February
Santa Clara	7	5	2	Mayor w. advice and consent of council	n/a
Layton	7	3	3	Mayor w/ advice and consent of council	July
Salt Lake City	11	5	2	Mayor w/ advice and consent of council	n/a
Francis	5	2	n/a	Mayor w/ advice and consent of council	n/a
North Ogden	7	5	n/a	Mayor w/ advice and consent of council	January
Farmington	7	4	n/a	Mayor w/ advice and consent of council	n/a
Clearfield	7	5	n/a	Mayor w/ advice and consent of council	n/a

Councilman Halverson discussed individuals who have served a longer term will know the history of projects which is a benefit. He favored a diverse Planning Commission with longer terms. Councilman Winsor suggested seven members for a five-year term with no re-appointment. Councilman Halverson did not oppose two consecutive terms. He related there may not always be people willing to serve. Councilwoman Alberts advocated for one year training as an alternate. Shari offered to create different options for the Council's consideration.

Mayor Sjoblom asked for Council feedback on length of term for the chairperson. Councilwoman Petty proposed a chairperson should not be reappointed the following year but could serve after an intermission. Shari explained that is a common scenario and many Vice Chairs progress to Chair the following year automatically. Councilman Soderquist stated not every member is comfortable or able to serve as a chair. Jayme asked if the two alternates would be eligible to chair or co-chair. It was decided the chairperson will serve for a one-year term. Councilman Soderquist discussed the possibility of an alternate not being as engaged. Will they put the effort in to review the matters? David proposed an alternative where all members are involved but the voting members rotate on a preset schedule. Councilman Winsor charged the alternate should receive one year of training. He proposed the staff provide a more intense training for the Commission than what has been provided previously. Councilwoman Alberts stated citizens have expressed the five-year commitment is too long.

10. 2021 Legislative Review

Mayor Sjoblom reported on the following:

Utah Legislative Leadership is very interested in Accessory Dwelling Units (ADU).

House Bill 82 Single Family Housing Modifications Substitute Bill – Representative Ward.

- The substitute bill (replaces old bill and adds new language):
- Mandates all cities allow internal ADU's (accessory dwelling units) in any single family residential zone
- Internal ADU's only allowed within existing footprint of home
- Owner occupied requirement
- ULCT checking to make sure excluding STR's
- This bill designed to further accommodate affordable housing
- Biggest concern of cities is parking – no regulations yet
- Utah League of Cities and Towns opposes

House Bill 98: Local Government Building Regulation Amendments – Representative Ray

- Applicant can opt out of inspection and review and engage private licensed building inspector – huge concern of conflict of interest
- City may require zoning review; may not charge more than \$200
- Prohibits cities from requiring design elements – interior and exterior
- City leaders concerned about long term consequences
- If residents are concerned, they should contact Senator Ann Millner or Rep. Kelly Miles

Senate Bill 61: Outdoor Advertising Amendment – Senator Sandall

- Owner could upgrade any billboard to a digital format
- Restricts city's ability to set curfew on lighted signs
- Restricts city's ability to regulate brightness

- Concern that many billboards are adjacent to homes in neighborhoods
- No change – ULCT opposes

House Bill 76: Firearm Preemption amendments

- State only determines regulation of firearms
- Voids any local ordinance, policy etc.
- City not able to enact any policy that violates state preemption
- ULCT strongly opposes

Also, of note – Commission on Housing Affordability

- Increasing the number of SB 34 medium income housing strategies cities are required to adopt. SWC would increase from three to four.

City Manager David Larson will check South Weber City Code concerning Senate Bill 61 (Outdoor Advertising Signs).

Councilman Winsor discussed the state legislature is currently focused on housing. He encouraged citizens to reach out to Representative Kelly Miles and Senator Ann Milner. David Larson explained the state is trying to apply one-size fits all legislation for towns and cities of various sizes. He commented there is also a lot of discussion concerning public transportation. He reviewed there are bills the league supports but they don't get as much attention.

REPORTS:

11. New Business:

Painted lines at intersection of frontage road and South Weber Drive: Mayor Sjoblom received a request from a citizen concerning the need to paint the lines. The left turn lane lines are faded.

COVID Report: Mayor Sjoblom asked if a weekly report is still desired. It was decided a monthly report is sufficient.

Charging Schools and Churches Transportation Fee: Mayor Sjoblom requested a TUF update to ensure the public is aware as to how those funds are being spent. David reported an update has been scheduled as an annual discussion item.

Code Committee: Councilwoman Alberts asked if the Code Committee needs to review noise, lighting, signs, parking, fugitive dust, etc. Councilman Halverson suggested if there are simple issues that needs to be addressed, then it should be quickly reviewed and fast tracked. Council Members Soderquist and Petty agreed.

South Bench Drive connection to Layton City: Councilwoman Alberts asked if a letter was sent Wasatch Front Regional Council (WFRC). David reported a letter hasn't been sent because WFRC requested a meeting which is being scheduled.

General Plan: Councilman Soderquist recommended giving the Planning Commission guidance concerning whether the Council will entertain deviation from the general plan. Mayor Sjoblom requested that be included as a discussion item on an upcoming agenda.

12. Council & Staff

Mayor Sjoblom: reported she attended a mock Youth City Council Meeting which was very successful. She thanked Councilwoman Petty and Alberts for their efforts with that. The Council Retreat will be held this Friday and Saturday at the Legacy Center.

Councilman Halverson: remarked at the Planning Commission meeting on January 14, 2021 the developer of Ray's Village proposed patio homes. He asked David to schedule a Public Safety Committee meeting.

Councilman Soderquist: discussed prioritizing budget items for the city will be a major focus at the retreat.

Councilwoman Petty: thanked the Youth City Council who participated in the mock Council Meeting. The Parks Committee will be meeting to discuss the bid process for Canyon Meadows West and establishing a timeline.

Councilman Winsor: applauded the Public Works Department for quickly addressing streetlight concerns. The Code Committee was grateful and excited for the matrix that was put together by staff for Title 10. He stated they are looking into process for citizen feedback.

Councilwoman Alberts: deferred to David to discuss the website upgrade.

City Manager, David Larson: reported the final content migration for the city website is behind schedule but moving forward. According to the general plan there isn't a code that applies to the Poll property. He met with the developers of that property and discussed the process to get to the preliminary review level. The goal with the tools that the city has available is to create the zoning together. Staff is starting to put together a draft development agreement that will establish the rules of the zone. He cautioned this is different from the Lofts development. Councilman Winsor voiced his opposition to any apartments with this development agreement. Councilman Halverson agreed Commercial Highway is the goal, but offered he was open to discussion. David averred the developer has been notified of the Council's feeling. David asked the Council who is willing to sit in on these meetings with the developer. Councilwoman Petty and Councilman Halverson volunteered to serve on the committee. He reviewed the process is the Committee drafting an agreement which will move on to Planning Commission for review and approval by Council.

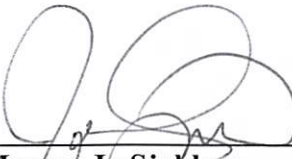
Finance Director, Mark McRae: reported a technician is monitoring meetings for any issues with the sound system. There haven't been any issues in the last two meetings.

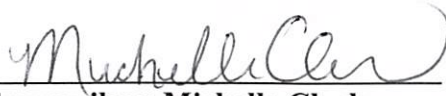
CLOSED SESSION: held pursuant to the provision of UCA section 52-4-205 (1) (d)

Councilman Halverson moved to adjourn the Council Meeting at 8:31 p.m. and go into a closed session held pursuant to the provision of UCA section 52-4-205 (1) (a) Discussion of the character, professional competence, or physical or mental health of an individual. Councilwoman Petty seconded the motion. Mayor Sjoblom called for the vote. Council Members Alberts, Halverson, Petty, Soderquist, and Winsor voted aye. The motion carried.

Councilman Winsor moved to return to open meeting at 9:38 p.m. Councilwoman Petty seconded the motion. Mayor Sjoblom called for the vote. Council Members Alberts, Halverson, Petty, Soderquist, and Winsor voted aye. The motion carried.

ADJOURN: Councilman Winsor moved to adjourn the Council Meeting at 9:40 p.m. Councilwoman Petty seconded the motion. Mayor Sjoblom called for the vote. Council Members Alberts, Halverson, Petty, Soderquist, and Winsor voted aye. The motion carried.

APPROVED:  _____ **Date** 02-23-2021
Mayor: Jo Sjoblom



Transcriber: Michelle Clark

Attest: 

City Recorder: Lisa Smith

CC 2021-01-26 CI #1 George

From: [Terry George](#)
To: [Public Comment](#)
Subject: 26 Jan 2021, PC changes needed Terry George
Date: Monday, January 25, 2021 7:10:40 PM

Honorable Mayor & Honorable Council Members,

The events of the last Planning Commission meeting have left me baffled and frustrated. I've petitioned before for changes and highlighted concerns with the planning commission process, and certain members actions. I again petition you, our elected servants to do what is right by the citizens, our community and our city. I submit the following request for your serious consideration:

1. We need drastic changes to the PC membership, Chair, and processes. It starts with the removal of Mr. Osborn as the chair and as a PC member. He has proven time, and time again that he has no commitment to serve the citizens or our General Plan. He has been belligerent toward citizens, and has grossly overstepped his boundaries. I, along with many other citizens have zero confidence in his abilities to act in this trusted capacity and those who keep him in position/power are also rapidly losing/lost the trust and confidence of us citizens.
2. No PC member should be granted a second term whenever there are other citizens willing to serve in that position. The PC has become a "Good-old-boy" club and mentality. The longer they serve together the more they feel empowered to disregard the General plan and the desires of our citizens.
3. Term limits need to be changed to a maximum of 3 years or less.
4. The number of PC members should be increased from 5 to a minimum of 7. The more people we have on the PC the less likely we are to see a tyrant type member take control of the PC and use it as a position of power and influence. Since I can imagine one or more of you thinking "how can we get 7? We can barely get any interest in openings now!" I strongly believe if my first request above is met we will have several more people that are willing to serve.
5. We need to amend our city code to allow a majority vote of the City Council to remove any member of the PC that they deem has violated the position for any reason. This will be a check and balance on a Mayor who may not be willing to do the removal regardless of the circumstances.

We are a small tight-knit community in South Weber. It is often hard to take the appropriate actions against those who serve the city or work for the city because those individuals may also be our friends. However, a friend who is not doing the right thing and is in the service or employment of our collective city must be dealt with or the consequences can be sever and long lasting. I'll forgo the multitude of examples because we all know what they are when it comes to the actions of our PC this last couple of years and by others previous as well. This is our chance to make it right and correct the course and role of the PC so we can have the community and city we, the people want versus that of the few.

Thank you for your continued service as out elected. I pray for you to all be guided to do the right things, for the right reasons and at the right time.

Respectfully,
Terry George
7825 South 2000 East
South Weber Utah

CC 2021-01-26 CI #2 Mitchell

From: [Amy Mitchell](#)
To: [Jo Sjoblom](#); [Wayne Winsor](#); [Hayley Alberts](#); [Angie Petty](#); [Blair Halverson](#); [Quin Soderquist](#); [Public Comment](#)
Subject: Public Comment for 1/26/2021
Date: Tuesday, January 26, 2021 12:18:06 PM

Amy Mitchell
1923 Deer Run Drive

Dear Mayor and City Council-

I am writing to all of you to express my concern about the PC Meeting held on the 14th of January. Having watched the meeting and read through the comments about the re-cap that Joel Dills provided on Facebook, I would like to express my own.

I am shocked at the "leaders gone rouge" that we see when it comes to the planning commission. Not one member present expressed any concern or displeasure at the appointment of Mr. Osborne being the chair for the 3rd year in a row. It was even commented that the last year has run smoothly and he has done a great job. How out of touch this PC is with reality and with the wants of the city they all represent. They even commented on how it was quiet now that the GP was finished. Having said that, I wonder if they were even paying attention to what the residents were really saying? Did they not hear the outcry for lower density? Obviously not, when Rob and Taylor both wanted, and was agreed upon in the GP by the CC, to change the code right after it was adopted. I do not understand how we keep finding ourselves in this position!! The one thing that is glaringly obvious is **change!!** The citizens would not have been so frustrated and at times angry with the PC, if they just would have listened to us!!

We need change in the leadership of the PC so that the same things don't continue to be done. We need leaders that not only listen to what the citizens are saying, but they should weigh out the options and then move forward with what the consensus is, not what they personally think is best. When in public office, your wants and desires take a back seat to the constituents you represent. They put you in the driver's seat to push the gas or breaks, but they are all with you to hold the wheel steady and stay on the right path. The "we know best" mindset is toxic for a city.

I personally feel that after watching Rob Osborne in action for the last 3 years, it is obvious to me that he should not be in a leadership position in the city. He might bring a lot to the table with his knowledge, but when it comes to handling things, he is completely out of touch and at times, out of control. The times he has yelled at citizens should have had him kicked out of office the first time... and yet, he not only stays on the commission to repeat offenses, but continues to be chair! After seeing him completely move forward without the official recommendation by the Mayor and CC for the PC, I suggest removing him from office all together and putting 2 new members in. He is not an elected official and has now power to put someone on the PC.

I hope that you take into account some of the recommendations Joel put on Facebook. Just in case you missed them Joel said:

1. Increasing the number of commissioners from 5 to 7. This is pretty standard with most Utah cities and does a good job of lessening the impact of any single member

from dominating the commission and encourages a stronger consensus.

2. Change the current term of office from 5 years, which is longer than the term of the mayor who appointed them, to 3 years. This would provide more residents the opportunity to be involved and keep them fresh and engaged.

3. Increase the Planning Commission budget to provide ongoing education and training opportunities. The small investment here would easily pay for itself and better protect the city from legal issues that often arise in land use disputes.

4. Add to our city code a provision that would allow a majority vote of the City Council to call for the removal of a Commissioner. My hope here is to prevent the political struggles that can arise when the citizen's vision is not being represented or a Commissioner becomes insubordinate or adversarial with our City Council.

5. Add a recommendation in the City Code which talks about the selection and appointment of a Commissioner that would recognize the value of having candidates from all corners of the city providing better representation of all of our residents. I would also like to see the prioritization of new candidates vs reappointments for no other reason than to encourage a fresh perspective.

We need a fresh perspective on the planning commission. We have all worked so hard on the GP, being promised that it is the document that guides the building in our city, it should not be diminished so quickly. I thank Gary, Tim and Shari for pointing it out that no change is needed, especially on a property that was directly referred to in the GP Survey.

Just FYI... I looked up the term of bullying. As that phrase is being tossed around a lot lately, I thought it was important for us to understand the actual meaning and who it really might apply to.

bullying

Insulting with threats; imperious; overbearing; blustering: as, a *bullying* manner.

adj. Noisily domineering; tending to browbeat others.

n. An act of [intimidating](#) a [weaker](#) person to do something, especially such [repeated coercion](#).

Bullying does not mean a difference of opinion... it's what you do with that difference of opinion. We can disagree without having to be a bully.

I appreciate your time and all the work you do for our city! I support you in your efforts to uphold the guideline of the General Plan and help the citizens to keep our beautiful little town what it is!

Sincerely,
Amy Mitchell

CC 2021-01-26 CI #3 Dills

From: joel.dills@gmail.com
To: [Public Comment](#)
Cc: [Shari Phippen](#)
Subject: Public Comment - City Council Meeting, Jan 26, 2021
Date: Tuesday, January 26, 2021 1:36:59 PM

Public Comment – City Council Meeting, Jan 26, 2021

Joel Dills

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I think it's safe to say, the residents of South Weber still a lot of resentment and frustration with the Planning Commission and more specifically, the way it is being run. Many residents still feel at odds with our Planning Commission and considering the history of the past couple of years, the decisions made and the adversarial relationship that has developed, we should take an honest look at where this all went wrong. – Don't worry, I'm not going to rehash all the old issues nor provide a blow-by-blow account on a personal level. Instead, I want to talk about the role of the Planning Commission in relation to the city residents and the city government.

First, I want to give a wholehearted thanks to EVERY member of the planning commission for the hard work and dedicated service they have given us. These members of our community, have willingly chosen to play a critical role in our local government and I believe have done so because they, like the rest of us, love this little town of ours. Likewise, the city staff that works with and supports this commission should be recognized for the work they do as well.

When a group of people decide to band together and form a city, they do so with a specific vision in mind. They then elect a City Council to create the laws to achieve this vision and a Mayor to execute them. To help them constantly clarify and understand that vision, they ask for a group of citizens to help them plan for the future and a Planning Commission is formed. The PC immediately begins to define the vision by creating a huge document the city can use as a roadmap called the General Plan.

This General Plan is not about the vision of the PC nor is it a technical manual designed by experts. It is the result of a tireless PC constantly reaching out and engaging the residents to define specifically what they want their city to be like – it is a living document. They then take this guide to the City Council and say "here is what the people want". The CC, as our elected officials, then read it and either ask for further clarification or accept it and use it to guide their role as law makers.

The City Council then creates laws to protect this now well defined vision, setting up zoning regulations, building codes, landscaping and green space requirements etc based on the recommendations made by the PC. The Mayor and her staff make sure these rules are followed by guiding the growth and enforcing the code. The PC then goes back to their job of understanding the city's ever changing vision and recommending new policies as they come up.

I'm a little hard headed at times, but once I understood the role of the Planning commission, it was easy to see how valuable they are and unfortunately why ours has become so far off track. I was reminded of Commissioner Tim Grubb's comment in last week's meeting "We've always, when I've been on the Planning Commission, tried to stick to the General Plan. I don't know why we wouldn't, unless we are going to review the General Plan again...and I think that would have to happen first before we go away from it". I completely agree with his sentiments.

From my perspective, somewhere along the line, the people's vision became secondary and eventually treated as adversarial to the vision of our "leaders". A contentious spirit of "I know best" replaced the value of a diverse, informed population and their desire to protect our special community. Resentment set in as decisions were dared to be challenged and public scrutiny became more intense. Unfortunately, this continued through the creation of the General Plan where it became political and its creation a fight for whose vision of our future it would represent.

The Planning Commission is designed to be a diverse group of citizens who can bring their own experiences and perspectives to interpret (for lack of a better word) the vision of the General Plan. As new issues arise, they are to make formal recommendations to the City Council on improvements to the city code. They are policy advisors, not creators. They are average citizens who work closely

with our professional City Planner to guide the functional development of the land within the city boundaries.

I would like to make a few recommendations to our City Council and our Mayor, based on my understanding of the role of a Planning Commission and how I see we could make our more effective.

1. Increasing the number of commissioners from 5 to 7. This is pretty standard with most Utah cities and does a good job of lessening the impact of a single, strongly opinionated member from dominating the commission. An alternate member, serving 1 year, should also be appointed, to step when another Commissioner cant attend or when a conflict of interest is declared.
2. Change the current term of office from 5 years, which is longer than the term of the mayor who appoints them, to 3 years. This would provide more residents the opportunity to be involved and keep them fresh and engaged. Each year 2 new Commissioners would be appointed.
3. Increase the Planning Commission budget to provide ongoing education and training opportunities. The small investment here would easily pay for itself and better protect the city from legal issues that often arise in land use disputes.
4. Add to our city code a provision that would allow a majority vote of the City Council to call for the removal of a Commissioner. My hope here is to prevent the political struggles that can arise when the citizen's vision is not being represented or a Commissioner becomes insubordinate or adversarial with our City Council.
5. Add a recommendation in the City Code which talks about the selection and appointment of a Commissioner that would recognize the value of having candidates from all geographic corners of the city providing better representation of all of our residents. I would also like to see the prioritization of new candidates vs reappointments for no other reason than to encourage a fresh perspective.
6. Formally change the term of the PC chair to begin and end on the 1st PC meeting in March, giving plenty of time for the selection process to be finalized.
7. To promote better communication, I would recommend an annual meeting of the Planning Commission, the Mayor, the City Council, the City Planner and the included city staff, to discuss ways to improve the processes and discuss the hot topics other cities are facing promoting more proactive policy making.

Finally, I would like to recommend the adopt and place in to city code a state similar to the one Brigham City uses, which I have provided below.

Thank you,
Joel Dills

29.01.070. General Plan Mandate.

Land development shall be consistent with the General Plan. The City's administration and its departments shall carry out the mandate of the General Plan when reviewing project proposals, and development plans.

- Planning Commission Implementation - The Planning Commission shall not approve any project for which it cannot substantiate a finding that the project is consistent with the goals, policies and implementation programs of the General Plan.
- Appeal Authority Implementation - The Appeal Authority shall not approve any variance request for which it cannot substantiate a finding that the project is consistent with the goals, policies and implementation programs of the General Plan.
- Relationship of the General Plan to the Land Use Ordinance - The General Plan is the adopted policies of the Brigham City Council. The General Plan represents a lengthy public participation process and incorporates long range goals, identified polices, and an implementation program.

The content of the General Plan may be cited as a basis for making decisions or as a part of the finding to support actions initiated by this Land Development Code. The General Plan is adopted as a part of this code by reference.

- The General Plan provides the policies that enable the specific regulations of the Land Development Code to be carried out. Implementation measures in the General Plan provide direction for specific measures within the Land Development Code. When there is a conflict between the General Plan and the Land Development Code, if the General Plan provides precise development standards, the General Plan is to be used. If the General Plan provides policy language and no specific development standards, the Land Development Code's specific measures are to prevail.



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**Comments to South Weber City - City Council
for 26Jan21 Meeting
by Paul A. Sturm**

Agenda Item 6a - Comments on Meeting Minutes Regarding the Lofts PC presentation

During a review of the meeting minutes from the CC meeting of 12Jan21, I noticed a minor inconsistency with the emphasis of the text that was not included in the minutes. Request that a minor adjustment be made to the 12Jan21 Meeting Minutes to clarify the intent of the original comment, as shown in the last paragraph of this presentation.

As Presented 12Jan21

Item 1) During the Planning Commission Meeting of 17Dec20 -Agenda Item 6 was a "Public Hearing and Action on PRELIMINARY Site Plan, Improvements & Amended Development Agreement for: The Lofts at Deer Run located at approx. 7870 S 2700 E by Developer Joseph Cook of Deer Run Development LLC" was held. Based upon some of these discussions, I had a question and conducted additional research regarding these parcels and found out that at least one, if not two of the parcels are considered to be within Deer Run Estates. As such, the proposed Lofts building(s) should have the CC&R requirements for Deer Run Estates attached/enforced on that portion of the Lofts development. A copy of the existing/applicable CC&Rs (Covenants, conditions, and restrictions) should be included with the Plot Plans filed in the Davis County Recorder's Office for Deer Run Estates. ...

Comments on CC 12Jan21 Meeting Minutes Regarding my Lofts comments.

As shown in the 12Jan21 meeting minutes:

Paul Sturm, 2527 Deer Run Drive, expressed during the Planning Commission meeting of 17 December 2020 a public hearing was held for the Lofts at Deer Run located at 7870 S. 2700 E. Since that meeting, he conducted his own research regarding the parcels and found at least one, if not two parcels, are considered within Deer Run Estates **attached/enforced on that portion of the Lofts development. A copy of the existing/applicable CC&Rs (Covenants conditions, and restrictions)** ~~He advised the proposed Lofts buildings should have CC&R requirements for Deer Run Estates and should be included with the plot plans filed in the Davis Recorder's Office for Deer Run Estates...~~*(Added Comment 26Jan21, if permitted, to show intent of initial presentation. "and these CC&Rs used as a source during the plan reviews for the Lofts by Staff, Planning Commission, and City Council.)*