

SOUTH WEBER CITY CITY COUNCIL MEETING

DATE OF MEETING: 24 May 2022

TIME COMMENCED: 6:00 p.m.

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

PRESENT:

MAYOR:	Rod Westbroek
COUNCIL MEMBERS:	Hayley Alberts Joel Dills Blair Halverson Angie Petty Quin Soderquist (via Zoom)
CITY MANAGER:	David Larson
CITY ATTORNEY:	Jayne Blakesley
COMMUNITY DIRECTOR:	Trevor Cahoon
FINANCE DIRECTOR:	Mark McRae
DEPUTY CITY RECORDER:	Kelli Bybee
PR ASSISTANT:	Shaelee King

Minutes: Lisa Smith

ATTENDEES: Paul Sturm, Jennie Taylor, Chris Pope, Michael Grant, John Peirce, Danielle Rodriguez, Elizabeth Pinto, Brad Brown, Adam Speth

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

1. Pledge of Allegiance: Councilman Soderquist

2. Prayer: Councilwoman Alberts

3. Public Comment: Please respectfully follow these guidelines.

- Individuals may speak once for 3 minutes or less: Do not remark from the audience.

Paul Sturm, 2527 Deer Run, referenced the Development Agreement for Gateway, and noted that 31 units are shown in the exhibit, ***but both City Code and the Development Agreement allow only 30 units.**

PRESENTATIONS

4. DCSO Report 02-09 to Present

Sergeant Pope asked about Council preferences for red zone parking on 2700 East. They do not want any parking. He promised to pass on their wishes to the others. The presentation covered February 8 to May 23, 2022. Officers were in the city were 972 hours with an 84-hour weekly average. Sergeant

Pope shared that they did lose some officers when they shut down the paramedics, but they currently have eight in training and are actively recruiting. During this time frame there were 909 calls including 9 arrests and 226 traffic stops. 53.9 % were initiated by the officers.

Councilman Dills asked for additional patrol during school hours on 1900 East. Councilwoman Alberts advised there are cars racing on South Weber Drive between 10 pm and 1 am.

Criminal Analyst Elizabeth Pinto shared analytical information. The clear majority are crimes against persons. Danielle Rodriguez, Victim Services Coordinator, was introduced. She will be assigned to victims starting at the event rather than waiting until the court hearing is held (current practice).

5. Davis 9-11 Event by Jennie Taylor

Jennie Taylor shared a slideshow and asked everyone to remember where they were Tuesday, September 11, 2001. The Major Brent Taylor Foundation is providing an immersive, interactive museum held at Legacy Event Center Wednesday September 7 through Saturday September 10 and is free to the public. The walk begins with displays of each city in Davis County and then the state of Utah. Fun reminders of what life was like in the '90s set the stage before moving into the terrorist events in New York City, Pennsylvania, and at the pentagon. The walk ends with a call to action to make our communities stronger and more united. At the exit there will be a community resource fair with representatives of organizations offering services and others with volunteer opportunities. To volunteer to help with this event or get more information email info@majorbrenttaylor.com.

ACTION ITEMS

6. Consent Agenda

a. April 28 Minutes

Councilman Halverson moved to approve the consent agenda. Councilwoman Alberts seconded the motion. Mayor Westbroek called for the vote. Council Members Alberts, Dills, Halverson, Petty, and Soderquist voted aye. The motion carried.

Councilwoman Alberts moved to open the Public Hearing for Fiscal Year 2022-23 Tentative Budget. Councilman Halverson seconded the motion. Mayor Westbroek called for the vote. Council Members Alberts, Dills, Halverson, Petty, and Soderquist voted aye. The motion carried.

******* PUBLIC HEARING OPEN*******

7. Public Hearing on Fiscal Year 2022-23 Tentative Budget

Michael Grant, 2622 Deer Run, opposed any increase to salaries for Planning Commission, City Council, or Mayor. He acknowledged current stipends are not sufficient, but an increase would not make a big difference to individual financial circumstances. He promoted these should be fully volunteer positions.

Councilwoman Alberts moved to close the Public Hearing. Councilwoman Petty seconded the motion Mayor Westbroek called for the vote. Council Members Alberts, Dills, Halverson, Petty, and Soderquist voted aye. The motion carried.

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

8. Ordinance 2022-06: Amend Title 10 Chapter 3 Section 4 Planning Commission Organization

Councilman Dills shared there is no need to make the change. Councilwoman Alberts wondered about the Planning Commission Bylaws. David confirmed they were adopted and only brought forward again if amendments are needed. Council Woman Petty conveyed it does not guarantee two consecutive years but leaves the option open for the Commission to decide. Mayor Westbroek concurred.

Councilman Halverson moved to approve Ordinance 2022.06: Amend Title 10 Chapter 3 Section 4 Planning Commission Organization. Councilwoman Petty seconded the motion. Mayor Westbroek called for the vote. Council Members Alberts, Halverson, Petty, and Soderquist voted aye. Council Member Dills voted nay. The motion carried.

9. Ordinance 2022-08: Amend Title 10 Chapter 18 Short-term or Vacation Rentals

Councilman Dills wanted to add to this ordinance 1) a way for code enforcement to shut down and penalize short-term rentals, 2) to require a contact person available on site within 30 minutes, and 3) a three-strike policy. Councilman Halverson confirmed the Planning Commission process requires a local contact and the code already includes a three-strike rule. Jayme Blakesley explained due process is required before revocation can occur. David Larson indicated code does not require specific location of contact. Mr. Blakesley explained the general enforcement process which applied to all city code. If property is involved, full enforcement engages, but revocation is only immediate if it is a public nuisance. Other violations would go through process allowing them time to cure the violation. Councilman Halverson described the committees' process in coming up with this ordinance. Councilman Dills shared his philosophy to start extreme and then soften. He advocated capping at 10 with no percentage. He claimed citizens are against short-term rentals. Trevor Cahoon expressed utility accounts would most likely be used to evaluate the total number of residential units, but code allows the City Manager to decide. Mr. Larson explained procedures are in place for business license review before either license or permit are issued. He added primary residence requirements could be placed on the form or code enforcement could check that it is the primary residence. Mr. Blakesley did not recommend a "special" conditional use permit as was suggested. He charged the business license process should now be reviewed keeping Cobblestone in mind. Both applicant and property can be checked. Councilman Soderquist was concerned about ownership versus residence. Councilwoman Alberts declared internal accessory dwelling unit code might help with definitions. Mr. Blakesley proclaimed the six-month window for this land use ordinance was nearing and the consequences of inaction. Several Council Members believed the maximum number should be lower. There was discussion of lowering the percentage, the cap, or both.

Councilwoman Alberts moved to Approve Ordinance 2022-08: Amend Title 10 Chapter 18 Short-Term or Vacation Rentals with the amendments below.

- Application should require demonstration of property ownership
- The definition typos should be corrected
- 10-18-12 should be altered to state "Applications for a short-term rental shall not be accepted until which time the owner of the subject property has demonstrated ownership and use of the home as their primary residence for no less than twelve (12) months.
- 10-18-13 will remove %-age and change the maximum number of permits to ten (10).

Councilman Dills seconded the motion. Mayor Westbrook called for the vote. Council Members Alberts, Dills, Halverson, and Soderquist voted aye. Council Member Petty voted nay. The motion carried.

10. Resolution 22-24: Approve Municipal Wastewater Planning Program Annual Report

Councilwoman Petty moved to approve Resolution 22-24: Approve Municipal Wastewater Planning Program Annual Report. Councilman Halverson seconded the motion. Mayor Westbrook called for the vote. Council Members Alberts, Dills, Halverson, Petty, and Soderquist voted aye. The motion carried.

11. Resolution 22-25: Development Agreement for South Weber Gateway

Councilwoman *Alberts referencing Paul Sturm's public comment, questioned why the phasing diagram does not match the wording of the agreement. Mr. Cahoon responded no more than thirty (30) building permits could be issued in phase 1. Councilwoman Petty confirmed the phasing was for the commercial and not residential. Trevor acknowledged if phase 1 commercial was completed but not residential, they could move on to phase 2. Discussion continued about the sidewalk.

Councilwoman Alberts moved to Approve Resolution 22-25: Development Agreement for South Weber Gateway with the following amendments.

- Exhibit D to show phasing with only 30 units or fewer per stage.
- Exhibit F to have the walking path extend from current path to the edge of the property

Councilman Halverson seconded the motion. Mayor Westbrook called for the vote. Council Members Alberts, Halverson, Petty, and Soderquist voted aye. Council Member Dills voted nay. The motion carried.

DISCUSSION ITEMS

12. Holker Development Rezone Request –request withdrawn by developer

13. City Hall Remodel

City Manager David Larson shared the needs at City Hall and the thought process to solve the issues. Options to hold Council Meetings and court in a different location include the new public works training room, the Family Activity Center multi-purpose room, or a portable building. Councilman Dills asked if remote work would be possible. Mr. Larson explained the problems with that solution. Councilwoman Petty shared 1) the FAC has parking but no streaming, dais, or appropriate furniture, and 2) Public Works would require additional parking which would increase the price of construction. She questions how many offices are truly needed? Councilman Dills suggested purchasing a used portable if this will be a long-term need. The staff will move forward with gathering information on pricing various options.

REPORTS

14. New Business

Councilwoman Petty expressed residents are frustrated with the lack of train club maintenance at Canyon Meadows Park. She advised immediate review of the contract. Councilman Dills responded the Parks Committee is already scheduled to discuss the problem.

15. Council & Staff

Mayor Westbrook conveyed research on moving the city sign suggests it will cost \$5,000. Contact with UDOT still needs to verify the move will cancel the need for red turn on right signage.

Councilman Dills noted citizens are unhappy with an automatic 3% annual increase to storm drain rates.

Councilwoman Alberts revealed Code Committee met and discussed noise, emergency culinary water restrictions, an R-7 zone update allowing townhome platting, and defining roles, responsibilities, and processes.

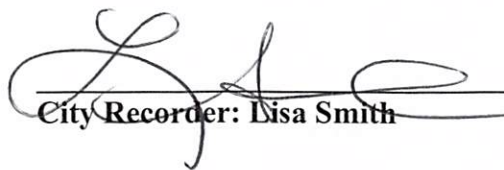
Councilman Soderquist noted he is part of the I 84-US Hwy 89 interchange Community Coordination Team (CCT), The committee has tabled all previous design ideas and is asking for citizen ideas and city input.

City Manager David Larson praised the Finance Department receipt of an award for budget presentation from the Government Finance Officers' Association (GFOA). The next goal is receiving the finance reporting award. He also announced the result of the Cobblestone appeal process. The city was victorious in each part of the decision.

16. Adjourn

Councilwoman Alberts moved to adjourn the Council Meeting at 8:40 p.m. **Councilman Dills** seconded the motion. **Mayor Westbrook** called for the vote. **Council Members Alberts, Dills, Halverson, Petty, and Soderquist** voted aye. **The motion carried.**

APPROVED:  **Date** 06-14-2022
Mayor: Rod Westbrook

Attest: 
City Recorder: Lisa Smith

*Amended by motion.

CC 2022-02-24 CI #1 Smith

From: [Mindi Smith](#)
To: [Public Comment](#); [Hayley Alberts](#); [Blair Halverson](#); [Quin Soderquist](#); [Joel Dills](#); [Angie Petty](#); [Rod Westbroek](#)
Subject: Tax increase/new developments
Date: Saturday, May 14, 2022 7:58:22 AM

This tax increase at this particular time is insane. We have been told over and over again that we need these new large developments by our city council in order to “lower or offset taxes”. So either you, our elected officials, have been fed lies by city staff or you should tell staff to find a way to use the money from The Gateway, The Lofts, Riverside RV, Morty’s, The soccer complex to make all these repairs. Would we even need a new public works building or a new employee if the city council hadn’t approved all these new developments?

Too many people on our council and our planning commission come into meetings and vote exactly the way city staff tells them to, they buy into every word and every “study“ they have done, but anyone can do that. We need leaders that do their own thinking and homework and represent the citizens by either not approving rezones and developments that put a strain on our entire community (and benefit one landowner) OR please at the very least do not also approve tax increases that put a strain on our elderly and fixed income citizens. Remember that one was supposed to offset the other?

We are also being told by our federal elected officials that climate change is an eminent crisis too so we probably don’t need storm drains at all?

Thanks for your time,
Mindi Smith
2440 E 8300 S

**Comments to South Weber City Council
for 24May22Meeting
by Paul A. Sturm**

Public Comments on Agenda Item #11- Ordinance 2022-04: Development Agreement for South Weber Gateway

Reference Packet Page 191 of 208 - Paragraph 2.e.i

2. Developer. Developer agrees the following terms and conditions apply to the development of the Property:

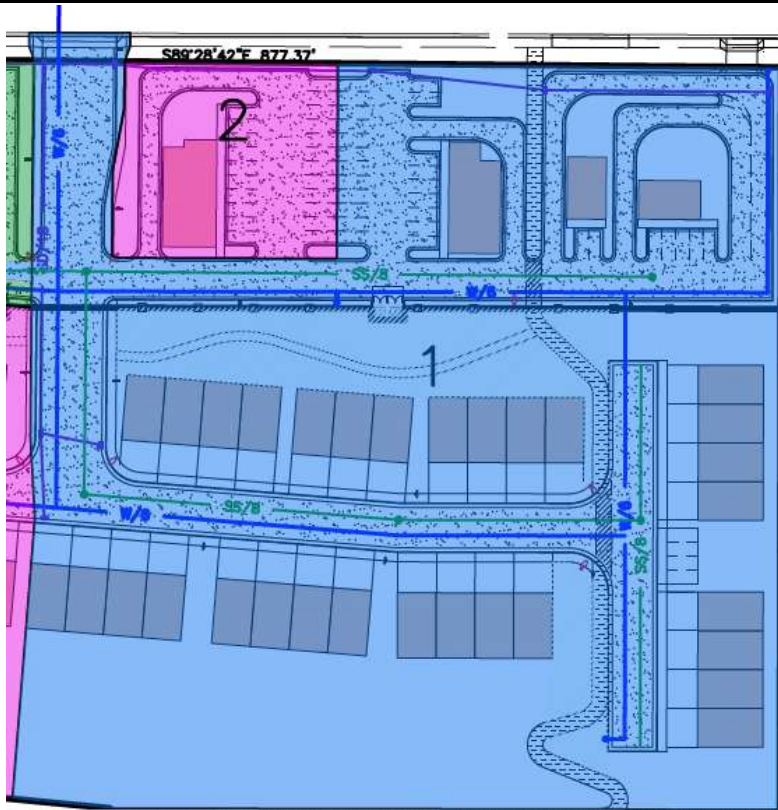
e. Developer agrees to develop the Property in phases as is described below and depicted in the Phasing Plan attached hereto as Exhibit E:

i. Phase One shall include a minimum of three retail pads constructed concurrently with no more than thirty (30) townhome units;

This agreement clearly states that there will be **no more than Thirty (30) townhome units** in Phase 1. This number is in accordance with the SWC Code wherein a maximum of 30 units are permitted **with only one exit**.

Please Note: I have mentioned this fact several times during past Public Comments!

Reference Packet Page 204 of 208 - Exhibit E - Bottom of drawing



Please count the number of units shown in the Phase 1 figure of Exhibit E. It clearly shows thirty-one units, not the 30 as agreed upon in the jointly-developed Gateway Development Agreement.

With all of the past challenges with this developer renegeing on prior presentation/verbal guarantees, (as referenced with Blair Halverson's and Hayley Alberts statements and comments during the CC meeting of 28Apr22), they should be held to the letter of the law, i.e. **NO MORE THAN 30 UNITS IN PHASE 1.**

N. THE OWNERS AND ENGINEERS OF REEVE & ASSOCIATES, INC. DISCLAIM ANY LI-

It appears that, once again, this developer is trying to "hoodwink" SWC by supplying a "Development Agreement-referenced document" that is contrary to the agreement itself! City Code is City Code! **Thirty (30) IS 30, NOT 31** as shown in Exhibit E!!