

SOUTH WEBER CITY CITY COUNCIL MEETING

DATE OF MEETING: 13 June 2023

TIME COMMENCED: 6:00 p.m.

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

PRESENT: MAYOR: Rod Westbroek

COUNCIL MEMBERS: Hayley Alberts
Joel Dills
Blair Halverson
Angie Petty
Quin Soderquist

CITY MANAGER: David Larson

FINANCE DIRECTOR: Mark McRae

COMMUNITY SERVICES DIR: Trevor Cahoon

COMMUNITY SERVICES ASST: Shaelee King

CITY ATTORNEY: Jayme Blakesley

CITY ENGINEER: Brandon Jones

CITY RECORDER: Lisa Smith

Minutes: Michelle Clark

ATTENDEES: Paul Sturm, Julie Losee, Lincoln Dygert, Debbie Dygert, Mark Anderson, Jeff Clouse, Henry DeVarona, Jeremy Davis, Stacey Eddings, Brandon Johnson.

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

1. Pledge of Allegiance: Councilman Dills

2. Prayer: Councilwoman Petty

3. 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 & city and direct comments to the entire Council (They will not respond).

Paul Sturm of South Weber City voiced several concerns with the Deer Run Townhomes Development.

Stacey Eddings of South Weber City questioned why the detention basin for the Deer Run Townhomes Development cannot be completed prior to construction. She requested the square hole in front of her home be repaired.

Because of individual time commitments, Mayor Westbroek moved several agenda items. They are recorded here as listed in the original agenda; however, 8, 9, and 12 were prioritized to the beginning of the meeting.

ACTION ITEMS:

4. Consent Agenda

- **9 May 2023 Minutes**
- **23 May 2023 Minutes**
- **May Checks**
- **April Budget to Actual**

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

5. Resolution 23-19: Deer Run Townhomes Development Agreement

The Planning Commission made a recommendation of approval with the following recommendations on 9 March 2023 meeting:

- Addition of minimum lot width for the development of 23 feet.
- All units are required to have a 22'x22' garage.
- Rent restrictions added.

Developer Joseph Cook thanked the Planning Commission, City Council, and city staff for their time and patience on this project. He estimated phase 1 will begin in July; however, it all depends on the economy. City Attorney Jayme Blakesley explained this development is required to include within the Covenants, Conditions, and Restrictions (CC&R's) provisions to limit the number of rental units. Councilman Halverson suggested amending the language to 25% with no provisions. Jayme proposed an amendment and noted it will be enforced by the HOA and City Code Enforcement.

The City Council expressed concerns with the setbacks from public streets, PUD status, density calculations, acreage discrepancy, open trench, sewer maintenance, and basin delay. Mr. Cahoon explained the history of the property and the setbacks. City Attorney Jayme Blakesley referenced the state statute for PUD's and the development agreement relating to bonus density. Brandon Jones explained the acreage discrepancy was due to a portion of property that has been deeded to the city. The 3.198 acreage is the final and accurate acreage. Mr. Cook stated the trench is on their land and it is part of their landscape plan. Mr. Jones explained because of individual ownership for different units, the sewer system must be maintained by the city. The detention basin will be escrowed but due to supply shortages, it may take more time to receive materials and complete it. The issue of on-site material storage was addressed by Mr. Cahoon. The developer is allowed to store construction materials on the site in an orderly manner.

Councilman Soderquist questioned why the zone needs to be changed when there is a development agreement. Mr. Cahoon explained if the development agreement expires or the development does not go through, the zone remains with the property. The City Council agreed on the R5-SG Zone.

The developer said that 14 units will lose a bedroom with the 22' X 22' garage size. The City Council agreed the Type B units will have a 20' X 20' garage. The development agreement has a term of five years following the date of its adoption. The infrastructure has a two-year term. Jayme added if vertical construction does not commence in five years, the agreement becomes null and void. He noted the development agreement remains with the property. Mr. Blakesley communicated possible changes to the agreement to address the Council's concerns.

Mayor Westbrook requested the developer remove the weeds by tomorrow.

Councilwoman Petty moved to approve Resolution 23-19: Deer Run Townhomes Development Agreement with the following amendments:

- 1. Paragraph #7 as follows: The Property shall be rezoned through an ordinance from Commercial Overlay (C-O) to Residential Multifamily (R5) with Strategic Growth Overlay (SG). In consideration for constructing the Development with the architectural features, layout, and other requirements in this Agreement that exceed the standard requirements of the Residential Multifamily (R5) with Strategic Growth Overlay (SG) zone, the City hereby grants the Project bonus density up to 35 residential units (total), notwithstanding any other zoning requirements to the contrary. No set of townhomes may contain more than four (4) units attached in any one single building, except for Units 101-105 & 301-305 as shown on Exhibit B.**
- 2. Paragraph #16c as follows: Type A units shall have a garage with interior dimensions of 22'x22'. Type B units shall have a garage with interior dimensions of 20'x20'.**
- 3. Paragraph #17 as follows: Homeowner's Association Rental Regulation: The development shall be required to include within the Covenants, Conditions and Restrictions provisions to limit the number of rental (regardless of length of term) units allowed and includes the right to enforce rental restrictions. The provisions shall be to allow no more than 25% of the available units to be rented. The Covenants, Conditions, and Restrictions may allow additional units to be rented upon a showing of financial hardship such as divorce, illness or death, loss of job, transfer, family growth, military permanent change of station, etc. Short-term rentals shall be subject to South Weber City Code 10-18.**

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

6. Ordinance 2023-06: Rezone from Commercial Overlay to R7 or R5-SG for Deer Run Townhomes at 7870 S 2700 E: Developer Deer Run Investments applied to rezone parcels 1336400003 and 133640002 of 3.198 acres at approximately 7870 S 2700 E from Commercial Overlay to R-7. A public hearing was held before the Planning Commission on the 9th of March 2023 in which the Planning Commission recommended approval of the rezone request. The City Council subsequently created a new land zone called Residential Multifamily (R-5) therefore staff recommended rezone to the R-5 with a Strategic Growth Overlay.

Councilwoman Petty moved to approve Ordinance 2023-06: Rezone from Commercial Overlay to R5-SG for Deer Run Townhomes at 7870 S 2700 E. Councilwoman Alberts

seconded the motion. Mayor Westbrook called for a roll call vote. Council Members Alberts, Dills, Halverson, Petty, and Soderquist voted aye. The motion carried.

7. Resolution 23-20: Final Plats, Phases 1-5, Deer Run Townhomes with Ownership and Maintenance Agreement: An application for subdividing 3.198 acres at approximately 7870 S 2700 E into 35 townhomes was submitted by Deer Run Investments. Both the Community Services Director and the City Engineer analyzed all forms presented and found all conditions of city code met and relayed their findings to the Planning Commission. The South Weber City Planning Commission held a public hearing for the preliminary plan on the 9th of February, 2023, where they reviewed the plats and the Ownership and Maintenance Agreement in an open public meeting on the 11th of May, 2023 and gave a favorable recommendation for approval by the City Council at the same hearing with some additional requirements.

Councilwoman Petty moved to approve Resolution 23-20: Final Plats, Phases 1-5, Deer Run Townhomes with Ownership and Maintenance Agreement. Councilwoman Alberts seconded the motion. Mayor Westbrook called for a roll call vote. Council Members Alberts, Dills, Halverson, Petty, and Soderquist voted aye. The motion carried.

8. Ordinance 2023-07: Rezone from Residential Low to Residential Moderate for Peak View Subdivision located at 1885 E 7600 S: A rezone application was submitted, and the requested zone matches the General Plan. The Planning Commission recommended approval. Councilman Dills queried if there were concerns from neighbors. Community Services Director Trevor Cahoon replied that neighboring property owners received public notice and there were no public comments.

Councilwoman Alberts moved to approve Ordinance 2023-07: Rezone from Residential Low to Residential Moderate for Peak View Subdivision located at 1885 E 7600 S. Councilman Dills seconded the motion. Mayor Westbrook called for a roll call vote. Council Members Alberts, Dills, Halverson, Petty, and Soderquist voted aye. The motion carried.

9. Resolution 23-21: Final Plat for Peak View Subdivision: An application for subdividing 0.79 acres at approximately 1885 E 7600 S into two building lots was submitted by Lincoln and Debbie Dygert. Both the Community Services Director and the City Engineer have analyzed all forms presented and found all conditions of city code met and relayed their findings to the Planning Commission. The South Weber City Planning Commission held a public hearing for the subdivision on the 11th of May 2023. The Planning Commission reviewed all the supporting documents in an open public meeting on the same night and gave a favorable recommendation for approval by the City Council.

Councilwoman Alberts moved to approve Resolution 23-21: Final Plat for Peak View Subdivision. Councilman Soderquist seconded the motion. Mayor Westbrook called for a roll call vote. Council Members Alberts, Dills, Halverson, Petty, and Soderquist voted aye. The motion carried.

10. Resolution 23-22: Certified Property Tax Rate

Each year the city must adopt a Certified Property Tax Rate to allow the county to collect property taxes on the city's behalf and distribute them to South Weber City once collected. The Certified Tax Rate prepared by Davis County is 0.001330. This is an increase of 4.48% from the 2022 certified tax rate of 0.001273. However, due to the change in animal control to be funded through property tax, this will result in a decrease of total property revenue. The city's property tax revenue for 2023 was reduced

by \$24,128 because of this animal control change. The formula for this is \$1,078,291 (2022) + \$17,485 (new growth) - \$24,223 (animal control) = \$1,071,553 (2023).

Councilman Halverson moved to approve Resolution 23-21: Final Plat for Peak View Subdivision. Councilwoman Alberts seconded the motion. Mayor Westbroek called for a roll call vote. Council Members Alberts, Dills, Halverson, Petty, and Soderquist voted aye. The motion carried.

11. Resolution 23-23: FY 2024 Budget

All cities in Utah are required to adopt a city budget outlining expected revenues and expenditures for the next fiscal year. Staff and the City Council have worked together over the past several months to put together a balanced budget for all funds which is fiscally responsible and meets the needs of the city for the fiscal year ending June 30, 2024. A public hearing was held on 23 May 2023 for public comment on the Tentative Budget.

The following changes have been made since the adoption of the Tentative Budget:

- Property tax: reduced to reflect Animal control change.
- Employee Compensation: The 3% merit has been increased to a 3% Market Adjustment and a 2% Merit. Revenues adjusted to match increased expense.
- Community Services – Full and Part-time salaries adjusted to reflect staffing change.
- Capital Projects – Revenues – Transfer from Road Impact Fees: An increase of \$175,000. Capital Projects – Streets – Improv. Other than Bldgs.: An increase of \$175,000. Re- budget 2700 East Right-of-Way and project design.
- Water Fund – Revenues – Fund Balance to be Appropriated: An increase of \$15,000 for CLa-Valve program.
- Water Fund – Fire Hydrant Update: Title changed to Fire Hydrant/Cla-Valve Update. An increase of \$15,000 for new Cla-Valve replacement program which was added to hydrant replacement program.
- Water Fund and Sewer Fund: Re-budgeted CFP/IFFP/IFA amount was increased to reflect a change in split between 2023 and 2024; +\$17,000 in Water and +\$55,000 in Sewer. Rate studies were added to both funds, \$35,000 in Water and \$15,000 in Sewer.
- TUF Fund: \$25,000 re-budgeted for CFP/IFFP/IFA which will not be completed by June 30, 2023

Councilwoman Alberts moved to approve Resolution 23-23: FY 2024 Budget. Councilman Soderquist seconded the motion. Mayor Westbroek called for a roll call vote. Council Members Alberts, Dills, Halverson, Petty, and Soderquist voted aye. The motion carried.

12. Resolution 23-24: Creation of Local Building Authority Along with Articles of Incorporation and Bylaws: It is recommended that the City Council review and approve the proposed Articles of Incorporation for the Local Building Authority of South Weber City, Utah. The establishment of this corporation will provide the necessary structure to carry out public projects and finance them on behalf of the city. The corporation's nonprofit nature ensures that its operations align with the City's objectives, benefiting the community.

Councilwoman Petty moved to approve Resolution 23-24: Creation of Local Building Authority Along with Articles of Incorporation and Bylaws. Councilman Halverson seconded the motion. Mayor Westbroek called for a roll call vote. Council Members Alberts, Dills, Halverson, Petty and Soderquist voted aye. The motion carried.

Councilwoman Petty moved to suspend the meeting at 6:15 p.m. and convene Local Building Authority Meeting. Councilman Halverson seconded the motion. Mayor Westbrook called for a roll call vote. Council Members Alberts, Dills, Halverson, Petty, and Soderquist voted aye. The motion carried.

LBA Board Member Halverson moved to adjourn the board meeting at 6:24 p.m. Board Member Alberts seconded the motion. President Westbrook called for a roll call vote. President Westbrook, Vice President Halverson, and Board Members Alberts, Dills, Petty, and Soderquist voted aye. The motion carried. The City Council meeting was reconvened.

REPORTS:

13. New Business

Preliminary Plat & Final Plat Approval: Councilman Dills requested the separation of Preliminary Plat and Final Plat Approval. City Attorney Jayme Blakesley suggested including Councilman Dills request with changes coming from the Legislative Session. It was stated this item is on the list for Code Committee review.

14. Council & Staff

Councilwoman Alberts: reported the concert in the park was canceled due to weather, but there is another concert in the park coming up.

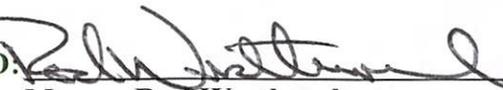
Councilwoman Petty: announced the Municipal Utilities Committee met to discuss the new Public Works Facility with information coming forward soon. She requested an update for an engine boss for the Fire Department. Mr. Larson responded that the Fire Department is actively seeking staff.

Councilman Halverson: recommended the City Council listen to the recent Planning Commission meeting. Crosswinds development was approved.

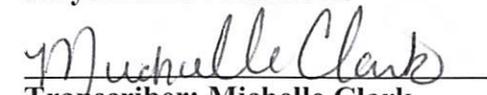
City Manager David Larson: reported the law enforcement contract will be coming before the City Council.

15. Adjourn

Councilwoman Petty moved to adjourn the meeting at 8:07 p.m. Councilwoman Alberts seconded the motion. Mayor Westbrook called for a roll call vote. Council Members Alberts, Dills, Halverson, Petty, and Soderquist voted aye. The motion carried.

APPROVED: 
Mayor: Rod Westbrook

Date 07-11-2023


Transcriber: Michelle Clark

Attest: 
City Recorder: Lisa Smith

