

# SOUTH WEBER CITY CITY COUNCIL MEETING

**DATE OF MEETING:** 12 December 2023

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

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

**PRESENT: MAYOR:**

**Rod Westbrook**

**COUNCIL MEMBERS:**

**Hayley Alberts  
Joel Dills  
Blair Halverson  
Angie Petty  
Quin Soderquist**

**CITY MANAGER:**

**David Larson**

**COMMUNITY SERVICES DIR:**

**Trevor Cahoon**

**COMMUNITY SERVICES ASSIST:**

**Shaelee King**

**FINANCE DIRECTOR:**

**Mark McRae**

**CITY TREASURER:**

**Maryn Nelson**

**CITY ENGINEER:**

**Brandon Jones**

**CITY ATTORNEY:**

**Jayne Blakesley**

**CITY RECORDER:**

**Lisa Smith**

**Minutes: Michelle Clark**

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**ATTENDEES:** Chris Pope, Paul Sturm, Alison Soderquist, Chris Roberts, Jeremy Davis, Elizabeth Pinto, Lynn Wood, Preston Lasator, Cherilynn Uden, and Bryan Bayles.

**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).

**Brent Poll of South Weber City** explained the history and background of the Hill Air Force Base (HAFB) pollution. He voiced concern for those living in the west end subdivisions with the contamination as the city continues to approve subdivisions.

**Lynn Wood from Ogden City** announced he is the executor of the Ray Estate and addressed the Riverwood Subdivision Phases 1 and 2. He reviewed his work with the city when additional land for access to the Public Works Facility site was needed and requested the city give a favorable approval of this subdivision as this will be nice subdivision and addition to South Weber City.

**Paul Sturm of South Weber City** stressed the importance of developing commercial property within South Weber City and averred the City Council should be the final approving authority.

## PRESENTATIONS

### **4. Recognition of Service: Trevor Cahoon, Mark McRae, Hayley Alberts, and Quin**

**Soderquist:** Mayor Westbroek thanked Trevor and Mark for the service they have given to South Weber City. Trevor will be taking employment with Clinton City and Mark McRae will be retiring the first of January. He also thanked Haylee Alberts who has been a strong advocate for the citizens of South Weber. She has functioned as the Country Fair Days Liaison and served on both Public Affairs and Public Safety Committees. She supervised and strengthened the Youth City Council and helped update the South Weber City Code. Quin Soderquist was on the finance/admin and the parks committees. He served as gravel pit liaison and was fundamental in monitoring the particles first by creating and monitoring boxes placed throughout the city and second by working with the University of Utah.

### **5. Davis County Sheriff's Quarterly Report**

Sergeant Chris Pope presented the Davis County Sheriff's quarterly report. He voiced that he is working with Building Manager Kim Guill concerning the park and ride parking violations. He announced the DCSO, as part of the holiday season, is giving out gift cards and spending time at Maverik filling up random individuals' vehicles with gasoline. He suggested the Public Safety Committee research flashing light crosswalks for High Mark School. Investigative Analyst for DCSO Elizabeth Pinto reported records management merged with the county which caused problems with the numbers for this report. Councilman Dills questioned the dispatch hours and how they are measured. Sergeant Pope replied it is a general range of actual time at the dispatch center. Mayor Westbroek requested taking the park and ride seriously as there are many commercial vehicles using it. Councilman Dills requested DCSO be aware of individuals following package delivery vehicles and then stealing packages left on doorsteps.

### **6. Annual Court Review with Judge Memmott**

Judge Memmott expressed the state of Utah has certain statutory requirement in the operation of a justice court. These standards were updated in 2023. Individual justice court judges are required to meet with the governing body at least once each year and Judge Memmott must certify that this meeting has been held as part of the recertification process. He added South Weber Justice Court has a wonderful reputation and thanked the city staff, specifically Lisa Smith, for that.

## ACTION ITEMS

**7. Consent Agenda**

- a. November Checks**
- b. October Budget to Actual**
- c. 2024 Meeting Schedule**
- d. Purchase Approval for Wheel Loader**

Councilman Dills inquired on the necessity to purchase the wheel loader. Councilman Halverson responded it will be more economical overall for the new Public Works Facility. City Manager David Larson affirmed it has been needed for several years and will help eliminate rental of a loader. It was stated city staff did investigate purchasing a used wheel loader but with the reduction of price based on the state contract the better option is purchase. A new wheel loader also comes with a warranty and maintenance contract.

**Councilman Soderquist moved to approve the consent agenda as written. Councilwoman Petty 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. Resolution 23-57: Director of Finance and Treasurer Appointments**

Current Finance Director Mark McRae has announced his retirement as of January 5, 2024, necessitating Mayor Westbrook to appoint a new Finance Director. State and City code require Mayor Westbrook appoint the Finance Director with the advice and consent of the City Council. In the council meeting on November 28, 2023, the City Council updated the city code to reflect state requirements for appointing a Finance Director. Mayor Westbrook recommended appointing Maryn Nelson as Director of Finance and Tia Jensen as City Treasurer, both internal promotions within the City's finance division. Councilman Dills suggested a non-compete be added to all manager contracts to help retain employees in South Weber City.

**Councilwoman Alberts moved to approve Resolution 23-57: Director of Finance and Treasurer Appointments. 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.**

**9. Resolution 23-58: Appointing Two Planning Commissioners**

After a thorough review, Mayor Westbrook recommended Julie Losee for a second term on the Planning Commission effective February 1, 2024, and Chris Roberts to fill the vacancy created by Jeremy Davis's election to the City Council, effective January 1, 2024 to complete Jeremy's remaining term and continue in that same seat effective February 1, 2024. Chris Roberts acknowledged he is excited to get to know and collaborate with individuals in the city. The City Council thanked Mr. Roberts for his willingness to serve.

**Councilman Soderquist moved to approve Resolution 23-58: Appointing Two Planning Commissioners. 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.**

City Recorder Lisa Smith administered the oath of office for Chris Roberts, Maryn Nelson, and Tia Jensen.

#### **10. Resolution 23-59: Court Recertification**

**Councilwoman Petty moved to approve Resolution 23-59: Court Recertification. 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.**

#### **11. Resolution 23-60: Public Works Subdivision Plat 1st Amendment**

Community Services Director Trevor Cahoon explained there was a small portion of city property that was recently annexed into the city by Weber County. During the Planning Commission meeting he suggested including this property on the plat. Unfortunately, his memory of the location was incorrect, and it does not align with this subdivision. The adjacent property is not currently owned by the city and thus cannot be incorporated yet. It will be deeded to the city for open space as part of the Riverwood Subdivision later.

**Councilwoman Alberts moved to approve Resolution 23-60: Public Works Subdivision Plat 1st Amendment. 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.**

#### **12. Ordinance 2023-09: Title 10 Chapter 7 Conditional Uses Amendment**

Community Services Director Trevor Cahoon explained conditional uses are crucial to successful land use planning by allowing control and regulation of specific properties within a municipality. To establish the most clear and applicable code, the Code Committee has been reviewing Title 10 for an extended period. They presented these alterations to align with the goals and objectives of the General Plan and zoning regulations. The Planning Commission discussed these proposed changes on November 9, 2023, and recommend removal of the articles and approval of the complete rewrite of Chapter 7. The Planning Commission recommended all conditional uses be approved by that body. Councilman Halverson suggested the City Council approve conditional use permits for commercial property. City Attorney Jayme Blakesley added these changes are a reaction to state law.

**Councilman Soderquist moved to approve Ordinance 2023-09: Title 10 Chapter 7 Conditional Uses Amendment without the Planning Commission's recommendation for approval of commercial conditional use permits. 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.**

#### **13. Ordinance 2023-10: Rezoning 0.588 acres from Agriculture (A) to Residential Low Moderate (R-LM) for Riverwood Subdivision located at approximately 75 W South Weber Drive**

Nilson Land Development applied to develop parcel 130050038 of 34.165 acres at

approximately 75 W South Weber Drive and requested a rezone of 0.588 acres from Agricultural (A) to Residential Low-Moderate (R-LM). A public hearing was held before the Planning Commission on the 10th of October 2021 at which time the Commission recommended approval. Councilman Dills queried why this was not take care of before. Community Services Director Trevor Cahoon explained there was a home at one time on this property.

**Councilman Halverson moved to approve Ordinance 2023-10: Rezoning 0.588 acres from Agriculture (A) to Residential Low Moderate (R-LM) for Riverwood Subdivision located at approximately 75 W South Weber Drive. 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.**

#### **14. Resolution 23-31: Final Plat and Associated Agreements Approval for Riverwood Phases 1 and 2**

Planning Commission recommended approval of the Preliminary/Final Subdivision Plat for Riverwood Phase 2 at the November 9, 2023, meeting with the condition the developer obtain the additional required number of water shares prior to recordation of the plat. Staff recommended approval of Utah Department of Transportation (UDOT) Drainage Agreement, Weber Basin Water Conservancy District (WBWCD) Trail Encroachment Agreement, and the Secondary Water Shares Agreement: all of which are associated with the complete approval of the development. Councilwoman Petty questioned when the developer is required to show approval of secondary water. Community Services Director Trevor Cahoon assured Council the plat could not be recorded until the city receives proof from the water district. Councilman Soderquist asked if there will be any building if water shares are not obtained. Bryan Bayles of Nilson Homes reported they have enough water for phase 1 and are anxious to get going.

Councilman Halverson stated it is his understanding the Division of Water Rights does not allow the city to approve this and questioned City Attorney Jayme Blakesley. Mr. Bayles reported his company has moved forward without water shares on multiple projects. City Attorney Jayme Blakesley clarified property cannot be subdivided until the water shares are obtained. If the water shares are not obtained the plat will not be approved and the developer runs the risk of installing infrastructure prior to plat approval. Councilman Halverson suggested the plat include the South Weber Irrigation Company signature block.

Councilman Halverson discussed phase 1 density and stated there is nothing currently on the plat that identifies Lot A and B located in the crash zone remain open space because the density was applied to the full property. Mr. Blakesley conferred with the Planner and Developer and suggested adding the following amendment: “No subdivision shall be permitted for Parcels A or B. No development of Parcels A or B shall be permitted except for non-occupied residential structures, such as sheds or barns, that do not violate the terms of recorded easements against the property. This covenant is enforceable by South Weber City. Any development of Parcels A or B, or modification to this covenant, requires a written agreement by all parties with vested interests in Parcels A and B.”

**Councilwoman Petty moved to approve Resolution 23-31: Final Plat and Associated Agreements Approval for Riverwood Phases 1 and 2 with the following amendments:**

- **The document recording the plat includes a signature from the secondary water company certifying the availability of secondary water.**

- **The note suggested by Mr. Blakesley shall be included on the plat to prohibit future commercial or residential use on the open space.**

**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.**

### **15. Ordinance 2023-17: Adopt City Code Title 2 Chapter 3 Impact Fees, Amend Multiple Sections of Title 10 Zoning Regulations, Replace Title 11 Subdivision Regulations and Amend Development, Design, and Construction Standards**

South Weber City's legal counsel Jayme Blakesley did a thorough review of the ordinance as requested by the City Council in the November 28, 2023 meeting. In his review Blakesley recommended some minor grammar and language updates to provide clarity. Councilwoman Alberts lamented the mass of data to review. City Attorney Jayme Blakesley explained most of this is driven by state code requirements. He noted he has reviewed it and is comfortable with it. Councilman Dills was not comfortable approving the ordinance and suggested a continuance. Councilman Halverson did not like the fact that Planning Commission is not required to hold a public hearing for a preliminary plat, nor did he favor the City Council not being able to give final plat approval. Councilman Halverson recommended a representative from the City Council serve on the Administrative Land Use Authority Board. Mr. Blakesley suggested the Mayor appoint two members of the City Council to serve on the board.

**Councilman Halverson moved to approve Ordinance 2023-17: Adopt City Code Title 2 Chapter 3 Impact Fees, Amend Multiple Sections of Title 10 Zoning Regulations, Replace Title 11 Subdivision Regulations and Amend Development, Design, and Construction Standards with the following amendments:**

- **Mayor to appoint two city council members to the Administrative Land Use Authority Board (11.01.04).**
- **Amend all references to job titles to match the current city positions and appointments.**

**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.**

### **16. Ordinance 2023-18: Title 10 Chapter 19 Accessory Dwelling Units Amendment**

Community Services Director Trevor Cahoon communicated the Code Committee identified the need to encompass regulations for external accessory dwelling units (EADUs) coordinating with the recently updated Moderate Income Housing Plan. To maintain a consistent look and feel, these structures should mimic the primary dwelling in design, construction, and overall aesthetics. The Planning Commission reviewed the proposed changes on November 9, 2023 and recommended Council add a cap on EADUs based on analysis from the City Engineer and the effects upon the city infrastructure.

Councilwoman Petty argued against ¼ acre lot size and suggested 1/3 acre. Mr. Cahoon discussed the required setbacks and zoning regulations provide restrictions for most lots. Councilman Dills discussed property rights for individuals and did not oppose 1/3 acre. Councilman Soderquist added there probably are not many ¼ acre lots that can meet the setback

requirements. Councilwoman Alberts added the Code Committee was very much concerned with the appearance and how EADUs will affect neighborhoods. Mr. Cahoon conveyed a conditional use permit will help. Councilman Halverson voiced this will affect density and infrastructure of a subdivision. Councilwoman Petty declared that is why she is against ¼ acre. Councilman Halverson favored the requirement of 1/3 acre lot. City Engineer Brandon Jones acknowledged it is difficult to plan for something like this not knowing how it will impact the city's infrastructure and no impact fees would be assessed. Councilman Dills queried if there can be a cap of EADUs in the city. Mr. Cahoon replied the city can allow for a percentage of the city or cap it at a number. He understood the provisions and setbacks prohibited them popping up all over on ¼ acre lots.

**Councilman Halverson moved to continue Ordinance 2023-18: Title 10 Chapter 19 Accessory Dwelling Units Amendment. 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.**

#### **17. Ordinance 2023-19: Title 6 Chapter 1 Section 4 Parking Regulations Amendment**

Parking enforcement at the Park N Ride has been difficult. An extensive update to the parking code took place on April 11, 2023, in part to provide better enforcement options for the Park N Ride. Since, Davis County Sheriff's Office (DCSO) has run into some additional problems with commercial vehicles being parked at the lot. They also have recognized that different language is used in various sections of the code to describe where the code applies.

**Councilman Soderquist moved to approve Ordinance 2023-19: Title 6 Chapter 1 Section 4 Parking Regulations Amendment. 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.**

### **DISCUSSION**

#### **18. Moderate Income Housing Single Room Occupancy Choice**

Community Services Director Trevor Cahoon requested feedback from the City Council concerning the Moderate-Income Housing. The council agreed to amend the Moderate-Income Housing Plan to include item (F) Zone or rezone for higher density or moderate-income residential development in commercial or mixed-use zones near major transit investment corridors, commercial centers, or employment centers.

### **REPORTS**

Due to the length of the meeting, Mayor Westbroek chose to skip both new business and reports while allowing the leaving Council Members time to give a brief goodbye.

#### **19. New Business**

#### **20. Council & Staff**

**Councilwoman Alberts:** expressed her appreciation to everyone and acknowledged the last four years has been a growing experience for her. Four years ago, she wrote down in a notebook while sitting in the audience what she wanted to accomplish, and she has accomplished all of them with everyone’s help.

Breakfast with Santa is this Saturday at 9:00 a.m. at the Family Activity Center and the City Council will help serve.

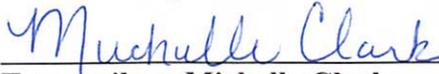
**Councilman Soderquist:** acknowledged this is an amazing city and he appreciated the opportunity to be involved and serve with everyone. He has enjoyed the ride but definitely will not miss chasing down the dust.

**City Manager David Larson:** expressed gratitude on behalf of the city staff for Councilwoman Alberts and Councilman Soderquist.

**21. Adjourn**

**Councilwoman Alberts moved to adjourn the meeting at 8:50 p.m. 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.**

APPROVED:  Date 01-09-2024  
Mayor: Rod Westbroek

  
Transcriber: Michelle Clark

Attest:   
City Recorder: Lisa Smith

