

SOUTH WEBER CITY CITY COUNCIL MEETING

DATE OF MEETING: 14 August 2018

TIME COMMENCED: 6:01 p.m.

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

PRESENT: MAYOR:

Jo Sjoblom

COUNCILMEMBERS:

Blair Halverson

Kent Hyer

Angie Petty (excused)

Merv Taylor

Wayne Winsor

FINANCE DIRECTOR:

Mark McRae

CITY MANAGER:

Dave Larson

Transcriber: Minutes transcribed by Michelle Clark

ATTENDEES: Barry Burton (City Planner), Brandon Jones (City Engineer), Cole Fessler, John Grubb, Ken Carson, Mike Schamanski, and Rob Edwards.

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

PLEDGE OF ALLEGIANCE: Council Member Winsor

PRAYER: Mayor Sjoblom

CONFLICT OF INTEREST: None

APPROVAL OF CONSENT AGENDA:

- Approval of July 201 8 Check Register Report
- Approval of 10 July 201 8 City Council Meeting Minutes
- Approval of I 7 July 2018 City Council Meeting Minutes

Mark McRae reviewed an amendment to 10 July 2018.

Council Member Taylor moved to approve the consent agenda as amended. Council Member Halverson seconded the motion. Mayor Sjoblom called for the vote. Council Members Halverson, Hyer, Taylor, and Winsor voted yes.

PUBLIC COMMENTS: Mayor Sjoblom said anyone who would like to participate in public comment may come to the pulpit, state name and address, and keep comments to three minutes.

Kenny Carson, 7459 S 850 E, commented on the fencing ordinance and asked if the fencing ordinance and buffer ordinance are grandfathered for subdivisions currently under construction. He thanked the City Council for listening to complaints and following through on the dog park. He hopes the Council has done their research concerning Resolution 18-42 and the possibility of a trailer park on that property.

John Grubb 6966 S. 475 E., asked about Resolution 18-42. He has heard a lot of negative feedback. He said individuals are concerned about the time limit allowed for people staying at the trailer park. He thanked everyone for Country Fair Days.

Mike Schamanski, 850 E. 7350 S., concerning Resolution 18-37. He met last week with HAFB and received some maps for this parcel. He said the Planning Commission was relying on the maps from 2007 and he said the maps are currently being updated. He asked the council to table Resolution 18-37 until the updated maps are reviewed.

ORD. 18-04: Amendment to City Code (11 .04. 130) Fencing:

Mayor Sjoblom said where land is zoned A, Agricultural, and lies adjacent to a subdivision, a six foot (6') high fence is required between the subdivision and the Agricultural zoned land. The fence will be chain link unless otherwise agreed to by the owner/developer and the City Council. She stated where building lots for any land use are adjacent to Interstate 84, a six foot (6') masonry fence will be constructed along the common property line with I-84. This is for safety from wildfire and to provide protection from auto accidents. Council Member Halverson said the City Council will give final approval. Council Member Winsor is concerned about giving the Planning Commission authority to decide fence or no fence, but when it is all said and done, it comes back to the Council. He feels this leaves the developer hanging until it comes back to the City Council. He feels this is problematic. Council Member Halverson thought it was sent back to the Planning Commission because the City Council wanted the authority. Council Member Winsor read 11.04.130 paragraph A. *After receiving a recommendation from the Planning Commission, the City Council may require any type of fence that provides a reasonable barrier to humans.* Barry suggested removing this sentence. Discussion took place regarding the masonry fence. It was stated this fence provides a solid fence, fire protection, etc. Brandon Jones, City Engineer, said the masonry fence is required only in the backyard up against Interstate 84.

Council Member Winsor moved to approve Ordinance 18-04 as amended with striking the sentence in paragraph A - *After receiving a recommendation from the Planning Commission, the City Council may require any type of fence that provides a reasonable barrier to humans.* Council Member Halverson seconded the motion. Mayor Sjoblom called for the vote. Council Members Halverson, Hyer, Taylor, and Winsor voted yes.

ORD. 18-05: Amendment to City Code Requiring Buffer Yards (Sections 10.5C.11, 10.5G.12, 10.5K.11, 10.5L.6, 10.5M.6, 10.5N.12, 10.5O.6, 10.07.050, 10.15.050, and 10.15.070): Mayor Sjoblom stated this buffer yard requirement will be located between the C-H, T-1, P-O, L-1, C-R, C-O, B-C Zone and all residential zones. A six foot (6') tall solid screening fence shall be required between the R-H zone and all lower density residential zones. Barry Burton, City Planner, discussed the tree requirements and stated there shall be one tree with

mature height of at least 25' for every 20' of length of buffer yard. He said this ordinance will simplify the buffer yard requirements and helps with administration. Barry said anything that has been previously approved has to comply with the ordinances at the time it was approved.

Council Member Halverson moved to approve Ordinance 18-05. Council Member Winsor seconded the motion. Mayor Sjoblom called for the vote. Council Members Halverson, Hyer, Taylor, and Winsor voted yes.

RES. 18-37: Approval of Rezone of Parcel 13-020-0040 to Residential Low Density (R-L):

Mayor Sjoblom said the owner was not properly notified when this was on the last meeting and that is why it is on the agenda tonight. Council Member Taylor said the property owner has asked us to table until the new maps from HAFB are available.

Barry Burton, City Planner's, memo of 6 July 2018 is as follows:

The review of the proposed rezone for MS Financial below in italics is what was presented to the Planning Commission in June. I believe the reasons I give for recommending denial of the rezone are essentially what the Planning Commission gave as reason for their recommendations of denial to the City Council.

REZONE PARCEL 13-020-0040 REQUEST: Approval of rezone from A to R-L

GENERAL INFORMATION: This proposal raises several concerns about rezoning at this time. One is that it lies in the path of the proposed South Bench Drive as it makes its way up the hill to the south. Right now we don't know exactly how much this will affect the property. Also, the General Plan calls for this area to remain in the A zone. I spoke with the owner/applicant and he has no development plans at this time. Perhaps the most compelling fact is the entire parcel sits on top of Operable Unit 1 of the HAFB Super Fund Site. In 1998 the Air Force purchased an easement to conduct remediation activities on all but 1.1 acres of the 13.48 acres. This easement does not expire until September 29, 2023.

Council Member Taylor moved to table Resolution 18-37 until the HAFB maps are available. Council Member Hyer seconded the motion. Mayor Sjoblom called for the vote. Council Members Halverson, Hyer, Taylor, and Winsor voted yes.

RES. 18-41: Approval of Final Acceptance - Royal Farm Estates Phase 4

Mayor Sjoblom stated Jones & Associates has completed an inspection of the improvements in the above mentioned subdivision and found them to be completed satisfactorily and to meet minimum requirements of South Weber City standards in accordance with engineering and/or subdivision plans submitted and previously approved.

They are now recommending granting Final Acceptance of this subdivision. Escrow needs to be released to the City in the amount of \$6,180.00 for chip and seal. All remaining escrow funds can be released at this time.

Council Member Halverson moved to approve Resolution 18-41. Council Member Taylor seconded the motion. Mayor Sjoblom called for the vote. Council Members Halverson, Hyer, Taylor, and Winsor voted yes.

RES. 18-42: Approval of Rezone of Parcel 130180021/071090017 to Commercial

Recreation: Mayor Sjoblom stated the proposed use of the property located at approximately 900 East Cottonwood Rd., formerly known as the Frisbee property, is an RV Park. This is the latest and proposed use of the land in a long string of proposals going back many years. The property is almost entirely within a flood plain making it very difficult and expensive to locate permanent buildings on the property. This proposal will require some small buildings to support the primary use, but this is feasible on a small scale. The General Plan anticipates Commercial Highway with a possible Mixed Use overlay. Though the C-R Zone isn't the same as the C-H Zone, the C-R Zone is commercial and an RV Park is certainly a highway oriented use. An RV Park of this size would be a conditional use in the C-R Zone requiring Planning Commission and City Council approval.

Council Member Hyer said he appreciates what Kenny Karson said earlier, and he is concerned with setting restrictions to make sure this isn't an undesirable area. He understands this is a beautiful location but can become a prime location for other things. Council Member Winsor said those items will be discussed in a conditional use permit. Dave Larsen, City Manager, said a conditional use permit and/or development agreement can discuss the restrictions. Barry Burton said the ordinance was recently revised to help cover some of these items. Council Member Halverson said transient tax needs to be reviewed.

Council Member Hyer moved to approve Resolution 18-42. Council Member Halverson seconded the motion. Mayor Sjoblom called for the vote. Council Members Halverson, Hyer, Taylor, and Winsor voted yes.

RES. 18-43: Approval of Final Plat and Improvement Plans of Sun Rays Subdivision:

Mayor Sjoblom referred to Brandon Jones, City Engineer's memo.

Brandon Jones, City Engineer's memo of 9 August 2018 is as follows:

Our office has completed a review of the Final Plat and Improvement Plans for the Sun Rays Subdivision received, July 12th and August 3rd 2018. We recommend approval, subject to the following comments and items being addressed prior to the plat being recorded.

GENERAL

1. **Grading and Soils.** As a result of the Conditional Use Permit, much grading and production of materials has occurred. All of the soils must meet City Standard gradation specifications if they are to be used. If, during construction, there is any concern related to a geotechnical matter, the geotechnical engineer who provided the study for the project may need to render an opinion or recommendation. This would be at the developer's expense.

PLAT

2. Some of the addresses are incorrect from the ones given. These need to be corrected.

Also, the coordinates of the streets need to be included on the plat in parenthesis as follows:
Harold's Way (1875 East), Canyon Drive (7250 South).

3. The Power, Gas, Sewer, Storm Drain and Irrigation easements all need more bearings and/or distances labeled in order to be able to locate these easements in reference to the proposed lot lines or ROW's.

4. There needs to be a 10' PUE shown along the rear or side of lots 10, 11R, 14, and 15 (west property line).

5. There is an Ingress/Egress & Sign Easement described and shown on the plat. However, the owner of this easement is not shown/indicated. The owner needs to be listed in the Owner's Dedication.

a. The owner of Lot 16 will have no physical access to the ground covered by the Ingress/Egress & Sign Easement as a result of the fence along the easement line.

Therefore, a note needs to be added to the plat indicating that the owner of the said easement is responsible for the maintenance of the property.

Brandon Jones pointed out that the plans show a chain link fence is required east, south and west side and masonry fence along Highway 84. Council Member Hyer asked if there are any drainage issues. Brandon said no the existing detention basin stays as it is. He said some regional issues will need to be addressed when the property owner to the west develops.

Council Member Hyer moved to approve Resolution 18-43. Council Member Winsor seconded the motion. Mayor Sjoblom called for the vote. Council Members Halverson, Hyer, Taylor, and Winsor voted yes.

RES. 18-44: Approval of Cooperative Agreement between UDOT and South Weber - I-84

Project: Mayor Sjoblom stated the City has been receiving complaints about the condition of the road surface on the bridge over I-84 at 475 East / Adams Ave. for several years. In the spring of 2017 the City approached UDOT to try and help facilitate getting the deteriorating road surface addressed. It was at this point in time that the City became aware, for the first time, that they were responsible for the maintenance of the road surface down to the membrane; UDOT being responsible only for the bridge structure itself. This is because the road is a local road, not a State road. The statute for this can be found in the Utah Administrative Code R918-6-6(2).

Once this responsibility was known, the City requested a cost proposal from a contractor to fill the potholes, and mill and overlay the worst areas. Prior to performing the work, the contractor requested the required permit from UDOT. After inspection, UDOT responded to the City indicating that the entire surface of the road, down to the membrane, would have to be removed and replaced. The City did not have the funds, nor plans to do this work. So, the work was suspended until something could be worked out. Early in the spring of this year, the City was able to confirm with the UDOT Structures division that the bridge structure was on their list of structures needing repair. They indicated that they would allow a mill and overlay, rather than full replacement due to the short timeline before they would be doing repair work. As a result of this direction, the City bid out (as part of their 2018 Street Maintenance Projects) the mill and overlay for the road over the I-84 Bridge, which resulted in a low bid of \$38,700.50 to do the work.

After hearing that the City was planning on milling and overlaying the road over the bridge, UDOT contacted the City and proposed that the City give the money that they would have spent on the mill and overlay to them and they would accept the responsibility to complete the repair and resurface the road. This would not remove the City's obligation for continued maintenance responsibilities of the road surface, but it would complete a brand new road for the city to maintain thereafter.

This would mean that the City would agree to give the \$38,700.50, they were planning to spend, to UDOT in exchange for UDOT completing the resurfacing of the road surface as a part of their bridge repair project. Participating in this agreement at the terms stated, will save the City significant dollars spent on maintenance in the future. It is our understanding that UDOT is planning to do this project in June or July of 2019.

Council Member Winsor said the invoice doesn't give a specific date as to when the City will pay this money. Brandon Jones said the \$38,700.50 was budgeted this year. He said the City is prepared to respond whenever they invoice us.

Council Member Hyer moved to approve Resolution 18-44. Council Member Winsor seconded the motion. Mayor Sjoblom called for the vote. Council Members Halverson, Hyer, Taylor, and Winsor voted yes.

Approval of Bid for HVAC Upgrade at City Hall

Mayor Sjoblom said earlier this summer City Staff were asked to investigate the inadequate air conditioning of the council chambers. Several vendors were contacted and submitted proposals to the city. All four proposals recommended a different solution to the problem. The proposals were also reviewed by Councilmember Halverson. A decision was made as to the preferred solution and a Request for Proposal (RFP) was prepared for the installation of 2 ductless heat pump systems. This RFP was sent to the original vendors as well as a list of additional vendors from the phone book. Only one bid was received back.

The City Staff recommends approval of the proposal from Mechanical Design and Service in the amount of \$10,950.00 for the installation of new HVAC equipment for the City Council Chambers.

Council Member Taylor moved to approve the bid for HVAC upgrade for the City Hall. Council Member Hyer seconded the motion. Mayor Sjoblom called for the vote. Council Members Halverson, Hyer, Taylor, and Winsor voted yes.

Approval of Bid for Cardiac Monitor/ Defibrillator: Mayor Sjoblom said the Fire Department is now an Advanced EMS provider with the state of Utah is requesting the purchase of a monitor/ defibrillator. The cost is \$32,416.20. Cole Fessler, from the Fire Department, said this item has been budgeted for. The life expectancy is approximately 10 years. Council Member Hyer thanked the Fire Department for their work in getting the new fire truck, brush truck, and ambulance. He asked if there are other things that they will need for the ambulance. Cole stated there will be other items and purchases that will need to be made but nothing as big as this item. He thanked the Council for all their help. Cole said he has reviewed items with Chief Tolman that will need to go in the budget for the brush truck.

Council Member Winsor moved to approve the bid for cardiac monitor/defibrillator for \$32,416.20. Council Member Taylor seconded the motion. Mayor Sjoblom called for the vote. Council Members Halverson, Hyer, Taylor, and Winsor voted yes.

REPORTS:

Council Member Taylor: He said the citizens in vicinity of Dog Park are thankful for having their privacy back and traffic has been eliminated. He also thanked everyone for Country Fair Days.

Council Member Hyer: He thanked all those who helped with Country Fair Days. He said this last year we went from this being a part of city budget to a complete separation of everything. He said Holly Williams, Tawni Lynch, and Vicki Christensen set up a non-profit organization. He would suggest presenting a gift certificate to them to recognize their time and effort.

Council Member Halverson: He said the Planning Commission held a public hearing to allow city staff to approve permits for preschool/day care. He said there is a request concerning where the city is going with multi-use development. He attended HAFB RAB Meeting where they discussed the operable units and contamination. Dr. Chuck Holbert discussed operable unit #1. Council Member Halverson requested maps on OU1. The map is showing the plume decreasing. He said OU 2 maps are currently being updated.

Council Member Winsor: He thanked the Public Works Department and their effort and help with Country Fair Days as well as the Fire Department. He thanked Dave Larsen for getting the parade permitting. He reported the West Nile Virus was detected in Davis, Box Elder, and Cache Valley with no human being detected. He said they will spray if given advanced notice.

Mayor Sjoblom: She said the digital sign should be working tomorrow morning. The final cover is going on at the perimeter of the landfill and smell has been significantly lower. This Friday she will be meeting with the Utah Transportation Commission in Smithfield. She hopes to get them to ensure that the Weber River bridges on US 89 will be replaced with the US 89 Farmington to I-84 construction beginning next summer. She attended a meeting with UDOT where Brandon Jones, City Engineer, persuaded UDOT to pay for a significant portion of storm water drainage improvements on South Weber Drive across from Skyhaven Cove before they chip and seal South Weber Drive. She thanked all those involved with Country Fair Days. She thanked all the council for participating in the parade. She thanked Council Member Halverson for the transportation and Council Member Petty for the t-shirts. She said South Weber City is hosting the COG meeting tomorrow night at Highmark School. She thanked Principal Mary for letting them use their building the night before school starts. She also thanked Chief Tolman for catering the event. Mayor Sjoblom will be working with Dak from Parsons Gravel Pit to build up a berm on the northwest end of the pit to retain water in the event of a breach of the Weber River. It will need to be raised 10' and will take close to a year. She said we need to decide how we want to proceed.

City Manager, Dave Larson: He added his perspective of Country Fair Days. He said it is fun and brings the community together. He said it was a fantastic event. He said the city is regular contact with Staker Parson concerning the pit. He said recently Staker Parson has discussed a berm on the west side. He said the city has discussed with them the idea a building a dike type structure rather than just a berm for Weber River breaching. He said they want to do a feasibility study for this. He sent an email concerning the transportation utility fee and what is going on. He said the battle is with Pleasant Grove City and the law suit going on right now. He is watching this very closely.

City Planner, Barry Burton: He reported the city has received a request from a property owner on the west end of town to look at moving the county boundary. He recommends looking at including approximately five property owners be annexed into South Weber City.

ADJOURNED: Council Member Winsor moved adjourn the Council Meeting at 7:21 p.m. Council Member Taylor seconded the motion. Council Members Halverson, Hyer, Taylor, and Winsor voted yes. The motion carried.

APPROVED:  _____ Date 9/11/18
Mayor: Jo Sjoblom

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Transcriber: Michelle Clark

Attest:  _____
Deputy Recorder: Shelby Cook



