

# SOUTH WEBER CITY CITY COUNCIL MEETING

**DATE OF MEETING:** 17 April 2018

**TIME COMMENCED:** 6:00 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  
Merv Taylor  
Wayne Winsor

**CITY ENGINEER:**

Brandon Jones

**CITY MANAGER:**

Mark McRae

**Transcriber:** Minutes transcribed by Michelle Clark

**ATTENDEES:** Chris Tremea, Ken Carson, John Grubb, Rob Osborne, Lieutenant Roundy, David Larson, and Mark Larsen.

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

**PLEDGE OF ALLEGIANCE:** Council Member Winsor

**PRAYER:** Council Member Petty

**CONFLICT OF INTEREST:** None

## **CONSENT AGENDA:**

- **Approval of March 2018 Check Register**

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

**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.

**Davis County Sheriff's Office (DCSO) Quarterly Report:** Lieutenant Roundy presented the Davis County Sheriff's Office Quarterly Report. He reported in 2017 there were 8 arrests and in 2018 there have been 22 arrests. In 2017 there were 11 offenses and in 2018 there were 62

offenses. He stated in 2018 there have been 83 citations compared to 2017 having 43 citations. He said the next quarter they will be focusing on speeding and traffic violations near the soccer complex. He stated as the weather warms up criminal activity increases. He would suggest residents close their garage doors and lock their vehicles. He said the detective division is working 40 active cases in South Weber. He said the majority of arrests are open container, possession of controlled substance, and a few assaults. He will be rebuilding the SWAT Team. He is also working on web-site training. He is working on state vehicles for annual inspections. He said Hill Air Force Base air show will be coming up. Council Member Taylor asked about the jump in incidents this year. Lieutenant Roundy feels that may have been because of staffing. Mayor Sjoblom asked about residents who would like to be on the calling tree for emergencies. The Mayor and Council thanked Lieutenant Roundy for his presentation.

**Public Works Quarterly Report:** Mark Larsen, Public Works Director, stated the snow plowing went well this year. He discussed the new snow plow with a wing style. He said the street sweepers are currently in town. Discussion took place regarding the locations where Geneva Rock and Staker Parsons sweep the streets. Mark stated they are working on the dog park. He said it is located on Deer Run Drive and 2020 East. He then presented the new shop preliminary site plan. Mark discussed the new mailboxes. He has been working with the post office. He is hoping to convert the older subdivisions to the new style of mailboxes. He reported there have been 70 building permits this year. The Mayor and Council thanked Mark.

**Approval of Escrow Release on Sunrise Ridge:** Mayor Sjoblom discussed the background of Sunrise Ridge and stated construction for the improvements in the Sunrise Ridge Subdivision began in May 2015. Conditional Acceptance was given on July 15, 2016, which started the 1-year guarantee period. The original punch list for Final Acceptance was given on September 1, 2017. There have been several follow-up inspections performed since that date.

The challenge with this subdivision has been that the original developers, the Utah Land Guys (formerly Future Homes), sold all of the lots to Elite Craft Homes after the plat was recorded. However, the escrow account remained in the name of the Utah Land Guys. Therefore, the punch lists and all other items relating to the completion of the originally approved improvements have remained the responsibility of the Utah Land Guys. Due to the topography of the ground, there were some grading requirements (berms and/or swales) in the backyards of the lots associated with the original approval. Some of the grading has needed adjustments as a result of the final home and site plan on each lot. Also, some of the other items on the punch list (curb and gutter, sidewalk, water meter lids, etc.) cannot be completed by the Utah Land Guys until the homes are completed and occupied. The home builder (Elite Craft Homes) is the one that has control of these issues. The Utah Land Guys feel that because these things are out of their control, and the 1-year guarantee period is up, they should not be held up on the release of their escrow.

Mayor Sjoblom stated on March 21, 2018, representatives from the Utah Land Guys, Elite Craft Homes, and City Staff met on site to discuss the remaining items on the Final Acceptance punch list. During the meeting, the idea of transferring the responsibility of the remaining items on the punch list to Elite Craft Homes was discussed. On March 26, 2018, we received an email from Trent Preston with Elite Craft Homes indicating that they were willing to accept the responsibility for the remaining items on the Final Acceptance punch list.

**Proposed Solution**

Elite Craft Homes will accept responsibility for the completion of the remaining items on the Final Acceptance punch list. The current escrow would be closed out and released back to the Utah Land Guys. While Elite Craft Homes would not be creating a new escrow account, they currently have individual bonds on each home. We feel this is a sufficient security to ensure the completion of the remaining punch list items. As part of the final inspection prior to occupancy, the site grading (berms/swales) will also be inspected in detail and approved. It should also be noted that Final Acceptance of the subdivision improvements will come at a later date, once all of the homes are occupied and the punch list items are complete (estimated for later this summer).

**Recommendation**

Given the above background and proposed solution, we recommend that the City accept the transfer of responsibility for the remaining items on the Final Acceptance punch list from the Utah Land Guys to Elite Craft Homes, close out the current escrow account, and release the remaining funds back to the Utah Land Guys.

Brandon Jones, City Engineer, stated as a building permit is issued there is a bond for improvements. He said the punch list items are very small. He said the grading of the homes is sensitive due to the topography and needs to be done correctly. As a result, he said there needs to be eyes on that after the homes are built.

**Council Member Hyer moved to approve the Escrow Release on Sunrise Ridge. Council Member Halverson seconded the motion. Mayor Sjoblom called for the vote. Council Members Halverson, Hyer, Petty, Taylor, and Winsor voted yes. The motion carried.**

**RESOLUTION 18 23: Inter-Local Cooperation Agreement for Law Enforcement Services**

Mayor Sjoblom stated South Weber City contracts for law enforcement services through Davis County and the Davis County Sheriff's office. The prior agreement expired on June 30, 2017. This new agreement is effective through June 30, 2019. South Weber City is currently working with Davis County on issues which will affect the next contract which would start July 1, 2019. Council Member Winsor asked about the payment. Mark McRae said even though the contract has expired, the city has been making payments for services and he feels the city has settled up. Discussion took place regarding the agreement. Mark said the agreement did go up \$100 a month. He said we are one of three cities who contract with Davis County.

**Council Member Taylor moved to approve RESOLUTION 18-23: Inter-Local Cooperation Agreement for Law Enforcement Services. Council Member Hyer seconded the motion. Mayor Sjoblom called for the vote. Council Members Halverson, Hyer, Petty, Taylor, and Winsor voted yes. The motion carried.**

**RESOLUTION 18-24: Riverside Place Development Agreement:** Mayor Sjoblom stated Riverside Place Subdivision is a development of not more than seventy-six (76) new residential lots. Riverside Place is accessed in part by 6650 South - South Bench Drive, a narrow and sub-standard public right-of-way, which abuts the Subdivision. South Bench Drive in its present condition and configuration does not meet the City Standard cross section and cannot safely

accommodate the vehicle and pedestrian traffic which will be generated by the Subdivision. The Developer is willing to participate in the construction of 6650 South - South Bench Drive at the Subdivision's proportionate share of the overall cost. Riverside Place abuts 6650 South - South Bench Drive on the south side, between the Spaulding property and the Posse Grounds. The Developer's intent is to develop the Subdivision prior to other properties in the area; therefore, the Developer agrees to: (1) deed and dedicate approximately 0.23 acres to accommodate the seventy-eight (78) foot cross-section of 6650 South – South Bench Drive; (2) contribute one hundred sixty two thousand dollars (\$162,000) for Developer's proportionate share responsibility of designing, engineering and constructing its portion of 6650 South – South Bench Drive; and (3) pay to City the cost of the asphalt patching that Developer is responsible for towards the construction of 6650 South - South Bench Drive, which is the temporary asphalt patching required to repair the asphalt removed as part of the construction of the storm drain line from 475 East to Pebble Creek Drive that was constructed with Riverside Place Phase 2.

Mayor Sjoblom discussed the following:

**Property Dedication and Acquisition.** Developer agrees to dedicate to City at no cost to City other than the consideration described in this Agreement certain property needed for the 6650 South - South Bench Drive Right-of-Way; the deed is contained in Exhibit D. This dedication shall occur when requested by City or at the time the Subdivision plat of the phase adjacent to 6650 South - South Bench Drive is recorded, whichever comes first.

**Construction of 6650 South - South Bench Drive.** City shall be responsible for the design, engineering, and bidding of 6650 South - South Bench Drive along the frontage of the Subdivision according to the City's Public Works Standards. City will award the construction contract to the lowest responsive responsible bidder according to City and State procurement policies. City will then issue a Notice to Proceed, provide construction inspections, and see that construction is diligently pursued to completion. City agrees to begin construction on or before June 1, 2019. In exchange for City designing, engineering, and constructing the full 6650 South – South Bench Drive right-of-way, which includes the Subdivision project development costs, Developer agrees to pay a fee-in-lieu for its proportionate share of the required improvements along the frontage. The calculation for the fee-in-lieu is shown in Exhibit E.

**Payment Schedule.** City shall be responsible for all payments to the contractor constructing 6650 South - South Bench Drive, paying cash up front and looking to the receipt of impact fees for repayment of its costs. Developer agrees to pay to City **eighty one thousand dollars (\$81,000)**, which represents fifty percent (50%) of its share of **one hundred sixty two thousand dollars (\$162,000)**, within fifteen (15) days following the Preconstruction Meeting with the contractor selected by City to perform the work. Developer shall make its second and final payment of the same amount to City within thirty (30) days following City's issuance of Substantial Completion to the Contractor. The City is responsible to notify the Developer once Substantial Completion has been given.

**Trench Repair.** As part of the construction for Riverside Place Phase 2, Developer installed a storm drain line in the existing pavement in 6650 South from Pebble Creek Drive to 475 East. Developer has not yet repaired the trench. Developer agrees to pay to City the amount Developer would have spent on this repair, which is **thirteen thousand, three hundred twenty five dollars (\$13,325.00)**. Such payment shall be made within 30 days of the date of this Agreement. Upon

such payment, City shall release Developer from its responsibility for the repair. Developer has the option to install minimal improvements to the patch area, if desired, but no deduction from the amount owed will be allowed.

**Detention Basin – Fee in lieu of Actual Construction.** On September 21, 2017, Developer paid City cash in the amount of \$62,432.10, and bought into the regional storm water detention basin built in the Old Maple Farms development west of 475 East. In exchange for this payment, Developer is excused from providing local on-site storm water detention within the Subdivision.

**Spaulding Drive.** Developer is not proposing to connect the Subdivision to the abutting Spaulding Drive stubbed street. This will allow for an additional lot in the development. City agrees to allow Developer to not connect to Spaulding Drive. City also agrees to initiate proceedings to formally vacate the right-of-way. Developer agrees to cap the existing underground utilities, remove the existing curb, gutter, sidewalk and asphalt, and install curb, gutter, sidewalk and asphalt across the southern boundary of the vacated right-of-way to completely remove the former intersection. This construction shall be required along with the other improvements associated with the Riverside Place Phase 3 development.

**Canyon Meadows Park Access.** Developer agrees to install at its expense a ten-foot wide concrete sidewalk from Green Springs Way to Petersen Parkway to establish pedestrian access to Canyon Meadows Park. This construction shall be required along with the other improvements associated with the Riverside Place Phase 3 development.

**Development Signs.** In exchange for leaving 6650 South – South Bench Drive in its current state, City agrees to allow Developer to post three (3) signs in the public right-of-way to facilitate the marketing of available lots without having to travel the existing 6650 South road.

Council Member Winsor said the agreement looks to be well thought out. He said Exhibit B needs to be labeled. He said Exhibit D also needs to be labeled and is missing a legal description. He said the document needs to be in final form. Mark McRae said the budget includes Phase 2. He said no Transportation Utility Fee money will go towards this project. He said the city has their share of the funds. He said this is the first of many agreements.

**Council Member Petty moved to approve RESOLUTION 18-24: Riverside Place Development Agreement. Council Member Winsor seconded the motion. Mayor Sjoblom called for the vote. Council Members Halverson, Hyer, Petty, Taylor, and Winsor voted yes. The motion carried.**

**RESOLUTION 18-25: Final Approval of Old Maple Farms Phase 3 Subdivision:** Mayor Sjoblom stated Jones & Associates has completed a review of the final plat and improvements plans for Old Maple Farms Phase 3 Subdivision.

**Council Member Halverson moved to approve RESOLUTION 18-25: Final Approval of Old Maple Farms Phase 3 Subdivision. Council Member Winsor seconded the motion. Mayor Sjoblom called for the vote. Council Members Halverson, Hyer, Petty, Taylor, and Winsor voted yes. The motion carried.**

**REPORTS:**

**Council Member Taylor:** He sent a couple of street lights to Mark Larsen for repair. He will be attending the meeting tomorrow concerning the renewal of Davis County Sheriff's Department contract.

**Council Member Halverson:** He asked if Old Maple Farms was required to install a fence on the south side. Brandon Jones said the code states the Planning Commission makes the recommendation concerning the fencing. Brandon read from city code 11-4-130 concerning fencing next to agricultural property. He suggested getting an interpretation from the City Attorney. Chris Tremea said he has received complaints. He said the type of fencing depends on what type of animals.

**Council Member Hyer:** Council Member Hyer will be working with the Davis County Chamber of Commerce.

**Council Member Petty:** The gravel pit reclamation committee meeting will be rescheduled.

**Council Member Winsor:** He reported the Mosquito Abatement District is operating well and geared up for spraying. He stated he will serve on the Environmental Committee. They will be meeting soon to discuss the west end.

**City Manager:** Mark McRae said the next City Council meeting will be held May 8, 2018. He is working with HAFB concerning the sewer connection fee. He has an extension on the offer for the city property at the s-curve. He said the offer will be discussed on May 15, 2018. He has also been contacted by a developer for the Poll property on South Weber Drive for high density. He said a decision needs to be made because nobody wants these properties for commercial. He discussed looking at possible mixed use.

**Mayor Sjoblom:** She reported that the Legislature has put together a bill to put a gps on all vehicles to track miles and implement user fees based on mile travelled. Also, increase registration fees for non-gas run vehicles so that they pay their fair share for road maintenance. They are also looking at looking at implementing a fee for high traffic roads (i.e. Little Cottonwood Canyon especially on good skiing snow days). They did look at the possibility of a toll road but feel it will make the congestion worse. They are looking at taking a picture of license plates and charging cars that pass through.

Construction begins on express lane to be added to I-15 from Riverdale Rd. south to 193 next year. This is the same time that construction begins on Hwy 89. I-15 will only close lanes at night.

UDOT has made a list of high priority corridors in order to buy up surrounding land to prevent development. SR 60 (South Weber Dr.) is not one of those.

Mayor Sjoblom attended the Wasatch Integrated Waste Board Retreat in Park City. She learned all about landfill operations, anaerobic digestion, legal responsibilities, code and finance, transfer station design, and mixed waste processing.

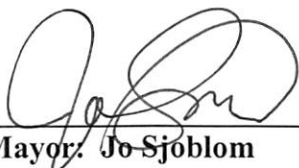
She is looking forward to the Utah League of Cities and Towns Conference in St. George next week – Wed. -Fri.

**Planning Commission Liaison:** Commissioner Osborne stated Commissioner Taylor will serve on the Environment Committee. He said the Planning Commission received a conditional use permit application for an impound yard at 2225 East 7400 South. This item was tabled because of drainage issues, road maintenance, etc. He said the Planning Commission approved an application for conditional use permit for excavation of Sun Ray Subdivision. The Planning Commission did approve an application for a preschool. He said the Planning Commission did discuss the transportation for Harper Way and Kingston. They are trying to decide if Kingston should go all the way through. The Planning Commission isn't sure we need Kingston since we have Harper Way. He said the Planning Commission would like to attend the Utah League of Cities and Towns Conference. Council Member Taylor suggested the Planning Commission look at extending Lester Drive to South Bench. Council Member Petty asked about the RV Park request along Interstate 84. She is concerned about the setbacks. She wants to make sure the city is consistent with the setbacks.

**ADJOURNED:** Council Member Winsor moved adjourn the Council Meeting at 7:33 p.m. and go into a closed executive session – Utah Code 52-4-204 & 52-4-205 for the purpose of discussion of character, professional competence, physical, or mental health of individual(s). Council Member Hyer seconded the motion. Council Members Halverson, Hyer, Petty, Taylor, and Winsor voted yes. The motion carried.

Council Member Winsor moved to adjourn the Closed Executive Session. Council Member Hyer seconded the motion. Council Members Halverson, Hyer, Petty, Taylor, and Winsor voted yes. The motion carried.

Council Member Taylor moved to adjourn the Council Meeting. Council Member Hyer seconded the motion. Council Members Halverson, Hyer, Petty, Taylor, and Winsor voted yes. The motion carried.

**APPROVED:**  Date 5/8/18  
Mayor: Jo Sjoblom

  
Transcriber: Michelle Clark

Attest:   
Deputy Recorder: Lisa Smith