

SOUTH WEBER CITY COUNCIL MEETING

DATE OF MEETING: 25 March 2008

TIME COMMENCED: 6:00 p.m.

PLEDGE OF ALLEGIANCE: Councilmember Peterson

PRAYER: Councilmember Poll

PRESENT: **MAYOR PROTEM:** Councilmember Michael Poff
COUNCILMEMBERS: Scott Peterson

Farrell Poll

David Thomas

Scott Woodbury

Matt Dixon

CITY MANAGER:

EXCUSED: **MAYOR:** Joseph Gertge
CITY RECORDER: Erika Ahlstrom

Transcriber: Minutes transcribed by Michelle Clark

A public work/discussion meeting was held at 5:30 p.m. to discuss and review agenda items.

VISITORS: Tim Grubb, Brent Stauffer, Ruth Malan, Iris Petersen, Stan Cook, Barry Burton, Paul Clark, Tanner Clark, Joni Williams, Mark Williams, Brock Johnson, Camala Stock, Joshua Stock, Lisa Malloy, and Cameron Price.

Councilmember Poff excused Mayor Gertge and Erika Ahlstrom.

APPROVAL OF THE AGENDA: Councilmember Woodbury moved to approve tonight's agenda as amended with the addition of the proposed cemetery. Councilmember Poll seconded the motion. Councilmembers Peterson, Poff, Poll, Thomas, and Woodbury voted yes. The motion carried.

APPROVAL OF 4 MARCH 2008 WORK MEETING MINUTES: Councilmember Poff moved to approve the minutes of 4 March 2008 as amended. Councilmember Poll seconded the motion. Councilmembers Peterson, Poff, Poll, Thomas, and Woodbury voted yes. The motion carried.

APPROVAL OF 11 MARCH 2008 COUNCIL MEETING MINUTES: Councilmember Poff moved to approve the minutes of 11 March 2008 as amended. Councilmember Woodbury seconded the motion. Councilmembers Peterson, Poff, Thomas, and Woodbury voted yes. Poll abstained. The motion carried.

APPROVAL OF 18 MARCH 2008 WORK MEETING MINUTES: Councilmember Poff moved to approve the minutes of 18 March 2008 as amended. Councilmember Peterson seconded the motion. Councilmembers Peterson, Poff, Poll, Thomas, and Woodbury voted yes. Councilmember Poll abstained. The motion carried.

DECLARATION OF CONFLICT OF INTEREST: There was none.

AWARD PRESENTATION: 1ST PLACE TEAM SOUTH WEBER 9TH GRADE BOYS JR. JAZZ –Edd Bridge, Recreation Director: Edd Bridge, Recreation Director, congratulated the 9th grade boys Jr. Jazz Team for taking 1st place in the 2008 tournament.

Those in attendance from the 9th grade Jr. Jazz team were: Paul Clark (Coach), Tanner Clark, Joshua Stock, Brock Johnson, and Cameron Price. Those not in attendance were: Blake Buchanan, Jameson Golding, and Jordan Adams. The City Council and City staff congratulated each player. Councilmember Poff thanked Edd Bridge for his attendance.

POSSIBLE CITY CEMETERY: Tim Grubb, 6926 S. 475 E., introduced Iris Petersen, his mother-in-law, owner of the property. Tim said Iris' husband (Verlo) passed away and this cemetery would provide a place for him as well as other family members to be buried. Mr. Grubb said the family is trying to do something nice for the city and not for tax purposes, etc. He said they were surprised about the public hearing because they didn't receive notice.

Mr. Grubb has contacted Uintah and Newton cemeteries. He knows that Uintah's cemetery sustains itself and does not use taxpayers money. Mr. Grubb is not looking for paved roads, well manicured lawn, or irrigation. He suggested keeping it simple. He said the property has been dry farmed for years. He feels a cemetery would be a great project for Eagle Scouts. He has received many positive responses from people in the city.

Mr. Grubb said the family is willing to work with the city. Councilmember Poll said it is insensitive for the city to not look long term with this; however, he has tried to look at both sides and who would or would not be interested in a cemetery. Mr. Grubb said he understands the city's limited budget. Councilmember Poll said in reading the minutes he was surprised about the response from the Cook family not wanting this to impact their private road. Mr. Grubb said he doesn't feel the traffic will impact them that much.

Councilmember Thomas said the city has looked at several options. He said a minimal cemetery might be okay for the Petersen family, but it might not be a selling point for others. He is also concerned about access. Councilmember Thomas said we would like to see a cemetery, but the city doesn't have the cash flow right now to do that. He asked if the property could be deeded and a time frame set up.

Councilmember Poff said he has issues with the cost figures. He researched North Logan's cemetery budget and would like those attached to the minutes (*See Attached*). Councilmember Poll asked about access further east of 475 East off of South Weber Drive. He said it would be a shorter road.

Councilmember Poff presented the comments from the Senior Citizen Luncheon. He would like those comments to be included in the minutes. Those comments are as follows:

“Bought in Uintah. Not enough knowledge to comment.” (Brownings)

“We need more information to comment! Personally, I don’t believe we need a cemetery! Talk to Mountain Green and see how time consuming it is and thru the years who does the ‘volunteering’.” (Marie Cash)

“Need more information.” (Carlene Mahany)

“I would like a cemetery in South Weber.” (Anette Garder & Lynette Winterton)

“I don’t think we can afford one.” (Lynn Poll)

“If the cost to maintain a cemetery is more than to maintain a park, how can we afford it? We do a poor job of maintaining the parks.” (L. Cash)

“We need a cemetery like we need another headache. That location would be next to impossible to get to four months out of the year.”

There were also two written anonymous comments submitted to the City office, *copies of which are included with these minutes.*

Councilmember Poff moved to direct staff to pursue a written agreement with the Petersen family, re-do the numbers, extend public comment period another two weeks, and look at alternative access on the north side. Councilmember Poll seconded the motion.
Councilmembers Poll, Poff, Woodbury voted yes. Councilmembers Peterson and Thomas voted no.

**Councilmember Peterson voted no because he said city staff already has a directive.
Councilmember Thomas voted no because he wants the parameters of the donation worked out before any engineering takes place.**

Matt explained some of the cost figure estimates that he has worked with. He said the city staff is not trying to thwart this proposal. Councilmember Poll said this is a great opportunity for the city and it will take small steps.

**Councilmember Thomas moved to recess the City Council meeting for one hour.
Councilmember Peterson seconded the motion. Councilmembers Poll, Poff, Peterson, Woodbury, and Thomas voted yes. The motion carried.**

The City Council meeting reconvened at 8:05 p.m.

**Councilmember Peterson moved to open the public hearing for Ordinance 08-05.
Councilmember Woodbury seconded the motion. Councilmembers Peterson, Poff, Poll, Thomas, and Woodbury voted yes. The motion carried.**

* * * * * PUBLIC HEARING * * * * *

ORDINANCE 08-05: AN ORDINANCE TO REZONE PARCEL #13-018-0015; 545 E. 6650 S. FROM AGRICULTURAL (A) TO RESIDENTIAL LOW-MODERATE (R-LM); BRENT STAUFFER: Brent Stauffer, acting as agent to property owner Betty Jean Spaulding, approached the City Council and requested the rezone of parcel#13-018-0015 from Agricultural (A) to Residential Low-Moderate (R-LM) Zone.

Councilmember Poff asked for public comment. There was none.

Councilmember Peterson moved to close the public hearing for Ordinance 08-05. Councilmember Poll seconded the motion. Councilmembers Peterson, Poff, Poll, Thomas, and Woodbury voted yes. The motion carried.

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

Matt Dixon, City Manager, explained that on February 4, 2008, Brent Stauffer, acting as agent to property owner Betty Jean Spaulding, made application requesting the rezone of parcel #13-018-0015, consisting of 23 acres, from Agricultural (A) to Residential Low-Moderate (R-LM) Zone. The R-LM Zone allows for 1.75 building lots per acre. The proposed zone is consistent with the Projected Land Use Map in the General Plan.

The Planning Commission held a public hearing on 14 February 2008 to review the rezone request of which there was no public comment. The Planning Commission is recommending approval of this rezone request.

Councilmember Thomas moved to approve Ordinance 08-05 (an ordinance to rezone parcel #13-018-0015 located at 545 E. 6650 S. from Agricultural (A) to Residential Low-Moderate (R-LM). Councilmember Woodbury seconded the motion. Matt called for the vote. Councilmembers Peterson, Poff, Poll, Thomas, and Woodbury voted yes. The motion carried.

Councilmember Woodbury moved to open the public hearing for Ordinance 08-06. Councilmember Peterson seconded the motion. Councilmembers Peterson, Poff, Poll, Thomas, and Woodbury voted yes. The motion carried.

* * * * * PUBLIC HEARING * * * * *

ORDINANCE 08-06: AMENDMENTS TO TILE 10, ZONING REGULATIONS, CHAPTER 13, INDUSTRIAL PARKS; SPECIAL REGULATIONS: Councilmember Poff asked for public comment. There was none.

Councilmember Peterson moved to close the public hearing for Ordinance 08-06. Councilmember Woodbury seconded the motion. Councilmembers Peterson, Poff, Poll, Thomas, and Woodbury voted yes. The motion carried.

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

Matt Dixon, City Manager, stated that a recent application made by Layne Kap for an industrial park revealed the city code contained, what the Planning Commission deemed, some unreasonable requirements. Matt said the City Planner and Planning Commission determined that changes should be made to the industrial park ordinance and recommend these amendments to Title 10 Chapter 13.

Barry Burton, City Planner, discussed major points that were changed in taking out the minimum of 20 acres and dropping it to 5 acre, and removing minimum lot size. He said there are such widely ranged uses in an industrial park so to say that the lot has to be a certain size doesn't make a lot of sense. Barry said when a developer comes in he lays out his streets, lays out the infrastructure and we look at whether it works or not and approve a preliminary plat. The developer then comes back with a road dedication plat. The developer ascertains how much property to break off on a case by case basis. Barry said the lot lines are defined as the property is sold and is recorded in the County Recorder's office. Each individual use will come before the Planning Commission. If it is a conditional use, it will come before the City Council as well. Barry said we believe this will be a streamlined way to handle industrial development. Barry said this will not change the ability to have development agreements. Barry said there is enough protection for the city to intervene at the site plan review or conditional use review.

Councilmember Thomas asked about adopting something into the zoning ordinance that ties a development agreement to it. Barry said he hasn't seen an ordinance structured like that but it is something that can be looked at. Councilmember Thomas said it would create a standard as to when you are going to use a development agreement.

Councilmember Poff thanked Barry for all he does for the city.

Councilmember Thomas moved to approve Ordinance 08-06 (An Ordinance amending Title 10, Zoning Regulations; Chapter 13, Industrial Parks; Special Regulations). Councilmember Peterson seconded the motion. Matt called for the vote. Councilmembers Peterson, Poff, Poll, Thomas, and Woodbury voted yes. The motion carried.

Councilmember Peterson moved to open the public hearing for Ordinance 08-07. Councilmember Woodbury seconded the motion. Councilmembers Peterson, Poff, Poll, Thomas, and Woodbury voted yes. The motion carried.

* * * * * PUBLIC HEARING * * * * *

ORDINANCE 08-07: AMENDMENTS TO TITLE 10, ZONING REGULATIONS, CHAPTER 5, ZONING DISTRICTS; CONDITIONAL USES: Councilmember Poff asked for public comment. There was none.

Councilmember Woodbury moved to close the public hearing for Ordinance 08-07. Councilmember Poll seconded the motion. Mayor Gertge called for the vote. Councilmembers Peterson, Poff, Poll, Thomas, and Woodbury voted yes. The motion carried.

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

Matt stated the Planning Commission determined that allowing construction yards as conditional uses in the Highway Commercial (C-H) Zone is not consistent with the purpose set forth in that Zone. A new zone Light Industrial (L-1) Zone has been added to more appropriately conform with such uses. The Planning Commission subsequently recommends removing construction and contracting yards and buildings from the C-H Zone.

Councilmember Thomas moved to approve Ordinance 08-07 (An Ordinance amending Title 10 Zoning Regulations, Chapter 5 Zoning Districts, Article H. Highway Commercial Zone Section 5. Conditional Uses). Councilmember Woodbury seconded the motion. Matt called for the vote. Councilmembers Peterson, Poff, Poll, Thomas, and Woodbury voted yes. The motion carried.

RESOLUTION 08-18: AGREEMENT WITH ELITE CRAFT HOMES, LLC, FOR LANDSCAPING IN SANDALWOOD COVE PUD: Matt Dixon, City Manager, explained that last September the city entered into an agreement with Tricon Construction regarding the landscaping of the common area in Sandalwood Cove PUD. The agreement allowed the developer to move forward with construction, but required that before certificates of occupancy would be issued one of two things had to happen: (1) either the common area landscaping would be completed with irrigation system, sod and trees; or (2) developer would escrow sufficient funds, as determined by the city, for the installation of the landscaping of the common area.

Matt stated Tricon ran into some unforeseen financial challenges while putting in the utilities last fall and were very concerned they would not have enough money to both complete the landscaping and build the new units. Since then Elite Craft Homes, LLC stepped in and has purchased the additional 32 units on the outer circle of Sandalwood Cove. As a part of the purchase, Elite has agreed to partner with Tricon to complete the landscaping of the common area.

Matt said in meeting with Elite, the city staff discussed the city's concerns with this project moving forward without the required landscaping for the residents. Elite has agreed to also enter into an agreement with the city for both the common area landscaping as well as the landscaping around each of the new units they will be building.

The agreement with Elite, like the agreement with Tricon, allows construction to move forward with certificates of occupancy being issued only under the same common area landscaping condition in the Tricon agreement (completed or escrowed). Additionally, since Elite will be building the remaining 32 units, their agreement adds the condition that they cannot receive certificates of occupancy in a unit until a minimum of 75% of the landscaping around that unit has been completed. This is to allow them to not have to landscape between the completed unit and the next unit under construction until after the construction traffic is done.

Matt said Elite is anxious to get started. They have had an opportunity to review this agreement and are satisfied that it will work for them. The city staff recommends this agreement be approved to allow these contractors to get to work on completing Sandalwood Cove.

Councilmember Thomas recommended amendments to conditions #3 and #4 as well as adding conditions #6 and #7 to the landscape agreement. Those amendments were suggested in the work session held prior to this meeting. The City Council recommended identifying the “common area” on the plan.

Councilmember Peterson moved to approve Resolution 08-18 (an agreement between South Weber City and Elite Craft Homes, LLC, for common area landscape at Sandalwood Cove PUD) with the following amendments:

#3: Clarify landscaping will be of common area and area around units.

#3: Add upon Council approval.

#4: 100% of the landscaping of the last unit shall be completed prior to issuance of certificate of occupancy.

#6: Add clause that agreement shall be binding for successors.

#7: Add clause that agreement supersedes any prior agreements.

Councilmember Woodbury seconded the motion. Matt called for the vote.

Councilmembers Peterson, Poff, Poll, Thomas, and Woodbury voted yes. The motion carried.

P.O. #1265: \$4,039.83 AG TRUCK FOR SNOW PLOW REPAIRS & MAINTENANCE:

Matt Dixon, City Manager, stated this purchase order is in regards to maintenance that was needed and has been performed on one of the snow plows. All repairs made were necessary and performed by AG Truck.

Councilmember Thomas moved to approve P.O. #1265 for \$4,039.83 to AG Truck for snow plow repairs and maintenance. Councilmember Peterson seconded the motion.

Councilmembers Peterson, Poff, Poll, Thomas, and Woodbury voted yes. The motion carried.

WARRANT REGISTER: Councilmember Poff questioned the attorney’s fees and wanted to know where the city is with the Poll issues. Councilmember Thomas said that can be discussed in an executive session.

Councilmember Poll moved to approve the warrant register. Councilmember Woodbury seconded the motion. Councilmembers Peterson, Poff, Poll, Thomas, and Woodbury voted yes. The motion carried.

CITY COUNCIL ITEMS:

Councilmember Poff:

Youth Council Easter Egg Hunt: There were 300 participants. Let Councilmember Poff know if any questions or concerns with the Easter Egg Hunt.

Water Tank: Discussed funding. Impact fees from developers, bonding etc.

Off-site Work Session: Matt said it has been scheduled. Let Matt know of any items you wish to discuss.

Councilmember Peterson:

CERT Training: It will be held the second and fourth Thursday of the month from 6:00 p.m. to 10:00 p.m.

Councilmember Woodbury:

Eagle Scout Projects: He has had several individuals approached him. He would like to know how to handle that. Matt suggested asking the individuals what they would suggest and then the city will go from there.

Mission Statements: Councilmember Woodbury has some ideas set up. He would also like to look at an arts committee.

CITY MANAGER ITEMS:

Restoration Advisory Board: Joel Workman has resigned due to his employer doing some work at HAFB. Councilmember Peterson said he would be willing to serve.

Councilmember Thomas moved to go into closed executive session (in accordance with UCA 52-4-205) for a strategy session to discuss the purchase, exchange, or lease of real property, and for discussion of pending or reasonably imminent litigation. Councilmember Peterson seconded the motion. Councilmembers Peterson, Poff, Poll, Thomas, and Woodbury voted yes. The motion carried. The Council went into closed executive session at 9:15 p.m.

After the closed executive session, the City Council reconvened the public City Council meeting at 9:37 p.m.

It was discussed that when the City Council goes into a closed executive session, this should include the Mayor, Councilmembers, City Manager Matt Dixon and City Recorder Erika Ahlstrom, and in the event the presence of others (i.e. City Engineer, Fire Chief) is needed, they can be invited accordingly.

The Council asked Matt about providing comments on the draft Economic Development report to Ernie Bleinberger (Strategy 5). Matt instructed the Councilmembers to email their comments directly to Ernie.

ADJOURN: Councilmember Woodbury moved to adjourn the meeting at 9:40 p.m. Councilmember Thomas seconded the motion. Councilmembers Peterson, Poff, Poll, Thomas, and Woodbury voted yes. The motion carried.

APPROVED: _____ **Date** 08 Apr 2008
Mayor Pro Tem: Michael Poff

Transcriber: Michelle Clark

Attest: _____ **City Recorder: Erika J. Ahlstrom**

MARCH 25, 2008
WORK/DISCUSSION MEETING PRIOR TO CITY COUNCIL

The work session commenced at 5:30 p.m.

Those in attendance to the work session were: Councilmembers Scott Peterson, Michael Poff (Mayor Pro Tem), Farrell Poll, David Thomas, Scott Woodbury, City Manager Matt Dixon.

Visitors: Tim Grubb, Brent Stauffer, Ruth Malan.

Councilmember Poff excused Mayor Gertge and Erika Ahlstrom.

Councilmember Poff indicated there is a caucus meeting at 7:00 p.m. The Council hopes to adjourn the meeting in time to attend the caucus meeting, or recess the meeting if necessary.

Matt proposed the Council go into a closed session at some point this evening to discuss the purchase of property; he has information about the cost of appraisals and needs direction from the Council. Councilmember Poff would also like to discuss pending lawsuits during the closed session.

The Council discussed amendments to the March 4 Work Meeting Minutes and the March 11 Council Meeting Minutes.

Cemetery Public Comment: Councilmember Poff said he does not feel the public comment period notice was posted properly because it was not on the Web site. Councilmember Poff has received some written comments; the City Office received two. They will be included with tonight's meeting minutes. Matt expressed concern about accepting comments which do not have the residents' names. The two received by the City Office did not disclose names.

Landscaping Agreement with Elite Craft Homes for Sandalwood PUD: Matt said he reviewed the PUD file and the resolution approving the PUD, and a condition was to adhere to the escrow development agreement. He indicated the agreement basically mirrors the proposed agreement in regard to the 75% completion. Matt indicated that he has found that the front homes on the inner circle are part of Sandalwood, and the outer homes are Bateman Estates. The Council discussed concern regarding the when the builder comes to the last unit and not having the landscaping complete. It was discussed the stipulation can be included that when the last unit is done, 100% of the landscaping must be finished prior to occupancy.

The Council discussed making the following changes to the proposed Agreement:

#3: Clarify landscaping will be of common area and area around units. (Councilmember Poff interjected that all of the area is common area.)

#3: Add upon Council approval.

#4: 100% of the landscaping of the last unit shall be completed prior to issuance of certificate of occupancy.

#6: Add clause that agreement shall be binding for successors.

#7: Add "legalese" that agreement supersedes any prior agreements.

Councilmember Poff asked if the HOA has any concerns about this new agreement. Matt said the HOA met with Tricon regarding the previous agreement, but he does not know if they have been involved with this second builder.

Councilmember Poff suggested adding to Resolution 08-18 the wording that was included in the Tricon resolution (07-39) regarding the fact that “the original developer of Sandalwood Cove PUD failed to fulfill the landscaping requirements.”

Purchase Order for Repair of Snow Plow: Matt explained this expense was for emergency repairs.

Work meeting adjourned at 5:56 p.m. Minutes transcribed by Erika Ahlstrom, City Recorder, from digital recording.

South Weber City

Re: Public Comment Period.

I am writing in response to the South Weber City proposed Cemetery. I would be for it. I think that there are enough people that would like to see one.

It's funny to hear those on the Council say that we can not afford one. This is the same council that spent 500,000 dollars to build a hole in the park, while disrupting 6 residents water in the process, and 30,000 dollars to put an eagle Scout project that isn't completed in that same park. This is the council that spent 100,000 dollars to have a few maps and drawing of the gravel pit business complex. The same council that spent 17000 dollars to have its water rates reviewed. The same council that spends 1,000 dollars each on lap tops for themselves.

If you have money for these, you have money for a Cemetery.

-Andrea

To Whom It May Concern.

Received

4 7 2008

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If you are really interested in comment from the public about the proposed donation of land for a city cemetery from the Petersen Family that was recently in the paper, than I would like to add mine to the mix. I have been a resident of South Weber longer than most who sit on the stand. South Weber needs a cemetery. Donation of land? It's a no brainer. That's probably why you chicken shits on the Council will not do it. There is only one of you on the council with half a brain and he's out of town right now. Why the hell wouldn't the city jump on this? Mr. Thomas calls it a 'money pit' in the paper. What the hell is that rec center that you built? The city puts a butt load of money into that each year. No one seems to care about that. You just want a place for those little bastards to play and run around.

Poll, I hope you can talk some sense into the city. Before they mess up on this thing to.

BRS