

# **SOUTH WEBER CITY COUNCIL MEETING**

**DATE OF MEETING: 8 April 2008**

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

**PLEDGE OF ALLEGIANCE: Councilmember Woodbury**

**PRAYER: Councilmember Poff**

**PRESENT: MAYOR PRO TEM: Councilmember Michael Poff**  
**COUNCILMEMBERS: Scott Peterson**  
**Farrell Poll**  
**David Thomas**  
**Scott Woodbury**  
**CITY RECORDER: Erika Ahlstrom**

**EXCUSED: MAYOR: Joseph Gertge**  
**CITY MANAGER: Matt Dixon**

**Transcriber: Minutes transcribed by Michelle Clark**

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

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**VISITORS:** Bruce Stephens, Andrea Tanner, Conny Tanner, Ruth Malan, Chris Ferre, Alan Ferre, Candie Perkins, Brett Olsen, Bill Wright, Larry Ray, Scott Hayes, Julie Palmer, Stand Cook, Karl Greenhill, Julie Greenhill, Colin Greenhill, Alex Neff, Carson King, Stacy King, Bruce Dickamore, Louise Cooper, Delene Hyde, Val Pertersen, and Troop #833.

**Councilmember Poff, Mayor Pro Tem, excused Mayor Gertge, who is recovering from surgery and Matt Dixon, who is attending a conference, from tonight's meeting.**

**APPROVAL OF THE AGENDA: Councilmember Woodbury moved to approve tonight's agenda as written. Councilmember Poll seconded the motion. Councilmembers Peterson, Poff, Poll, Thomas, and Woodbury voted yes. The motion carried.**

**APPROVAL OF 25 MARCH 2008 COUNCIL MEETING MINUTES: Councilmember Thomas moved to approve the minutes of 25 March 2008 as amended. Councilmember Woodbury seconded the motion. Councilmembers Peterson, Poff, Poll, Thomas, and Woodbury voted yes. The motion carried.**

**APPROVAL OF 1 APRIL 2008 WORK MEETING MINUTES: Councilmember Thomas moved to approve the minutes of 1 April 2008 as written. Councilmember Peterson seconded the motion. Councilmembers Peterson, Poff, Poll, Thomas, and Woodbury voted yes. The motion carried.**

**DECLARATION OF CONFLICT OF INTEREST:** Councilmember Poff said he may or may not be affected by the discussion of 6650 South Street. He doesn't foresee any conflict of interest.

**RECOGNITION OF EDD BRIDGE, WINNER OF JR. JAZZ RECREATION**

**DIRECTOR SPORTSMANSHIP AWARD – Nate Martinez, Utah Jazz Youth Programs**

**Coordinator:** Nate Martinez, Utah Jazz Youth Programs Coordinator, approached the City Council. Mr. Martinez stated they are excited to recognize Edd Bridge with the 2008 McDonald's Utah Jazz Sportsmanship Award and recognize him as the Utah Jazz Sportsmanship Director of the Year. Edd was chosen as the recipient of this award out of 150 recreation directors. This award is given annually to the Jr. Jazz director who does an outstanding job of promoting sportsmanship within their Jr. Jazz program and their recreation program as a whole. Mr. Martinez said Edd has helped promote the importance of sportsmanship not only to the kids who participate in his program, but the parent and coaches as well.

Councilmember Poff said Mayor Gertge expressed his appreciation to Edd in an e-mail in which Councilmember Poff read to those in attendance. It reads as follows:

**“Please pass my congratulations along to Edd Bridge on his award and to the two individuals, as well as the two teams associated with Jr. Jazz. They bring honor to our city for not only their skills, but their sportsmanship.”**

The City Council thanked Edd for all he does for the recreation program in the city.

**PRESENTATIONS BY EDD BRIDGE, RECREATION DIRECTOR – RECOGNITION**

**OF STATE OF UTAH NABA SKILLS CHALLENGE WINNERS:** Edd Bridge, Recreation Director, recognized and congratulated Carson King and Andrea Tanner as the winners of the Utah NBA Skills Challenge. Mr. Martinez said these two individuals competed in the NBA Skills Challenge. Edd said they both won it for their age group for the State of Utah. They will be ranked nationally against the other 25 first place finishers in each market, earning them a chance to move on to the National Finals in Orlando, Florida in May 2008.

**AWARD PRESENTATION: 1<sup>st</sup> Place South Weber 4<sup>th</sup> Grade Boys Jr. Jazz Team (Coach,**

**Brett Olsen)** Edd thanked Brett Olsen for all he has done as the coach of this team. Coach Olsen presented the championship trophy to the city to be displayed in the recreation center. He also introduced his team: Byran Bjerregaard, Jesse Cottam, Bailey Ditty, Justin Dygert, Jaime Gertge, Andrew Olsen, Drue Perkins, and Stetson Sweatfield. The City Council congratulated the team members and coach.

**1<sup>st</sup> Place South Weber 7<sup>th</sup> Grade Boys Jr. Jazz Team (Coach, Scott Hayes)** Edd recognized the 7<sup>th</sup> grade boys Jr. Jazz Team and their Coach, Scott Hayes. This team included: Richard Poll, Spencer Goddard, Jace Palmer, Berch Namози, Sklyer Jonas, Collin Greenhill, and Zachary Hayes. The City Council congratulated the team members and coach.

**Councilmember Poll moved to open the public hearing for Ordinance 08-02.**

**Councilmember Woodbury seconded the motion. Councilmembers Peterson, Poff, Poll, Thomas, and Woodbury voted yes. The motion carried.**

## \*\*\*\*\* PUBLIC HEARING \*\*\*\*\*

**ORDINANCE 08-02: AN ORDINANCE APPROVING AND ADOPTING AN AMENDMENT TO THE 2002 ANNEXATION POLICY PLAN FOR SOUTH WEBER CITY, UTAH:**

Barry Burton, City Planner, explained that this item has been discussed at several work meetings, public meetings, and public hearings after which the final draft of the General Plan was approved on 11 December 2007. Barry identified the areas that are conceivably developable on the map including property located along the Weber River. He said the map was also amended to include any southern part of the city next to Layton. Barry said there is also an intermediate bench we focused on which includes the Hill Air Force Base golf course. He said this is a plan for potential annexation.

Councilmember Poff asked for public comment.

**Bill Wright, Community and Economic Developer for Layton City**, approached the City Council and referred to his letter of 4 April 2008 sent to the city. He said Layton City received the notice of public hearing on the proposed amendment to Section 5: Annexation Policy Plan and Map #7. He said in December 2002, Layton City adopted its *Annexation Policy Plan – Expansion Areas* after studying areas of adjacent unincorporated Davis County that can be provided with Layton City municipal services and can be logically included in Layton City boundaries. The plan identified adjacent unincorporated land north of Layton City and south of South Weber City for future annexation and development. Mr. Wright said due to its topographic elevation, these properties are more directly associated with Layton City than South Weber City for transportation access, municipal water, sewer and storm drainage facilities and public safety services including police, fire protection, and emergency medical services, among other reasons.

Mr. Wright said the South Weber City Council is now considering the adoption of an Annexation Policy Plan Amendment that is different from the 8 February 2007 Planning Commission's recommendation and includes areas of significant overlap with Layton City's annexation policy. Mr. Wright requested that the City Council reconsider the south expansion boundary to resolve overlapping areas.

Mr. Wright explained that Layton City has established the East Gate Economic Development Project Area (EDA) over portions of existing Layton City incorporated land and portions of this unincorporated land. Authorization for including the unincorporated land in the East Gate EDA was approved by the Davis County Commission in Resolution 07-277. The resolution provides that Layton City is responsible for all public services to new development that occur in the East Gate EDA. It further resolves that Layton City may act in all respects as if the project area in the unincorporated area of Davis County were within Layton City boundaries.

Mr. Wright said if South Weber City adopts its Annexation Policy Plan with the geographic overlaps and conflicts, then Layton City would be forced to protest any annexation petition to South Weber City to the Davis County Boundary Commission.

Councilmember Thomas asked Mr. Wright to identify those areas on the map that are in conflict. Barry identified those areas that overlap and are in conflict with both cities. Councilmember

Thomas said it is ultimately the landowner who makes the decision as to where the land is annexed.

Councilmember Poll said in the future South Weber City might look at a road accessing that area for public access and emergency purposes. Barry said there are several places in the county where annexation policies overlap.

**Councilmember Thomas moved to close the public hearing for Ordinance 08-02. Councilmember Peterson seconded the motion. Councilmembers Peterson, Poff, Poll, Thomas, and Woodbury voted yes. The motion carried.**

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

Councilmember Peterson said this is not a land grab and he would propose to leave the property in the annexation plan. Councilmember Poff read from Mayor Gertge’s e-mail of 8 April 2008. His comments are as follows:

**“Strongly consider what Councilmember Thomas feels with his land use background. Consider tabling and have an additional discussion with Layton planners, if necessary.”**

Councilmember Thomas said he doesn’t like the fact that Layton’s policy comes right up to the South Weber border, and he would like to see more separation. He said South Weber needs a road that connects with State Road 193 so there is another way out of the city.

**Councilmember Woodbury moved to adopt Ordinance 08-02 An Ordinance Approving and Adopting an Amendment to the 2002 Annexation Policy Plan for South Weber City, acknowledging South Weber City’s desire to work as good neighbors with Layton to ensure that both South Weber City’s and Layton City’s interests are considered as the properties between our communities develop. Councilmember Peterson seconded the motion. Erika Ahlstrom called for the vote. Councilmembers Peterson, Poff, Poll, Thomas, and Woodbury voted yes. The motion carried.**

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

**\*\*\*\*\* PUBLIC HEARING \*\*\*\*\***

**ORDINANCE 08-08: AN ORDINANCE AMENDING TITLE 10 ZONING REGULATIONS, CHAPTER 5 ZONING DISTRICTS, ARTCILE A. RESIDENTIAL MODERATE (RM) ZONE, SECTION 5, LOCATION OF STRUCTURES; AND ARTICLE B. RESIDENTIAL LOW MODERATE (RLM) ZONE, SECTION 5.**

**LOCATION OF STRUCTURES:** Barry explained that during a Planning Commission meeting on 14 February 2008, Commissioner Westbroek suggested that the Planning Commission review the setback ordinances and consider reducing the front and rear setbacks in the R-LM and the RM Zones from 30 feet to 25 feet. He also asked that they consider reducing

the side yard setbacks from 10 feet to eight feet. Barry said homes are getting larger and lots are not. Barry said Davis County has 25 feet setbacks and the county has not encountered any problem. Councilmember Woodbury asked about the eight foot side yard. Barry said he doesn't feel it would increase anything with fire protection.

Councilmember Poff asked for any public comment.

**Chris Ferre, 1393 Cahoon Street Ogden, UT**, said he will be building a home on a lot owned by his father in South Weber. He said this setback change would greatly help his effort in building a home in the city as he has had a difficult time coming up with a house plan. In his opinion, the 30 feet set back is more restrictive than you see anymore.

**Tom Graydon, Fire Chief**, said the Planning Commission didn't come to him until they went through their process and forwarded it on to the Council. He doesn't have a problem with the setback but he is concerned about the side yard at eight feet. He said as soon as the wind blows it will move a fire from one structure to another rather quickly. He suggested looking at materials which should or should not be allowed on structures. He feels the side yard should remain at 10 feet.

**Alan Ferre, 1097 Skyhaven Cove**, said he is in favor of the amendments to the setback and side yards. He is concerned that everyone is treated equally within those zones that will be affected.

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

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

Councilmember Poff asked what the benefit would be to the city? Barry said it does allow larger homes with higher values and more property tax, but the benefits to the city will be minimal. He said homes today are probably 50% larger than they were even a year ago. He said Fire Chief Graydon does know more about fire situations than he does. He doesn't feel the city should get into regulating materials on the side of homes.

Councilmember Poll asked if there is a specific code that regulates side yards? Fire Chief Graydon stated the city's water system can't keep up with the size of homes being built today. Larger homes will require that a home is sprinkled.

Councilmember Thomas is concerned that the closer the setbacks and side yards the more urbanize the city becomes. He doesn't have a problem with the setback amendment but he is not in favor of the eight foot side yard. Councilmember Poll said Commissioner Westbroek is a quality homebuilder and has a good pulse on the market conditions. He would rather have someone stay here longer because they have a larger home verses a starter home. Councilmember Peterson agrees with Councilmember Thomas in that a lot of individuals moved to South Weber because there is more space between homes.

**Councilmember Woodbury moved to approve Ordinance 08-08 An ordinance amending Title 10 Zoning Regulations, Chapter 5 Zoning Districts, Article A. Residential Moderate (RM) Zone, Section 5. Location of Structures; and Article B. Residential Low Moderate (RLM) Zone, Section 5. Location of Structures, with the amendment including changing the 30 feet setback to 25 feet, but leaving the side yard at 10 feet. Councilmember Thomas seconded the motion. Erika Ahlstrom called for the vote. Councilmembers Poff, Poll, Thomas, and Woodbury voted yes. Councilmember Peterson voted no. The motion carried 4 to 1.**

Councilmember Peterson voted no because he would like to maximize the space between homes. He feels by bringing homes closer together, it will take away the feel of South Weber City.

**RESOLUTION 08-19: APPOINTMENT OF CITY REPRESENTATIVE TO HILL AIR FORCE BASE RESTORATION ADVISORY BOARD (RAD):** There are two residents from South Weber City who serve on the Restoration Advisory Board. Jan Ukena serves as community representative and Joel Workman, who has served as the city representative for 12 years, has indicated he must step down. Councilmember Peterson has volunteered to fill the position of city representative. He said while living in Ohio his line of employment allowed him to become familiar with this type of clean up.

**Councilmember Thomas moved appoint Councilmember Scott Peterson as the City representative to the Hill Air Force Base Restoration Advisory Board. Councilmember Poll seconded the motion. Erika Ahlstrom called for the vote. Councilmembers Peterson, Poff, Poll, Thomas, and Woodbury voted yes. The motion carried.**

**RESOLUTION 08-20: AGREEMENT WITH STAR.GOV FOR WEBSITE SERVICES:** Erika Ahlstrom, City Recorder, explained that the city's current website is limited in functionality. She indicated the city's current webmaster has expressed that the changes the city would like done are not within her scope of service. The city staff has contacted local cities to see what service/product they use, and received bids from three companies: Civic Plus, Gov Office, and Star Gov. Erika said the city staff recommends that the City Council move forward by considering entering into a contract with Star Gov.

Councilmember Poff wanted to publicly thanked Billy Massengale for all her work on the existing website. The Council agreed.

**Councilmember Woodbury moved to approve Resolution 08-20 Agreement with StarGov for Website Services. Councilmember Peterson seconded the motion. Erika Ahlstrom called for the vote. Councilmembers Peterson, Poff, Poll, Thomas, and Woodbury voted yes. The motion carried.**

**ESTABLISHMENT OF 6650 SOUTH RIGHT-OF-WAY:** Councilmember Poff read from Mayor Gertge's e-mail of 8 April 2008. The Mayor's comments are as follows:

**“I feel strongly and agree with staff recommendations. The people I have discussed the subject with don’t see anyone going from or to 475 East proceeding through to 6650 going west, unless they are actually visiting someone that would live in that area. If they are going through South Weber, they would already be on South Weber Drive or Highway 84. It is very clear to me that a 66 foot road is essential to provide good traffic to the east and service the commercial area. I also think there are significant revenue implications to maximize our commercial in that area. Not only is there sales tax, but property taxes from the value of the commercial investment. If we go forward with the 6650 option, we will get the total cost completed now at no cost to the city. Also, the farther away from the overpass we can get the majority of the people that will be turning east will make it safer for watching oncoming traffic.”**

Councilmember Woodbury provided some photos of the area in question for reference. He indicated he is somewhat neutral on the issue. He expressed his concern about devaluing the potential commercial property by dissecting it.

Councilmember Poff said if the city approves the 66’ right-of-way and has the commercial developer deed over 40’ of the property, and then as the city allows the development to come in, the city will probably suggest a 60’ dedicated street running from 475 East to 6650 South. This would make the total land required 100’ opposed to the 66’.

Councilmember Poff said if the choice was to make the frontage through 6650 South or connect the two intersections, what would the choice be? Councilmember Poff feels that common sense would be that the second option was the better choice. If we looked at parcels since commercial development. He said according to Appendix I of the Economic Development Strategy, table 4, the Annual Property Tax projection for a hotel would be \$8,985. If this were to decrease by 15%, it would only impact the property tax by approximately \$1,300.

Councilmember Poff said according to projections in Section 8 of the Economic Development Strategy 205,000 of commercial development would generate \$43,750 in point of sales tax. There is approximately 220,000 of commercial land available on Stephens property. The worse case scenario is 6,000 in revenue short fall. This should not warrant not basing the road solely on development.

Councilmember Poff said logic will show traffic flows and patterns are done for a reason. The one proposed is not logical. He feels that for safety reasons the council needs to consider the health and safety of the residents. He feels that making the frontage on 6650 will create an intersection that people will shake their heads at.

Councilmember Poll identified the area on the map for a possible roundabout.

Councilmember Thomas said the general transportation plan shows a frontage road running through the middle of the Stephens’ property. He feels it would not be wise to dissect the Stephens’ property with a large frontage road and doing so would significantly limit what could be developed on the commercial property. Councilmember Peterson agreed.

Councilmember Woodbury said a large piece of property gives more alternatives for commercial development. Councilmember Poff suggested looking at what is best for the city. Barry said the real issue is what happens to west 6650 South. Barry said in his opinion it is time to decide what to do with that area. He feels it is time for the city to have a meeting with those residents along 6650 South.

Brandon Jones, City Engineer, said if the city desires to make the Stephens' property a viable piece of commercial property, he agrees that it would not be in the best interest to dissect it with a road. Brandon said in looking at that intersection it is in bad shape right now, but you need to look at what it could be whether it is a four-way stop, roundabout, etc.

**Councilmember Thomas moved to take the 6650 South right of way up to 475 East and give consent to have it widened to 66' (or as required by ordinance) and make that the access for the other properties; not to resolve the intersection at this time and look at viable options for the intersection at 6650 South and 475 East; to direct staff that we are not going to cut through the Stephens' property for the frontage road, but to widen 6650 South for this purpose. Councilmember Peterson seconded the motion. Councilmembers Thomas, Poll, Peterson, and Woodbury voted yes. Councilmember Poff voted no. The motion carried 4 to 1.**

Councilmember Poff voted no because of 100' vs. 66', his argument about commercial development, traffic, and buyer's remorse.

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

#### **NON-SCHEDULE DELEGATION:**

**Stan Cook:** He represented the ditch company and would like to know what the status is for 475 East. Brandon said he is still working on a storm drain master plan especially for this area. He said he is working on it as fast as he can.

#### **CITY COUNCIL ITEMS:**

##### **Councilmember Poff:**

**Possible Work Session in St. George:** Councilmember Poff is in favor of a work session. Councilmember Peterson feels it would be better to schedule a work session at the "Gertge compound". Councilmember Poff feels the need to discuss the direction with Strategy 5 and rezoning of the gravel pits. Councilmember Woodbury would like to respect the wishes of the Mayor and feels the Mayor needs to be at the meeting.

##### **Welcomed Troop #833**



**Councilmember Peterson:**

**CERT Training:** CERT Training will be held this Thursday at 6:00 p.m. at the Fire Station.

**Councilmember Thomas:**

**6650 South Residents:** He suggested moving on getting together with the residents and to discuss issues with the road.

**ADJOURN:** Councilmember Thomas moved to adjourn the meeting at 8:09 p.m. Councilmember Peterson seconded the motion. Councilmembers Peterson, Poff, Poll, Thomas, and Woodbury voted yes. The motion carried.

**APPROVED:** \_\_\_\_\_ **Date** 22 Apr 2008  
**Mayor Pro Tem: Michael Poff**

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**Transcriber: Michelle Clark**

**Attest:** \_\_\_\_\_  
**City Recorder: Erika J. Ahlstrom**

**APRIL 8, 2008**  
**WORK/DISCUSSION MEETING PRIOR TO CITY COUNCIL**

The work session commenced at 5:33 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 Recorder Erika Ahlstrom.

Visitors: Brandon Jones (City Engineer, Jones and Associates).

Councilmember Poff excused Mayor Gertge and Matt Dixon.

In regard to the March 25 minutes, it was noted that the conditions added to Resolution 08-18 weren't indicated in the minutes as part of the motion. This will be corrected.

Mayor Gertge emailed comments for the meeting to the staff and Council, Councilmember Poff will read the Mayor's comments to be entered into the minutes as each item is addressed.

**Annexation Policy Plan:** The Council reviewed the letter that was received from Layton City in response to the notification of South Weber's proposed annexation map. They discussed whether they are ready to move forward with approval or if they should consider tabling it. Councilmembers Poll and Woodbury said they are comfortable with approving the map as proposed. Councilmember Thomas indicated he believes Layton has an issue with South Weber's expansion area map overlapping Layton City's. Layton City has put large portions of Hill AFB into their annexation policy plan. Councilmember Thomas said only the property owner can request annexation. He indicated that if both cities have property in the annexation plan, then if the other city protests the annexation they have to have a good reason, and the odds of the county commission intervening is low. Councilmember Poll said one of the main reasons for including this property is South Weber is the potential for an access road over the hill. The Council discussed that the annexation plan simply establishes that South Weber also has an interest in those areas.

**Ordinance 08-08 Amending Setbacks:** Mayor Gertge's comments included that he shares the fire chief's concerns regarding the side setbacks, but he agrees the city could possibly shorten the front and rear setbacks for higher density areas. It was discussed that the fire chief's concerns are based on the wind spreading fire from structure to structure more easily with smaller side yards.

(Councilmember Peterson arrived at this time 5:50 p.m.)

Brandon Jones advised that he does not see the advantage to the city to decrease setbacks.

**6650 Right of Way:** Councilmember Woodbury provided pictures that can be put on the screen during the meeting for reference during discussion.

Work meeting adjourned at 5:58 p.m. Minutes transcribed by Erika Ahlstrom, City Recorder.