

SOUTH WEBER CITY COUNCIL MEETING

DATE OF MEETING: 13 May 2008

TIME COMMENCED: 6:00 p.m.

PLEDGE OF ALLEGIANCE: Councilmember Woodbury

PRAYER: Councilmember Thomas

PRESENT: MAYOR	Joseph Gertge
COUNCILMEMBERS:	Scott Peterson
	Michael Poff
	Farrell Poll (excused at 6:28 p.m.)
	David Thomas
	Scott Woodbury
CITY MANAGER:	Matt Dixon
CITY RECORDER:	Erika Ahlstrom

Transcriber: Minutes transcribed by Erika Ahlstrom.

A public work/discussion meeting was held at 6:00 p.m. to discuss and review agenda items.

VISITORS: Sam Stanger, Michael Clark, Robert Coombs, Calvin Kap, Barbara Kap, Ruth Malan, Carter Fritz, Kaden Cook, Jesse Jacobson, Martin Peters, Jim Vannatter, Keith Kap, Layne Kap, Brent Poll, Brandon Kap, Rory Ukena, Bob Flinders, Shawn Flinders.

Mayor Gertge expressed appreciation to the Council and Staff.

Mayor Gertge welcomed Troop #733 to tonight's meeting.

APPROVAL OF THE AGENDA: Councilmember Poff 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 22 APRIL 2008 COUNCIL MEETING MINUTES: Councilmember Woodbury moved to approve the minutes of 22 April 2008 as with changes as proposed by Mayor Gertge and Councilmember Poll in the work meeting. Councilmember Poll seconded the motion. Councilmembers Poff, Poll, Thomas, and Woodbury voted yes. Councilmembers Peterson abstained as he was not in attendance at the 22 April meeting. The motion carried.

APPROVAL OF 6 MAY WORK MEETING MINUTES: Councilmember Peterson moved to approve the minutes of 6 May 2006 work meeting as amended. Councilmember Woodbury seconded the motion. Councilmembers Peterson, Poff, Poll, Thomas, and Woodbury voted yes. The motion carried.

DECLARATION OF CONFLICT OF INTEREST: None. Mayor Gertge instructed the Council that, as the meeting progresses, if there is a conflict to please let it be known at that time.

RESOLUTION 08-25: ADDENDUM TO CONTRACT FOR GARBAGE COLLECTION BETWEEN SOUTH WEBER CITY AND ROBINSON WASTE SERVICES: Matt reported that as part of the garbage collection contract with Robinson Waste, there is a provision to allow either party to request negotiation if there are unusual increases in operating costs. With the recent increase in fuel costs, Steve Robinson came to the city asking to add a fuel surcharge. The surcharge would have a base \$3.75 per gallon as determined by Department of Energy diesel fuel index (today it is at \$4.50). Anytime fuel prices go over that the city will pay 33% on the difference. Matt said the difference is about \$200-300 a month (with fuel at \$4.15). Matt said in comparison with the other companies that had bid for the service, even with this fuel surcharge Robinson remains the low bidder. He said he feels it is a reasonable request. Matt added he is not anticipating any rate change to the residents because at this time the garbage fund is a healthy fund, however in the future, depending on how fuel prices go, the city may have to look at the rates.

Councilmember Woodbury moved to approve Resolution 08-25: Addendum to Contract for Garbage Collection Between South Weber City and Robinson Waste Services. Councilmember Thomas seconded the motion. Mayor Gertge called for a vote. Councilmember Thomas voted yes; Councilmember Peterson voted yes; Councilmember Woodbury voted yes; Councilmember Poff voted yes; Councilmember Poll voted yes. The motion carried 5-0.

Councilmember Woodbury moved to open the public hearing for Ordinance 08-09. Councilmember Poff seconded the motion. Councilmembers Peterson, Poff, Poll, Thomas and Woodbury voted yes. The motion carried.

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

ORDINANCE 08-09: AN ORDINANCE AMENDING THE CITY’S ZONING MAP, Change of Zoning of Parcels 13-027-0004 and 13-027-0005 (1150 E Lester St) from Agricultural (A) to Residential Moderate (RM); Layne Kap and Calvin Kap: Matt said this is a rezone application for the Kap property directly west of the Family Activity Center to change zoning from Agricultural (A) to Residential Moderate (RM). Matt said this is consistent with general plan for the allowable density in that area. The Planning Commission held a public hearing on 10 April and has made a favorable recommendation of this application. The Council had been provided with copies of the Planning Commission minutes.

Brent Poll, 7605 South 1375 East, spoke on behalf of the South Weber Landfill Coalition and Poll Enterprises LLC. Mr. Poll said the city’s pollution maps are wrong, and if the Council approves this rezone it is putting people at risk. He said the city is obligated to let the public know about the risks of the contamination from Hill AFB. Mr. Poll said there are more

contaminants above this site than the rest of the base’s contamination areas. He said that when the original agreement with Hill AFB was put into place to clean up the contamination, the west end was agricultural. He said the mayor at the time wanted more aggressive cleanup efforts, but this was not done. Mr. Poll said Hill AFB only tests the ground water on an average of once a year. He stated if the Council rezones, more people will be put in the pathway of the pollution because it will lead to a subdivision being there. He concluded saying he thinks the city should amend the plume maps, and should push for more testing.

Councilmember Peterson serves on the Restoration Advisory Board and stated in regard to OUI they do more than yearly sampling. He wanted to point out that some of the information Mr. Poll stated contained some factual misinformation.

Layne Kap, 8085 S. Juniper Ct., said there is a test well on the west end of the west property and the results he has received indicates there is nothing there. He said he trusts the Hill AFB group and hopes they are watching out for the citizens.

Mr. Kap wanted to point out that it was upon Barry Burton’s recommendation that they are rezoning the whole property. They are planning to do a small subdivision, but will continue to farm some. He said he and Calvin and Keith are joined owners of the property. They are selling some of the property to the Davis County School District for the elementary school addition.

Mayor Gertge informed Mr. Kap that if the well needs to be moved to accommodate the lots for their subdivision, Hill AFB will move it.

Sam Stanger, 7420 S. 1375 East, said he observed some testing being done across from his home, and the person doing the testing informed him that one would receive more contamination filling up car at the gas station.

Mayor Gertge said Hill AFB will test upon request. Councilmember Peterson pointed out there are residents who live in the contamination plumes who won’t even allow the testing to be done.

Councilmember Poll moved to close the public hearing for Ordinance 08-09. Councilmember Thomas seconded the motion. Councilmembers Peterson, Poff, Poll, Thomas and Woodbury voted yes. The motion carried.

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

Mr. Kap suggested asking the school to have testing done while they are doing the geotech work. Matt will contact the school district about this issue.

Councilmember Poff moved to approve Ordinance 08-09 for the rezone of the Kap property and added to encourage the Planning Commission to specifically address pollution when the Kaps make application for subdivision.

Councilmember Thomas commented that the Council can’t do this with the Ordinance. He said the Council can direct staff to ensure this is addressed during the subdivision process.

Councilmember Poff withdrew is motion.

Councilmember Poff moved to approve Ordinance 08-09 for the rezone of the Kap property. Councilmember Thomas seconded the motion. Mayor Gertge called for a vote. Councilmember Thomas voted yes; Councilmember Peterson voted yes; Councilmember Woodbury voted yes; Councilmember Poff voted yes; Councilmember Poll voted yes. The motion carried 5-0.

Councilmember Poll left the meeting at 6:28 p.m.

DECISION: MEMORIAL PARK DETENTION BASIN AGREEMENT: Matt summarized the history of the cost share agreement that was entered into with Sam Stanger, Mike Clark and Rory Ukena for the Memorial Park detention basin at 1900 E South Weber Drive. In August, 2007, the Council approved a resolution to enter into the agreement. The agreement took into account the amount of runoff that each development would deposit into the basin. The cost estimates were done by the city engineer. Matt indicated that the city looked at increasing the capacity beyond what the development properties and the city properties would use as primary detention, and determined it would be wise to increase the size of the detention to maximize for future runoff control. The city would pay all costs for upsizing the basin. The project was bid in September, 2007; the bid came back 3% higher than the engineer's estimates. In October, the three developers came to the city contesting the percentages of the cost share, expressing that they felt because the city had made the project larger, then the city should have a larger proportionate share. The matter has been addressed at subsequent meetings in November and January. In January, the Council asked the developers to submit their figures on how they thought it should be calculated.

In February, the City received notice that the developers has applied for an opinion from the State Property Rights Ombudsman, and the city attorney was able to provide the Ombudsman's office with the city's input on the matter. Matt said at the May 6 work meeting the Council asked to move forward and put the item on the agenda. The opinion from the Ombudsman's office was received through email today. Matt said an exaction is something that is required from a developer in exchange for approval of development. He explained that the times when cities can get into trouble is when they over charge. Matt said the developers entered into an agreement for their proportionate share. The city is paying 100% of increase of capacity. Matt said the city is in good standing because we are not requiring any additional costs be bore by developers for the increased capacity. Matt said in his opinion if we recalculate, the residents would be subsidizing the developers' share of the project. He stated that staff recommends the city hold to the agreement.

Councilmember Thomas indicated that no vote is needed to reaffirm the agreement, and he recommended the Council table the item and move on unless anyone wants to propose a change.

Councilmember Poff sad he was probably the most understanding of the developers' argument originally. However, he reminded the three parties that Councilmember Poll had kept asking for figures from them, which were not received until tonight. Councilmember Poff said after reading the Ombudsman's letter and seeing that it was within their jurisdiction to give the opinion, it gives more support to sticking with the agreement. He said the city saw the opportunity to increase some storm drainage and the project has turned out well.

Mayor Gertge asked the Council if, although this is not a public hearing, they would entertain comments. Councilmember Woodbury and Councilmember Poff expressed they were not opposed to comments. Councilmember Thomas asked if the developers have something new to add to their argument.

Mike Clark, 1626 E. 7600 S., said he just found out now that the city's attorney contacted the ombudsman. Matt explained that when one party makes application for an opinion, then they contact the other party and ask if they want to respond, otherwise they are making an advisory opinion based on one side of an argument. Matt said the developers made application, and they had the opportunity to make sure their side was heard.

Sam Stanger, 7240 S. 1375 E., said he feels the ombudsman didn't address all the issues, particularly that the city made the basin bigger and 27 additional acres are dumping into it. Councilmember Peterson stated the city is paying 100% of upgrade; Mayor Gertge agreed. Sam said the upgrade should have been built into the agreement, and he added that the developers paid for extra manholes.

Mike Clark read from the agreement that any amendment affecting the agreement should be made in writing. He said they were never notified in writing. Matt reiterated that the city is not asking them to pay anything additional, and we determined the proportionate share appropriately. He argued that it is not uncommon for cities to maximize capacity, stating it is cheaper per unit because the project is already there. Matt feels this is a smart use of taxpayers dollars when the city maximizes infrastructure while other projects are being done.

Mayor Gertge interjected that unless there is something new, he feels that all parties have expressed their opinions.

RESOLUTION 08-26: ADOPTION OF 2008-2009 TENTATIVE BUDGET: Matt stated the after the adoption of this tentative budget, the city will continue to work on the budget to come to a final one. The final budget will be adopted at the first meeting in June. Matt reported in the past there has been strong development to include in the budget. However, this year with the slow down in economy the city is being conservative. He indicated we don't know what will come as far as building (permits), which will provide interesting challenges. Mayor Gertge said the Council will address the budget at its next work meeting to refine it into a draft budget. Matt pointed out the resolution sets the public hearing for May 27 at 6:05 p.m. The budget is on file for public review.

Councilmember Poff expressed his opinion that he thinks that the sale tax revenue should all be reflected in the general fund, rather than having a portion be listed under recreation revenues sales tax bond, then transfer the funds. Matt reported the total bond payment is \$112,500. Councilmember Poff suggested having a portion of the bond show under public safety.

Councilmember Thomas said the problem with showing the tax revenue in one fund is the fact that a portion of the revenue is restricted. He said this poses a problem when trying to cut the budget, as well as giving a false representation to the citizens that the city has more money in terms of the general fund. Councilmember Thomas indicated most governmental budgets are broken down into restricted accounts. Mayor Gertge said he wouldn't be opposed to breaking it

down between the Family Activity Center and the Fire Department. Matt said he will inquire with the financial consultants. He reported the State Auditor doesn't like to see a lot of transfers. Matt agreed with the idea of taking out the fire station portion and accounting for it in the fund from which the bond is paid.

Mayor Gertge interjected that he would like the Council to consider hiring a full-time fire chief.

Councilmember Thomas moved to approve Resolution 08-26: Adoption of 2008-2009 Tentative Budget. Councilmember Peterson seconded the motion. Mayor Gertge called for a vote. Councilmember Thomas voted yes; Councilmember Peterson voted yes; Councilmember Woodbury voted yes; Councilmember Poff voted yes. The motion carried 4-0.

PURCHASE ORDER #1159 : GSBS ARCHITECTS FOR CANYON MEADOWS PARK DESIGN SERVICES \$8,250: Matt said one of the goals set by the Council in January was to work on a master plan for the parks and have an idea of future uses. Recreation Director Edd Bridge approached GSBS, a firm that specializes in landscape architecture. The city received a bid to master plan the parks throughout the city, but at work meeting it was decided to narrow the scope to planning only Canyon Meadows Park at this time.

Councilmember Thomas moved to approve Purchase Order #1159. Councilmember Woodbury seconded the motion.

Councilmember Poff suggested before moving forward, the city should get a proposal from someone else. Councilmember Peterson agreed.

Councilmember Thomas withdrew his motion.

Matt stated that although the city's procurement policy does require that we get bids, for professional services we don't have to go out for competitive bid. He stated GSBS might be unique for the industry in how they provide the an electronic product.

Councilmember Woodbury moved to table Purchase Order #1159 until other bids are obtained. Councilmember Poff seconded the motion. Councilmembers Peterson, Poff, Thomas, and Woodbury voted yes. The motion carried.

Matt asked, in order to avoid further delays, if the Council would consider discussing this issue at the May 20 work meeting if we are able to get other bids, and if the Council would consider ratifying the vote on May 27. He said that way the staff will have direction to either continue with GSBS or go with another firm, and have them start working on the project. The Council was in agreement with this request.

PURCHASE ORDER #1160: EARTHTEC ENGINEERING FOR PAVEMENT ASSESSMENT FOR 475 EAST \$3,500: Matt indicated this work is to provide analysis and recommendation for the pavement on 475 East. Councilmember Poff said the city needs to get moving on this project, and he hates to see costs increase and not have anything done. Mayor Gertge indicated he doesn't see that this expense will be a waste of funds.

Matt indicated he and Brandon Jones have discussed scaling down the project. He said he is still waiting for direction from the Council. He asked if the engineer should 1) design the whole project, then the city will complete the portion for which funding is available, then do additional portions as funding allows; or 2) we design to address the bare essentials and move forward.

The Council discussed that the developers in the northern area (Stevens, Stauffer, Nilson Homes) should work together. Mayor Gertge feels the city should not be the major contributor on the north end of 475 East. Councilmember Poff asked if Brent Stauffer could put money into escrow until the full improvements are done. Matt replied that the problems with that is they would have to build a temporary detention basin that would be eliminated, as well as the fact that the project will cost more in the future than what would be put in escrow.

Councilmember Poff commented that the whole projects revolves around what is going to be done about the intersection. Matt said he surmised from the last meeting that the city is going to leave the intersection as a straight four way. Matt indicated that after the last rainstorm all of the runoff seemed to take care of itself other than on the north end. He said both the culinary water and South Weber Irrigation secondary water lines are on the west side of center. The Weber Basin line is on the east side. Matt said if Weber Basin decides to change their line, they can replace the east half. However, Weber Basin will not do any work until March of next year.

Returning to discussion of the pavement assessment, it was discussed that this needs to be done regardless of the scope of the project, as it will provide information to do cost estimates.

Matt reported South Weber Irrigation will be working on their line on 475 East next week, and the city engineer has provided them with the corridor for their line.

Matt informed the Council that the city has received complaints from residents along 475 East. He said they are upset with the city and may not want to sign because they believe the city is delaying the irrigation work. Matt reported he has confirmed with Louise Cooper of the irrigation company that the city has not delayed their project.

Councilmember Peterson moved to approve Purchase Order #1106: Councilmember Woodbury seconded the motion. Mayor Gertge called for a vote. Councilmember Thomas voted yes; Councilmember Peterson voted yes; Councilmember Woodbury voted yes; Councilmember Poff voted yes. The motion carried 4-0.

WARRANT REGISTER: Councilmember Woodbury asked about the purchase of garbage cans; Matt replied the city keeps an inventory of cans for new residents and replacements.

Councilmember Poff asked about the payment for Strategy 5. Matt said Ernie Bleinberger is finalizing the report (adding that he needs any comments on the draft report by this Friday), and there may be another invoice. Councilmember Thomas requested that the city attorney look over the report before it is finalized. Councilmember Poff requested the staff provide the Council with a total of what the city has been billed by Strategy 5.

Councilmember Poff moved to approve the Warrant Register. Councilmember Peterson seconded the motion. Councilmembers Peterson, Poff, Thomas, and Woodbury voted yes. The motion carried.

CITY COUNCIL ITEMS:**Councilmember Poff:**

Senior Dance: Councilmember Poff reported a senior dance is being sponsored by the Davis County Council on Aging on May 21 at Davis High School. The area youth councils will be assisting with the event.

Canyon Meadows: Councilmember Poff said he has walked through Canyon Meadows and noticed a number of covers missing off of the water connection boxes. Matt will have Mark Larsen look into this.

Councilmember Woodbury:

Family Activity Center Memberships for Fire Fighters: Councilmember Woodbury said there are some families who have two or more members who are volunteer firefighters. He is of the opinion that it may be better to provide those families with full family memberships to the Family Activity Center rather than individual memberships. Councilmember Woodbury believes the city provides the memberships in order to ensure the firefighters are in top-notch condition, and some may not be using the Center due to not having family passes. Fire Chief Tom Graydon said he is not sure that is the reason many of the firefighters don't use the Center, but he will talk to the firefighters about this. A change in this policy will require the Council amending the Consolidated Fee Schedule.

Councilmember Peterson:

CERT Training: The classes are going well and are almost completed. Another class will be planned for in the fall. Councilmember Peterson expressed appreciation to Larry Jensen and Lana Carter for assisting with the program.

Councilmember Thomas: No reports or comments.

MAYOR'S ITEMS:

Housing Seminar: A free seminar is being given by the Wasatch Front Regional Council on housing on May 22 in South Salt Lake.

Training for Sampling Drinking Water Rules: Presented by Rural Water Association on June 4 at Kaysville City Council Chambers.

Pipeline Safety Brochure: Mayor Gertge reported this provides websites, pipeline companies and contacts. Fire Chief Graydon reported he attended a training on this.

Mother of the Year: Jennifer Dickson received the award for South Weber. Mayor Gertge attended the luncheon.

Utah LTAP (Local Technical Assistance Program) Road Safety Audit: A safety study is being conducted on South Weber Drive, addressing items such as drainage, school sidewalks, approaches, slippage on hillsides, sheer drop offs, and bicycle usage. This is done by Utah State University through funding by grants. The city will be provided with the results.

Health Department: There are new state laws for public swimming pools due to cryptosporidium. Major public pools have put in improvements.

Veterans Memorial Park Dedication: Matt said we will plan one after the fountain is complete. The city has the flags (U.S., Utah, and South Weber), which will be put up once we have ensured the lights work. Annette Gardner is working on the Veterans' plaque.

Eagle Scout Projects: Provide ideas to Councilmember Woodbury. Mayor Gertge would like the city to obtain information on the requirements of an Eagle Scout Project.

CITY MANAGER ITEMS:

Recycling Bins: Matt would like to put recycling on a work meeting agenda for discussion. He is obtaining information from Robinson Waste, as well as other companies. It was discussed that Wasatch Integrated converts much of the waste it receives into energy for Hill AFB.

Annual Water Suppliers Meeting: Tomorrow, May 14, provided by the Wasatch Front Regional Council. Matt will attend.

475 East Improvement Project: Matt reiterated he would like some direction from the Council on the scope of the project, inquiring if what was communicated earlier is accurate, that the city scale back and just plan for the needed items.

Councilmember Poff commented he feels the city should do what was originally planned on doing four years ago, which is the waterline, storm drainage, overlay, and at least curbing down the east side. He added that he thinks the city should get the right-of-way for the whole street secured, however. Matt said this may be a challenge because the residents are expecting curb, gutter and sidewalk in exchange for the right-of-way, but he can approach them with the idea that having the right-of-way will still allow the city to make those improvements in the future.

Mayor Gertge asked if we should try to address any safety issues and make do until Weber Basin Water is ready next spring, and the developers can make an impact on the north end. He suggested having the project be somewhere between "just getting by" and preparing for improvements next year and bonding for really good road.

NON-SCHEDULE DELEGATION: Bob Flinders, 7486 S. 1900 E., approached the Council regarding the Memorial Park detention basin park. He expressed his concern that the drainage grates can be lifted as they do not have locks. Matt reported he did talk to Mr. Flinders yesterday about this issue, and he has instructed Mark Larsen to ensure this is taken care of.

ADJOURN: Councilmember Thomas moved to adjourn the meeting at 8:00 p.m. Councilmember Woodbury seconded the motion. Councilmembers Peterson, Poff, Thomas and Woodbury voted yes. The motion carried.

APPROVED: _____ **Date** 27 May 2008
Mayor Joseph Gertge

Transcriber: Michelle Clark

Attest: _____
City Recorder: Erika J. Ahlstrom

MAY 13, 2008
WORK/DISCUSSION MEETING PRIOR TO CITY COUNCIL

The work session commenced at 5:43 p.m.

Those in attendance to the work session were: Mayor Joe Gertge, Councilmembers Scott Peterson, Michael Poff, Farrell Poll, David Thomas, Scott Woodbury, City Manager Matt Dixon, City Recorder Erika Ahlstrom.

Visitors: Mike Clark, Sam Stanger, Tom Graydon.

There were some minor changes made to the April 22 council meeting minutes and the May 6 work meeting minutes.

Addendum to Robinson Waste Agreement: No one had any issues about this item.

Change of Zoning for Kap Property: No issues.

Councilmember Thomas arrived at 5:45 p.m.

Memorial Park Detention Basin Agreement: Mayor Gertge reported we received the State Ombudsman's opinion today through email. Erika provided copies to Mike Clark and Sam Stanger.

Matt asked if any Councilmembers were of the opinion that the City should do anything other than stick to the agreement. He said at last week's work meeting we had not yet received anything from the Ombudsman, but the Council decided to place the item on the agenda.

Sam Stanger said he is disappointed in the Ombudsman's opinion. He said he doesn't have a problems as far as the exaction. He feels the city "pulled a quick one", and even if this was done unintentionally he feels the City upgraded the plans at the developers' expense. Matt pointed out that the letter does address the proportionality, and that it was used to determine cost share. Matt said if the City had increased the developers' proportionate share, then we would be going beyond what the City should do. Sam expressed his opinion that if the Council decides to hold them to these amounts and "can look yourself in the mirror, then I'm not going to lose sleep over it." Matt said he regrets that Sam feels the City was trying to take advantage of him and the other developers.

Tom Graydon arrived at 5:52 p.m.

Matt said the City has gone beyond what it should have had to with engineering and analyses, and everything has come back indicating the calculations are correct. He said all parties agreed to the proportionate shares. Sam asked if Erickson Meadows detention was addressed. He said his argument is that the city is dumping Erickson Meadows storm water into the basin, and they aren't having to pay for it. Matt said Erickson Meadows has a detention basin, and the new basin is not being used as its primary detention. Sam and Mike said they believe the Erickson Meadows basin has been eliminated and no water runs into it.

Mike Clark said the original contract indicates that if there were any alterations they had to be in writing and all parties had to agree. Matt said the Ombudsman does address that and says there was a contractual agreement in which the city didn't change the scope in relation to the developers' proportional shares. Sam said he doesn't feel the city is paying its proportionate share of project. Matt reiterated that the city was not taking advantage of them, we merely took advantage of the opportunity to increase the capacity, and the city is paying 100% for the upsizing.

Councilmember Poff reminded Sam and Mike that the Council had asked them to provide figures to support their argument. Sam brought an analysis of what they think is fair; copies were provided to the Mayor and Council.

Work meeting adjourned at 5:59 p.m. Minutes transcribed by Erika Ahlstrom, City Recorder.