

# **SOUTH WEBER CITY COUNCIL MEETING**

**DATE OF MEETING:** 9 October 2012

**TIME COMMENCED:** 6:03 p.m.

**PLEDGE OF ALLEGIANCE:** Councilmember Poll

**PRAYER:** Councilmember Poff

**PRESENT: MAYOR:**

Jeff Monroe

**COUNCILMEMBERS:**

Joseph Gertge  
Randy Hilton  
Michael Poff  
Farrell Poll  
David Thomas

**CITY MANAGER:**

Rodger Worthen

**CITY RECORDER:**

Erika Ahlstrom

**Transcriber:** Minutes transcribed by Michelle Clark

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**VISITORS:** Ryan Hales, Marino Toulatos, Steve Robinson, Paul Sullivan, Layne Kap, Keith Kap, and Lyle Jorgensen.

**APPROVAL OF THE AGENDA:** Councilmember Thomas moved to approve the agenda as amended with the deletion of the Country Fair Days report and Youth Council Oath of Office. Councilmember Gertge seconded the motion. Councilmembers Gertge, Hilton, Poff, Poll and Thomas voted yes. The motion carried.

**DECLARATION OF CONFLICT OF INTEREST:** The City Council declared no conflict of interest.

## **CONSENT AGENDA:**

- ◆ Approval of 11 Sep 2012 City Council Meeting Minutes
- ◆ Approval of 18 Sep 2012 City Council Work Meeting Minutes
- ◆ Purchase Order #2297 Academy Sports \$3,200 for Jerseys for Football
- ◆ Purchase Order #2232 Great Basin TP \$3,210 for Fertilizer and Weed Control
- ◆ RESOLUTION 12-26 Addendum to Robinson Waste Garbage Collection Contract

Councilmember Thomas moved to approve the consent agenda as written. Councilmember Poll seconded. Councilmembers Gertge, Hilton, Poff, Poll, and Thomas voted yes. The motion carried.

**ORDINANCE 12-06: Amendment To City's Zoning Map - Change of Zoning Parcel #13-030-0084 from Commercial (C) to Residential Moderate (RM) Zone; Kay Martinez, Property Owner/Marino Toulatos, Agent:** The Planning Commission has recommended approval of this rezone. The City Council tabled this item at the public hearing held on 11 September 2012.

Ryan Hales, of Hales Engineering, explained that the rezone before the council is on a 1.38 acre parcel of property near the corner of Sandalwood Drive and 1550 East. West of the parcel is the detention basin and east of the parcel is a park. He has met with Ivan Ray, who owns the commercial property north of this parcel. Mr. Hales then reviewed the city's projected land use map. He stated this request complies with the general plan.

Marino Toulatos, representing Kay Martinez, stated this property has been listed for commercial sale with little or no interest. He feels there isn't enough traffic for a commercial business. He isn't sure surrounding residents want to look at a commercial area.

Councilmember Poll asked if this is rezoned to residential, does the property owner expect the price to drop? Mr. Toulatos stated, "yes".

**Councilmember Thomas moved to approve Ordinance 12-06 as written. Councilmember Gertge seconded.** Further discussion on the motion took place. Councilmember Thomas stated the only way this property would work with Ivan Ray's property would be to level it out. He stated his opinion is Mr. Ray is not interested in re-doing his entire lot. Councilmember Poll feels commercial is also conducive to the master plan. He is concerned about other commercial property owners having a similar request. Councilmember Poff is concerned about preserving commercial property. Councilmember Gertge stated the Planning Commission did recommend this and it does follow the master plan. He feels that ultimately the council does have a "say" as to what is constructed on this property. **Erika called for the vote. Councilmembers Hilton, Poff, Poll voted no. Councilmember Gertge and Thomas voted yes. The motion failed 3 to 2.**

**REQUEST FOR VARIANCE: Development Standards for Easton Village Subdivision**

The final plat for the Easton Village Subdivision was approved by the City Council by Resolution 12-20 on August 28, 2012. The Kap brothers, developers, have requested a variance to the subdivision design standards by allowing a 60' right of way throughout the development, rather than the 70' right of way as required by the city ordinance.

On 27 September 2012, the Planning Commissioner considered the request and made recommendation to the City Council that the developer follow the ordinance as written.

Layne Kap, 8085 South Juniper Court, stated they are requesting a variance on Easton Village Subdivision. They are asking that the entire subdivision be approved to a 60' right of way instead of 70'. Layne feels the 70' right of way mixed with the 60' gives an imbalance to the subdivision. He also thinks it becomes a financial burden to the City with repairs to larger sidewalks and it adds \$700 per lot in the development of the lots. It also creates problems with cars and trucks parking in their driveways and blocking the sidewalk.

Councilmember Thomas stated the Planning Commission denied this request because they feel it goes against the city ordinance and there isn't a hardship.

Layne identified areas on the plat map where sidewalks will be imbalanced on four different lots. He stated this will also affect the Mitchell's property where a 70' road is stubbed into it.

Councilmember Poff is in favor of the larger sidewalks. He stated this development is near an elementary school where children will be walking to and from school. Councilmember Poff suggested looking at the possibility of making the park strip smaller.

Councilmember Poll is in favor of larger sidewalks for walking purposes. Councilmember Hilton voiced his frustration when vehicles block the sidewalks. Councilmember Poll stated when homes are pushed back on the lot, it looks really nice. He feels aesthetically a 70' right of way makes sense. Councilmember Gertge is concerned about consistency for the area, but where do you transition?

Discussion took place regarding whether or not the council should look at reducing the size of the park strip. Councilmember Thomas stated he is reluctant to grant variances because there isn't a real hardship. Councilmember Hilton feels this city ordinance makes more sense with larger developments. Councilmember Poff stated there are surrounding properties that will be affected by this development. Layne disagreed with Councilmember Poff.

**Councilmember Thomas moved to deny the request for variance because there isn't a hardship and if we want to change the standard, then the council needs to go through the proper steps to change the ordinance. Motion died due to lack of second.**

**Councilmember Poff moved to approve the variance for Easton Village Subdivision with a 4 ½ ft. wide park strip and a 5 ft. wide sidewalk. Councilmember Poll seconded. Erika called for the vote. Councilmembers Poll and Poff voted yes. Councilmember Gertge, Hilton, and Thomas voted no. The motion died 2 to 3.**

**Councilmember Thomas moved to approve the variance for Easton Village Subdivision to make it more compatible with neighboring properties. Councilmember Gertge seconded. Erika called for the vote. Councilmembers Poll, Hilton, and Gertge voted yes. Councilmember Thomas and Poff voted no. Motion carried 3 to 2.**

**RESOLUTION 12-27: Mutual Aid Fire Protection Agreement with Weber Fire District:** Fire Chief Graydon stated the city attorney has reviewed the agreement. Paul Sullivan, Deputy Chief from Weber Fire District, was in attendance.

**Councilmember Thomas moved to approve Resolution 12-27 as written. Councilmember Gertge seconded. Erika called for the vote. Councilmembers Gertge, Hilton, Poff, Poll, and Thomas voted yes. The motion carried.**

**RESOLUTION 12-28: Conditional Acceptance of Canyon View Ranches Subdivision** Jones and Associates, Consulting Engineers for South Weber City, has conducted an inspection of Canyon View Ranches Subdivision and it has been determined that the improvements in the

subdivision have been completed satisfactorily to meet minimum requirements according to city standards and specifications.

**Councilmember Thomas moved to approve Resolution 12-28 as written. Councilmember Poll seconded. Erika called for the vote. Councilmembers Gertge, Hilton, Poff, Poll, and Thomas voted yes. The motion carried.**

#### **NON-SCHEDULED DELEGATION:**

**Ryan Hales, of Hales Engineering**, asked about the Kay Martinez property and if it could be tabled so that Rodger can check with legal council to see if that is the only avenue. Mr. Hales understands there are three criteria: (1) Positive recommendation from Planning Commission, (2) Recommendation from city staff, and (3) Follows the city's master plan. He feels the council needs more time to look at it. He feels the denial is difficult for Kay Martinez. Councilmember Thomas stated if there are negotiations, it is better not to have a pending application. He feels a decision has been made. Councilmember Poll is in favor of more time to think about things.

**Councilmember Poll moved to reconsider Ordinance 12-06. Councilmember Hilton seconded. Erika called for the vote. Councilmember Poll, Hilton, Gertge voted yes. Councilmember Poff and Thomas voted no. Motion carried 3 to 2.**

**Councilmember Poll moved to table Ordinance 12-06. Councilmember Hilton seconded. Erika called for the vote. Councilmember Poll, Hilton, Gertge voted yes. Councilmember Poff and Thomas voted no. Motion carried 3 to 2.**

#### **MAYOR'S ITEMS:**

**Job Corp Luncheon:** The City Council has been invited to the Job Corp luncheon to be held on October 11<sup>th</sup> from 12:00 p.m. to 1:00 p.m.

**Utah Cities of Leagues and Towns:** Guest performance by Linda Elder of Songbirds. Mayor has information.

**Christmas Dinner:** Mayor Monroe is in favor of holding the Christmas dinner at Job Corp.

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

##### **Councilmember Poll:**

**Motion to Reconsider:** Councilmember Poll asked how far back you can go to reconsider motions. He has been concerned about the denial for Jeff Clifford. Councilmember Thomas stated usually a decision can be appealed on a land use within 30 days.

**Future City Office:** Councilmember Poll feels there should be a formulated plan in regards to a future city office. He suggested hiring a professional to help make a decision. Rodger stated he can bring information regarding three different options to the next work meeting.

**Councilmember Poff:**

**Sidewalk in Easton Village Subdivision:** Councilmember Poff suggested a joint meeting with Planning Commission. Mayor Monroe suggested the council meet with them on a Thursday night.

**Youth Council:** Megan Jordan is the new Youth Council Mayor. Councilmember Poff apologized that the youth council wasn't in attendance tonight.

**Councilmember Gertge:**

**Emergency Preparedness Fair:** Councilmember Gertge attended and felt it was successful. He thanked the city staff for their efforts.

**Councilmember Thomas:**

**October 16<sup>th</sup> Work Meeting:** Councilmember Thomas and Poll will not be in attendance.

**ADJOURNED:** Councilmember Thomas moved to adjourn the City Council meeting at 7:32 p.m. Councilmember Gertge seconded the motion. Councilmembers Gertge, Hilton, Poff, Poll, and Thomas voted yes. The motion carried.

**APPROVED:** \_\_\_\_\_ **Date** 23 Oct 2012

**Mayor: Jeff Monroe**

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**Transcriber: Michelle Clark**

**Attest:**

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**City Recorder: Erika Ahlstrom**

**OCTOBER 9, 2012**  
**WORK/DISCUSSION MEETING PRIOR TO CITY COUNCIL**

Those in attendance to the work session were: Mayor Jeff Monroe, Councilmembers Randy Hilton, Joe Gertge, Michael Poff, Farrell Poll, Dave Thomas, City Manager Rodger Worthen, City Recorder Erika Ahlstrom.

Visitors: Ryan Hales, Steve Robinson.

Councilmember Gertge moved and Councilmember Hilton seconded a motion to go into work meeting. Work meeting commenced at 5:32 p.m.

*Warrant Register and Consent Agenda:* The purchase orders on the consent agenda are budgeted for. Resolution 12-26 is for the renewal of the Robinson Waste agreement. Rodger said the agreement is for the same rates we are paying. A clause has been added to cover services in the event of an emergency. .

Councilmember Poff questioned the bill on the warrant register from Jones and Associates for the storm water plan. He asked why we didn't put it out for bid. Rodger replied because they are the city engineers and know our city. Councilmember Poff expressed asked if we have to list the football referees on the warrant register; Rodger replied yes.

The following items will be taken off of tonight's agenda and rescheduled: Country Fair Days report and Youth Council Oath of Office.

*Ordinance 12-06 Rezone Martinez:* Councilmember Poll said he is opposed to this rezone because the city has limited commercial area. He said he has a vision for that area. Ryan Hales, representing the property owner, stated the general plan identifies the property as residential. He feels that although it is adjacent to commercial it would look out of place. It's off the main street in the midst of a residential area and is more of a "remnant" property. Councilmember Poll would like it to be transitional open space. Mr. Hales said they tried to sell the property as commercial, with no interest. Councilmember Poll is concerned that Jeff Clifford was denied residential for his property. Mr. Hales said this rezone does fit into the general plan. Councilmember Hilton stated that at the last meeting Councilmember Poff had some concerns and he wanted to check into some things. Councilmember Poff said he just doesn't think the rezone is in the best interest of the city. Councilmember Thomas reiterated the point that the general plan has it as residential, so the planning commission and city council at some point didn't think it needed to be commercial. Councilmember Poll feels it could be open space as part of the commercial area, and a mixed use could work there. He said the whole area should be master planned as a city town center. He said this is something the city needs to take on. Councilmember Thomas said working out an access to the property would be much less significant (for residential) than with a commercial project. He said he is of the opinion that the general plan is residential and he is concerned about tying property owners hands in that they can't do anything with the property.

Work meeting adjourned at 6:00 p.m. Work meeting minutes by Erika Ahlstrom