

# SOUTH WEBER CITY COUNCIL MEETING

**DATE OF MEETING:** 11 October 2011

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

**PLEDGE OF ALLEGIANCE:** Councilmember Thomas

**PRAYER:** Mayor Monroe

**PRESENT: MAYOR:**

Jeff Monroe

**COUNCILMEMBERS:**

David Thomas  
Sara Lusk  
Michael Poff  
Farrell Poll  
David Thomas

**CITY MANAGER:**

Rodger Worthen

**CITY RECORDER:**

Erika Ahlstrom

**CITY ENGINEER:**

Brandon Jones

**EXCUSED: COUNCILMEMBER:**

Scott Woodbury

**Transcriber:** Minutes transcribed by Michelle Clark

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**5:30 p.m. REVIEW WARRANT REGISTERS & REVIEW AND DISCUSS AGENDA ITEMS**

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**VISITORS:** Tyler Brodrero, Rob Osborne, Melinda Osborne, Sage Ukena, Robert Favero, Ann Thornley, Randy Schreifels, Matt McFarland, Jane Poll, Liz Rice, Susan Poll, Mark Wood, Blake Petersen, Zach Hibbert, Charles Poll, Sherrie Poll, Jan Ukena, Debra Garner, Richard Bigler, Christopher Garner, Reuben Renstrom, Brian Poll, Jordan (illegible last name), Justin Brush, Scott Crouch, Josh Jensen.

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

Mayor Monroe excused Councilmember Woodbury from tonight's meeting.

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

**CONSENT AGENDA:**

**♦ Approval of 27 September 2011 City Council Meeting Minutes**

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

**Councilmember Thomas moved to open the public hearing for Resolution #11-27 (Conditional Use Application #2011-01) and Final Plat for High Mark Charter School. Councilmember Lusk seconded the motion. Councilmembers Lusk, Poff, Poll, and Thomas voted yes. The motion carried.**

**Councilmember Poll stated he may have a potential conflict of interest. Councilmember Thomas noted in his other service on the State Board of Education he did approve this High Mark Charter School.**

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

**RESOLUTION 11-27: Conditional Use (Application #2011-01) High Mark Charter School, and Final Plat for the High Mark Subdivision (2 lots), approximate location 2700 East (Frontage Road) and South Weber Drive, Applicant Tyler Bodrero:** Rodger Worthen, City Manager, identified the location of 2700 East and South Weber Drive. He stated parents will be responsible in getting children to and from the school everyday. He stated state law does have certain requirements and limits what cities can and cannot do.

Councilmember Poll asked if there could be public comments after the developer makes his presentation.

Councilmember Thomas stated in going through the resolution he had a couple of questions. Concerning the City Engineer’s memo of 4 October 2011, Councilmember Thomas asked if the developer will comply with those. Tyler Bodrero, of Pace Construction Management, representing the High Mark Charter School, explained that all the city engineer’s items have been addressed. He stated they have spent a lot of time with city staff concerning utilities, impacts of surrounding properties, etc. He stated drawings were e-mailed yesterday. Brandon Jones stated he has addressed the updated items and the developer has completed his conditions.

Councilmember Thomas asked if the items on Chief Graydon’s e-mail of 5 October 2011 have all been addressed. Josh Jensen, 177 E. Antelope Drive, Layton, Utah, and engineer for the charter school, stated they have addressed the Fire Chief’s comments. He explained that they met with the Fire Chief after the Planning Commission last week. They discussed the chief’s request for a traffic study on the parking lot. They explained to him the accessibility of the fire department’s needs. Josh stated they addressed all of the Fire Chief’s comments. They have moved a fire hydrant. They also discussed that the roof would collapse inward in the event of fire.

Councilmember Thomas asked about item #3 of the resolution. Tyler stated that has been modified. Councilmember Thomas asked about item #4. Tyler stated the street lights have been addressed. Councilmember Thomas stated he knows there are concerns with the access road from South Weber Drive to 2450 East. He feels this shouldn't be any part of the condition for the school or resolution and it wouldn't be a condition with adjoining property owners. He said this is something that staff may want to start working on.

Councilmember Poll stated he is speaking on behalf of his family and he doesn't have a problem with the school, he is in favor of it, but in the general plan it mentions that a road needs to come off of View Drive and 2450 East, and the planning commission and city engineer have referenced this connection. He stated on the general plan it shows it going north or take it out on 7800 South, which there has been opposition, and the city doesn't own all the right-of-ways in that area. He then stated the option was discussed going through the Poll property. He identified the fire lane stub to the Poll property from the school. He stated this implies the Polls would then have to put in a potential road into their property, which would be costly to the Poll family. Councilmember Thomas suggested taking out the road references altogether in the City Engineer and Fire Chief's memos. Councilmember Thomas stated he doesn't want to see a road there. Councilmember Poll identified another area in Peachwood where the road is stubbed for a potential road. Councilmember Poff stated we can't commit that the road wouldn't go through the Poll property.

**Liz Rice, 2310 E. View Drive**, is concerned about the west entrance to the school and if that is potentially closed off, it would put people very close to the frontage road, and if the traffic backs up, it would endanger the intersection. She would think the school would want to keep the west entrance open. Rodger stated the goal is to keep that entrance open.

Rodger explained South Weber Drive is a UDOT road in which there are certain requirements for moving traffic. He stated if the Poll property develops the west access will come into play. He stated the 660 ft. from the frontage road meets UDOT's requirements.

Tyler explained that in 2009 charter school's traffic studies took place. He then explained that this charter school will submit a specific traffic plan to the city.

Councilmember Poff stated he visited Syracuse Art Academy and he witnessed parents dropping off their children. He noticed that they don't like to drive into the parking lot. Tyler stated there is a learning curve with parents.

**Brian Poll, 7878 S. 2310 E.**, stated he is concerned about the property to the west of the school. He is in favor of the school. He would like see another alternative verses putting a road through the middle of the Poll property. He suggested looking at other accesses to the east verses coming down the Poll property.

**Councilmember Thomas moved to close the public hearing for Resolution 11-27 (Conditional Use Application #2011-01) and Final Plat. Motion died due to lack of a second.**

**Councilmember Thomas moved to approve Resolution 11-27 (Conditional Use Application #2011-01) and Final Plat for the High Mark Subdivision (2 lots), approximate location 2700 East (Frontage Road) and South Weber Drive, Applicant Tyler Bodrero with the conditions that are specified therein except to excise from the city engineer email all references to the access road, including any references on the maps so there is nothing that shows a road going up there, on the Polls' property or anywhere else.**

**Councilmember Poll seconded the motion.**

**Further discussion on the motion took place.**

Councilmember Poff asked if there is access for pedestrians. Tyler stated currently there is not public right-of-way access. He stated they are planning for children who will be walking within a close perimeter. Councilmember Poff asked about how this school will help facilitate the commercial development. Tyler stated the school re-designed the access for future commercial development, such as storm water requirements that will help facilitate commercial development, sewer access will then be accessible in public right-of-way. Councilmember Poff doesn't see how this development will help the city bring in commercial development. He estimated that this school could potentially take away approximately \$212,000 in lost taxes. Councilmember Poll discussed areas in Layton City where there is an elementary school, junior high school, and high school that have commercial development around them. Councilmember Poff identified schools in Davis County that do not have commercial development around them.

Councilmember Lusk stated she does have safety concerns with parents dropping off their children. She realizes, however, how tied the city is because of the state laws. She would suggest individuals contact their legislators with such concerns.

Councilmember Thomas stated there are no plans for a junior high school in South Weber. As a result, our children are bussed past two junior high schools. He feels this option gives the residents a junior high school. It also provides extra curricular activities close to home.

Councilmember Lusk stated this is a lottery system and there is no guarantee that our residents will be going to this school. Tyler stated there are 695 approved slots for the charter school and then there will be a lottery.

Councilmember Poff stated this item is before us four days after Planning Commission which isn't are policy. He feels this item has been pushed through too quickly.

**Councilmember Thomas moved to amend his previous motion to approve Resolution 11-27 (Conditional Use Application #2011-01 and Final Plat for the High Mark Subdivision (2 lots), approximate location 2700 East (Frontage Road) and South Weber Drive, Applicant Tyler Bodrero) and to include item #6 tie into the storm drain to the conditions**

**Conditions of Resolution 11-27 are as follows:**

- 1. Compliance with recommendations given by the City Engineer in an email dated October 4, 2011.**

2. Compliance with recommendations given by the City Fire Chief in an email dated October 5, 2011.
3. Add to developer's agreement for the west access, also allowing east access to be shared by lot 2 when that develops.
4. Streetlights with emphasis on safety at entrances both west and east of lot 1.
5. Excise from the city engineer email all references to the access road, including any references on the maps so there is nothing that shows a road going up there, on the Polls' property or anywhere else.
6. Tie into the storm drain.
7. Improvements Required Prior To Building Permit: Before the issuance of any building permits, improvements as indicated on improvement plans must be completed, inspected and approved by the city.
8. Escrow: Prior to recordation of the final plat, the subdivider will be required to enter into an escrow agreement with the city to ensure completion of all public improvements to be installed as required by subdivision approval.
9. Recording Period: The developer shall submit the plat, escrow agreement and developer's agreement to the City within 120 days from the date of approval, along with a check for recording fees [SWC Code Code 11-2-2(C)]. Plats not recorded within 120 days of final approval by the City Council shall be null and void and must be resubmitted to the City Council.
10. Electronic Data: The developer shall submit electronic copies (both dwg and pdf formats) of the plat and construction drawings following final approval. Electronic data should be compatible with AutoCAD2008 or earlier.
11. Preconstruction: Prior to construction, the developer and construction contractor must hold a preconstruction conference with the City Engineer and City staff to review construction requirements.
12. Official Construction Drawings: Prior to the preconstruction meeting, two sets of mylar drawings must be submitted to the City Engineer to serve as official construction drawings;
13. Commencement of Work: No work on improvements shall be commenced until finalized construction drawings have been approved by the City, final approval of the subdivision plan has been issued by the City Council, the plat has been recorded with the county, and a Preconstruction Meeting held with the City Engineer and other applicable entities. [SWC Code 11-4-2(D)];
14. Professional Fees: Prior to recordation of the final plat, the developer will be required to pay all professional fees in full

Councilmember Poll seconded the amended motion.

Erika called for the vote. Councilmembers Lusk, Poll, and Thomas voted yes. Councilmember Poff voted no. The motion carried 3 to 1.

Councilmember Lusk moved to close the public hearing for Resolution 11-27. Councilmember Poll seconded the motion. Councilmembers Lusk, Poff, Poll, and Thomas voted yes. The motion carried.

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

**RESOLUTION 11-28: Recertification of the South Weber City Justice Court:**

Every four years the Justice Court must be recertified by the Utah Judicial Council in order to continue operations. Reuben Renstrom thanked the city council and city staff for the opportunity to serve in South Weber City.

**Councilmember Thomas moved to approve Resolution 11-28. Councilmember Poll seconded the motion. Erika called for the vote. Councilmembers Lusk, Poff, Poll, and Thomas voted yes. The motion carried.**

**COUNTRY FAIR DAYS REPORT – Kim Byram, CFD Chair:** Kim Byram, Country Fair Days Chairperson, approached the City Council and presented the Country Fair Days report. She stated there were new changes which were voted on during the committee meetings. She stated there was a registration deadline for events. The dutch oven cook-off was canceled due to lack of participation. The major problem seemed to be with the web-site registration and the registration deadline. Councilmember Thomas noticed that on most of the events items came in under budget which is commendable. Kim was in favor of the fireworks location. She felt the finale wasn't so great. Mayor Monroe thanked Kim and her husband Clint for all their time and effort. The City Council thanked them as well.

**RESOLUTION 11-26: A Resolution of Intent to Participate in the Great Utah Shakeout and Work Toward a Safer Community:** Mayor Monroe stated on April 17, 2012 at 10:15 a.m., the state of Utah will be having a state-wide earthquake drill. They have only asked participation at the level of “drop, cover, and hold on;” which staff will be doing (complete with “earthquake sounds” over the PA).

Along with participating in this manner, staff will also be organizing exercises that coordinate with this event to test the following: communication, EOC setup, and block captains. The “extra” exercises completed by the City will be done in the evening to allow for better participation (as this will be our first functional exercise).

South Weber Elementary has also agreed to participate in this event.

Resolution 11-26 supports both the State's and City's continual emergency preparedness efforts. Once approved, staff will work to create the functional exercises and begin advertising the event in the newsletter, utility bill, facebook/twitter, website, and marquee posts.

**Councilmember Thomas moved to Resolution 11-26. Councilmember Lusk seconded the motion. Erika called for the vote. Councilmembers Lusk, Poff, Poll, and Thomas voted yes. The motion carried.**

**NON-SCHEDULED DELEGATION:**

**Jan Ukena 7948 S. 2100 E.,** representative for Restoration Advisory Board, stated they will be visiting October 25, 2011. The board meeting is on October 27, 2011 at Sunset City Hall at 6:30 p.m. Operable Unit 1 will be at 6:50 – 7:10 p.m.

Steve and Ann Thornley, 1875 E. 7600 S., stated they have a problem with a neighbor who has chickens. She stated they have two roosters that crow non-stop. This is in an R-L Zone. She stated this has been an on-going problem for a long time. She stated even if they are 150 ft. back, they are still loud. She has a recording of the nuisance. They have discussed this with the owner and he isn't willing to make a change.

**CITY COUNCIL ITEMS:**

**Councilmember Poff:**

**Senior Citizen Luncheon:** This will be held October 14<sup>th</sup> at the Family Activity Center.

**Councilmember Lusk:**

**Emergency Preparedness Fair:** This will be held October 13, 2011 from 6:00 to 8:00 p.m.

**ADJOURNED:** Mayor Monroe adjourned the city council meeting at 7:22 p.m.

**APPROVED:** \_\_\_\_\_ Date 25 Oct 2011  
**Mayor: Jeff Monroe**

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**Transcriber: Michelle Clark**

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

**OCTOBER 11, 2011**  
**WORK/DISCUSSION MEETING PRIOR TO CITY COUNCIL**

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

Excused: Councilmember Scott Woodbury

Visitors: Tyler Brodrero, Josh Jensen, Rob Osborne.

Councilmember Thomas moved to open the work meeting. Councilmember Poll seconded the motion. Work meeting commenced at 5:32 p.m.

*Consent Agenda Items:* Mayor Monroe asked if there are any concerns with consent agenda (warrant registers or minutes). There were none.

*Resolution 11-26: A Resolution of Intent to Participate in the Great Utah Shakeout and Work Toward a Safer Community:* No issues. Councilmember Lusk indicated her understanding is the elementary school will be participating as well. Mayor Monroe encouraged the Council to participate.

*Resolution 11-28: Recertification of the South Weber City Justice Court:* Mayor Monroe stated according to Attorney Stephen Noel we are in compliance. Councilmember Poff asked if the city office is in compliance with the ADA for the court. Mayor Monroe said we have ADA access and bathrooms.

*Country Fair Days Report:* Kim Byram will give the report as the chair.

*Resolution 11-27: Conditional Use (Application #2011-01) High Mark Charter School and Final Plat for the High Mark Subdivision:* The public hearing will be combined since it is one resolution. Councilmember Poff asked if they should be on two separate resolutions to avoid problems in the event we subdivide the property and the school doesn't go through. Erika reported that she included both issues on one resolution because the two issues were intertwined and it would be difficult to separate the conditions that were given. She stated in order to separate the items into two resolutions she would need more time and assistance from the City Engineer to list the appropriate conditions to each resolution. She said this item came to the Council before she feels it was ready, as there were so many conditions applied. She indicated this goes against city policy but there were requests to bypass the policy. Mayor Monroe they are one and the same if they don't get approval for one the other will not be approved. Councilmember Thomas said we can "play it by ear."

*Other: Restroom at Canyon Meadows Park.* Rodger displayed the design plan that was provided by Jones and Associates. Rodger said staff brought three plans to the council (A, B, and C) and the council decided to go with the more inclusive plan (C). Rodger said the staff had considered working as the general contractor, however Weber Basin Job Corps can only do limited portions, such as framing and block work. A contractor will not want to bid for a partial project. We sent out to bid, with an estimate of \$90K; the lowest bid came back at approx. \$120K.. Rodger said staff tried to design as a train depot type building but also tried to keep the cost down. Awarding the bid for this item will be on a future agenda. Rodger said staff is now recommending going with a contractor because it will be warranted and done in a timely fashion. Staff is stretched too thin at this time.

*Water Tank:* Rodger said there was a problem causing the pumps to shut off early. It was thought that it was a problem with the electrical power, but that possibility has been eliminated so it is apparently a problem with the SCADA system. Rodger stated the final bills from Stapp and Staker should be received in a month or so. We need to look at repairing the voids under the old west end water tank. There are also water line issues at the west end. Councilmember Poff asked if the ditch has been vacated by the



ditch company. This information is not known. Mayor Monroe believes they want to keep the right of way.

*Resolution 11-27: Conditional Use (Application #2011-01) High Mark Charter School and Final Plat for the High Mark Subdivision (continued discussion):* Councilmember Poll said his family is not willing and is against any inference that they will put in a road to take traffic off of 2450. He said they weren't asked by anyone to include this on the plan. Councilmember Poll has a big problem with having to put the road in when they develop. He asked if the Planning Commission meeting minutes recommending approval are available for review. Erika stated that since the meeting was last Thursday, they have not yet been received from the transcriber.

Mayor Monroe said the road is on the master plan, but when it goes through we don't know. Councilmember Thomas said he was never in favor of the road going through. Rodger said it is a challenge to link the general plan to the school project. Councilmember Poll read the information from the Planning Commission which came directly from the general plan. Councilmember Thomas said this will not be part of the approval. Councilmember Poll said he is opposed to any reference or inference that the Polls will be responsible for this in the future. He said if they move it to the east of school, it takes away commercial property. He said the city deemed it was easier to put it on the Poll property. Councilmember Thomas said this a general plan issue and we don't have to do it, and we may need to change the general plan. Councilmember Poll said tonight's issue it is tied to this approval because it is assumed they (the Polls) are going to solve the problem.

Rodger said it is tied to the use of the west access of the school. If the west access disappears then there will need to be another. He stated it is also an issue of the general plan that says 2450 should connect to South Weber Drive, however it doesn't state on whose property it will be located. Councilmember Poll said the proposals currently show it going through the Poll property and this is the least logical due to slopes and unstable hill. There will be property issues as well, such as purchasing and getting rights of way. He suggested going through the detention basin. Mayor Monroe said the city discussed that with designers and it depends on how we work storm drain in the future.

Councilmember Poff said you are making a commitment for next council, but if it is in plan and his (Councilmember Poll's) is the only parcel, then it is an issue.

Other options and traffic issues were further discussed.

The work meeting adjourned at 6:00 pm. Work meeting minutes by Erika Ahlstrom.