

SOUTH WEBER CITY COUNCIL MEETING

DATE OF MEETING: 13 October 2009

TIME COMMENCED: 6:01 p.m.

PLEDGE OF ALLEGIANCE: Councilmember Woodbury

PRAYER: Councilmember Peterson

PRESENT: MAYOR

COUNCILMEMBERS:

Brent Petersen

Scott Peterson

Michael Poff

Farrell Poll

David Thomas

Scott Woodbury

CITY MANAGER:

Matt Dixon

CITY RECORDER:

Erika Ahlstrom

Transcriber: Minutes transcribed by Michelle Clark

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

VISITORS: Ruth Malan, Brandon Jones, Kyle Gorder, Jared Lancaster, Mark Loucks, Lindsay Mabry, and Bruce Nilson.

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

DECLARATION OF CONFLICT OF INTEREST: There was no conflict of interest declared by any council member.

CONSENT AGENDA:

- ◆ APPROVAL OF 22 SEPTEMBER 2009 COUNCIL MEETING MINUTES
- ◆ APPROVAL OF 29 SEPTEMBER 2009 COUNCIL WORK MEETING MINUTES
- ◆ APPROVAL OF 6 OCTOBER 2009 COUNCIL WORK MEETING MINUTES
- ◆ WARRANT REGISTER

Councilmember Peterson moved to approve the items on the Consent Agenda with the removal of the 29 September 2009 Council Work Meeting minutes. Councilmember Woodbury seconded the motion. Councilmembers Peterson, Poff, Poll, Thomas and Woodbury voted yes. The motion carried.

RESOLUTION 09-43: CONDITIONAL USE PERMIT FOR MODEL HOME AT SILVERLEAF ESTATES, LOT 33R, 2371 E. 8300 S./NILSON HOMES: Matt Dixon, City Manager, stated on September 2, 2009 Nilson Homes made application for both a temporary sales trailer and a model home at Silverleaf Estates. Matt indicated the Planning Commission recently approved a conditional use for the temporary sales trailer to the west of lot 33R until completion of the model home on lot 33R. The Planning Commission has recommended approval of the model home.

Councilmember Peterson moved to open the public hearing for Resolution 09-43. Councilmember Woodbury seconded the motion.

Matt indicated the public hearing is scheduled for 6:10 p.m. It was only 6:05 at this time, and the applicant had not yet arrived.

Councilmember Peterson withdrew the motion to open the public hearing for Resolution 09-43. Councilmember Woodbury seconded.

HILL AFB ENVIRONMENTAL MANAGEMENT REPORT: OPERABLE UNIT 2 & AIR SAMPLING DATA UPDATE – Kyle Gorder: Kyle Gorder, representing Hill Air Force Base Environmental Management, approached the City Council. He stated three distinct areas of groundwater contamination from Hill AFB affect South Weber City. Those areas under management are designated “Operable Units”. Mr. Gorder stated his presentation will primarily focus on Operable Unit 2 & 4. Concerning Operable Unit 2 the mapped contaminant is trichloroethene (TCE). The source of contamination is historic on-base Chemical Disposal Pit 3. Treatment consists of: 1) a slurry wall surrounding the former chemical disposal pit, 2) groundwater extraction and treatment in the on-base source area and 3) off-base groundwater extraction and treatment. He stated the most recent assessment of the site shows that slurry wall and groundwater extraction are effective at preventing further contaminant escape. The area of off-base groundwater contaminant is decreasing. Mr. Gorder stated the next major assessment of this site is schedule for 2011. He stated data collected in 2009 supports the fact that the contamination is decreasing.

Mayor Petersen asked about the property known as the Petersen property right off of South Weber Drive and the possibility of whether or not the contamination would affect a park. Mr. Gorder said at one time there was discussion of a cemetery at the top of the hill, which would not be affected by the contamination; however, he would have to research information for a park in the area referenced. Mayor Petersen asked Mr. Gorder to send him the research on that.

Concerning Operable Unit 4, the source of contamination is primarily historic on-base Landfill 1. The mapped contaminant is trichloroethene (TCE). Other chemicals are present, but are within area of mapped TCE contamination at levels that require cleanup. Treatment consists of: 1) landfill cap to minimize contaminant release, and 2) groundwater collection and treatment from a series of horizontal drains. The most recent assessment of the site shows that monitoring at site may not be sufficient to track progress. Additional investigation is on-going along with installation of additional monitoring wells. Discussion took place regarding where the water goes. Mr. Gorder stated it goes through South Weber City’s sewer to Central Weber.

Mr. Gorder explained the changes in groundwater treatment process for Operable Unit 2. He stated the Record of Decision, a legal agreement between Air Force, Environmental Protection Agency, and State Department of Environmental Quality, required groundwater treatment by separation, steam stripping, and air stripping. He explained that separation allows oily material to separate from water. Steam stripping allows removal of contaminants from groundwater using induced steam. Air stripping allows removal of contaminants from groundwater using induced air stream. The treatment process has changed to remove separation and steam stripping because no additional oily material can be recovered. Air stripping alone can achieve required treatment objectives. Mr. Gorder explained a change to Record of Decision documents in an "Explanation of Significant Differences" document. The goal is to provide to the public an explanation of modification. He stated both State and Federal regulators have agreed with the proposed change. The final document is scheduled for October 28, 2009.

Mr. Gorder explained that indoor air sampling is offered at least annually to residents living over or near areas of contaminated groundwater. A total of 19 homes are sampled. Possible contaminants were detected in 5 homes (all below "action level"). There were no contaminants detected in the remaining 14 homes. Historic results include: 1) 48 homes sampled. 2) 5 homes above action level, 4 of these have vapor removal systems. 3) Possible contaminants detected in 18 homes at levels below action level., and 4) No contaminants detected in remaining 25 homes.

Matt reviewed the map of areas that the city is most concerned with. He reviewed OU2-36, located by the Grubb home, and the information that has been provided by B. Hall, of Hill AFB, to the city. Matt said there is now a format in place that the city can refer to.

Councilmember Poff asked if the recent increase in the sewer rates impacts the agreement Hill AFB has with the city regarding putting water into the sewer system. Matt said he will look into this.

Councilmember Peterson moved to open the public hearing for Resolution 09-43. Councilmember Woodbury seconded the motion. Councilmembers Peterson, Poff, Poll, Thomas and Woodbury voted yes. The motion carried.

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

RESOLUTION 09-43: CONDITIONAL USE PERMIT FOR MODEL HOME AT SILVERLEAF ESTATES, LOT 33R, 2371 E. 8300 S./NILSON HOMES:

Mayor Petersen asked if there was any public comment. There was none.

Councilmember Peterson moved to close the public hearing for Resolution 09-43. Councilmember Woodbury seconded the motion. Councilmembers Peterson, Poff, Poll, Thomas and Woodbury voted yes. The motion carried.

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

Councilmember Poff asked about the time frame for removal of the sales trailer if the model home isn't completed. Matt said the sales trailer is temporary, for a period no longer than one year.

Councilmember Peterson moved to approve Resolution 09-43 Conditional Use Permit for a Model Home located at 2371 East 8300 South (Lot 33R, Silverleaf Subdivision, Phase 3) for Nilson Homes subject to the following conditions:

1. The lighting plan shall be residential and focused on the home.
2. The hours of operation shall be 1:00 p.m. to 7:00 p.m. Monday – Friday and 10:00 a.m. to 5:00 p.m. on Saturday.
3. The model home shall be used as a temporary real estate sales office for the sale of building lots or residences within Silverleaf Estates Subdivision and shall not be used for a general real estate office (SWC Code 10-7J).
4. All applicable City, County and State licenses shall be secured prior to opening for business.
5. The conditional use permit will be valid for a period of one year from the date the model home is open for business.
6. The applicant shall comply with all conditions set forth in SWC Code 10-7J.
7. The uses and conditions prescribed in the conditional use permit shall be implemented within one year from date of issuance (SWC Code 10-7-10).

Councilmember Woodbury seconded the motion. Erika called for the vote. Councilmembers Thomas, Peterson, Woodbury, Poff, and Poll voted yes. The motion carried.

ORDINANCE 09-12: AN ORDINANCE AMENDING TITLE 3 BUSINESS AND LICENSE REGULATIONS:

Councilmember Poff asked if something is going to be added for rentals regarding notifying property owners when a renter does not pay city utilities. Councilmember Thomas stated that this is a policy not an ordinance issue.

Councilmember Peterson moved to open the public hearing for Ordinance 09-12. Councilmember Woodbury seconded the motion. Councilmembers Peterson, Poff, Poll, Thomas and Woodbury voted yes. The motion carried.

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

Mayor Petersen asked if there was any public comment. There was none.

Councilmember Poll moved to close the public hearing for Ordinance 09-12. Councilmember Peterson seconded the motion. Councilmembers Peterson, Poff, Poll, Thomas and Woodbury voted yes. The motion carried.

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

Councilmember Peterson moved to approve Ordinance 09-12 An Ordinance Amending Title 3 Business and License Regulations. Councilmember Woodbury seconded the motion. Erika called for the vote. Councilmembers Woodbury voted yes. Councilmember Poff voted no. Councilmember Poll, Peterson, and Thomas voted yes. The motion carried 4 to 1.

RESOLUTION 09-44: AMENDED CONSOLIDATED FEE SCHEDULE: Substantive changes are as follows in order of appearance in fee schedule:

Chapter 1: Property Plat Research for Public Notice Labels – This is a service the staff will offer for the convenience of applicants (developers, conditional use permit applicants, etc.) if they do not want to do this research themselves or go to the county for this information.

Public Works Standards – Cost increased due to new standards that were adopted consisting of more pages. Not cost prohibitive because this information is available for free on the city's website, or for \$5 on a CD.

Asterisks have been added to items that are available on website. Most applications and forms are available on the website, and can be provided on a CD for \$5 if desired.

Chapter 7: Business License Fees – Fees were discussed along with amendments to City Code regulating business licensing. Changes reflect recommendations of Council.

Chapter 11: Court Fees – Provided by Court Clerks to reflect current county fees.

Chapter 14: Garbage Deposit – Clarified deposit is required for Rental Units and properties not connected to City water in accordance with RES 09-010.

Chapter 17: Vacation of Street... - Reduced fee due to change in Utah code required less number of public notices.

Chapter 21: Sewer Fees – Deposit information added.

Chapter 22: Water Rates – Changes reflect tiered water rates increase approved by RES 08-40, effective October 1, 2009. Also, deposit clarification added.

Chapter 23: Utility Fees – Deposit information added.

Councilmember Woodbury moved to approve Resolution 09-44 with the amendment to reduce the fee to rent the South Weber Civic Center for South Weber residents from \$10 for each additional hour to \$5 for each additional hour. Councilmember Peterson seconded the motion. Erika called for the vote. Councilmembers Peterson, Poff, Poll, Thomas and Woodbury voted yes. The motion carried.

RESOLUTION 09-45: ADOPTION OF EMERGENCY OPERATIONS PLAN:
Councilmember Peterson moved to approve Resolution 09-45. Councilmember Woodbury seconded the motion. Erika called for the vote. Councilmembers Peterson, Poff, Poll, Thomas and Woodbury voted yes. The motion carried.

Councilmember Woodbury thanked Councilmember Peterson and Emily Thomas, Deputy City Recorder, for all their help to coordinate the completion of this plan. Mayor Petersen said he would suggest a commendation to Emily. He added that this is an amazing document.

RESOLUTION 09-46: RESOLUTION COMBINING VOTING PRECINCTS, DESIGNATING POLLING PLACE, AND APPOINTING POLL WORKERS FOR 2009 MUNICIPAL GENERAL ELECTION: Councilmember Woodbury moved to approve Resolution 09-46. Councilmember Poll seconded the motion. Erika called for the vote. Councilmembers Peterson, Poff, Poll, Thomas and Woodbury voted yes. The motion carried.

PURCHASE ORDER #1590: GEOTECH STUDY FOR WATER RESERVOIR #4:

Councilmember Poff said is not in favor of spending this type of money for a geotech study at this time. He would like more time to research and get more information. Matt said he talked to the city administrator at Syracuse concerning their pump. He thinks the issue here is water storage. Matt isn't sure how we can use a new well or pump system to get around the State water storage requirements. Brandon Jones, City Engineer, said we try to use as much Weber Basin Water as we can because we pay for it. He said you can't use a water right as water storage.

Mayor Petersen asked Brandon for his recommendation. Brandon recommended moving forward and feels the time has been spent to investigate this extensively. He said elevation is available to the city right now. He doesn't see many other places that wouldn't need geotech studies as well. Brandon stated there are water storage needs right now. He said the geotech would be a two phase process. The first phase would be to get everything from the site and the supply line on the south side of the hill looks great; however, there are considerations on the north side of the hill. He said the distribution line down the hill would be the second phase. Brandon said part of the reason to get this going now is to beat the bad weather. Matt said we have been looking at this since 2005.

Councilmember Thomas moved to approve P.O. #1590 to Y² Geotechnical for geotech study for water reservoir #4 in the amount of \$17,994. Councilmember Peterson seconded the motion. Erika called for the vote. Councilmembers Peterson, Poff, Thomas and Woodbury voted yes. Councilmember Poff voted no. The motion carried 4 to 1.

PURCHASE ORDER #1591: SURVEY FOR WATER RESERVOIR #4

Councilmember Thomas moved to approve P.O. #1591 to Hansen & Associates, Inc. not to exceed \$10,000 for the survey for water reservoir #4. Councilmember Peterson seconded the motion. Erika called for the vote. Councilmembers Peterson, Poll, Thomas and Woodbury voted yes. Councilmember Poff voted no. The motion carried 4 to 1.

PURCHASE ORDER #1592: \$20,000 GAME TIME FOR CANYON MEADOWS PARK

Matt stated this purchase order will pay for Great Western to install the play ground and surfacing – 12 inches of wood chips. The equipment is scheduled to arrive the first week of November 2009.

Councilmember Thomas moved to approve P.O. #1592 to Game Time for Canyon Meadows Park playground up to \$20,000. Councilmember Poff seconded the motion. Councilmembers Peterson, Poll, Thomas and Woodbury voted yes. Councilmember Poff voted no. The motion carried 4 to 1.

MAYOR'S ITEMS:

Work Meeting: Councilmember Woodbury moved to cancel the work meeting on October 20, 2009. Councilmember Poll seconded. Councilmembers Peterson, Poll, Poff, Thomas, and Woodbury voted yes. The motion carried.

COUNCIL ITEMS:

Councilmember Poll:

Christmas Dinner: Councilmember Poll received the bid from Iron Gate for the Christmas dinner. He will send information to Matt.

Councilmember Poff:

Impact Fees Current: Councilmember Poff feels if we are moving forward with the water rate increase of \$8 a month, we need to get the impact fees current. He also feels Hill AFB would need a rate increase if they are dumping water into our sewer system.

Emergency Evacuation for South Weber Elementary School: The school recently held an emergency evacuation. The children leave the school and go down 1250 East then east on South Weber Drive to the LDS Church.

Councilmember Peterson:

Citizen Corp Council Meeting/Emergency Operation Plan: He stated a Citizen Corp Council Meeting has been scheduled for October 22nd at 5:00 p.m. at the Fire Station.

Councilmember Thomas:

State Retirement Program: How will it impact South Weber as to whether or not to go to a contributory plan instead of a fixed benefit plan. Matt has discussed this with the Utah League of Cities and Towns. He said they have limited the amount annually that can be increased.

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

APPROVED: _____ Date 27 Oct 2009
Mayor pro tem: Michael Poff

Transcriber: Michelle Clark

Attest: _____
City Recorder: Erika Ahlstrom

OCTOBER 13, 2009
WORK/DISCUSSION MEETING PRIOR TO CITY COUNCIL

The work session commenced at 5:36 p.m.

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

REVIEW OF AGENDA ITEMS:

Silverleaf Model Home: In regard to conflict of interest, Councilmember Poff indicated he is not longer under contract with Nilson Homes.

Consolidated Fee Schedule: Councilmember Peterson said he recommends lowering the Civic Center fees. He asked about the state surcharges referenced in the court fees.

Court Fees State surcharges. Matt don't think case on city ordinances. Thomas if unique city ordinance? Matt look into. If needs to be leave.

Football will be added when we get the final numbers.

Poll cc used to have same benefits for FAC as staff. Poff when we built cc was exempt because didn't want to show favors. Then changed. Poff family would like to use. Public outcry? No if do family you are contributing.

Work meeting adjourned at 5:57 p.m.

Work meeting minutes by Erika Ahlstrom.