

SOUTH WEBER CITY COUNCIL MEETING

DATE OF MEETING: 8 November 2011

TIME COMMENCED: 6:03 p.m.

PLEDGE OF ALLEGIANCE: Councilmember Lusk

PRAYER: Councilmember Thomas

PRESENT: MAYOR: Jeff Monroe

COUNCILMEMBERS: Michael Poff
David Thomas
Scott Woodbury
Sara Lusk
Farrell Poll

CITY MANAGER: Rodger Worthen

CITY RECORDER: Erika Ahlstrom

Transcriber: Minutes transcribed by Michelle Clark

5:30 p.m. *CITIZEN REQUEST: Heather Arnell; Discussion of City's Involvement in Utilities Abatement Program for Military Families*

REVIEW WARRANT REGISTERS & REVIEW AND DISCUSS AGENDA

VISITORS: Frank Harris, Gayla Harris, Jeannett Espinoza, Randy Edwards, Jesse Edwards, Heather Arnell, Duane Westbroek, Cheryl Strong, Rorie Stott, Ben Smith, Michelle Smith, Bob Flinders, Dave Fell, Randy Hilton, Bert Sheffer, Chris McGarry.

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

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

CONSENT AGENDA:

- ◆ Approval of 18 October 2011 Work & Special City Council Meeting Minutes
- ◆ Approval of 25 October 2011 City Council Meeting Minutes

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

EAGLE SCOUT PROJECT PROPOSAL – B J Smith: Ben “BJ” Smith, 7957 S. 2250 E., approached the City Council and stated he is currently working on his Eagle Scout project. He would like to redo the city sign across the street from City Hall. He has gathered information concerning the cost and estimates it to be approximately \$3,000. It will need a steel bar under it to help support it. He contacted Carl Bastian, of South Weber, who is willing to donate his time and help in supporting it. He would like to contact local businesses for donations. He stated currently as you drive into South Weber, there are no signs welcoming individuals to the city. The council asked who owns the property. Erika stated that parcel belongs to Weber Basin Water. Councilmember Thomas stated he would like to see a welcome sign as individuals enter the city. Councilmember Poff stated the sign could be moved. The council liked the design submitted by BJ. Councilmember Poll stated the council has discussed a sign welcoming individuals with possible round-about etc. The council directed the city staff and Councilmember Woodbury to work with BJ. It was decided that the city could collect the money from individuals who would like to donate to the project. Mayor Monroe discussed individuals making donations on their city bill. Councilmember Woodbury complimented BJ on his ingenuity. Councilmember Poff suggested BJ get an electronic copy of the city’s logo from staff. The council suggested changing the wording from “established” to “founded” on the sign. Councilmember Woodbury stated the council would like to see the rendering before it is made.

Councilmember Woodbury moved to give the city staff direction to help BJ Smith on his Eagle Scout Project. Councilmember Lusk seconded the motion. Councilmembers Poff, Poll, Lusk, Woodbury, and Thomas voted yes. The motion carried.

RESOLUTION 11-31: Requirement for Revised Improvement Plans for Old Pea Vinery Subdivision, 7432 S. 1900 East, developer Frank Harris: Rodger Worthen, City Manager, explained that the city is requesting the developer of Old Pea Vinery Subdivision to amend the improvement plans to show the actual location of the existing waterline and to show a new waterline being installed in the street.

Frank Harris, 7432 S. 1900 E., stated he has been trying to get two homes built on this property and has been running into problems. Mr. Harris discussed the city engineer’s interest in his property to help with the project up above. He feels this is a conflict of interest. Mr. Harris stated the city engineer contacted Mr. Vigil from UDOT. Mr. Harris then discussed the location of the waterline and stated when Rex Bouchard was Mayor he engineered the waterline when Kozier Hills subdivision was going in. He stated the waterline goes up just before you get to the canal. He stated the city came in later and installed the curb. The waterline runs just back of the curb. Mr. Harris stated at the preconstruction meeting Scott Hess, City Planner, stated the waterline needs to be in the right position. Mr. Harris stated after the city engineer returned from vacation, he decided the water line should be on the other side because it has to be under the pavement. He also said that he and nobody else knew it was on the east side. Mr. Harris stated a map of 2009 shows exactly where the line is. He stated he can’t find anything in the city standard that states the line needs to be under asphalt. Mr. Harris then referred to something his wife found in which Brandon Jones discusses the west end waterline project and states that the city needs to decide whether or not to put the line under asphalt because it is cheaper not too.

Rodger stated you have to take into consideration the fact that South Weber Drive will eventually be widened.

Mayor Monroe explained there have been other developers that come in and the city has requested the same of those developers.

Mr. Harris discussed discrepancies with the boundary lines of his property. He and his wife went to the county to look at the information they have.

Councilmember Thomas referred to 11-4-8D concerning water line management distribution lines. He then referred to city standard CS-02 concerning a typical road standard.

Councilmember Poll questioned why the line was put where it was by Mayor Bouchard. **Bob Flinders, 7486 S. 1900 E.**, stated Art Ukena installed the 1" line. He explained that at that time the line was on the edge of his property. He stated that line should have never been put there. He stated the city ordinance is current but they don't agree with what happened years ago. Councilmember Poll stated the point of having utilities in the street is so that private property isn't torn up when lines need to be maintained. Councilmember Poll understands Mr. Harris' concerns. He then discussed looking at what common sense is. He suggested the possibility of an easement with the city. Mayor Monroe stated the concern would be if the easement is wide enough.

Gayla Harris, 7432 S. 1900 E., stated every time they have attended meetings with the city (Preconstruction and Planning Commission meetings), it stated all utilities will run under the parkstrip. She explained that at the end of those meetings, they always completed the items requested of them. She stated they have discussed the location of the utility boxes with the city. She is concerned about whether or not the boxes can be moved. Mr. Harris discussed the Planning Commission's views. Mayor Monroe stated the Planning Commission is tied to the city ordinances. They can't make any variances. Mr. Harris feels the Planning Commission should have given their reasons why they shot it down.

Councilmember Poll discussed why utility boxes were put where they were. Mayor Monroe stated the city really doesn't have a say as to where they put those boxes.

Councilmember Thomas stated he keeps coming back to city standards and then he referred to 8-1-8. He stated it all comes back to the design standards for the public works.

Mr. Flinders stated the easement for those utilities are about 12 ft. wide. He asked when the city standard was put into place. He suggested defining whether or not it is an easement or right-of-way. Councilmember Thomas stated these standards were set in 2009. Rodger stated if the city were to go in and replace that waterline they would put it in under the asphalt and when a developer comes in the city standard requires the line to go under the asphalt. Councilmember Poll feels it is one thing if we are pushing the frontier, but this is two vacant lots that are located in an existing subdivision. Councilmember Thomas asked where they would put it. It was stated it is currently in the right-of-way, and would eventually be under the sidewalk.

Rodger stated the city staff will do what the City Council directs us to do, but it is ultimately the council's decision. He reminded those in attendance that there are other developers that have had to move lines.

Councilmember Poff asked if the Board of Adjustment can grant a variance for this subdivision, if the council denies this. Councilmember Thomas stated the city council is the only body to make a decision on such city standard.

Discussion took place concerning when the city would replace the rest of the line. Rodger stated it would depend on whether or not the line needs to be repaired.

Jeanett Espinoza, 564 W. 5225 S. Riverdale, stated the construction of her son's house has been put off and her parents, the Harrises, aren't rich. She feels they have done everything they can. She asked the city council to override the Planning Commission and move this forward. She stated her parents have lived in South Weber a long time and they are good citizens.

Rorie Stott, 7364 S. 1700 E., stated from the point of view of the Planning Commission, he doesn't think no matter how good you are, you can write a code that can conform to everyone. He stated that is why there is a body in place that can make the decision. He feels if it isn't broke then don't fix it. He feels there isn't a reason to move the line other than to conform to city code. He feels it can be done later, because if it is going to change, they really should change the whole block. As a citizen, he feels money should be spent elsewhere in the city. He stated the line is currently in the right-of-way.

Councilmember Thomas moved to grant a subdivision variance so that the line doesn't have to be moved under the asphalt, but can remain in place and that will comply with the public works standard. Councilmember Poll seconded the motion. Councilmembers Poff, Poll, Lusk, Thomas, and Woodbury voted yes. The motion carried.

Randy Hilton, 1785 E. 7600 S., stated the city has mentioned that other individuals have been required to move the line and wondered if a lawsuit could be brought to the city because of that. Councilmember Thomas stated this is a subdivision variance and time has elapsed for that individual.

WATERLINE PROJECT: Approval to Move Forward with Waterline Replacement Project at West End of South Weber Drive: Rodger stated the City Public Works Department has reported multiple water pipeline breaks for a section (approx. 1100 feet) of pipe from approximately 200 West to the City's western boundary with Riverdale City. According to the City Public Works director Mark Larsen, the pipe is either defective or the soil PH levels are too high for the type of pipe installed. These conditions have caused several line breaks each year for several years. Some segments of the water pipe are being repaired upon previous repairs. More importantly, the pipe line is a known leaker and a significant source of water loss for the community. Rodger said a leak detection company came out and was unable to pinpoint the location of the leaks because there are so many along the line. Rodger reported that one house is serviced by the line and it terminates at Kastle Rock Excavating. He would like to do this project this winter or early next year. This is reflected as project #1 on the overall waterline replacement plan that was provided to the council.

Project #1: South Weber Drive and approximately 200 West.

Project #2: Replace water line on 6650 South from Raymond Drive to 475 East.

Project #3: Replace water line on South Weber Drive from 6650 to 475 East.

Project #4: Replace water line on South Weber Drive from 475 East to Canyon Meadows Drive.

Rodger stated the costs for project #1 as provided by the City Engineer are estimated to be \$66,440 including contingency costs if the line can be placed outside of the asphalt surface of South Weber Drive. If the line cannot be outside of the asphalt area the cost increases to \$110,550. Monies for this replacement would come from three sources, 50% from remaining bond monies for the water tank & line improvements (approximately \$150,000 remains), 25% from the water fund, and 25% from water impact fee monies.

Councilmember Poff asked if this will solve the fireflow issue (on Raymond Drive). Rodger described how projects #2, #3, #4 would address fireflow. Councilmember Lusk asked how the city determines which project should be done first. Rodger said it is determined on the condition of the line and frequency of repairs. Councilmember Poff suggested looking the possibility of doing projects #1 and #2 to help address fireflow.

Rodger stated all of these lines are vastly undersized for current fire flow protection needs, are antiquated and in need of constant repair. No recent leak testing has been performed on these lines but City staff suspects there are leaks on these lines that lead to significant water loss. He stated the city doesn't have the money to do all of these projects right now; however, there are significant fire flow issues. Councilmember Poff is concerned about the fire flow issues. He stated there are lots of homes on Raymond Drive.

Councilmember Thomas clarified that projects #3 and #4 will provide better pressure for fireflow, which would total about \$500,000. It will take quite some time to accrue significant funding in the water fund.

Councilmember Lusk is concerned about taking away the money from the fire department. She said the city council had set aside funds in the budget to save for the fire truck. Rodger said \$25,000 was set aside in the budget, but it was not figured to come from the remaining bond funds. Rodger asked if the council's priority is fire flow or leakage control. He will be researching ways to fund these other projects. Rodger reported the city has the funds to do project #1.

Councilmember Thomas moved to approve moving forward with waterline replacement at west end of South Weber Drive per recommendations of city staff. Councilmember Woodbury seconded the motion.

Discussion followed.

Councilmember Thomas moved to withdraw his previous motion and table the waterline replacement at the west end of South Weber Drive until city staff can research how to fund all the projects. Councilmember Woodbury seconded the motion.

Further discussion ensued on prioritization of projects, funding and fireflow issues. Rodger said he agrees with Councilmember Poff's suggestion to look at designing at bidding out both projects #1 and #2 and see what comes back.

Councilmember Thomas moved to withdraw his previous motion and to direct city staff to move forward with design and bidding out of the waterline replacement at west end of South Weber Drive (project #1) and project #2 6650 South from Raymond Drive to 475

East. Councilmember Poll seconded the motion. Councilmember Thomas, Lusk, Woodbury, Poff, and Poll voted yes. The motion carried.

NON-SCHEDULED DELEGATION:

Chris McGarry, 6366 S. Raymond Drive, lives in Heather Cove Subdivision where there is a fire flow issue. He is very concerned about this and would encourage the council to move forward with getting that taken care of.

MAYOR'S ITEMS:

City Christmas Dinner: This will be held on December 9th at 6:00 p.m. at Job Corp.

CITY COUNCIL ITEMS:

Councilmember Poff:

Youth Council: The Youth Council is currently conducting a Food Drive at South Weber Elementary School.

Breakfast with Santa: This will be held on December 17th.

Senior Luncheon: This will be held on December 9th.

Councilmember Lusk:

Voting: She thanked everyone who voted and wished all the candidates good luck.

CITY MANAGER ITEMS:

8200 South Project: Rodger stated this project is almost completed.

County Storm Drain Developers: Looking at project to take water off the top of the hill. He is working on this with Davis County and the developers.

ADJOURNED: Councilmember Thomas moved to adjourn the City Council meeting at 7:51 p.m. Councilmember Poll seconded the motion. Councilmembers Poff, Poll, Lusk, Thomas, and Woodbury voted yes. The motion carried.

APPROVED: _____ **Date** 13 Dec 2011

Mayor: Jeff Monroe

Transcriber: Michelle Clark

Attest: _____
City Recorder: Erika Ahlstrom

NOVEMBER 8, 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, Scott Woodbury, City Manager Rodger Worthen, City Recorder Erika Ahlstrom, City Engineer Brandon Jones.

Visitors: Heather Arnell, Frank Harris, Gayla Harris.

Councilmember Woodbury moved to open the work meeting. Councilmember Poll seconded the motion. Work meeting commenced at 5:30 p.m.

Citizen Request Heather Arnell for Utility Abatement for Military Families: Heather Arnell addressed the City Council, stating the military provided her with information about the Utah cities that have utility abatement policies (as of July 2011) for military families whose members who have been deployed. Heather apologized for her emotional state, informing the council that her husband was deployed today; he is in the Air Force National Guard. Heather stated that there are only two cities that are not involved in such a program – Clinton and South Weber. Some produce their own utilities, so their involvement is different. The document Heather provided shows the amount of abatement (percentage or set amount); some require that they turn in their deployment orders, and some only provide the abatement if the person deployed is the head of household. Heather said when she initially called the city about this, she had been told there have been others who have made the same request.

Mayor Monroe recommends participating in an abatement program. However there is a caveat in that sometimes the orders are given, then the person ends up not being deployed but they continue to get the benefit. Heather stated the original orders would include the coming home date, unless they get new orders or extension of orders.

Councilmember Woodbury said he supports the abatement and it should be 100% of the bill. Councilmember Poff agreed it should be for the whole city bill.

Councilmember Poll is concerned about the funds the city expends on behalf of citizens for the sewer district and Wasatch Integrated. He would support abatement for those utilities the city controls. He wonders what other cities do as far as outside costs. Mayor Monroe offered to call Lance at Central Weber Sewer District to see if they participate in the abatement program. Mayor Monroe said the Council cannot act on this right now and it needs to be put on a future agenda.

Heather said she is not looking for a handout, and she realize the city pays for services to other entities. Rodger said part of the sewer fee on the bill goes to the city, and part goes to the sewer district, so in essence the city would be paying for the residents' portion of the fee to the sewer district.

Councilmember Poff informed Heather that the Fire Department will give her husband an escort and set up flags when he comes home, so he asked that she contact the City when the time comes near.

Erika asked if the abatement is approved, how will the city address overages in water use; Mayor Monroe said it would still be 100%.

The recommendation from Mayor Monroe is abatement of 100% of the city bill with a copy of the deployment orders, and they should contact the city every quarter even if the orders say they are away longer. Councilmember Poll added that it will be the resident's responsibility to inform the city when they return, or they may be requested to reimburse the city. Erika will draft a resolution and this item will tentatively be scheduled for the December 13 agenda.

Consent Agenda Items: Mayor Monroe asked if there are any concerns with consent agenda (warrant registers or minutes). Councilmember Poff asked if the warrant register reflects the final payment to Stapp Construction. Rodger said final payments have been made to Stapp. He reported there are a few items left to review before the Staker Parson final payment.

Eagle Scout Project: BJ Smith discussed coming to the Council with Mayor Monroe. Erika said BJ will be proposing the replacement of the rock sign across the street from City Hall.

Resolution 11-31 Requirement for Revised Improvement Plans for Old Pea Vinery: Rodger stated that Attorney Steve Noel's letter summarized the issue at hand. Rodger said the Council approved the subdivision in July, then at the preconstruction meeting in August, public works director Mark Larsen discussed that the subdivision's original set of plans showed the culinary waterline on the west side of 1900 East, but that is actually the secondary waterline. The developer's contract Shaw Construction told the city the waterline is on the east side and actually behind the proposed curb and gutter for development. The City informed the developer that the waterline needed to be relocated so it would be in the road, as per City Standards. Rodger said that subsequent discussions resulted in Mr. Noel's letter. Rodger reported the developer's engineer submitted a new set of plans showing the actual location of the waterline, but did not show the relocation of the waterline in the road as was requested.

Frank Harris said the waterline goes up to Shay Lane. He said at the preconstruction meeting it was his contractor Eddy Shaw that realized the waterline was on the east side. Frank said when they went through the process they were told they passed all requirements, except that was wrong. He indicated that Mr. Hess (Scott Hess, City Planner) said the only thing they should have to do is go back and draw the waterline in correct position. Rodger said they did this, but the drawings did not show relocation of the waterline per city standard. Rodger said the new drawings also eliminated the park strip and keeps the utility boxes in their current locations. He said the sidewalks should be increased to 6 feet because we didn't approve 4 feet. Rodger said after discussions with attorneys, the same two options that have always existed are available – to change the plans to show the new waterline relocated in the street, keeping all other elements the same; or go through the approval process again. The city has offered to make some calls regarding the utility boxes.

Councilmember Poll asked how long the waterline has been in this location. Rodger has been told that the line was put in by Mayor Bouchard in an arbitrary location. Councilmember Poll asked about the utility boxes; Rodger said we may be able to make calls as they tend to work with municipalities. Councilmember Poll asked if the corner view is not an issue. Rodger said there is no line of sight issue.

It was discussed that this is a precedent setting issue. Rodger said the developer's engineer didn't do his job, and the standard is the line is to be in the road.

Gayla Harris said according to city code the line has to be in the area and has to be adequate.

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