

SOUTH WEBER CITY COUNCIL MEETING

DATE OF MEETING: 12 November 2013

TIME COMMENCED: 6:00 p.m.

PLEDGE OF ALLEGIANCE: Councilmember Poll

PRAYER: Councilmember Hilton

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

*A PUBLIC WORK MEETING was held at
5:30 p.m. to REVIEW AGENDA ITEMS & WARRANT REGISTER*

VISITORS: Troop #233, Scott Casas, Marlene Poore, Tammy Long, Jeff Judkins, Jayon Reeve, Matthew Stepley, Cooper Poll, Doug Clay, Casey Gray, Perry & Amy McCorkle, Calvin & Barbara Kap, Jared Johnson, Keith Kap, Cathie Soutas, Mark Dayton, Layne Kap, Lyle Jorgensen, and Chris Poll.

Mayor Monroe welcomed those in attendance including Troop #233.

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

CONSENT AGENDA:

♦ Approval of 22 October 2013 City Council Meeting Minutes

Councilmember Poff moved to approve the consent agenda. Councilmember Thomas 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.

CANVASS – 2013 MUNICIPAL GENERAL ELECTION: The City Council reviewed the 2013 canvass.

Councilmember Thomas moved to approve the 2013 canvass for the Municipal General Election to declare Tammy P. Long as the candidate who sought election to the office of Mayor, and Marlene Poore, and Scott R. Casas as the candidates who sought election to the office of City Council within the board’s jurisdiction, who had the highest number of votes, and who are thereby elected for Mayor and Councilmember seats respectively for the term 2014-2018. Erika called for the vote. Councilmember Gertge seconded the motion. Councilmembers Gertge, Hilton, Poff, Poll, and Thomas voted yes. The motion carried.

Councilmember Thomas moved to open the public hearing for Ordinance 13-17. Councilmember Poll seconded the motion. Councilmembers Gertge, Hilton, Poff, Poll, and Thomas voted yes. The motion carried.

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

ORDINANCE 13-17: An Ordinance Amending Title 10 Zoning Regulations Chapter 9 Sign and Lighting Regulations Rodger Worthen, City Manager, stated this ordinance addresses the outdated regulations (i.e. political signs and location) and adds regulations for billboards. The city currently has six signs located within the city limits. There is also a minor change concerning political signs that will benefit the operations of campaigning.

Rodger stated the Planning Commission held a public hearing for this ordinance on September 26. Representatives from YESCO and Reagan Signs attended this hearing and expressed some concerns about the impact the draft ordinance had on their current signs that are located in South Weber, mainly portions of the proposed ordinance would have brought the existing signs out of compliance. Subsequently, staff met with these representatives to address their concerns and have made the necessary changes in the ordinance. The sign companies have been provided with a copy of the proposed ordinance and they are in agreement with what is presented. The Planning Commission recommended approval of Ordinance 13-17 on October 24.

Councilmember Thomas asked about the changes to digital billboards. Rodger explained digital signs are monitored around the clock including the brightness etc. Councilmember Thomas asked about the time frame of midnight and 6 am. for the digital face being frozen on one message. He asked if there is a reason for this. Rodger responded these hours are sent in the event the sign is near a residential area it would be less intrusive.

Jared Johnson, of YESCO, said he worked with the city staff and Planning Commission concerning the amendments to the ordinance. He explained the definition of a curfew. He said that would apply to a sign within a certain distance from a residential area. He said there are no signs within that distance at this time, but the ordinance does allow for signs to be moved as property develops. He said at night the light for a digital sign will illuminate less light verses the spotlights on a non-digital sign.

Concerning the Highway 89 corridor, the City Council discussed billboards being permitted in any non-residential zoning district along the Highway 89 corridor, within 200’ of the Highway centerline, measured to the billboard pole. The Council was in agreement that the 200’ should be amended to 300’, as was recommended by the Planning Commission.

Councilmember Thomas moved to close the public hearing for Ordinance 13-17. Councilmember Hilton seconded the motion. Councilmembers Gertge, Hilton, Poff, Poll, and Thomas voted yes. The motion carried.

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

Councilmember Thomas moved to approve Ordinance 13-17 including the amendment from 200 ft to 300 ft. regarding Highway 89. Councilmember Hilton seconded the motion. Erika called for the vote. Councilmembers Gertge, Hilton, Poff, Poll, and Thomas voted yes. The motion carried.

EASTON VILLAGE FENCING REQUIREMENT – Layne Kap

Layne Kap, representing Easton Village Subdivision, approached the City Council. He said when they went through Phase 1 he was told they wouldn’t be required to fence the north side of Lester Street. Layne claims that Brandon Jones, City Engineer, told him he doesn’t think it needs to be fenced considering there is a reasonable barrier. Mr. Kap referenced Section 11-4-13 which is as follows:

11-4-13: FENCING:

A. Bordering Agricultural Land: Where land used for agricultural purposes lies adjacent to a subdivision, a six foot (6’) high fence is required between the subdivision and the agricultural land. The purpose of the fence is to provide a reasonable barrier so that residents of, or visitors to, the subdivision are not inadvertently exposed to the dangers of the farm or livestock. Fencing required under this provision is not for the purpose of keeping livestock out of the subdivision. Responsibility for keeping livestock contained on the agricultural property remains the responsibility of the owner of that livestock. After receiving a recommendation from the planning commission, the city council may require any type of fence that provides a reasonable barrier to humans. Required fences shall be installed entirely within the subdivision property unless a property line fence is agreed to by the owner of the adjoining agricultural property by written agreement signed by all property owners involved. Such agreement shall be provided to the city prior to final plat approval by the city council.

Rodger said the city engineer doesn’t have the authority to negotiate to change the ordinance. Rodger received a phone call from Mr. Dayton today concerning debris that is blowing from the construction site; he said a fence would prevent this from occurring. Councilmember Poff isn’t sure if this is the right forum to discuss this item or if it goes to an appeals authority. Mayor Monroe said the city council is not the appeal authority and there would be a standard that Mr. Kap would have to go through for an appeal. Councilmember Thomas said the ordinance does state, “the city council may require any type of fence that provides a reasonable barrier to humans”. He isn’t sure Lester Drive will keep individuals from the agricultural properties. Mr. Kap discussed children who walk through the field to get home from school because it is safer to use the field verses South Weber Drive. Mr. Kap said Phase 1 didn’t require a fence. Mr. Kap said at some point in the future that property will be developed and that 6 ft. chain link fence would come down. Councilmember Poff said he understands there is a certain amount of expectations and it does help individuals safeguard their agricultural property. He doesn’t know of any development that the city hasn’t required a 6 ft. fence between agricultural property. Mr.

Kap said he understands that but after sitting in a meeting with the City Engineer and city staff, and then they go through the process and now they are told they need a fence. Councilmember Thomas said the city engineer can give advice but he can't decide for us. Councilmember Gertge said the city council has to enforce the ordinance as read. Councilmember Hilton said as he looks at this, there are reasons why a fence would need to be installed on the west and north end of this property. Councilmember Poff asked if we don't require a fence, are we creating a situation for agricultural property owners to appeal?

Councilmember Thomas moved to deny the request to not install a fence. Councilmember Poff seconded the motion. Councilmembers Gertge, Hilton, Poff, Poll, and Thomas voted yes. The motion carried.

Chris Poll, 1077 E. South Weber Drive, discussed the sewer line and said their ground is about three feet below the road. He said the city needs to help protect the landowners surrounding the development. He feels this developer should already have street lights, etc. in place before building any homes.

Mark Dayton, 7325 S. 1550 E., also has land adjoining this property. He quoted from the 12 August 2012 City Council minutes in which Mayor Monroe stated he will have to follow ordinance regarding the fence. He said if Mr. Kap wasn't aware of it then why is his own company pulling back the dirt for a fence?

Lyle Jorgensen, 7420 S. 1025 E., said his property borders this subdivision. He asked why there is no fence installed where the road ends? Mr. Kap said he was waiting for this meeting.

Mr. Kap said the road was raised for the storm drain and not the sewer because property owners around them weren't cooperating with them. He met with Rodger concerning the fence on Lester. He discussed the installation of concrete barriers. Councilmember Gertge discussed putting temporary reflectors at the end of the road.

Marlene Poore, would like clarification on the appeal authority. Rodger said as per city ordinance, the appeal authority will be a land use authority attorney, who will be appointed by the mayor.

Lyle Jorgensen discussed a fire lane. He said there is no way a fire truck can get up on that road. Rodger said the fence will block off Lester Street.

MAYOR'S ITEMS:

Veteran's Day: Mayor Monroe said yesterday was Veteran's Day and he appreciates the Youth Council putting the flags up.

CITY COUNCIL ITEMS:

Councilmember Poff:

Youth Council: They recently held a food drive at South Weber Elementary School and High Mark Charter School. They also installed the flags for Veteran's Day. He said there are

about 15 flags that might need some repair. He suggested putting in the newsletter if anyone would like to donate a flag. Mayor Monroe suggested taking an inventory and possibly put flag replacement in the budget. Councilmember Poff suggested having scout troops sign up to put up and take down the flags. Councilmember Gertge asked if Councilmember Poff would let the Youth Council know how much we appreciate them. Councilmember Poff also suggested installing a flagpole at every city park.

CITY MANAGER ITEMS:

Newly Elected Officers: He suggested the newly elected officers schedule a time to meet with the city staff for training.

ADJOURNED: Councilmember Poff moved to recess the City Council meeting at 6:49 p.m. for five minutes and then enter into a closed executive session for the purpose of discussion of character, professional, competence, or physical or mental health of individual(s). Councilmember Gertge seconded the motion. Councilmembers Gertge, Hilton, Poff, Poll, and Thomas voted yes. The motion carried.

APPROVED: _____ **Date** 26 Nov 2013
Mayor: Jeff Monroe

Transcriber: Michelle Clark

Attest: _____
City Recorder: Erika Ahlstrom

**NOVEMBER 12, 2013
WORK/DISCUSSION MEETING PRIOR TO CITY COUNCIL**

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

Visitors: Scott Casas, Jared Johnson, Marlene Poore, Tammy Long, Scout Troop #233.

Councilmember Poll moved to enter into a work session. Councilmember Gertge seconded. Work meeting commenced at 5:35 p.m.

Consent Agenda and Warrant Register: Councilmember Hilton questions the fire expenditures for pants, coats, fire equipment, asking how frequent these purchases are made. Rodger responded that the department rotates the equipment out, purchasing two or three new sets every year. The “turnouts” need to be inspected and they have a recommended lifetime expectancy. The developer of Cottonwood Cove will reimburse the city for the street signs.

Ordinance 13-17 Amending Sign & Lighting Regulations: Rodger said the Utah League of Cities and Towns has been looking at electronic billboards over the last few years, and South Weber does not currently have a billboard ordinance. The council had been provided with a letter to Orem from the ACLU regarding political signs and freedom of speech.

Easton Village Fencing Requirement: Rodger said Layne Kap is coming in to dispute the need for him to put in a fence along the north boundary of Easton Village, as Mr. Kap believes the road is a sufficient barrier. The City Code requires a fence between developments and agricultural land. It was discussed that the end of Lester Drive needs to be taken care of.

Councilmember Gertge moved to go into the regular session. Councilmember Hilton seconded.

Work meeting adjourned at 5:54 p.m. Work meeting minutes by Erika Ahlstrom.