

# SOUTH WEBER CITY CITY COUNCIL MEETING

**DATE OF MEETING:** 18 April 2017

**TIME COMMENCED:** 5:00 p.m.

**PRESENT: MAYOR:**

Tammy Long

**COUNCILMEMBERS:**

Scott Casas  
Kent Hyer (arrived at 5:09 pm)  
Merv Taylor  
Jo Sjoblom  
Wayne Winsor

**CITY RECORDER:**

Elyse Greiner

**CITY MANAGER:**

Tom Smith

**Transcriber:** Minutes transcribed by Michelle Clark

**VISITORS:** Derek Tolman, Doug Ahlstrom, Mark McRae, Cole Fessler, Brandon Jones, Dana Shuler, John Grubb.

**Mayor Long called the meeting to order and welcomed those in attendance.**

**AGENDA:** Council Member Winsor moved to approve the agenda as written. Council Member Casas seconded the motion. Elyse called for the vote. Council Members Casas, Taylor, Sjoblom, and Winsor voted yes. The motion carried.

**CONFLICT OF INTEREST:** None

## **OPEN & PUBLIC MEETINGS ACT TRAINING; City Attorney**

Doug Ahlstrom, City Attorney, presented the Open and Public Meeting Act Training. He stated the Open and Public Meetings Act was enacted upon the premise that political subdivisions of the state exist to aid in the conduct of the people's business. As such, a public body, should deliberate and take action openly. He stated every meeting is open to the public unless closed under Sections 52-4-204, 52-4-205, and 52-4-206. The definition of meeting is as follows:

“Meeting” means the convening of a public body, with a quorum present, whether in person or by means of electronic communications, for the purpose of discussing, receiving comments from the public concerning, or acting upon a matter over which the public body has jurisdiction or advisory power. This includes a workshop or executive session of a public body, but does not include a chance or social meeting. An email is not a meeting so long as no decision is made.

The definition of “Public body” means any administrative, advisory, executive, or legislative body of the state or its political subdivisions that:

1. Is created by the Utah Constitution, a statute, rule, ordinance, or resolution;
2. consists of two or more persons;
3. expends, disburses or is supported in whole or part by tax revenue; and
4. is vested with the authority to make decisions regarding the public's business.

The definition of "Quorum" means a simple majority (greater than half) of the membership of a public body, unless otherwise defined by applicable law.

**Notice Requirements include:**

- Annual public notice of the date, time, and place of regularly scheduled board meetings.
- At least 24 hour public notice of the agenda, date, time and place of each of its meetings.
- The 24 hour public notice is satisfied by: 1. posting a notice: (a) on the front door of the office; and (b) either: (i) online at the Utah Public Notice Website (§ 63F-1-701); or (ii) by providing notice to at least one newspaper of general circulation or to a local media correspondent by means other than the Notice Website.

**Agenda Requirements include:**

- A public notice that is required to include an agenda must be specific enough to notify the public as to the topics to be considered at a meeting.
- Except for emergency meetings, a public body may not raise and consider a topic that is not listed under a properly noticed agenda.
- However, a topic not included on an agenda that is raised by the public during an open meeting may be discussed but no final action may be taken at that meeting.

**Minutes & Recordings of Open Meetings:**

- Except for site visits and field tours in which no vote or action is taken, written minutes and recordings must be kept of all open meetings.
- The minutes and recordings are public records, but minutes are the official record of action taken.
- Anyone in attendance can make their own recording unless it interferes with the conduct of the meeting.

**Written minutes and recordings must include:**

- a. the date, time and place of the meeting;
- b. the names of members present and absent;
- c. the substance of all matters proposed, discussed, or decided;
- d. a record, by individual member, of votes taken;
- e. the name of each person who is not a member who provided testimony;
- f. the substance of any testimony or comments by the public; and
- g. any other information any member requests to be entered

**Written minutes and recordings of an open and public meeting are public records as follows:**

- a. Written minutes that have been prepared in a form awaiting only formal approval by the public body are a public record.
- b. Written minutes shall be made available to the public within a reasonable time after the end of the meeting.

- c. Written minutes made available to the public before they have been adopted by the public body shall be marked “awaiting formal approval” or “unapproved” or some similar notice that they have not been formally approved.
- d. Public bodies are required to establish and implement procedures for the public body’s approval of the written minutes of each meeting.
- e. Written minutes are the official record of action taken at the meeting.
- f. A recording of an open meeting shall be available to the public for listening within three business days after the end of the meeting.
- g. Written minutes or recordings of an open meeting have a permanent retention schedule and need to be stored in/converted to a format that will allow long term preservation.

**Closed meetings are never required, but may be held provided:**

- a. a quorum is present;
- b. two-thirds of the members in a properly noticed open meeting vote to close the meeting;
- c. the only matters discussed in the closed meeting are those permitted in Section 52-4-205; and
- d. no ordinance, resolution, rule regulation, contract or appointment is approved in the closed meeting.

**The following must be publicly announced and entered on the minutes the open meeting:**

- the reason or reasons for holding a closed meeting;
- the location where the closed meeting will be held; and
- the vote by name, of each member of the public body, either for or against the motion to hold a closed meeting

**The purposes for closing a meeting are limited to:**

- discussion of the character, professional competence, or physical or mental health of an individual (excepting a person submitted for consideration to fill a midterm vacancy or temporary absence of an elected office);
- strategy sessions discussing: • pending or reasonably imminent litigation; • collective bargaining; • the purchase, exchange, or lease of real property if discussion would disclose property value or prevent the best possible transaction for the public body;...
- strategy sessions discussing: • the sale of real property if; – discussion would disclose property value or prevent the best possible transaction for the public body; – previous notice that such property will be offered for sale has already been given; and – the terms of the sale are publicly disclosed before sale approval; – deployment of security personnel, devices, or systems; and – investigative proceedings regarding allegations of criminal misconduct.

**Record of Closed Meeting:**

- Except where a sworn statement is required, a recording of the closed meeting is required and detailed written minutes may be kept.
- Recordings must be a complete and unedited record from commencement through adjournment of the closed meeting.

**The recording and any minutes of a closed meeting must contain:**

- the date, time, and place of the meeting;
- the names of members present and absent; and

- the names of all others present except where the disclosure would infringe on the confidentiality necessary to fulfill the original purpose of closing the meeting.

**Record of Closed Meetings Sworn Statements:**

- Instead of a recording, a sworn statement is required from the person presiding at a meeting if a public body closes a meeting exclusively for the purpose of: – discussing character, professional competence, or physical or mental health of an individual; or – discussing the deployment of security personnel, devices, or systems.

**Emergency Meetings:**

- When, due to unforeseen circumstances, it is necessary for a public body to hold an emergency meeting to discuss matters of an emergency or urgent nature, the notice requirements may be disregarded and the best notice practicable given (to include time, place, and topics to be considered).
- Before such a meeting is held an attempt must be made to notify all of its members and a majority must vote in favor of holding such a meeting.

**Electronic Meetings:**

A public body may not hold an electronic meeting unless it has adopted a resolution, rule, or ordinance governing the use of electronic meetings. Commerce R151-1-2 provides:

- Such meetings are permitted but may be limited based on budget, public policy, or logistical considerations.
- A director or designee may establish such meetings on his or her own initiative or acting upon a timely request (at least 3 business days prior) from a board member.
- A quorum of a public body is not required to be present at a single anchor location.
- Any number of separate connections are permitted unless limited based upon available equipment, etc.

**A public body convening or conducting an electronic meeting must:**

- give public notice under Section 52-4-202;
- post written notice at the anchor location(s);
- provide at least 24-hour notice to the public body, including how members will be connected, so members may participate in and be counted as present for all purposes;
- establish one or more anchor locations, at least one of which must be in the normal meeting location, and provide space and facilities so that interested persons and the public can attend, monitor, and participate; and
- provide space and facilities at the anchor location so interested persons and the public can attend, monitor and participate.

“**Electronic meeting**” means a public meeting convened or conducted by means of a conference using electronic communications.

“**Anchor location**” means the physical location from which an electronic meeting originates or the participants are connected.

“**Participate**” means the ability to communicate with all of the members of a public body, either verbally or electronically, so that each member of the public body can hear or observe the communication.

Discussion took place regarding being more specific with the agenda items. Doug recommend changing “Active Agenda” to “Business Agenda”.

**Voiding of a Public Meeting:**

- Final action in a meeting held in violation of the requirements for open, emergency, and electronic meetings is voidable in court.
- Lawsuits to void issuance of bonds, notes or other debt evidences must be filed within 30 days after the date of the action. All other suits to void action must be filed within 90 days.

**Criminal Penalty for Improperly Maintaining Records:**

Intentionally mutilating, destroying, or otherwise damaging or disposing of the record-copy of a record knowing it is in violation of the laws governing retention of the record is a class B misdemeanor, and the employee involved may be suspended or discharged from employment.

**Enforcement of Open and Public Meetings Act:**

- The attorney general and county attorneys are responsible for enforcement of the Open and Public Meetings Act.
- The attorney general is required on a least a yearly basis to provide notice to all public bodies of any material changes to the Open and Public Meetings Act.
- A person denied any right under the Act may bring suit to compel compliance with or enjoin violations or determine the applicability of the Act, and may be awarded attorney fees and court costs if successful.

**Action Challenging Closed Meeting:**

- In a lawsuit brought to challenge the legality of a closed meeting a court is required to review the recording or written minutes of the closed meeting in camera, and decide the legality of the closed meeting.
- If the court determines that the public body did not violate the Act regarding closed meetings, it must dismiss the case without disclosing or revealing the information from the recording or minutes of the closed meeting.
- If the court determines the public body did violate the Act regarding closed meetings, it must publicly disclose or reveal from the recording or minutes all information about the portion of the meeting that was illegally closed.

**Criminal Penalty for Closed Meeting Violation:**

A knowing or intentional violation or aiding or advising in the violation of the closed meeting provisions of the Open and Public Meetings Act is a class B misdemeanor.

Council Member Hyer discussed the public comment section of the agenda and stated sometimes it can be difficult to keep a time limit for someone. Doug said every City he has seen has limited public comment to three to five minutes per person. He said the Mayor can allow for a discussion on an item. Doug asked if the City Council has something they want to talk about and it is not on the agenda, should they talk about it. He said “no”. He said the Council is not supposed to bring up something that is not on the agenda.

**Council Member Hyer moved to adjourn the City Council meeting at 5:37 p.m. and go into a closed meeting as per UCA § Section 52-4-205(1) (a): discussion of the character, professional competence, or physical or mental health of an individual. Council Member Sjoblom seconded the motion. Elyse called for the vote. Council Members Casas, Hyer, Taylor, Sjoblom, and Winsor voted yes. The motion carried.**

**Council Member Sjoblom moved to reconvene the City Council meeting at 5:53 p.m. Council Member Taylor seconded the motion. Council Members Casas, Hyer, Taylor, Sjoblom, and Winsor voted yes. The motion carried.**

### **ACTIVE AGENDA:**

**Purchase offer for City owned property – Parcel #13-020-0054:** Tom stated Scott Cook approached the City about the purchase of parcel #13-020-0054 which is approximately 3.5 acres. Tom stated Tim Grubb has approached the City about taking back approximately 1/8 of an acre from Canyon Meadows Park that was donated by the Petersen family. Discussion took place regarding whether or not an appraisal should take place for parcel #13-020-0054. Tom said the offer extended to the City for this parcel is \$10,000. Tim Grubb stated when the Petersen family originally donated the parcels they asked for an extension of the open space until 2033. He said that was the intent but the language in the resolution wasn't clear at that time. He would like to have more clarity on the 20 year extension for open space. Mr. Grubb explained the parcel donation that was used in open space for the Petersen property density. Tom said Mr. Cook would like to use the property to grow hay. Council Member Casas asked why the City would sale the property. He wouldn't be opposed to leasing the property to Mr. Cook to farm the property. Brandon Jones said the City doesn't have an access easement up to the tanks at this location and it would be a great idea for the City to get an easement for that.

**Council Member Winsor to direct City staff to enter into a cooperation agreement with Scott Cook for Parcel #13-020-0054 and an easement for City access. Council Member Hyer seconded the motion. Elyse called for the vote. Council Members Casas, Hyer, Taylor, Sjoblom, and Winsor voted yes. The motion carried.**

### **Sewer Capital Facilities Plan and Impact Fee Facilities Plan**

Dana Shuler, of Jones & Associates, stated the South Weber City's sanitary sewer collection system was analyzed for compliance with State regulations. A model of the existing system was created to analyze current conditions and identify deficiencies. Then, estimated future flows were added based on the City's future land use map to identify where deficiencies will occur with development. Currently, based on the model, the sewer system is deficient in two (2) areas: on Canyon Drive between 1200 East and 1375 East, and on 1900 East between South Weber Drive and approximately 7550 South. Three (3) other areas are expected to become deficient as development occurs. Costs of projects needed to correct existing problems are used in the calculation of user rates. Costs of projects needed to accommodate future development are used in the calculation of impact fees. She said estimated cost of total projects is \$4,284,052. She then discussed the Equivalent Residential Unit (ERU) which is a term use to evaluate service

connection of non-residential users to residential users. She discussed the ERU and population estimates with build out at 2040. She reviewed the analysis information including the flows used in the analysis. She said they looked at peaking factors and time patterns. She said South Weber's sewer collection system is relatively new, and is therefore, likely, in good condition. This means that inflow and infiltration should be relatively low. However, as the system ages, infiltration are likely to become more relevant when modeling the system.

Dana reviewed the existing collecting system. She pointed out the areas in the D.R. Horton Subdivision and 1900 East that could have possible surcharging issues. Tom is concerned about how this happened when we are trusting other people. Brandon said there are ways to conduct inspections prior to a developer being finished with a subdivision.

Dana identified the existing system capacity needs and recommendations which are as follows:

- Project #1 – replacement of the 15-inch trunk line from 1050 E. Old Fort road to 1475 E. Canyon Drive with 18-inch sewer pipe. She stated during this study, it was found that a section of 15-inch trunk line on Canyon Drive near 1200 East was constructed with a nearly flat slope. This error in construction results in the model showing a significant reduction of that pipe's capacity. Several other sections of the trunk line in Canyon Drive show to be surcharged or have a d/D greater than 0.7. Therefore, replacement of the 15-inch trunk line from 1050 E Old Fort Road to 1475 E Canyon Drive with 18-inch sewer pipe is recommended
- Project #2 – replacement of the 12-inch trunk line on 1900 East between South Weber Drive and 7550 South with 15-inch sewer pipe. Dana said the model also shows surcharging occurring in the 12-inch trunk line along 1900 East between South Weber Drive and 7550 South. This line collects the majority of the system east of 1700 East, about 475 acres. This area of the City is largely built-out with moderate density, and the resulting peak flows reach the trunk line quickly. It is recommended that the 12-inch trunk line be replaced with a 15-inch sewer line for the 1,100 feet.

Council Member Casas discussed the regional natural gas pipeline that runs through South Weber City. He said this will add cost when the City eventually upgrades sewer lines. Brandon said that is a good point.

Future System Capacity Needs and Recommendations:

- Project #3 – Sewer line from South Bench, re-route Lester Drive to CWSID trunk line via 7240 S. Dana explained that when the south bench area (above the Davis and Weber Canal at approximately 1375 East) develops, the receiving sewer line will likely need to be rerouted in order to move the interception point on the trunk line further downstream. As it currently exists, flow from that area would follow 1375 East to Lester Drive, then to 1250 East and make its way to 1200 East at Old Fort Road. In this scenario, the lines in 1250 East and Old Fort Road would become overwhelmed. Therefore, it is recommended to divert flows from 1250 East westwards along Lester Drive, to 925 East, and eventually to 7240 South or 700 East. This project will help take the pressure off of the upstream section of the Old Fort Road trunk line. (See Exhibit 6) Alternatively, the sewer line could be installed in the proposed road that would tie into 1160 East. While this is a longer route, access, installation, and maintenance of the sewer line would be easier and likely less costly long-term.

- Project #4- Replace trunk line along Canyon Dr, 1700 E, and South Weber Dr, from 1475 East to 1900 East. Dana said upsizing the 15-inch trunk line to 18-inch from where Project #1 terminates and continuing eastwards to the intersection of South Weber Drive and 1900 East is need to accommodate future flows from the east side of the City.
- Project #5 – Upsize the 10-inch line along South Weber Drive to 2011 East to a 12-inch sewer line.

Dana reviewed the project costs for Project 1 through 5 with existing projects being a total of \$1,232,920 and future development being \$3,051,132.

### **FY 2017-2018 Budget**

Tom previewed the South Weber City FY 2017-2018 budget. He said the budget committees met last week. He said one change is the new operational and staffing model for the Fire Department. There are modification and adjustment to the procurement of the Public Works fleet. Along with 4 Capital and Class “C” road projects: I-84 overcrossing, Cottonwood Dr., Raymond Dr./Daniel Dr., and 1250 East reconstruction. Also, street fund to show chip & seal (new subdivisions) escrow funds release, and Public Works Facility Plan. He said the budget includes: new staffing model for front office, 3% employee merit increase, uniform program, Legislative Training & Conferences, 50 year celebration of the Fire Department, Participation in vote by Mail for 2017 municipal election, and removal of Knights Football Recreation Program. Established a Planning and Zoning Department, Impact Fee Transfers, CWSID 2% treatment fee increase, etc.

The Council discussed moving forward with the I-84 bridge hot patching. This will be added to the next agenda. Council Member Winsor discussed the fact that Mark Larsen was willing to postpone the purchase of a snow plow and put that money towards street repairs. Council Member Hyer discussed putting together a coalition for Cottonwood Drive and meeting with Mayor Flint from Uintah to discuss them helping with the cost to repair Cottonwood Drive.

The Council discussed prioritizing the following projects as follows:

1. 1250 East reconstruction
2. Cottonwood Drive
3. I-84 overcrossing (hot-patch only)
4. Raymond Dr./Daniel Dr.

The Council discussed moving forward with Projects 1-3. The Council discussed Council Member Winsor, Council Member Hyer, Mayor Long, and Tom will set up a meeting with Mayor Flint from Uintah to discuss getting help with the cost for Cottonwood Drive. Tom stated the bid for 1250 East will go out the first of May.

Council Member Winsor discussed the money in the budget for the Council to attend the Utah League of Cities and Towns Training. Training is held in St. George in the spring and in Salt Lake City in the fall. The Council will be hearing from Cameron Dills at the City Council work meeting in August.

**PUBLIC COMMENTS:**

Cole Fessler, 7233 S. 1700 E., commended Council Member Hyer for the efforts in really looking at the budget. He is concerned about taking that much money out of the budget for the road projects. He cautioned the Council on that. He then discussed Scott Cook continuing to farm three acres of property and just because he has been doing it, doesn't mean that is right. He suggested the Council take a step back and look at what is really happening here. He thanked the Council for doing a fantastic job.

**COUNCIL ITEMS:**

**Council Member Taylor:** He asked if the Davis County Sheriff's Department is going to submit a monthly report. Tom said he has discussed that with them.

**Council Member Casas:** He met with the Parks and Class "C" Road Funds Committee. He said the budget in Parks is growing faster than inflation.

**Council Member Sjoblom:** She reported that she will be going to Wasatch Integrated Waste to see how the cover is coming on Phase 5. Council Member Taylor would like to go as well. She reported that the Utilities Committee met last week.

**Council Member Winsor:** He reported that his budget committee met concerning the compensation salary survey. He said the committee did discuss the philosophy of developing a reserve on all the budget funds. He said they would like to establish a policy for that.

**MAYORS ITEMS:**

Mayor Long reported that Central Weber Sewer is looking at installing monitors. She discussed the possibility of having a food truck night at the park and ride in South Weber City.

**CITY MANAGER ITEMS:** Tom met with Davis County Sheriff's Department and they will be conducting a DUI check point on Memorial weekend. He met with Holly Williams to go over Country Fair Days. Pepsi will be making a donation to the City. Council Member Hyer discussed the donations coming in. He has been approached by an individual to bring back the Little Miss Pageant. He said there are concerns because of the lack of interest as well as the budget concerns with it. Council Member Hyer discussed concerns with the Monday night dinner. He said they are kicking around different ideas including food trucks, picnic in the park, etc. He said they have been working on putting together a committee of three or four to help with these events.

**Chief Tolman:** Chief Tolman said there was misinformation from last meeting from Chief Ward from Layton City. He said the actual response during daytime was 3 1/2 minutes. Evenings and weekends is 8 1/2 minutes. Layton City response time is average of 15 minutes. He said we had two times we waited over 20 minutes.

**ADJOURNED:** Council Member Taylor moved to adjourn the meeting at 8:48 p.m. Council Member Winsor seconded. Elyse called for the vote. Council Members Casas, Hyer, Winsor, Sjoblom, and Taylor voted yes. The motion carried.

**APPROVED:** \_\_\_\_\_ Date  
Mayor: Tammy Long

\_\_\_\_\_  
Transcriber: Michelle Clark

Attest: \_\_\_\_\_  
City Recorder: Elyse Greiner