

# **SOUTH WEBER CITY CITY COUNCIL MEETING**

**DATE OF MEETING:** 25 June 2019

**TIME COMMENCED:** 6:00 p.m.

**LOCATION:** South Weber City Office at 1600 East South Weber Drive, South Weber, UT

**PRESENT: MAYOR:**

Jo Sjoblom

**COUNCIL MEMBERS:**

Blair Halverson (excused)  
Kent Hyer (electronically)  
Angie Petty  
Merv Taylor  
Wayne Winsor

**CITY RECORDER:**

Lisa Smith

**CITY MANAGER:**

David Larson

**Transcriber:** Minutes transcribed by Michelle Clark

**ATTENDEES:** Aaron Leach, Josh Chandler, Quinn Prive, Gilbert Hafen, Myles Davis, Chad Olson, Nathan Olsen, Chad Olsen, Fred Cox, Trent Nelson, Jeff Clouse, and Joseph Cook.

Mayor Sjoblom called the meeting to order and welcomed those in attendance including Troop #633 and Troop #733.

Mayor Sjoblom excused Councilman Halverson from tonight's meeting.

**PLEDGE OF ALLEGIANCE:** Councilman Taylor

**PRAYER:** Mayor Sjoblom

**CONFLICT OF INTEREST:** None

**Approval for Councilman Hyer to Join the Meeting Electronically via Phone**

Councilman Winsor moved to approve Councilman Hyer joining tonight's meeting electronically via phone. Councilman Taylor seconded the motion. Mayor Sjoblom called for the vote. Council Members Petty, Taylor, and Winsor voted aye. The motion carried.

## **PUBLIC COMMENTS:**

Councilwoman Petty stated she received an email from Zachary Haugen, of 2342 E. 8100 S. concerning the discussion/review of broadband services on tonight's agenda. She stated Mr. Haugen is unable to attend tonight's meeting; therefore, Councilwoman Petty read Mr. Haugen's email to those in attendance. It read as follows:

*I won't be able to make it tonight, but if you could please pass this along to the council and mayor, I'd be appreciative.*

*South Weber is stuck with few internet and TV options. Most people either have Comcast or dish, as it's difficult to get a TV signal. So if most of us want TV, we have to pay for it. These companies that service our area know that and our bills reflect that. My bill with Comcast a little over 2 years ago was a little over \$80. For the same service now, its \$140 and they are unwilling to work with me on pricing. I can either drop my services down to minimal levels or pay the price they dictate. Even at minimum levels, my local TV and slower internet would be over \$60 per month.*

*Directly to the south of us in Layton they have fiber optic line and there is fierce competition that keep prices at around \$60 + tax for exactly what I'm paying for now, with even higher internet speeds as an option. In short, bringing fiber optic line to South Weber would save residents money. For me it would be about \$1k per year.*

*We are starting to get a few more businesses in South Weber as well and a modern infrastructure would help entice them and create a larger recurring tax base. Cities with better services attract higher property valuations and more tax revenue. The project would pay for itself over time, and I've heard that if enough of the city signs up for it, we could even get it installed at little to no cost. Even if we have to pay some to get it in place, it benefits everyone as we almost all now use (and pay for!) internet service.*

*Please give us more options! Let's open the market to more competition! It benefits virtually everyone in the city.*

*Thank you,*

*Zachary Haugen  
2342 E 8100 S  
South Weber, UT 84405*

### **Consider lawnmower purchase for Parks Department**

Mayor Sjoblom stated the Park Department has added more than 5 acres of parks just this year which brings the total area they mow each week to approximately 50 acres. The mowers are unable to get all the parks mowed each week.

Mayor Sjoblom revealed in the future the Parks Department would like to consider a lease on a large deck mower. The Parks Department budgeted \$40,000 for the purchase this budget year and have found an Exmark mower with a 96" deck on state contract for \$32,759.22. David Larson, City Manager, explained the intent is to consider a lease in the future, but tonight's agenda item is for approval of the Exmark mower.

Councilman Hyer wanted to know why the Parks Department chose this mower and wondered if they looked at other brands. David verified Zach looked at options, but that information is not currently available; however, he is willing to gather the data for the Council. Councilman Hyer replied it would be nice to understand the price value, warranty, etc.

**Councilwoman Petty moved to approve the purchase of the Exmark mower for \$32,759.22 for the Parks Department. Councilman Hyer seconded the motion. Mayor Sjoblom called for the vote. Council Members Hyer, Petty, Taylor, and Winsor voted aye. The motion carried.**



**RESOLUTION 19-30 Development Agreement for the Lofts at Deer Run in South Weber City at approximately 7870 S 2700 E by Sunset Development**

Mayor Sjoblom related the Lofts at Deer Run (originally known as Deer Run mixed use) is a new mixed-use development located on the south side of the canal off the frontage road in South Weber City by developer Deer Run Investments, LLC. This development offers a maximum of 74 residential units as well as approximately 28,000 sq. ft. of service oriented commercial space with shared parking.

Deer Run Investments, LLC expressed that to be comfortable enough to continue the development process, they need an approved development agreement to protect both their interests and the city's. They have agreed to build both residential and commercial at the same time, although they will likely build in phases so half the residential and half the commercial is done in unison. Most of the infrastructure will be done at the beginning of the process.

Councilman Hyer asked about the elevations and exterior. **Fred Cox, 4466 Duke Street, West Valley City, architect for the developer**, pronounced there is a commercial level facing the main street and two levels of residential above. He explained it will be office space with the possibility of a day care facility on the south end.

David Larson, City Manager, expressed that this developer has been working with City Staff for several months. He reminded the Council that tonight's discussion only regards the development agreement and if the Council is okay with the requirements outlined then the rest of the process will move forward in the usual manner. He reiterated this agreement will give the developer the assurance to be able to move forward. He said the Planning Commission has reviewed the agreement and recommended City Council approval. Fred divulged the agreement breaks down the shared parking between commercial and residential and the ratio was modified to satisfy the Planning Commission. He articulated that the Planning Commission wanted to make sure there was a certain minimal amount of commercial.

Councilman Winsor expressed concern about **15.3 Term of Agreement** which sets the term for period of ten (10) years following the date of its adoption. Representative for the developer, **Joseph Cook, 74 Parkway Drive North Salt Lake**, explained the reasoning for the ten years and said in the event there is a market downturn, it gives a little bit of safeguard, nevertheless the plan is to develop right away.

Councilman Winsor voiced the City would be locking that sewer capacity reserved for this development for a long period of time which could limit other development. The Sewer Capital Facilities Plan, dated August 2017, identified the property as requiring 4.0 Equivalent Residential Units (ERU's) based on commercial-only land use. Brandon Jones, City Engineer, explained the City acknowledges that the development exceeds the planned demand and the actual capacity needs will be addressed through future Capital Facilities Plans and future capital improvement projects. The development's proportional share of the future capital improvement projects which will in turn provide the desired capacity will be paid through the impact fees assessed when the building permits are issued. Building permit approval and occupancy will not be contingent upon sewer capacity

Fred proclaimed the developer is developing as currently zoned and no greater density than allowed. Councilman Winsor recalled the Council recently approved an Impact Fee Analysis

and questioned whether that process would need to be repeated. Brandon said this one development would not be cause for repeat but there may be changes down the road depending on the General Plan update. He said this development agreement is between the City and the current developer. Councilman Winsor read from the development agreement 15.4 pointing out the agreement runs with the land. David emphasized the standard development processes still must be followed regardless of the developer.

Brandon explained Items 1-9 of the development agreement:

1. **Incorporation of Recitals and Exhibits**. The foregoing Recitals and all Exhibits referenced herein are hereby incorporated by this reference and made part of this Agreement.

2. **City Laws and Purpose**. City determines that the provisions of this Agreement relating to establishment of Developer's rights and obligations are consistent with City laws, including the City's land use ordinances, the purposes set forth in the zoning district, and the City's General Plan. This Agreement is adopted by a City ordinance as a legislative act and hereby amends the City laws only to the extent within the authority of City and only to the extent necessary to give Developer the effect of the rights and obligations of this Agreement where such City laws may be inconsistent with this Agreement's intent.

3. **Subdivision Approval**. This Agreement does not remove the Developer from their obligation to adhere to the City's established Subdivision approval process. The Developer shall comply with all applicable time frames as specified in City Code. Approval will be based on substantial compliance with Exhibit A.

4. **Geotechnical**. The Development is located within the area identified in the General Plan as Sensitive Lands. As such, the Developer must comply with all provision of City Code, Title 10 Zoning Regulations, Chapter 14 Sensitive Lands Development Regulations.

5. **Sewer Capacity**. The Sewer Capital Facilities Plan, dated August 2017, identifies the Property as requiring 4.0 Equivalent Residential Units (ERU's) based on an assumed commercial-only land use. The City acknowledges that the Development exceeds the anticipated demand and the needed capacity will be addressed through future Capital Facilities Plans and future capital improvement projects. The Development's proportional share of the future capital improvement projects which will provide the desired capacity will be paid through the impact fees assessed when the Building Permits are issued. Building permit approval and occupancy will not be contingent upon sewer capacity.

6. **Density**. The Development will be limited to not more than seventy-four (74) new residential units. There shall be a minimum of 27,000 square feet of commercial space.

7. **Parking**. In order to accommodate the parking needs of both the residential and commercial users within the Development, there shall be at least one hundred and sixty-four (164) parking spaces. Of these spaces, there shall be one (1) space dedicated solely for each residential unit with the remaining spaces being shared by both commercial and residential occupants. In order to ensure parking requirements are followed, Developer agrees that future residents and commercial tenants/operators are made aware in writing of the dedicated and shared parking requirement. Signage and pavement marking must be provided designating a specific parking stall to each residential unit. Signage is not required for any remaining parking spaces.



8. **Hours of Operation.** Commercial buildings shall limit the hours of operation of all businesses within the Development to the hours between 5:00 am to 6:00 pm.

9. **Detention Basin.** A detention basin is required in order to control the flow of storm water leaving the site. The basin is the sole responsibility of the Development and will be privately owned and maintained. However, the sizing, design, location and construction of the basin must comply with City Code and City Standards.

Councilman Winsor asked why the hours of operation begin at 5:00 a.m. The developer responded that they are in negotiations with a day care center and employees would need to arrive early. Brandon explained Barry Burton, City Planner, worked with the developer concerning the hours of operation. Mayor Sjoblom inquired about the sensitive lands. Brandon replied the City has identified sensitive land areas and this property is one of them. The Council requested information regarding the detention basin. Joseph explained there are three possible locations. Mayor Sjoblom questioned the effect of Highway 89 being a protected corridor. Fred divulged he talked to UDOT about the frontage road and they said it is a state road, but the City decides on development. He spoke to a traffic engineer as well. Councilman Winsor reemphasized his concern about the ten-year term for the agreement. A compromise of seven years was reached.

**Councilman Winsor moved to approve RESOLUTION 19-30 Development Agreement for the Lofts at Deer Run in South Weber City at approximately 7870 S 2700 E by Sunset Development with the amendment to 15.3 Term of Agreement from ten years to seven years. Councilman Hyer seconded the motion. Mayor Sjoblom called for the vote. Council Members Hyer, Petty, Taylor, and Winsor voted aye. The motion carried.**

Councilman Hyer reminded the developers to be mindful of the aesthetics as this development will be a visible representation of the City. Councilwoman Petty asked if the residences will be condominiums. Joseph replied the majority will be owner occupied condominiums. David verified the City Council is okay with the development agreement running with the land. Fred pointed out some typographical amendments that he submitted to City Staff. Brandon proffered they had already been corrected.

#### **RESOLUTION 19-31 Legal Services Agreement with Ahlstrom Legal Consulting PLLC**

Mayor Sjoblom explained that Doug Ahlstrom has been serving as the City Attorney since December 2015. His experience and knowledge of South Weber City have been valuable to the City. His original contract term expired, and tonight's item is to enter into a new agreement with Doug to remain our City Attorney.

**Councilwoman Petty moved to approve RESOLUTION 19-31 Legal Services Agreement with Ahlstrom Legal Consulting PLLC. Councilman Taylor seconded the motion. Mayor Sjoblom called for the vote. Council Members Hyer, Petty, Taylor, and Winsor voted aye. The motion carried.**

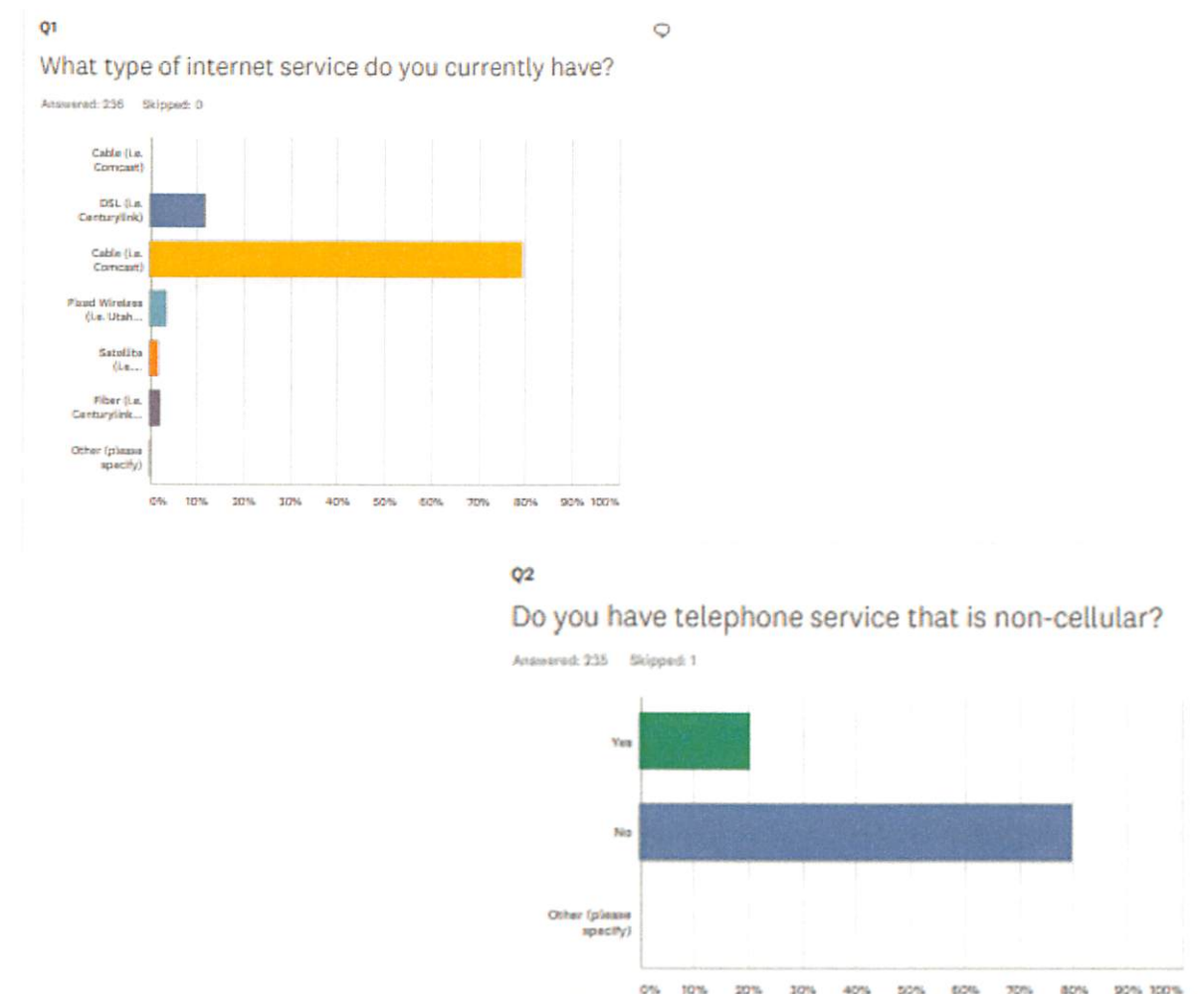
#### **Discussion: Review of broadband survey results**

Mayor Sjoblom reviewed the City recently conducted a survey among residents regarding broadband internet service interest. Tonight, Council will discuss the results of the survey and

whether to take steps in pursuing fiber as a potential future infrastructure within the City. She asked if there were any comments or questions.

Councilman Winsor supplied not everyone in this community currently has an option of providers. He revealed the problem for him is the business approach of UTOPIA. He was in favor of fiber optic but doesn't think the City should be required to back the capital investment if there are not enough residents who subscribe. Councilwoman Petty stated Kaysville City is considering adding fiber optic option to their ballot in November. She agreed fiber optic is a good option for our community. She was contacted by another company that installs fiber optic with a different business model. David Larson, City Manager, explained we can try to contact many different providers to gather information prior to any agreement or go to a request for proposal (RFP) process and gather the information that way. He expressed either way will get us moving forward. Councilman Taylor liked the idea of the RFP. Councilwoman Petty agreed. Councilman Hyer voiced there is a benefit to have the speed in the community but was not in favor of the cost burdening all residents. Councilman Winsor supported the RFP and suggested care in drafting the RFP. He believed fiber optic does entice commercial growth. David recommended having the Municipal Utilities Committee create the RFP. The City Council agreed.

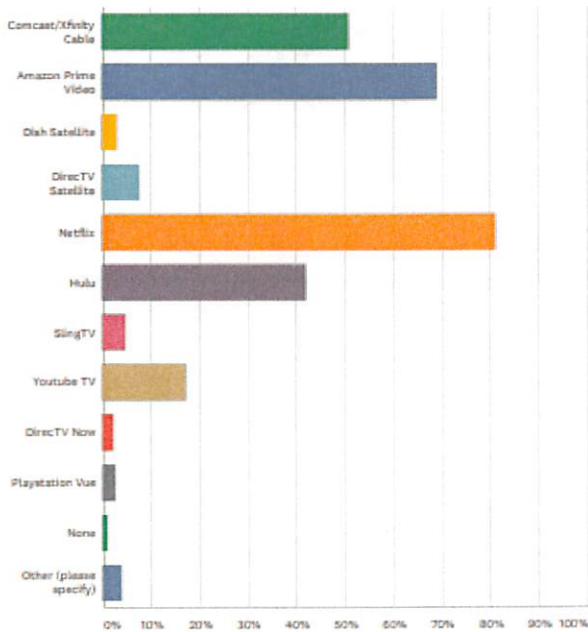
**Some of the survey results are as follows:**



Q3

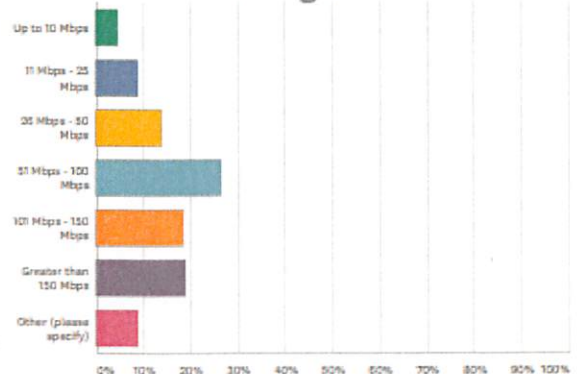
Which of the following Video Services do you currently have?

Answered: 236 Skipped: 0



Q5

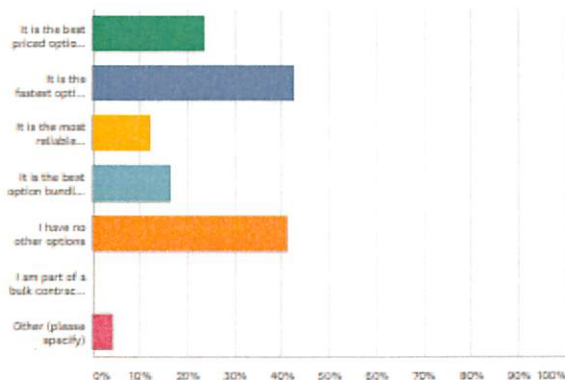
What is the download speed of your internet connection



Q6

Why did you select the Internet service that you currently have? (select all that apply)

Answered: 236 Skipped: 0

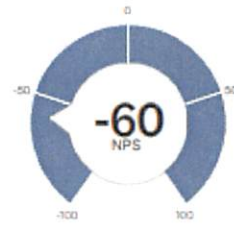




Q7

How likely is it that you would recommend your current Internet service to a friend or colleague?

Answered: 236 Skipped: 0

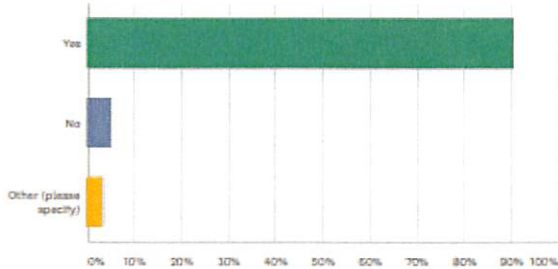


DETRACTORS (0-6)	PASSIVES (7-8)	PROMOTERS (9-10)	NET PROMOTER® SCORE
69% 164	21% 49	10% 23	-60

Q8

Are you supportive of the city actively pursuing additional broadband options for our community?

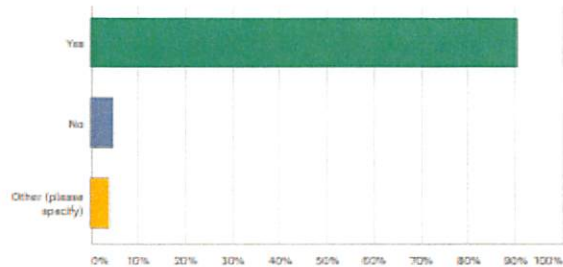
Answered: 236 Skipped: 0



Q9

Are you supportive of the city building a fiber-to-the-home network if it can be paid for only by those that voluntarily sign up for services (no taxes or fees for non-subscribers)?

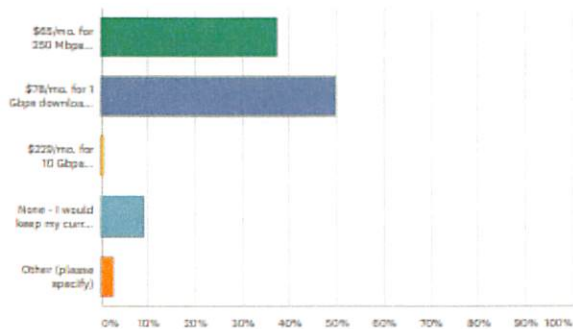
Answered: 236 Skipped: 0



Q10

If you were offered the following options from a fiber broadband provider, what would you sign up for?

Answered: 236 Skipped: 0

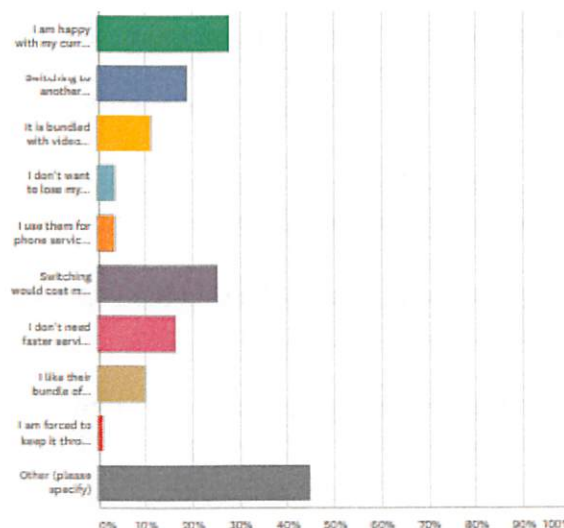




Q11

If you answered "None - I would keep my current service" to the previous question, why would you keep your current Internet service? (optional, select all that apply)

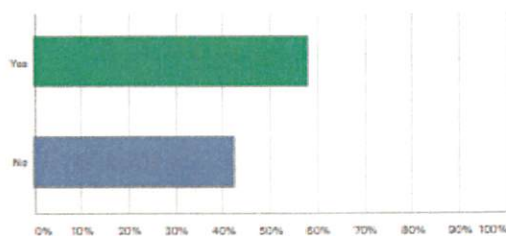
Answered: 79 Skipped: 157



Q15

Would you like to receive email updates on any news related to the city pursuing additional broadband options?

Answered: 204 Skipped: 32



### NEW BUSINESS: (None)

### REPORTS

**Mayor Sjoblom:** She attended the Council of Governments (COG) meeting last week in which Brian Hatch gave a presentation on water fluoridation. She has material on the history and effectiveness if anyone wants a copy. She stated fluoridation has done wonders to prevent tooth decay and the CDC listed fluoridation of water as one of the "Top Ten Public Health Achievements of the 20<sup>th</sup> Century". Mayor Sjoblom related most elements of the medical cannabis program including the issuance of medical cannabis patient cards and the licensing of medical cannabis pharmacies must be operational by Mar. 1, 2020. She clarified only a qualified medical provider (QMP) can recommend a patient for treatment with medical cannabis. It cannot be smoked or put in edible products. Some qualifying conditions include:

- HIV or AIDS
- Alzheimer's disease
- Cancer
- Epilepsy or debilitating seizures

- Multiple sclerosis
- PTSD
- Autism
- Terminal illness/those on hospice

Mayor Sjoblom has more information if anyone is interested. Mayor Sjoblom asked the Council their feelings about asking Commissioner Rob Osborne from the Planning Commission to serve on the Economic Development Committee. The Council concurred.

**Councilman Hyer:** He will be attending the Finance Committee meeting this Friday. He thanked everyone for their patience with him joining the City Council meetings electronically.

**Councilwoman Petty:** She said the Parks and Recreation Committee will be meeting to discuss the Canyon Meadows Park and trails.

**Councilman Winsor:** He said the Admin/Finance Committee will be meeting this week to discuss the City's procurement policy. The Municipal Utilities and Economic Development Committee will also meet this Friday.


**David Larson, City Manager:** He said they are still working on updating the City website. He will be absent from the 9 July 2019 meeting. He said on 16 July 2019 an open house will be held for the real estate tax increase. He said the City Council will meet on 23 July 2019.

**Brandon Jones, City Engineer:** He reported the first sidewalk project is nearing completion. The next project will now begin around 475 East. He related he is pleased with the progress that has been made so far on South Bench Drive.

**Lisa Smith, City Recorder:** She reported the new phone system will allow the City Council to receive City phone calls through their cell phones.

**ADJOURNED:** Councilwoman Petty moved to adjourn the Council Meeting at 7:02 p.m. Councilman Taylor seconded the motion. Council Members Hyer, Petty, Taylor and Winsor voted yes. The motion carried.

**APPROVED:**

  
\_\_\_\_\_  
Mayor: Jo Sjoblom

Date

7/9/19

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

Attest:

  
\_\_\_\_\_  
City Recorder: Lisa Smith