

SOUTH WEBER CITY CITY COUNCIL MEETING

DATE OF MEETING: 12 January 2021

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: Hayley Alberts
Blair Halverson
Angie Petty
Quin Soderquist
Wayne Winsor

FINANCE DIRECTOR: Mark McRae

CITY ATTORNEY: Jayme Blakesley

CITY ENGINEER: Brandon Jones

CITY PLANNER: Shari Phippen

CITY RECORDER: Lisa Smith

CITY MANAGER: David Larson

Transcriber: Minutes transcribed by Michelle Clark

ATTENDEES: Paul Sturm, Michael Poff, and Tammy Long.

Mayor Sjoblom called the meeting to order and welcomed those in attend.

1.Pledge of Allegiance: Councilman Halverson

2.Prayer: Councilwoman Alberts

3. Corona Update: Mayor Sjoblom reported Davis County hit a peak a couple of weeks ago. South Weber City has a total case number of 576 with 82 active this week. South Weber City has the top active case rate per 100,000 residents in Davis County. Governor Cox has issued an executive order that all vaccines for long-term care facilities be completed by January 23. Approximately 40% of the deaths in Utah are long-term care patients. Organizations will be given a short window to disperse vaccines. If they are not dispersed in that time frame, they will be taken away. On January 11 teachers and front-line school staff can be vaccinated. On January 18 ages 70+ vaccinated. Scheduling begins as soon as Friday. Individuals will need to call their local health department. Hopefully, this will be completed by the end of February. The state has received 5,000 antibody treatments. Doses will go to long-term care facilities. They will be administered when there is an outbreak in a facility and will be distributed via infusion, if the patient has pre-hospital symptoms.

4. Public Comment: Please respectfully follow these guidelines

a. Individuals may speak once for 3 minutes or less: Do not remark from the audience.

b. State your name & address and direct comments to the entire Council (Council will not respond).

Paul Sturm, 2527 Deer Run Drive, expressed during the Planning Commission meeting of 17 December 2020 a public hearing was held for the Lofts at Deer Run located at 7870 S. 2700 E. Since that meeting, he conducted his own research regarding the parcels and found at least one, if not two parcels, are considered within Deer Run Estates. ***As such, the proposed Lofts building(s) should have the CC&R requirements for Deer Run Estates attached/enforced on that portion of the Lofts development. A copy of the existing/applicable CC&Rs (Covenants, conditions, and restrictions) He advised the proposed Lofts buildings should have CC&R requirements for Deer Run Estates and** should be included with the plot plans filed in the Davis Recorder's Office for Deer Run Estates. He recommended the City Council review that meeting. He then referenced agenda item #10 concerning Resolution 21-02. He questioned the size of the property for a Public Works Office. He researched various cities and the property size they are located on. He asked if consideration was given for a smaller parcel. He also questioned the location of the Public Works Facility. He was concerned about the potential impacts of the office being in the HAFB easement.

***Amended 01-26-2021.**

Michael Poff, 154 E Harper Way, addressed agenda item #10 (Resolution 21-02: Contract for Purchase of Real Property for Future Public Works Facility). He added the city recently amended the master plan and during those discussions this property wasn't discussed. He reminded everyone the right for GRAMA requests. He asked when all is said and done, that they not find the citizens are told one thing, but another thing takes place. He was concerned about the environmental impact this type of facility can have on the surrounding residential area. He requested safety is taken into consideration. He also requested a closed meeting not be placed on the agenda if there isn't an actual closed meeting.

Tammy Long, 2178 E. South Weber Drive, addressed agenda item #10 (Resolution 21-02: Contract for Purchase of Real Property for Future Public Works Facility). She didn't feel South Weber City needs this much property for a Public Works Facility. She questioned what is planned for the rest of the property.

PRESENTATION:

5. Audit Report by Keddington & Christensen

Mayor Sjoblom conveyed at the end of each fiscal year, management is responsible for the preparation and fair presentation of the city's financial statements in accordance with accounting principles; this includes the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements.

The South Weber City Council has contracted the services of Keddington & Christensen, LLC to perform an independent audit of the statements and report their findings to the City Council. This audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error.

Gary Keddington of Keddington & Christensen, LLC reviewed the audit with those in attendance. He expressed this year's audit did take a couple of weeks longer because several

large projects were completed during the year by the city including the construction of South Bench Drive and several developments.

Mr. Keddington reviewed the Schedule of Finding and Recommendations and expressed during the audit it was noted the process to close the financial statements at year-end was not properly completed. The following financial areas required adjustments during the audit. • Fund Balances • Prepaid Expense • Accrued Leave • Accrued Payroll • Cares Act Revenue • State unemployment • Job Corps water project • State liquor funds • Developer contributions • Franchise tax revenue • Accounts payable • Admin service charges • Ambulance revenue and receivable • Allocation of interest income • Construction in Progress. The city is responsible to adjust the year-end financial statements to comply with government accounting standards. Cause: The review of the financial statements was not properly performed. Effect: The city financial statements were not materially in accordance with Government accounting standards. Recommendation: The City should review the financial statements at year-end prior to the audit to ensure all known adjustments are properly completed. City Response: Several changes and adjustments were made to the accounts once the auditors came on site. Most of these related to the large road construction project referred to as South Bench Drive Phase one. To allow more time for final review of the statements in the future, a deadline of September 15 is set for all staff end-of-the-year work to be completed. This includes staff reports, reconciliations, EOY JEs, etc. The Finance Director will more thoroughly review staff assignments and EOY work.

Mr. Keddington relayed during test work they noted that the November 19, 2019 City Council Meeting's Minutes were approved on December 10, 2019 and were not posted to the Utah Public Notice Website until January 29, 2020 (55 days after approval). Criteria: Utah Code Annotated (UCA) 52-4-203(4)(e)(ii)(A) states that a "state public body shall within three business days after approving written minutes of an open meeting, post to the [Utah Public Notice Website] a copy of the approved minutes and any public materials distributed at the meeting." Cause: The City failed to post the board meeting minutes on the Utah Public Notice website within three days of being approved. Effect: The City did not comply with the UCA as referenced above. Recommendation: The city should ensure the minutes for the board meetings are properly noticed on the Utah Public Notice website within three days of being approved. City Response: The city's internal control to ensure our compliance was dropped inadvertently with a change in personnel. When the error was discovered earlier in the year, the policy was reinstated, and the new Deputy Recorder was trained in performing this task. Each Thursday following a City Council meeting, the Deputy City Recorder reviews the city website and the Utah public notice website to verify that all City Council minutes approved that week by the Council have been posted.

Mr. Keddington explained during test work, they noted that attorney fees were improperly recorded as court costs. Criteria: Per guidance issued by the Utah Administrative Office of the Courts and testing procedures designated by the Office of State Auditor's State Compliance Audit Guide, 'court costs' should be restricted to investigator fees and specially incurred costs. Cause: The City improperly classified attorney fees as 'court costs' while entering the amounts into CORIS. Effect: The City did not comply with procedures and guidance issued by the Utah Administrative Office of the Courts. Recommendation: The city should develop policies and procedures to ensure that the appropriate distribution code is selected when entering fees into CORIS. Response: This error came through the State's on-line CORIS court system. When discovered the software did not allow us to correct the error, nor have we been able to replicate it

in tests. To prevent this in the future, a trust account has been set up in the system for attorney’s fees. All receipting and disbursing of attorney’s fees are now run through this trust.

Finance Director Mark McRae reiterated he has put together hard deadlines for the future so that everything is in place and there will be more time to look at all the records closely prior to the audit.

6. Introduction of City Planner Shari Phippen

Mayor Sjoblom expressed Shari Phippen was recently selected to serve as the City Planner. Shari hit the ground running and is fitting in nicely. Shari introduced herself to the community. She has been a city planner for close to 14 years and has a background in city administration. She is currently working for Congressman Moore. She will be moving closer to South Weber City and is excited to be part of South Weber.

ACTION ITEMS:

7. Approval of Consent Agenda

- **December 15, 2020 Minutes**

Councilman Halverson moved to approve the consent agenda. Councilwoman Alberts seconded the motion. Mayor Sjoblom called for the vote. Council Members Alberts, Halverson, Petty, Soderquist, and Winsor voted aye. The motion carried.

Councilwoman Petty moved to open the public hearing. Councilman Halverson seconded the motion. Mayor Sjoblom called for the vote. Council Members Alberts, Halverson, Petty, Soderquist, and Winsor voted aye. The motion carried.

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

8. Public Hearing: Sale of Approximately 1830 Square Feet (Parcel 132200105) of Real Property to Ron and Karen Anderson

Mayor Sjoblom explained Ron and Karen Anderson presented a proposal on October 27, 2020 to purchase the vacant land adjacent to their property. The land is part of the Canyon Meadows Park and was not slated to be developed. The Council was open to the idea with verification the offer was fair market value. City Manager David Larson requested confirmation from a property acquisition representative who agreed the price was fair. A public hearing must be held for public input before the sale can take place.

Mayor Sjoblom asked if there is any public comment. There was none.

Councilman Soderquist moved to close the public hearing. Councilwoman Petty seconded the motion. Mayor Sjoblom called for the vote. Council Members Alberts, Halverson, Petty, Soderquist, and Winsor voted aye. The motion carried.

******* PUBLIC HEARING CLOSED *****9.**

Resolution 21-01: Contract for Sale of Real Property to Ron and Karen Anderson

Councilwoman Petty moved to approve Resolution 21-01: Contract for Sale of Real Property to Ron and Karen Anderson. Councilman Halverson seconded the motion. Mayor Sjoblom called for the vote. Council Members Alberts, Halverson, Petty, Soderquist, and Winsor voted aye. The motion carried.

10. Resolution 21-02: Contract for Purchase of Real Property for Future Public Works Facility

Mayor Sjoblom explained the past two fiscal years, the City Council has budgeted to purchase property for a future public works facility due to the state of our current facility. Property throughout the city was identified and evaluated, resulting in a list of ranked properties that could meet the city's current and future needs.

Once evaluated and ranked, city staff approached those property owners within the city to find a willing seller. The property purchase contract before the City Council for ratification tonight represents significant work and many hours to ultimately come to an agreement to purchase property.

City Engineer Brandon Jones addressed the size of property and stated the facility will need five to eight acres. Councilman Halverson discussed the high cost of residential property. This property is restricted from residential use and this facility is allowed in the restricted zone. Councilman Halverson explained there will be secondary access for safety issues, but the main access will be South Weber Drive, not through residential neighborhoods.

Councilwoman Alberts thanked residents who asked questions. She explained the west end of the city offering more space than the current location. The impact is meant to be as low as possible. She addressed the public comments about the general plan. The thought of purchasing this property has been in works for a couple of years. She declared the CUP for the Elite Training Center was separate from this purchase. There was no special treatment regarding the CUP.

Brandon Jones commented there is no funding for the building itself right now. The process of hiring an architect and going through the process of establishing materials, etc. will be in the future. Councilman Halverson explained the purchase of the property is the only item that was budgeted for. Brandon discussed six criteria used when evaluating properties. The west end wasn't specifically targeted. They did look at areas which were quiet. They tried to be as diligent as possible with tax dollars. There was a lot of time and work that went into the purchase of this property. The item on the agenda tonight is just for the contract for the purchase. This location with 12 acres was available and the hope is that with the competitive price, it would allow for more buffer and distance away from adjacent residents. The Public Works Facility will be only as big as the need. There are no other plans for the property other than the Public Works Facility. Councilman Winsor wasn't aware any hazardous materials would be stored at this location. It will be a yard for heavy equipment, salt storage, etc. The city needs a Public Works Facility that is a safe environment for the employees.

City Manager David Larson discussed evaluating a lot more than 10 to 12 properties. They even considered combining parcels. There were a lot of factors but short listed the properties. Ultimately, the city staff feels comfortable with this property. More land provides opportunity for the city. Councilman Winsor reported this wasn't done in secret. Access to South Weber Drive was a high priority. David commented there is a list of properties and the criteria is available, but they weren't published because they could affect negotiations. Councilwoman Petty reported this has been discussed for years. Mayor Sjoblom conveyed the process was very carefully followed and the decision to purchase this property wasn't taken lightly.

Councilman Soderquist moved to approve Resolution 21-02: Contract for Purchase of Real Property for Future Public Works Facility. Councilwoman Petty seconded the motion.

Mayor Sjoblom called for the vote. Council Members Alberts, Halverson, Petty, Soderquist, and Winsor voted aye. The motion carried.

11. Resolution 21-03: Appoint 2021 Mayor Pro Tempore Angie Petty

When the Mayor is unavailable to perform official duties, a Pro Tempore is assigned to act in that capacity. Each year the Mayor recommends one of the Council Members to serve in this position. Wayne Winsor served as Mayor Pro Tempore in 2019 and Blair Halverson served in 2020. Mayor Sjoblom recommends Angie Petty to fulfill this duty for the upcoming year.

Councilwoman Alberts moved to approve Resolution 21-03: Appoint 2021 Mayor Pro Tempore Angie Petty. Councilman Soderquist seconded the motion. Mayor Sjoblom called for the vote. Council Members Alberts, Halverson, Petty, Soderquist, and Winsor voted aye. The motion carried.

REPORTS:

12. New Business:

Councilman Winsor requested the City Council decide which bills the staff will need to be tracking for the upcoming 2021 Legislative Session. He also requested adding a 2021 Legislative Session Update agenda item. He pointed out currently, Mayor Sjoblom and City Manager David Larson serve on the Legislative Policy Committee with a third position available. He requested the City Council decide who should represent the Council with the Utah League of Cities and Towns. He recommended the following bills for tracking: House Bill 43 (Emergency Procurement Declarations), House Bill 63 (Impact Fee Amendments), House Bill 82 (Single Family Housing Modifications with Accessory Dwelling Units), House Bill 98 (Local Government Building Regulations), House Bill 107 (Subdivision Plat Amendments), and House Bill 115 (Municipal Boundary Modifications).

It was decided Councilman Winsor will remain as the Council Member representative for the Legislative Policy Committee for the Utah League of Cities and Towns.

13. Council & Staff

Mayor Sjoblom: reported the Legislative Policy Committee met to discuss the upcoming Legislative Session. Governor's budget proposal allocates 350 million to double track front runner. The Governor's budget proposal doesn't recommend bonding for roads, transit, and active transportation, which is gaining a lot of traction in the legislature. Utah House has declared housing one of top three priorities. There is a concern with delayed inspections and reviews which are driving up housing costs. City building fees are driving up costs and services don't match costs. Cities deadlines are questionable. Cities not efficiently staffed can cause costly delays. Legislative leadership is very interested in Accessory Dwelling Units (ADU). She reviewed some concerning bills.

House Bill 82: Single Family Housing Modifications – Rep. Ward

In any zone permitting Accessory Dwelling Units (ADU),

1. City would be required to permit certain ADU's.
2. City could not restrict on size of unit, lot size, parking, or street frontage.
3. May challenge single family limit.
4. Modifies the building code.
5. Prohibits HOAs from prohibiting certain types of ADUs.

House Bill 98: Local Government Building Regulation Amendments – Rep. Ray

This bill is very alarming, and Rep. Ray seems unwilling to budge on demands. The Legislative Policy Committee adamantly opposes it.

1. Applicant can opt out of city inspection and engage own licensed building inspector.
2. Allows applicants to opt out of plan review and engage licensed building inspector to review plan.
3. City requiring zoning review, may not charge more than \$200.
4. Prohibits design elements requirement – interior and exterior.

Senate Bill 61: Outdoor Advertising Amendment – Sen. Sandall

1. Owner could upgrade billboard to digital billboard.
2. Restricts city's ability to set curfew on lighted signs.
3. Restricts city's ability to regulate brightness.

House Bill 17: Utility Permitting Amendments

City would not be allowed to enact an ordinance that prohibits connection of any type of energy source utility in the city.

House Bill 76: Firearm Preemption amendments

1. State only determines regulation of firearms.
2. Voids any local ordinance, policy, etc.
3. City not able to enact any policy that violates state preemption.

House Bill Voter Referendum Amendment:

Creates process for a referendum filed after April 15 to appear on November ballot.

Mayor Sjoblom announced Shari Phippen, Rob Osborne, and she interviewed three very strong Planning Commission applicants today. They will deliberate and recommend new member to the Council shortly.

Councilman Halverson: related the Planning Commission met on December 17, 2020. The Lofts at Deer Run preliminary site plan was approved, which does not come before the City Council. If the Council has comments, direct them to the Planning Commission. David reported the developer of the Lofts at Deer Run recently submitted final plans. Councilman Halverson reported the Planning Commission approved the Style Street Studios final site plan.

Councilwoman Alberts: voiced the PR Committee met and the city website is underway. David reported the go live date will be the end of January. The Youth City Council will be taking a section of the city newsletter for a citizen spotlight. A mock YCC will take place Thursday. She requested to have the microphones checked.

Councilman Soderquist: thanked Mark McRae and staff who have been working on the audit.

Councilwoman Petty: thanked Brandon Jones who has been working on bids for Canyon Meadows Park.

Councilman Winsor: stated the City Code Committee met today and he happily reported they have completed the 2nd draft to Title 10. A redline version and clean version will be presented to the Planning Commission for review. The Code Committee will move forward with applying the definitions.

City Manager David Larson: discussed the Audit Committee being a functioning committee this next year. The grocery store study is underway.

CLOSED SESSION: held pursuant to the provision of UCA section 52-4-205 (1) (d)

Councilman Halverson moved to adjourn the Council Meeting at 7:25 p.m. and go into a closed session held pursuant to the provision of UCA section 52-4-205 (1)(d) to discuss the purchase, exchange, or lease of real property. Councilman Winsor seconded the motion. Mayor Sjoblom called for the vote. Council Members Alberts, Halverson, Petty, Soderquist, and Winsor voted aye. The motion carried.

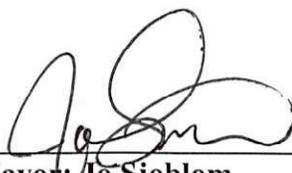
14. Discuss the purchase, exchange, or lease of real property

15. Return to Open Meeting and Adjourn

Councilman Winsor moved to return to open meeting at 7:52 p.m. Councilwoman Alberts seconded the motion. Mayor Sjoblom called for the vote. Council Members Alberts, Halverson, Petty, Soderquist, and Winsor voted aye. The motion carried.

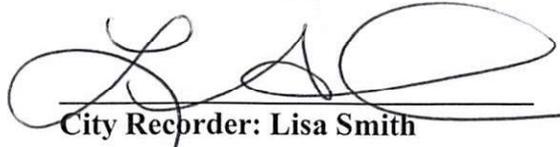
David reported the owner of the Cobblestone Manor short term rental has filed an appeal. A court date will be set. This may take a considerable amount of time. The city staff is actively and aggressively working on this issue.

ADJOURN: Councilman Winsor moved to adjourn the Council Meeting at 7:58 p.m. Councilman Halverson seconded the motion. Mayor Sjoblom called for the vote. Council Members Alberts, Halverson, Petty, Soderquist, and Winsor voted aye. The motion carried.

APPROVED:  _____ Date 01-26-2021
Mayor: Jo Sjoblom


Michelle Clark (Jan 28, 2021 12:34 MST)

Transcriber: Michelle Clark

Attest:  _____
City Recorder: Lisa Smith

20210126_APPROVED_

Final Audit Report

2021-01-28

Created:	2021-01-28
By:	Lisa Smith (lsmith@southwebercity.com)
Status:	Signed
Transaction ID:	CBJCHBCAABAAZMND4_0tpwAX36VvsMEyS8J3-etHXC

"20210126_APPROVED_" History

-  Document created by Lisa Smith (lsmith@southwebercity.com)
2021-01-28 - 5:16:56 PM GMT- IP address: 74.92.245.241
-  Document emailed to Michelle Clark (mclark.1166@gmail.com) for signature
2021-01-28 - 5:17:11 PM GMT
-  Email viewed by Michelle Clark (mclark.1166@gmail.com)
2021-01-28 - 5:17:32 PM GMT- IP address: 74.125.212.15
-  Document e-signed by Michelle Clark (mclark.1166@gmail.com)
Signature Date: 2021-01-28 - 7:34:06 PM GMT - Time Source: server- IP address: 67.177.3.150
-  Agreement completed.
2021-01-28 - 7:34:06 PM GMT

CC 2021-01-12 CI #1 Wendt

From: wendt.ashley@gmail.com
To: [Public Comment](#)
Subject: 1/12/21, Item #10-Ashley Wendt
Date: Tuesday, January 12, 2021 4:23:45 PM

My name is Ashley Wendt, 129 Harper Way.

I am curious as to when the City negotiated talks with Kelly Parke for sale of 12 acres? I own property adjacent to this and have contacted Kelly for years to purchase property with no response.

We just went through a incredibly long process of the General Plan for the city and I didn't see anything mentioned about plans to buy this property for this use. Why not? Where is this coming from?

Why does the city need that much property? Why is the city purchasing this property before they know if it can be rezoned to be used for Public Works? I would like to know what the true long term plan is for this property and why it hasn't been talked about until now? How will trucks enter and leave the property? What structures are being planned? Is there a map of where exactly this property lies? How will this affect local housing prices? This seems to have been added last minute to the agenda with no discussion prior to. It appears we on the West end have yet again been left in the dark and then knocked over the head with something last minute:

Thanks, Ashley

Sent from my iPhone

CC 2021-01-12 CI #2 Sturm
Comments to South Weber City - City Council
for 12Jan21 Meeting
by Paul A. Sturm

General Comments- Public Comment

Item 1) During the Planning Commission Meeting of 17Dec20 -Agenda Item 6 was a "Public Hearing and Action on PRELIMINARY Site Plan, Improvements & Amended Development Agreement for: The Lofts at Deer Run located at approx. 7870 S 2700 E by Developer Joseph Cook of Deer Run Development LLC" was held. Based upon some of these discussions, I had a question and conducted additional research regarding these parcels and found out that at least one, if not two of the parcels are considered to be within Deer Run Estates. As such, the proposed Lofts building(s) should have the CC&R requirements for Deer Run Estates attached/enforced on that portion of the Lofts development. A copy of the existing/applicable CC&Rs (Covenants, conditions, and restrictions) should be included with the Plot Plans filed in the Davis County Recorder's Office for Deer Run Estates.

Item 2) Suggest that the City Council 1) Watch the PC meeting, 2) Review the 561 page packet starting at Page 37 of 561, and 3) Open my public comments for the meeting (6 pages), and 4) Place both on the screen at the same time and review side by side to more easily understand comments.

Agenda Item 10 - Comments on Contract for Purchase of Real Property for Future Public Works Facility - Starting on Page 89 of 99 in Packet.

Item 1) I have been asked questions regarding the second paragraph of the Agenda Item introduction (Page 89) and information that follows. Typically these presentations have essentially a bid/cost comparative chart for consideration/evaluation. Could someone on the Council explain to SWC residents to clarify why this is not shown in this presentation?

Item 2) Page 90 of 99 - "Whereas" #3 - What factors were used in this evaluation, i.e.,

A) Size required for a Public Works Facility:

Why does SWC require 12.15 acres?

A comparison of nearby cities shows:

<u>City</u>	<u>City Size (Sq Mi)</u>	<u>Public Works Size</u>	<u>Size Multiplier</u>
Clearfield City	7.745	6.26 ac	1.5 times SWC
Layton City	22.65	10.15 ac	4.9 times SWC
SWC	4.67	12.15 ac (prop.)	0

B) Total Cost of Property

Was consideration given to purchasing a smaller piece of property, even if it were more expensive per acre to properly size the amount of land necessary for the Public Works Facility? If approximately seven to eight acres were purchased, even at a higher cost per acre, it could possibly be less expensive than the \$600,000 currently proposed. Such a reduced cost purchase would leave additional funds that could be used towards the actual construction of the Public Works Facility.

C) Location of the Public Works Facility

Locating the Public Works Facility at the West End of SWC will increase the overall cost of operations for the Public Works Department. This is because any action performed by the Department would necessitate a return to the west end of the City, and thus increase mileage driven. A centralized location would cut these costs.

D) Another question I was asked is what are the potential impacts to the proposed Public Works Facility with it being located within the HAFB easement? Could someone on the Council explain to SWC residents to clarify why this is not an issue?