

# SOUTH WEBER CITY CITY COUNCIL SPECIAL MEETING

**DATE OF MEETING:** 16 February 2021

**TIME COMMENCED:** 6:01 p.m.

**LOCATION:** Electric Meeting through Zoom

**PRESENT: MAYOR:**

**Jo Sjoblom**

**COUNCIL MEMBERS:**

**Hayley Alberts  
Blair Halverson  
Angie Petty  
Quin Soderquist  
Wayne Winsor**

**CITY RECORDER:**

**Lisa Smith**

**CITY MANAGER:**

**David Larson**

**Transcriber:** Minutes transcribed by Michelle Clark

**ATTENDEES:** none

**Mayor Sjoblom called the meeting to order and welcomed those in attend. She then read the Electronic Meeting Declaration and Order.**

## ORDER ON PUBLIC MEETINGS OF THE SOUTH WEBER CITY COUNCIL

I, Jo Sjoblom as the Mayor of South Weber City, do hereby find and declare as follows:

1. Due to the Emergency conditions which currently exist in the State of Utah, and specifically in Davis County and South Weber City as a result of the COVID-19 Pandemic and the recent surge in COVID-19 infections across the state and in Davis County, the holding of public meetings with an anchor location as defined in the Utah Open and Public Meetings Act, presents a substantial risk to the health and safety of those who may be present at the anchor location; and
2. The risk to those who may be present at an anchor location can be substantially mitigated by holding public meetings of the City Council pursuant to electronic means that allow for public participation via virtual means; and
3. The City has the means and ability to allow virtual participation in the public meetings in accordance with the Utah Open and Public Meetings Act;

**NOW THEREFORE, BASED UPON THE FOREGOING,**

For thirty days from the date of this Order, meetings of the South Weber City Council shall be conducted by electronic means without an anchor location.

DATED this 12th day of February 2021.

**Opposition Letter to House Bill 98 Local Government Building Regulation Amendments:**

A special City Council meeting was called to discuss an opposition letter by South Weber City regarding House Bill (HB 98) – Local Government Building Regulation Amendments. HB 98 would allow a developer to “opt out” of city building inspections and to hire his or her own inspectors to sign off on the dwelling. It also prohibits cities from putting any conditions on interior or exterior design of a home or landscaping. This bill is sponsored by Representative Paul Ray.

**The draft letter is as follows:**

Governor Spencer J. Cox  
350 N State Street, Suite 200 P.O.  
Box 142220  
Salt Lake City, UT 84114-2220

Dear Governor Cox,

RE: HB 98 – Local Government Building Regulations

As a united City Council, we reach out to express our concerns and objections with House Bill 98 – Local Government Building Regulations. As you know, this bill would allow developers to bypass municipality building inspections and prohibit municipal building design elements.

The bill is purportedly justified due to reports of undue delays in municipalities performing inspections. We hold that this is a misrepresentation of how the majority of Utah cities respond to the high building demand in Utah in an appropriate and responsible timeframe.

More importantly, municipalities perform this duty as a public safeguard for our residents and businesses. Building inspections confirm the safety of buildings as they are constructed under real world situations that are not anticipated in the original architectural and engineering drawings. These inspections are essential in maintaining public and personal safety for individuals, families, and businesses throughout the State and should not be lightly discarded. Our concern is one of appropriate oversight, separation of process, and one size fits all. Allowing a builder to hire and contract their own inspector is a major conflict of interest and does not provide the necessary oversight that municipal inspections provide. A builder will control the entire process if allowed to contract for construction and inspection of the same project. That is extremely problematic.

We acknowledge that discussions are ongoing regarding the final language to be included in the bill. However, we feel the foundational principles of this bill are off base and harmful to the safety of residents of the State.

We strongly encourage you to act against HB 98 as it encroaches upon a municipality’s ability to provide essential public safety measures to residents and businesses in favor of a conceived efficiency for developers. Please support our municipalities as we strive to protect our residents.

Sincerely,

City Manager David Larson reported HB 98 was addressed today during the meeting with the Utah League of Cities and Towns (ULCT) and the Legislative Policy Committee (LPC). Currently, negotiations are taking place and it is anticipated there will be amendments to the bill

which will require a substitute bill. He referenced the draft letter to Governor Spencer Cox concerning South Weber City Council's opposition to HB 98. A copy of this letter was emailed to Mayor Sjoblom and the City Council for their review this afternoon. Mayor Sjoblom asked if there were comments or questions concerning the letter.

Councilman Halverson suggested addressing it additionally to the House of Representatives and Senate separately. Mayor Sjoblom replied HB 98 hasn't come out of committee yet. Councilwoman Alberts questioned if a copy of the letter should be sent to the House Political Subdivisions Committee as well. There is concern that by sending the letter now, it may hinder negotiations. Councilwoman Alberts asked for clarification. Mayor Sjoblom replied there is a committee representing the cities that is working to negotiate and Cameron Diehl, President of the LPC, cautioned against sending these letters before this bill goes to the floor. Councilman Winsor explained it has been reported that Representative Ray is working on a substitute bill. He discussed there being some shifting in the language to the bill which won't be available until after the second substitute comes out. He clarified this draft letter may be a moot point. After the second substitute is distributed (possibly in the next three or four days), it will allow for the city to be more poignant and address specific items. He suggested being careful as to what we bring out in our statement. Mayor Sjoblom expressed Representative Ray is looking at negotiating, so there will probably be amendments to HB 98. City Manager David Larson explained as city staff put together this letter over the weekend, Representative Ray wasn't willing to negotiate; but there has been a shift and it is moving in a positive direction. David expressed a letter like this is an example of steps cities need to take to make their voice heard but questioned whether to send it now or wait and see what happens with negotiations. Councilwoman Alberts pronounced there isn't anything in this bill she likes, and she doesn't see how the bill could be amended to be good for South Weber City. Councilwoman Petty asked if the city staff would have time to redraft the letter after the substitute is presented and before HB 98 goes back to committee. Councilman Winsor explained the LPC estimated two to three days for completion. There was a concern with timing. Councilwoman Petty suggested emailing the letter to get there instantly. She disbelieved any changes to the bill would change what Representative Ray is trying to accomplish. Mayor Sjoblom asked if a motion can be passed now to allow for changes without another public meeting. David stated a motion would need to include language of authorization to send a second letter addressing any changes. David declared the ULCT is still trying to maintain a working relationship and recommended waiting to send a letter.

Councilwoman Petty argued as a City Council we tell our citizens to voice their opinions so why wouldn't the City voice its concerns? Councilman Winsor agreed in the process but again addressed the timing. Councilman Halverson identified comments from individuals can have different impact from those of a city. He conveyed the timing is critical and suggested waiting. Mayor Sjoblom advised the content of the letter should probably change and cautioned against sending a letter with outdated information which could quickly be dismissed as outdated. Councilman Winsor suggested sending this letter to the appropriate house committee and then a follow up letter to the governor, house, and senate if it passes committee. Councilwoman Alberts agreed.

**Councilwoman Alberts moved to send the drafted opposition letter regarding House Bill 98 Local Government Building Regulation Amendments to the House Political Subdivisions Committee immediately with the authorization for staff to amend the letter to address any future substitutions. The letter or a revised letter should be sent to Governor Cox, the**

**Senate, and the House of Representatives as appropriate. Councilman Halverson seconded the motion.**

Councilman Winsor clarified the intent of the motion and the timing. Councilman Halverson interpreted what was meant. Councilman Soderquist clarified to whom the letter should be sent. Councilwoman Alberts agreed with the mentioned specifications and Councilman Halverson agreed his second stood. David reviewed his understanding of the direction given.

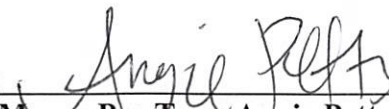
**Mayor Sjoblom called for the vote. Council Members Alberts, Halverson, Petty, Soderquist, and Winsor voted aye. The motion carried.**

The Council agreed to sign the letter electronically.

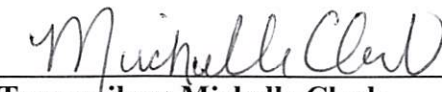
Councilwoman Alberts brought up a press release being presented for cities opposing this bill and asked if the Council would need to bring it to an open meeting. David replied it can be signed individually, but the exact language would have to be reviewed and approved by the Council to sign as a body. He suggested Councilwoman Alberts forward the press release to each Council Member and they can choose whether to sign it.

**ADJOURN: Councilwoman Petty moved to adjourn the Council Meeting at 6:39 p.m. Councilman Soderquist seconded the motion. Mayor Sjoblom called for the vote. Council Members Alberts, Halverson, Petty, Soderquist, and Winsor voted aye. The motion carried.**

**APPROVED:**

  
\_\_\_\_\_  
Mayor Pro Tem: Angie Petty

Date 03-09-2021

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

Attest:

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