

Paul Sturm, 2527 Deer Run Drive, expressed concern with the Poll property and the developer counting the uses within the project area two or more times. He opined the density calculation should only include the residential portion. He questioned why the developer is calling the unbuildable area unbuildable. He disfavored the phasing plan presented by the developer Sky Hazlehurst. He recommended a penalty for not building commercial once residential is built.

Bill Petty, 7898 S. 2800 E., acknowledged it is not an easy job to sit behind the bench as he spent four years serving on the City Council and four years as Mayor of South Weber City. He also served on the legislative committee for the Utah League of Cities and Towns. He thanked the Mayor and City Council for their service. He indicated his daughter-in-law is Councilwoman Petty. Although he doesn't always agree with the City Council, he is offended by uninformed people commenting or posting on social media. He worried some people think they should be a self-appointed gate keeper to the city. He encouraged individuals to be respectful and considerate to everyone, especially those sitting behind the bench and city staff. He charged the South Weber Citizens United Group, which consists of approximately 20% of South Weber City, to get their facts straight.

Terry George, 7825 S. 2000 E., shared he has questioned where the city is going and how it is going to get there. He acknowledged he is a member of the South Weber Citizens United Group. He was appreciative of the citizen's involvement and what the City Council and Mayor are doing to serve the city. He asked the question who works for who? He indicated some of the City Council seem to be at odds with the desires of the citizens. He suggested the City Council change their perspective to match the citizens' vision or the citizens will change their position through election.

Councilwoman Petty was given the opportunity to correct some misrepresentations from the previous meeting. First, unless you are renting or living in a home that belongs to someone else, you are a property owner. Being a property owner gives you rights. A property owner of any undeveloped land has the right to request a rezone. The request may be made by the property owner themselves or by someone else on their behalf. Second, during the General Plan the City Council acknowledged a handful of parcels that would most benefit the city by being zoned commercial, but that a development agreement could be presented to the City Council for consideration so that there would be a cohesive project on that parcel. This process was approved by the Planning Commission and City Council members when the General Plan was adopted.

She reviewed a presentation was made at the last City Council meeting which was within the property owners rights and followed the process of the General Plan. She emphasized no step of the process was missed, nothing was signed, and nothing illegal transpired. It is the duty as Council members to hear out every proposal. Having a dialogue and discussion is how the City Council evaluates every situation. There are many aspects to the development process and listening to every side and considering every scenario is what she believes is the mark of a receptive Council member.

Councilwoman Petty added South Weber City is 4.6 sq. miles which essentially makes everyone neighbors. The discussion on our neighbor's property has many facets and has elicited many opinions. The City Council's job is to determine what is best for South Weber City as a whole. Just because your neighbor feels differently about a parcel, doesn't make either of you wrong. And that extends to the Council; each can have a different opinion without being wrong. She

asked all residents and Council members to remember that as this process unfolds. She quoted her wise father, "That's what makes America great!"

Councilman Soderquist apologized to the City Council and public for how he approached discussions at City Council meetings. He explained his process. When he attends meetings, he comes with an open mind, even though he may be leaning towards a certain position. He feels he can make a better-informed decision if he can state and understand the pros and cons of each side. Stating a certain pro or con does not mean he is stating his position, and it is simply to provide information for the discussion. He proceeded this way during the Planning Commission and the Poll family property discussions. He referenced Mr. George's comments that Councilman Soderquist supported his point of view on the Planning Commission discussion. He clarified that he also mentioned the cons of that and other items. When the final summary came it surprised some who thought he was leaning differently.

The same thing occurred with the Poll family property discussion. When he asked for clarification as to what acreage could be included in an R-7 Zone, the response was there is not a clear definition for this case because it involved commercial and residential. Thus, the discussion became whether it should be all or just that which is identified residential or something in between. His initial comments were to include all the acreage in the R-7 discussion, but less would be appreciated. He questioned whether the non-buildable area should be calculated for density and then he mentioned his preference would be R-7 on the residential and commercial only. He was still concerned with the possible super R-7 Zone that would be created if the entire acreage were included with the commercial on top of it. He was concerned of the potential increase in traffic and safety issues with that many units on top of the commercial. He related when Councilwoman Petty summarized the discussion, she included him in agreeing to up to 75 units based on all the acreage. At that time, he did not correct her because he still wasn't sure where he wanted to be; however, he understands now he probably should have stated he was still uncertain.

He expressed his first choice for the Poll property is for the entire parcel to be useful commercial as identified in the General Plan; however, the current developer stated that would not be a financially feasible option because they don't have a large anchor business that would bring more people for other commercial business. He related South Weber City is not like Layton or Riverdale and that is why there is a need to discuss what amount of residential the City Council will consider on that parcel to get the commercial. That discussion was to provide some guidance to the developers so they could decide if they want to continue and not a firm decree. The developer is still required to go through the proper steps to meet City Code for the development.

Councilman Soderquist continued to research and study this proposal. His current stance is R-7 density on the residential and open space hillside acreage and that is what is currently written in the General Plan. He advised page 15 states "gross acreage is defined as all property within a defined area including lots, streets, parking areas, open space, and recreational uses. For the purpose of calculating new development densities, all areas within the development boundaries will be included". He clarified there were three different areas: commercial, residential, open space (unbuildable hillside). According to the General Plan definition the maximum acreage would be based off the residential and open space. It would not include the commercial; therefore, it would be fewer than 75 units. He expressed his continued concern about safety with additional traffic from 75 units plus the commercial. He summarized he is not in favor of 75

units on that parcel as currently proposed, but he does want at least the amount of commercial proposed.

Councilman Halverson reminded everyone it was a discussion item. No vote was taken. The development agreement will be reviewed again by the City Council. The committee and city staff still need to decide what will be included in the development agreement.

Mayor Sjoblom commended the City Council for their professionalism and all they do as they serve on the City Council.

ACTION ITEMS:

5. Consent Agenda

- **23 February 2021 Minutes**
- **February Check Register**
- **January Budget to Actual**

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.

6. Resolution 21-16: Construction Manager/General Contractor for Canyon Meadows Park West:

City Engineer Brandon Jones memo of 15 March 2021 is as follows:

BACKGROUND

In December 2020, the City Council approved moving forward with Phase 1 of the overall master plan for the Canyon Meadows Park (West). The Parks Committee discussed several different procurement methods: traditional Design-Bid-Build, Request for Qualifications (RFQ), Request for Proposals (RFP), Design-Build, and Construction Manager / General Contractor (CM/GC). The committee also discussed approaching different portions of project with different procurement methods. Ultimately, the committee decided to pursue the CM/GC process for the entire Phase 1 project.

The CM/GC process starts by soliciting proposals from contractors. The contractors submit their qualifications and their proposed fee to assist in the design process. Once selected the contractor becomes a partner with the city through the design process. They provide valuable input towards cost-saving construction options, constructability, etc. The city and the contractor also work together in selecting subcontractors. Once design is finished, the contractor provides a Guaranteed Maximum Price (GMP) to do the project. This price is an open-book price that is provided to the city for their review. If the city is satisfied that the pricing is fair, the contractor will move forward with construction. If the city and the contractor cannot come to terms on the price, then the city has the option to bid out the work. The committee agreed that the CM/GC process would give the most flexibility and consequently provide the best opportunity to accomplish the greatest amount of work within the amount budgeted.

REQUEST FOR PROPOSALS

South Weber City publicly solicited for proposals for CM/GC Services. The deadline for submission was March 4, 2021. The City received five (5) proposals from the following companies (listed in alphabetical order):

1. Hogan & Associates Construction
2. Hughes General Contractors
3. Jardine Malaska Construction Services (JMCS)
4. Post Construction
5. Staker & Parson Companies

EVALUATION

The evaluation committee for these proposals consisted of members of the Parks Committee (Angie Petty, Quin Soderquist, Mayor Sjoblom, Wes Johnson, David Larson, Mark Larsen, Curtis Brown, and Brandon Jones).

The proposals were reviewed and scored by each committee member according to the evaluation criteria given in the RFP. The scores were then compiled, and the committee met on March 15, 2021 to review the compiled proposal scores and discuss a recommendation. A summary of the scoring is below, in order of ranking. Scoring was out of 100 total possible points.

Company	Score	Rank
Hogan & Associates Construction	91.7	1
Hughes General Contractors	91.3	2
Staker & Parson Companies	70.5	3
JMCS	67.3	4
Post Construction	59.2	5

AWARD RECOMMENDATION

After scoring and discussion were complete, the committee unanimously decided to recommend award of the contract to: **Hogan & Associates Construction, Inc.**

Councilman Halverson expressed a conflict of interest and abstained from voting. Councilman Winsor applauded the city for choosing the CM/GC process.

Councilwoman Petty moved to approve Resolution 21-16: Construction Manager/General Contractor for Canyon Meadows Park West awarding the contract to Hogan & Associates Construction, Inc. with a preconstruction design service fee of \$12,000. Councilman Winsor seconded the motion. Mayor Sjoblom called for the vote. Council Members Alberts, Soderquist, Petty, and Winsor voted aye. Councilman Halverson abstained. The motion carried.

7. Resolution 21-17: Vehicle Replacement Policy

Mayor Sjoblom proclaimed equipment and vehicles are an integral part of the day-to-day operations of the city. They are also a major operational expense. The city is currently developing a 10 Year Capital Plan. This policy covers the equipment and vehicle portion of that plan. This policy establishes a long-term funding source and addresses the several challenges all cities face with these capital expenditures. This policy is designed to create a consistent, year to year budget program with level payments that can be anticipated and planned for.

Councilman Halverson moved to approve Resolution 21-17: Vehicle Replacement Policy. 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:

8. New Business:

Mayor Sjoblom reported Officer Mike Void advised a reduction of the speed limit on 475 East to 25 mph with signs on both ends. It is very difficult to enforce a residential zone at 30 mph. He also reported the Davis County Sheriff's Department is having a difficult time enforcing parking on city streets during the winter months from 12:00 am to 12:00 pm due to construction vehicles located along the streets early in the morning. He recommended a code change 12:00 am to 7:00 or 8:00 am. She requested the Safety Committee review these items and make recommendation to the City Council.

Councilman Winsor shared the America Rescue Plan Act will be issuing a sizable stimulus with the amount for South Weber City at approximately \$800,000 divided in two tranches. He requested an agenda item for discussion be added soon.

Councilwoman Alberts was contacted by a resident who would like to use the triangular piece of property across the street from the church for gardening classes. David suggested contacting Mark Larsen.

Councilwoman Alberts attended a meeting regarding the Great Salt Lake. She discussed ways to encourage citizens to conserve water. David suggested city staff research options. City Planner Shari Phippen suggested contacting Weber State University or Weber Basin for information.

Councilwoman Alberts announced Hill Air Force Base compatible use meeting will be on March 31, 2021.

Councilwoman Petty was contacted by individuals complaining of people who use the Highway 89 South Weber exit and then flip a U-turn to get back onto Highway 89. She encouraged installation of a no U-turn sign or create two left turn lanes. David reported the signage is under UDOT's control.

Councilman Halverson reported he and Councilwoman Alberts met with Old Maple Farms residents. During the meeting it was evident there is a significant amount of speeding traffic on Old Maple Farms Rd. The Public Safety Committee will further review this issue.

Councilman Halverson met with Mayor Sjoblom and city staff concerning the Stephens' property. Mike Medini relayed Associated Foods was not in support of a 36,000 square foot grocery store. They brainstormed ideas for the property. There is a need for the commercial properties to have an anchor which can be commercial or residential. If the City Council desires a planned development, they need to figure out what anchor works. David reported it was difficult to receive this information and it changed his perspective. He noted all cities deal with how to decrease tax burdens for citizens. Waiting hasn't provided a different product because of

the limitations placed on the property. The City Council needs to determine the correct approach for the future. He reviewed the previous method and acknowledged Council needs to decide on a different course. Councilman Halverson stated the property owners have the right to quit claim deed the parcel and it will get subdivided somehow. He expressed these property owners are of the age that they want their property sold. He advocated bringing it back to the development agreement and having the Code Committee review the uses. He lamented under the current city code, an application for a truck stop could be requested tomorrow. Councilman Winsor declared the Code Committee has been working on amending the commercial highway zone.

City Manager David Larson drafted a document that explains the crosshatch properties development process which was displayed. It included a step-by-step process, components, and timelines. He conveyed the state's position is very specific on property rights for property owners. Councilwoman Alberts questioned how the Planning Commission can make a recommendation in conflict with the General Plan. David replied the Council took the approach that they are looking at one entire project, so the project must have parts that work together to make sense and that allows for various components. If the entire property can't be commercial, than the General Plan requires an agreement and a plan both to make the project work. When the decision was made for the crosshatch, it became one project that is cohesive. Ultimately, the city can proceed and consider the proposal and request that has come forward. The General Plan is the guiding document, but it is not iron clad to the point where consideration can't be given to decide what makes a project work. He acknowledged the considerable amount of work that took place with updating the General Plan and he wants to do what is right for the city. If the Council is desirous to just stick to allowed use, then a conversation needs to take place and the approach needs to be changed. Councilwoman Alberts stated the Mixed-Use Committee discussed adding a residential component. She expressed as a Council Member and member of that committee the intent was good but the process confusing. She suggested clarifying and simplifying the process. She questioned if an R-7 Zone should be based off 100% of the parcel. David explained there are parameters that have been put in place for the development process. Councilman Halverson asked if this is the process the Council wants to follow. Mayor Sjoblom added as a visual person she favored a cohesive development. City Attorney Jayme Blakesley discussed this being a legislative decision. He recommended against creating zoning arrangements through a development agreement.

9. Council & Staff:

Councilwoman Alberts: reported the Country Fair Days Committee is busy planning events for this summer.

Councilwoman Petty: announced the Youth City Council will be hosting the Easter Egg Hunt at Canyon Meadows Park on Monday, March 29, 2021 at 6:00 pm sharp.

Councilman Winsor: related the Municipal Utilities Committee is working with companies concerning a fiber network. They will present their findings to the City Council in a public meeting.

City Manager, David Larson: submitted a development proposal has been presented on the Watts property. He reviewed the roundabout situation and stated the city staff is proposing the round-a-bout be on the Peeks' property.

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

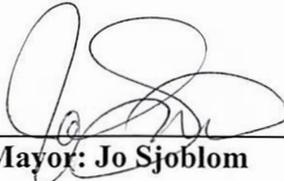
At 7:46 pm Councilman Soderquist moved to go into a closed session held pursuant to the provision of UCA section 52-4-205 (1)(d) to discuss the purchase, exchange, or lease of real property. *He was then excused from the meeting. Councilman Halverson seconded the motion. Mayor Sjoblom called for the vote. Council Members Alberts, Halverson, Petty, Soderquist, and Winsor voted aye. The motion carried.

10. Discussion of the purchase, exchange, or lease of real property

11. Return to Open Meeting and Adjourn

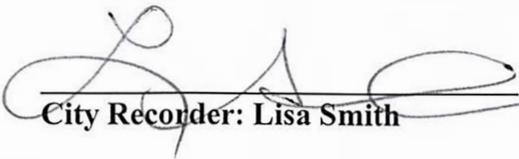
Councilwoman Petty moved to return to open meeting at 7:59 p.m. Councilman Winsor seconded the motion. Mayor Sjoblom called for the vote. Council Members Alberts, Halverson, Petty, and Winsor voted aye. The motion carried.

ADJOURN: Councilman Winsor moved to adjourn the Council Meeting at 8:00 p.m. Councilman Halverson seconded the motion. Mayor Sjoblom called for the vote. Council Members Alberts, Halverson, Petty, and Winsor voted aye. The motion carried.

APPROVED:  _____ Date 04-13-2021
Mayor: Jo Sjoblom



Transcriber: Michelle Clark

Attest:  _____
City Recorder: Lisa Smith

*Minutes amended prior to approval.

CC 2021-03-23 CI #1 Mackintosh

From: [tonya.mackintosh](#)
To: [Public Comment](#)
Subject: Poll Property-No 75 units
Date: Sunday, March 21, 2021 11:41:33 AM

I would like to comment on the Poll Property by saying no to 75 residential units. Follow the General Plan. We took this survey twice to have a voice. The Lofts are bad enough.

Sent from my T-Mobile 4G LTE Device

CC 2021-03-23 CI #2 McDavid

From: [Miranda McDavid](#)
To: [Angie Petty](#); [Blair Halverson](#); [Hayley Alberts](#); [Public Comment](#); [Quin Soderquist](#); [Wayne Winsor](#)
Subject: Developing the Poll Property
Date: Sunday, March 21, 2021 4:36:06 PM

Dear South Weber City Council, Planning and Development Committee, Transportation Committee, Safety Commission and Mayor:

I would like to formally request to please reconsider and DENY using that parcel of property (The Poll Property next to the High Mark School) to accommodate any type of apartment or residential living units.

With a minimum of two people per unit, there will be way too many cars coming and going in and out of that small area. This will not be safe for our children nor our walking residents. In addition, there is already way too much traffic congestion (as is) in and on South Weber and South Weber Drive. Adding more residential units will lead to an unsafe walking / biking situation for our residents and children as well as possibly cause added auto or auto pedestrian accidents — not to mention obstetrically causing a terrible entry and/or eye sore to our current, somewhat peaceful South Weber community.

Given the close proximity to the school and school children, we need to keep the commercial opportunities to a minimum in that area as well for the same reasons.

I understand people want to make money - but we first have to consider what is best and safe for our community. Please say no to the residential housing development that is being proposed for the Poll property and carefully weigh any businesses or developments being proposed as well.

Thank you for all you do and for hearing out and considering my request and concerns.

Sincerely,

Miranda McDavid
South Weber Resident

CC 2021-03-23 CI #4 Boren

From: [Bart Boren](#)
To: [Public Comment](#)
Subject: Community first
Date: Sunday, March 21, 2021 4:46:16 PM

Dear South Weber City,

Unfortunately I am not very poetic or wordy in what I need to say. So simply, we (our household) are very passionate about community first, not commercial first. Please fight to keep South Weber as mall bedroom community, do not turn it into the next Riverdale or Layton. We like being unique and small, home town. Stick to the R7 rule in creating multiple homes. We do not want to become overcrowded and big city.

Thank you so much for your time and consideration,

Sincerely,

Bartand Emily Boren

CC 2021-03-23 CI #4 Gardner

From: [Daren Gardner](#)
To: [Public Comment](#)
Subject: General Plan
Date: Monday, March 22, 2021 7:42:53 PM

Please stick to the General Plan that the citizens approved. I approved it would be nice to have more commercial, but it's not worth the trade of more than 7 units per acre.

Thanks
Daren Gardner
801-941-0559

CC 2021-03-23 CI #5 Poll

From: [Michael Poll](#)
To: [Public Comment](#)
Subject: FW: Potential Development - "Poll Property"
Date: Monday, March 22, 2021 11:19:13 PM

To the South Weber City Mayor and City Council:

Thank you for all the work you do on behalf of our city and its residents. I believe all of you have the best interest of the community in mind, even when you disagree with each other or with me.

As you consider what you will approve for the property commonly known as the "Poll Property" adjacent to the Highmark Charter School, following are my thoughts and opinions I hope you will consider.

- All parties involved (property owners, real estate agents, developers, city residents and city politicians) are likely honorable, but all have different interests and motives. I expect the owners want to maximize the sales price of their property, the agents want to facilitate a sale to earn a commission, the developers want to maximize their profit on an investment, the residents want all sort of different things and the politicians are hopefully trying to represent the interests of the citizens.
- Regardless of what the agents present, regardless of how nice they are, or whether they appear to be accommodating by dropping their request from 150 residential units to 75 units, their motives should not be misunderstood. They want to get approval to move forward with a project that will help them obtain and maximize their commission. That's not a bad or unethical motive, but it should not be a consideration of the city council.
- I believe a large percentage of the citizens provided very clear direction to the city officials during the Master Plan process. That direction was to minimize the development of high density housing within the city. In listening to each of you express your opinions in recent city council meetings, I haven't heard any of you state that you didn't get that message, loud and clear.
- Despite receiving that message, it appears that some of you may be considering discounting that clear direction, substituting it for your own desire to see the city obtain commercial development. That desire isn't a bad or unethical one. It just appears to be contrary to the Master Plan and the expressed desire of the majority of the citizens of South Weber.
- Even though the agents and those they represent may tell you the project doesn't "pencil" unless they get a significant number of residential units; please remember, it is not your responsibility to make the proposed project viable. If this project doesn't work for this developer, that's okay. Another opportunity will come, or maybe it won't. Either way, let the property owner and potential buyers make their decisions within the constraints of the Master Plan.
- I believe it remains your primary responsibility to represent the legal interests/desires of the citizens and not substitute your wisdom for this clear direction.
- I ask that you allow for no greater than R-7 density on the portion of the "Poll Property" that would be used for residential AND the amount of residential development allowed not exceed one-half of the total *developable* acreage. I believe this would set the maximum number of

residential units around 40-45 and that would be contingent upon the other portion being developed for commercial use. Phasing of the residential units may be appropriate if the demand for the commercial portion is not sufficient at this time.

- Please be clear in delivering this message to the property owners, agents and others. It's only fair to them to know where the city stands, since it seems clear where the majority of the city's residents stand. If the current developer wants to "walk", wish them great success in other endeavors.

Sorry about the length of this email. I have a tendency to avoid brevity in an effort to be understood. Even with that effort, sometimes I create confusion. I'd be happy to provide verbal clarification if you are not clear on where I stand.

Again, thank you for all you do in fulfilling your very difficult responsibilities.

--Mike Poll
1076 Skyhaven Cove
South Weber, UT 84405
801-540-8897

CC 2021-03-23 CI #6 George

From: [Terry George](#)
To: [Public Comment](#)
Subject: Terry George 7825 S. 2000 E. South Weber for 23 March 2021
Date: Tuesday, March 23, 2021 5:24:26 PM

Terry George
7825 S. 2000 E.
South Weber Utah

In opening, I will share a quote from George Washington:
“I confess, that Democratical States must always feel before they can see: it is this that makes their Governments slow—but the people will be right at last.”

Circa 2007 the Air Force dramatically changed their force structure and way of operations. I strongly disagreed with this change and aggressively fought against its implementation. In a moment of “aggressive complaining” a fellow fighter pilot and good buddy we called MARSAs told me his Momma always said if you disagree you need to “change your perspective or change your position.” So Profound... I had two choices: 1- I could change my position and walk away from the Air Force after 21 years of service. Or, 2- I could change my perspective and embrace the changes my leaders had mandated and do my best to implement them and make them succeed! I continued to serve for an additional 11 years and we made a lot of great things happen for this country. I still don't agree with the Air Force's dramatic change. I think the Air Force could have developed a better plan. But I did my duty and I made it work. I have no regrets and feel blessed for having served 32 years.

“Change your perspective or Change your position.” Some of you seem to be at odds with the desires of your citizens on how we should develop this city. The citizens of South Weber made it clear via their input to the general plan that we do not want lots of roof tops. We made it clear that we only wanted limited commercial. We made it clear that the Poll Property be zoned as Commercial Highway with no residential. So who answers to whom here? According to Google, and I quote:

“The United States is a representative democracy. This means that our government is elected by citizens. Here, citizens vote for their government officials. These officials represent the citizens' *ideas and concerns* in government” Close quote.

Also according to google, Quote:

“A dictatorship is a state ruled by one dictator or by a small clique.” Close Quote.

Some of you get that you work for us. Some of you think since we elected you you can do your own bidding. Marsa's Momma says; “Change your perspective or change your position.” I say, change your perspective to match our vision, or we will vote to have your position changed.

Thank you for your time.
TG

**Comments to South Weber City - City Council
for 23Mar21 Meeting
by Paul A. Sturm**

General Comment- Public Comment on South Weber Gateway Concept Design

- 1) Please reconsider the statement I made during the City Council Meeting of 9Mar21.
"A major concern that I have has to do with the developer counting the uses within the project area two or more times. With an R-7 designation, that is the City's present maximum density for housing units, how can one propose a "Not-To-Exceed" of 100 Townhomes on the ~ 11 acres when the northern portion is being proposed as Commercial. That amount of land needs to be deducted from the overall acreage when computing the land area available for townhomes. The current sketch shows 74 townhomes so why state an "Not-To-Exceed" of 100? How is "Unbuildable" area considered in this calculation?"
- 2) Also please remember statements and concerns expressed by City Council members during that 9Mar21 meeting.
 - a) Councilman Winsor had the same concerns that I expressed. He stated that, with the available "buildable" land, that is the property area minus the "unbuildable" area and the commercial area, which leaves approximately six acres for the townhomes. This equates to approximately a maximum of 42 townhomes.
 - b) Councilman Halverson expressed his concerns, as he has several other times, that this is one of the few properties remaining in SWC for commercial and commercial needs to be developed first, [(sic.) and not as an afterthought].
 - c) Councilwoman Alberts discussed her conversations with the developers regarding the number of townhomes proposed for this area, and that the developer Colliers International / Skye Hazelhurst ignored these concerns as expressed in his lower left-hand Notes.
- 3) Regarding the Skye Hazelhurst's presentation, it totally ignored the City Councilperson's concerns. He proposed 50 townhomes during his "Phase 1" with only about one third of the Commercial developed. "Phase 2" was a repeat of the Phase 1" verbiage, and Phase 3" was the final third of the commercial development. First of all 100 town homes is tremendously excessive (It should only be 42). Secondly, we need to have the Commercial developed more rapidly than the proposed 1/3, 1/3, 1/3. Once the townhomes are built, there is no penalty for not building the remaining commercial.
- 4) The final concern that I have has more legal ramifications regarding the other issues addressed above, namely:
 - a) Allowing all acreage in a development to be counted towards number of housing units permitted would open "Pandora's Box" with developers.
 - b) By permitting one developer to count all acreage, and not another, such as on the Stevens Property, would, as Jayme Blakesley stated during training, create a position where SWC was being "Arbitrary and Capricious" and could open SWC to a lawsuit!