

SOUTH WEBER CITY CITY COUNCIL MEETING

DATE OF MEETING: 8 March 2022

TIME COMMENCED: 6:00 p.m.

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

PRESENT: MAYOR:

Rod Westbroek

COUNCIL MEMBERS:

**Hayley Alberts
Joel Dills
Blair Halverson
Angie Petty
Quin Soderquist (electronically)**

COMMUNITY DIRECTOR:

Trevor Cahoon

CITY MANAGER:

David Larson

CITY ENGINEER:

Brandon Jones

PR ASSISTANT:

Shaelee King

FINANCE DIRECTOR:

Mark McRae

CITY RECORDER:

Lisa Smith

Minutes: Michelle Clark

ATTENDEES: Paul Sturm, Phil Ludos, Matt & Nikki Petersen, Jule Fausto, Bo Call, Michael Grant, Lynn Poll, Liz rice, Eric Short, and Crystal Hansen.

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

1. Pledge of Allegiance: Councilman Halverson

2. Prayer: Mayor Westbroek

3. Public Comment: Please respectfully follow these guidelines.

- Individuals may speak once for 3 minutes or less: Do not remark from the audience.
- State your name & address and speak to the entire Council (They will not respond).

Phil Ludos, 7422 Shay Lane, voiced his concerns with the increased dust coming from the gravel pits. He added now is the time to hold them accountable noting in the last several years the dust has worsened.

Paul Sturm, 2527 Deer Run Drive, commented on the improper notification of the recent closure of 2700 East for construction purposes on 25 February 2022 and requested a procedure be put into place to prevent this from happening again in the future.

Jule Fausto, 2068 E View Dr, cited her professional credentials. She proclaimed the gravel pits should be held accountable. She asked the city to investigate whether Staker Parson has exceeded their concrete production limit. She suggested an updated developmental agreement between South Weber City and Staker Parson.

Lynn Poll, 826 E South Weber Drive, expressed his concern with the dust and how it has limited the ability for him to use his patio. He was concerned about the health risk.

Matt Petersen, 1820 E South Weber Drive, identified his concerns with fugitive dust filling the city's storm drainage system.

Mayor Westbroek acknowledged he and the City Council are trying their best to mitigate the problems with the fugitive dust coming from the gravel pits and are actively pursuing ways to hold Staker Parson and Geneva accountable.

PRESENTATION:

4. Division of Air Quality Dust Monitoring

Bo Call, of the Division of Air Quality (DAQ) and resident of South Weber City, was asked to make a presentation to the Council and citizens regarding the dust problem. Mr. Call explained his job is to monitor and measure two sizes of particulates PM10 and PM2.5 in the air across Utah. PM10 is the largest regulated particle, and the standard is 150 micrograms over a 24-hour average. PM2.5 are fine inhalable particles with diameters that are generally 2.5 micrometers and smaller. The standard for PM2.5 is 35 micrograms per cubic meter in a 24-hour period. They have the greatest amount of health impact. Over the years he has watched the number of days exceeding the standard in a year decrease from 30 days to eight days.

He then applied this information to the gravel pits. The dust coming from the gravel pit is PM40. All pits operate with a state issued permit which requires gravel pits to take certain actions. Unless the operation changes, the permit is permanent. Reports are available on the Division of Air Quality website. He talked to the compliance individuals who currently conduct the gravel pits inspections and they appear to be following their permit requirements.

Feedback from Council followed. Councilman Dills thanked Mr. Call for his attendance. He cited OSHA standards and proffered the process of air quality standard is broken and questioned what can be done. Mr. Call replied that the city can send dust samples to a lab which may be able to determine the source. OSHA rules only apply to working conditions. Mr. Call was asked if there is a limitation on the amount of concrete which can be processed. He responded each permit lists limitations and processes specific to individual sites. Councilwoman Alberts wondered if there are random inspections. Mr. Call assured her all of their inspections are unannounced and the source is required to keep a record of the findings of those inspections.

Mayor Westbroek thanked Mr. Call for his attendance who expressed he gives tours and invited individuals to contact him if they are interested.

Mayor Westbrook shared that he contacted the director at the DAQ and received a lot of good information. He added there is concern with current issues, but DAQ is limited by federal regulations. They base where they go and the monitoring on the number of complaints from the citizens. There is a complaint form online that can be filled out and submitted. Councilman Soderquist suggested residents submit complaints. He recommended the city look at it from a different direction by addressing the dust as a nuisance and contact the state legislature. Trevor Cahoon indicated upgrades to the city nuisance ordinance would not apply to Staker or Geneva.

ACTION ITEMS:

5. Consent Agenda

- 15 February 2022 Minutes
- 16 February 2022 Minutes
- 22 February 2022 Minutes
- February Check Register

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

6. Ordinance 2022-02: Rezone Parcel 130330093 from Commercial Overlay (CO) to Commercial Highway (CH) by applicant South Weber City

Mayor Westbrook explained in the September 24, 2019 City Council meeting the City Council voted to repeal the C-O Zone from the zoning code. There are two properties within the city zoned CO. One of those properties has a development agreement in place which allows entitlement of the C-O zone rights, however the second property (the property subject to this ordinance) needs to be rezoned to come into compliance with current code. The property owner was notified at the time of the repeal that the property would need to be rezoned in order to be developed. The city is requesting the zone be designated Commercial Highway (C-H) which complies with the General Plan zoning map. Planning Commission reviewed the Ordinance for the rezone and recommended the rezone in a unanimous vote at the February 10, 2022 Planning Commission meeting.

Councilman Dills suggested the Code Committee review permitted uses in the Commercial Highway (CH) zone.

Councilman Dills moved to approve Ordinance 2022-02: Rezone Parcel 130330093 from Commercial Overlay (CO) to Commercial Highway (CH) by applicant South Weber City. Councilman Halverson seconded the motion. Mayor Westbrook called for the vote. Council Members Alberts, Dills, Halverson, Petty, and Soderquist voted aye. The motion carried.

7. Resolution 22-11: Award Consulting Engineering Services Firm to Update Transportation Capital Facilities (CFP) & Impact Fee Facilities Plan (IFFP)

Due to changes in the current General Plan, adopted in November 2020, particularly related to vehicle transportation, it is necessary to update the current Transportation Capital Facilities Plan (CFP), Impact Fee Facilities Plan (IFFP), and Impact Fee Analysis (IFA). It is important that the objectives and capital improvements identified in the General Plan are consistent with the CFP, IFFP, & IFA. In addition, since the adoption of the current Transportation CFP, there has been

increased concern about traffic circulation, future development, and other related items around South Weber Drive and 2700 East. Therefore, a specific sub-area plan for this area was included in the scope of work. Selection of a consultant to provide the IFA will follow a separate process.

Request for Proposals (RFP) from qualified firms was advertised. The RFP was downloaded by five potential firms, but only Horrocks Engineers and Wall Consultant Group (WCG) provided proposals.

Councilwoman Alberts moved to approve Resolution 22-11: Award Wall Consultant Group (WCG) to Update Transportation Capital Facilities (CFP) & Impact Fee Facilities Plan (IFFP) in an amount not to exceed \$34,249. Councilman Halverson seconded the motion. Mayor Westbrook called for the vote. Council Members Alberts, Dills, Halverson, Petty, and Soderquist voted aye. The motion carried.

RETREAT BUSINESS:

8. 2022 Strategic Plan Continued

City Manager David Larson explained the Mayor and City Council have been working over the last few weeks to put together a 2022 Strategic Plan for South Weber City. Council continued from their meeting on March 1, 2022. Mr. Larson guided them in narrowing the initiatives by combining multiple ideas or changing some into tasks that would fit beneath initiative categories.

Mr. Larson explained the Strategic Plan will direct decisions not only by city staff, but the City Council as well. It will allow for everyone to be more aligned. Any new tasks will need to be a conversation with the Mayor or between the City Council as a stand-alone business item or Council Member report.

9. Committee Priorities

Each Committee Chair expressed their goals. Committee Chairs will determine how often meetings are held. Mayor Westbrook thanked everyone for the hard work done by all the committees.

DISCUSSION ITEMS:

10. Reallocation of American Rescue Plan Act (ARPA) Funds

Mayor Westbrook explained South Weber City Council discussed use of ARPA funds previously and determined in October 2021 to use the approximately \$900,000 for a combination of cybersecurity and water/sewer infrastructure projects based on ARPA law, Treasury guidelines/published FAQs, and State Drinking Water Revolving Fund.

In late January 2022 the Treasury announced in their final rule that every city has the ability to use up to \$10 million as revenue loss without having to go through a calculation to show their revenue loss. This precludes the need to itemize/calculate the actual amount of revenue loss and broadens the uses of the funds. Council can continue as previously allocated or adjust planned uses and accomplish some other projects that previously were not under consideration. Council Members asked in past meetings whether ARPA money could be used for the fire station auxiliary building, parks projects, streets projects, new public works facility, and other projects.

At the time the answer was no. Now the answer is yes. Mayor Westbrook asked the Council if they want to re-evaluate where funds are spent. The Council agreed to review the list again.

11. 2022 Legislative Review

Mr. Larson reported there were items which could affect the city, but he did not know what actually passed. Councilwoman Alberts suggested reviewing the recap from the Utah League of Cities and Towns when it comes out.

REPORTS:

12. New Business: None

13. Council & Staff

Mayor Westbrook: reported Jeremy Davis is the new Planning Commission chair and Julie Losee is the vice-chair. Wasatch Integrated Waste will charge \$10 per mattress piece. A company will be leasing space from Wasatch Integrated Waste to mine Bit Coin.

Councilman Dills: shared Mosquito Abatement is a learning process for him.

Councilman Halverson: announced the Short -Term Rental Ad-hoc Committee will meet tomorrow at 4:00 p.m.

Trevor Cahoon: sent an invite to the Council to update information for Eddy Software.

ADJOURN: Councilman Halverson moved to adjourn the Council Meeting at 9:11 p.m. Councilwoman Petty seconded the motion. Mayor Westbrook called for the vote. Council Members Alberts, Dills, Halverson, Petty, and Soderquist voted aye. The motion carried.

APPROVED:



Mayor: Rod Westbrook

Date 04-12-2022



Transcriber: Michelle Clark

Attest:



City Recorder: Lisa Smith

**Comments to South Weber City Council
for 08Mar22Meeting
by Paul A. Sturm**

Public Comments on the closure of 2700 E. on 25Feb22

I must say that I am very disappointed in the way SWC handled the closure of 2700 E. on 25Feb22. I was asked by neighbors to address what happened with the closure.

Significant Timelines:

- 1) Trevor notified SWC CC on ~8Feb22 that construction was starting on the Lofts. Construction started the next day with flattening the site and also digging the trench for the SWPP plastic barrier adjacent to the canal where they encountered large stone blocks. This is important because the developer knew about these rocks three weeks before the closure.
- 2) It should be noted that the boring machine was on site at Lofts approximately 21Feb22, if not before. I believe this was used as the premise for the rapid no-notice closure of 2700 E. I must state the following "Poor planning on 'their (sic.)' part does not necessitate an emergency on 'ours (sic.)'". I recommend the City be more proactive with developers and "trust" but "verify" when a developer makes such a claim of urgency, and not be pressured.
- 3) From the actions that I can track, I believe there appears to be some disregard for the impacts on approximately 800+ citizens on the eastern end of SW regarding this closure.. It appears that the original permission/permit issued by the City also did not take the timing of morning traffic into consideration. The original closure was to occur at 0800, but 0900 was finally agreed upon after citizen uproar on 24Feb22 by residents north of the canal when they received the closure notice. There is also the issue of the timeliness of providing notification to other impacted residents. Will the developer be held accountable for the lack of prescribed notification?
- 4) I was first notified by a neighbor at 0936 on 25Feb22 about the closure, then saw the flier on my door, plus received calls from other neighbors. This was **1/2 hour** after the closure started! After some fact finding, I called the DCSO at 1037 to notify them of the closure. At 1048 I called the DSD and talked with Transportation and was told they had not been notified, and they appreciated the call so they could notify bus drivers of route changes, with the Kindergarten routes about to start. SW Elementary had nothing to do with the DSD buses.
- 5) Residents did not receive official notification from the City until 1103 on 25Feb22, two hours after the closure!
- 6) I recommend that a notification procedure be developed by SWC to prevent this from happening in the future!

March 8, 2022

State of Utah Department of Environmental Quality
Division of Air Quality
P.O. Box 144820
Salt Lake City, Utah
84114-4820

My name is Jule Fausto, I'm writing this letter in order to address on-going concerns for me and many of my neighbors about fugitive dust and sand particulate matter, which is more than just a nuisance, and is a real concern for myself, my neighbors and for the residents of South Weber, especially those that live near the gravel pit. I moved to South Weber in 2001, and since then have witnessed this gravel pit continue to grow and adversely impact the surrounding area contaminating our environment and the air that we breathe and damaging our properties. The "Staker Parson Material and Construction" Company is a large gravel mining operation located at 7425 S. 2700 E, South Weber, Utah 84405. They are operating under a contractual agreement with South Weber City that is due for reinstatement in 2028. It appears to me that they do not adhere to their own contractual obligations as specified in an agreement with the City of South Weber who has not held them accountable to many of the agreement specifications.

I'm a retired Inspector with the State of Utah, Department of Environmental Quality and a Training Consultation for the State of Utah. In an effort to try to understand Utah air quality emission standards, I attended the OPACITEK, Visible Emissions training course and certified in the Environmental Protection Administration (EPA), Method 9 Visible Emissions Course. The EPA Method 9 Visible Emissions course which was recommended to me by the State of Utah, Department of Environmental Quality, Division of Air Quality (DAQ), it helped me to become more familiar with visible emission standards, testing and directed me as to how to document findings.

I can clearly see at any given time the open gravel pit and have seen in the last 20 years the gravel pit operations grow substantially with minimal addition or introduction of fugitive dust prohibition measures. It has been my observation that following residential concerns and complaints to the city, state or gravel pit, the gravel pit responds promptly by implementing some measure of dust control, however most measures taken by Parson's to mitigate or retain the dust seems minimal and/or not a permanent or long-term solution. I understand that the gravel and sand pit is now performing mining as well as processing services, which I believe is an expansion of services, it appears that they are mining areas that have grown exponentially, and that there is no water application to the piles of sand to help mitigate and retain their material. I would ask that you look into whether Parson's has exceeded their concrete production limit, which I believe in 2009 was a limit of 818.20 cubic yards. Also request that you visit 40 CFR Part 60.10(b) which states in part, "Requires the owner or operator of a facility obtain permits, licenses, or approvals prior to initiating construction, modification, or operation of such facility."

I have observed exceedingly high visible emissions, exceeding 40 percent (as determined in the Method 9 EPA Standard) and as specified in R307-205-4 Fugitive Emissions which I believe shall not exceed 40 percent opacity (the obscuring power of the plume-how much of the background is being obscured on a percentage scale of how much light is obscured or blacked), from multiple sources throughout most days with steady wind speeds averaging 16-18 mph. I visually observe from my home that there is no water application at any time being provided to help mitigate or minimize the loss of their material to wind or spillage. There are stock piles

of material that remain uncovered with no fugitive dust mitigation measures taken to control fugitive dust. There is some reclamation of disturbed areas with hydroseeding to prevent erosion of the hillside on the north west side, but piles of mining product remain uncovered and are located on the far west side of the pit.

I observe that the exposed piles of product located at the west end of the pit are uncovered, and that the fugitive dust is unmitigated. I maintain that there is a steady flow both egress and ingress of trucks hauling materials throughout the week, sometimes I hear equipment moving in and round the pit on weekends and believe that the work that is conducted there is not limited in the wind on most days. I observe that storage piles are not enclosed, covered or watered and maintain that there is no minimization of truck trips. Because of their actions fugitive dust has contaminated our streets and yards and is affecting our health. The extreme unmitigated dust and dirt is causing unnecessary, environmental concerns and jeopardizing our health. The under managed air quality operations at Staker Parson Gravel Pit are directly causing property damage and expense with constant repair and maintenance to our homes and our yards. In addition, the fugitive dust gets into city storm water drainage systems making them less effective which has the potential for causing unnecessary flooding and cleanup expenses to our city or state budget. These concerns leave the city in jeopardy of personal suites to reclaim finances of ongoing upkeep, maintenance and repair or property and continues to lower property values.

I'm in support of any and all solutions or remedies to this problem and look forward to the opportunity to work with Parsons as a community. I would ask that there is a current developmental agreement between South Weber City and Staker Parson Construction that re-specifies zoning, land use classification, preservation of sensitive lands, significant landscape buffers and dust mitigation and details expansion of certain gravel pit operations, establishes concrete production limits, detailing any future development, documents working hours, and outlines shut down, surety obligations and reclamation criteria.

This problem has become unbearable and is harming the community health, damaging property and the contributing to environment concerns. I ask kindly, that you look into these allegations as soon as possible and feel free to contact me anytime.

Sincerely,



Jule Fausto