

SOUTH WEBER CITY CITY COUNCIL MEETING

DATE OF MEETING: 29 September 2020

TIME COMMENCED: 6:01 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

CITY PLANNER:

Barry Burton

CITY ENGINEER:

Brandon Jones

CITY RECORDER:

Lisa Smith

CITY MANAGER:

David Larson

CITY ATTORNEY:

Jayme Blakesley

DEPUTY RECORDER:

Friday Whaley

Transcriber: Minutes transcribed by Michelle Clark

ATTENDEES: Chris Tremea, Paul Sturm, Stacie Whitford, Kip Lufkin, Kenny Carson, Raelene Miller, Lisa Winsor, McKenna Winsor, Lilly Livingston, Stacy Clark, Jenna Johnson, Susanna Johnson, Corinne Johnson, Kennedy Whitaker, Maggie Hyer, Emily Poff, Kent Hyer, Trevor Schenck, Kelly Parke, Joseph Cook, Henry De Varona, Fred Cox, and Joe Perrin.

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

1. PLEDGE OF ALLEGIANCE: Mayor Sjoblom

2. PRAYER: Councilman Soderquist

3. CORONA VIRUS UPDATE: Mayor Sjoblom reported past seven-day slope increase in COVID is steeper than July. There was a 24% increase in cases last week and 65% the previous week. It appeared we are in a 2nd wave increase in cases with the average of 55 cases per day this week. All jurisdictions were seeing increases especially, South Salt Lake County and the Provo and Orem City areas. There were a lot of cases coming from college students getting sick and bringing it home to their families. In Davis County there were 12 cases who are currently

hospitalized. Report were showing the young age groups are passing it to the older/vulnerable age groups. There hadn't been a death in Davis County in a couple of weeks. Utah is the first state in the country for lowest mortality rate. South Weber City had 62 total cases with 9 of them active (last week was 55 cases and 5 active). No elementary or jr. high school was closed as there is a 15-case threshold. Viewmont High School is the only high school above 15 case count, but neither A nor B day was above 15 alone.

4. SWEAR IN 2020 YOUTH COUNCIL MEMBERS

Each fall applications are solicited from youth desiring to serve their community for one year. The South Weber City Youth Council, supervised by Councilwoman Angie Petty and Councilwoman Hayley Alberts, is an organization serving the community while teaching the principles of responsible government. Examples of past service include the annual Easter Egg Hunt, Breakfast with Santa, and Country Fair Days assistance.

Youth Council: Ryker Alvey Emily Poff, Maggie Hyer, Alexa George, Susanna Johnson, Jennah Johnson, Alexia Alberts, Lillyann Livingston, and Kennedy Whitaker

City Recorder Lisa Smith administered the oath of office. Councilwoman Petty announced McKenna Winsor will be an assistant advisor and had previously served on the Youth Council.

5. PUBLIC COMMENT: Please respectfully follow these guidelines:

- a. Individuals may speak once for 3 minutes or less**
- b. Do not make remark from the audience**
- c. State your name and address**
- d. Direct comments to the entire Council**
- e. Note City Council will not respond during the public comment period**

Corinne Johnson, 8025 S. 2500 E., expressed her appreciation for the work the Planning Commission and City Council have put forward concerning the Lofts Subdivision in making sure city code and standards are followed.

Paul Sturm, 2527 Deer Run Drive, voiced his concerns from the Planning Commission meeting held on 16 September 2020 concerning the new preliminary site plan for the Lofts at Deer Run. He addressed apprehension with the proposed architectural designs and requested the construction of the buildings blend with the country feel of South Weber City. He was concerned about inadequate parking for this development. He questioned the parking report by A Trans Engineering and expressed if the calculations are incorrect additional parking cannot be added after the fact and the city is left to deal with it.

Kenny Carson, 7459 S. 850 E., relayed his concerns with the Elite Training Center located at 128 E. South Weber Drive. He commented concerning the restrictions on this property with spectators. He expressed soccer is a spectator sport.

Trevor Schenck, 6455 S. Raymond Drive, explained his property is adjacent to the Elite Training Center. In his opinion, South Weber City administration and community were misled in the planning stages that this facility would be a practice only facility and there would be no league games. He addressed the required buffer which was changed from landscaping all the way

around the facility to a strip section with six trees. He voiced his concerns with the noise that comes from games versus practices, and continual traffic issues with parking and speeding throughout the surrounding neighborhoods. He has had several soccer balls enter his property which has caused problems with trespassing for retrieval. He hoped people involved with La Roca will watch these meetings and help to mitigate this problem.

Nate Kendell, 220 East 6650 S., discussed the dangerous traffic on his street and parking in the neighborhoods for soccer games at the Elite Training Center. He was worried about possible traffic accidents. He conveyed rules aren't being followed.

Roger Miller, 291 E. 6650 S., expressed he knows Trevor Schenk had been threatened. He had witnessed how fast individuals are travelling on 6650 South to the soccer facility.

PRESENTATIONS:

6. Recognition of Stacie Whitford: The Mayor and City Council would like to recognize and honor Stacie Whitford for her eight plus years of service to the community through her volunteer work of raising and lowering the flags at City Hall and Memorial Park.

Since the first day she volunteered to track half-mast days, she has dutifully tracked the days flags should be at half-mast then raised and lowered the flags, rain or shine, even arranging for a substitute when unable to do so herself. Mayor Sjoblom presented her with a gift certificate. Stacie pointed out her son is her substitute and part of his Eagle Scout project was to help her with the flags. She suggested individuals download the colonial flag app which identifies days for half-mast.

ACTION ITEMS:

7. Conditional Use Permit 2016-05: Elite Training Centers at 128 E South Weber Drive: Conditional Use Permit 16-05 was approved by the Planning Commission on September 8, 2016 and approved by the City Council on September 13, 2016. A review meeting on April 10, 2018 brought clarifications and conditions to the permit (see CUP 16-05) which was approved by the Planning Commission on May 10, 2018. An official CUP form was then created that finalized that documented the conditions. Planning Commission met on July 9, 2020 and September 10, 2020 to review the CUP and recommended the attached Amended CUP 16-05 draft with potential adjustments/improvements.

The purpose of any CUP is to mitigate detrimental impacts caused by the permitted land use. The task at hand for the City Council is to clarify the detrimental impacts caused by and mitigation conditions required of the soccer facility. Previous discussions by the City Council and Planning Commission since the soccer facility was originally proposed, as well as information obtained since the facility began operating, have identified some detrimental impacts that could be mitigated with reasonable conditions:

- Trespassing of soccer facility patrons onto neighboring property
- Traffic patterns to and from the facility
- Parking on streets and in neighborhoods
- Car headlights shining into neighbors' homes at night as patrons leave the facility

- Noise

Kelly Park, owner of Elite Training Center, stated he encourages individuals not to use 6650 South. He asked if it is possible to install signage on 6650 South stating this street is not access to the soccer complex. He apologized for issues surrounding the day the parking took place along South Weber Drive and neighborhoods. He was not in favor of being restricted to the number of vehicles because he doesn't want to be responsible for counting them. He was happy to put no trespassing signs on the fence. He requested permission to replace the vinyl fence with chain link because he replaces the fence constantly. He didn't like the idea of a solid landscaping.

Councilman Winsor discussed La Roca patrons ignoring traffic laws and being crude to citizens in the city with horns honking and hand gestures. He expressed the applicant is required to meet the demand for parking. He suggested Mr. Park reduce the increased demand for parking. He pointed out there wasn't supposed to be games at this facility. He discussed hours of operation and the way it is written with the use of "events". He felt there should be hard and fast times with a closing of 10:00 p.m. He discussed outdoor use with noise and suggested limiting outdoor use during summer nights. He expressed special events need a two-week notice with the city. He stated until there is more respect from the patrons, he suggested limiting the parking to the asphalted parking area on the property.

Councilwoman Alberts asked the City Attorney to weigh in on the earlier meetings when this facility was discussed as a practice facility only. Jayme stated he wasn't a part of the earlier meetings concerning this facility, but Code Enforcer Chris Tremea prepared a summary of earlier meetings which the Council had in their packet. Jayme didn't believe there was a distinction made between events and practices, but those who were present for those meetings may have a different recollection. He tried to piece together the record of what was discussed. He explained the ability to limit what occurs on the property has to have a relationship to detrimental impacts that are identified to the extent of making a distinction between games and practices, you would have to identify detrimental impacts that are somehow different when games occur versus when practices occur and then you could impose conditions that would relate to those detrimental impacts. Councilman Soderquist asked if there is a permitted uses list. Jayme stated in the packet his memo of 4 September 2020 discussed the criteria the Council may apply for conditional use permits. In this particular conditional use permit conditions included buffer yard requirements, conditions from the City Engineer's review, conditions from the City Planner's review, a buffer yard amendment, and then additional conditions were imposed at a later time that included the 6' vinyl fence, comply with UDOT access requirements, parking restrictions, restrictions for lighting on outdoor fields, complying with land use restrictions on the property, and complying with all city codes including but not limited to noise restrictions, etc.

City Manager David Larson discussed permitted uses in Section 10-5M-4. Jayme stated the original conditional use permit was not put to writing and the best record is to go back and look at the motion. He based his memo concerning Chris Tremea's summary. Councilwoman Alberts agreed with Councilman Winsor concerning this being a training or practice facility. Kelly discussed the building itself being primarily a practice facility, but felt he wasn't misleading.

Councilwoman Alberts voiced there is more than a little bit of a problem. She suggested signage on 6650 South and the facility web-site address how to access the facility. She advocated the hedge down the full length of the property. Discussion took place concerning the old city code

requiring a buffer. Jayme stated when you look at the original conditional use was an amendment to the buffer yard C and was listed in the CUP to make sure it would apply. Chris Tremea expressed the confusion concerning the buffer yard. He listened to the audio to be able to determine what was said and he determined it was buffer yard C. He believed there was a cooperative effort between the two neighbors and suggested whatever decision is made needs to be made in a public meeting.

It was stated the city code for buffer yard was amended in 2018. David commented the only change made from the code then to now was that the landscape buffer didn't do much because there wouldn't be any homes.

Councilwoman Alberts favored a masonry wall over a chain link fence. She stated the parking issue is not a rare occurrence. She desired the weeds be addressed. Councilman Halverson related an incident with trespassing when Trevor's daughter was in their swimming pool and a strange man climbed into the backyard. Kelly stated he was open to suggestions. He proffered installing a net. Councilman Winsor suggested moving the soccer field until the hedge grows. Kelly related the balls going into the backyard doesn't happen often. Councilman Halverson doesn't have the answer but advised a tall masonry wall would help with noise and eliminate people climbing the fence. He understood the facility is authorized to have two outdoor fields. He specified an email from the City Manager to Kelly stating this facility was not approved for event play. He charged if there are over 100 people, there is an EMT requirement, signage for parking, someone directing traffic, etc. and none of that had been done for any of the events. Councilman Halverson presented the hours of operation should be 6:00 a.m. to 10:00 p.m.

Councilwoman Petty expressed she lives next door to commercial property, and she believed a masonry fence was a good idea. She suggested a higher masonry wall would create a barrier for the soccer balls. Discussion took place regarding performance of masonry walls.

Councilman Halverson addressed concerns with the area in front of the building. Kelly explained he doesn't own all the property and would like to fence along the east and south side for the fire lane. Councilman Soderquist requested Mr. Park return with a plan to mitigate these issues. He understood Mr. Park wanted to extend hours of operation, but Quin was hesitant to expand opportunities until some good faith effort is put forward. He mentioned Google maps gives directions to go through Old Maple Road and 6650 South. He suggested blocking off 6650 South.

Mayor Sjoblom reviewed each detriment as follows:

- Trespassing of soccer facility patrons onto neighboring property
- Traffic patterns to and from the facility
- Parking on streets and in neighborhoods
- Car headlights shining into neighbors' homes at night as patrons leave the facility
- Noise

Each issue was addressed individually with possible solutions to mitigate the problem.

NOISE:

Outdoor operation hours 7:00 a.m. to 9:00 p.m. 30 minutes before sunup and 30 minutes after sundown. Indoor hours 6:00 a.m. to 10:00 p.m. Monday through Sunday.

Request for a special events' permit with a two-week notice.

PARKING:

There are currently 64 asphalted parking stalls and 44 overflow parking spaces. Limit demand to 64 asphalted parking. Council discussed the possibility of asphalted the 44 overflow parking spaces along with a requirement for someone directing traffic. Kelly was willing to asphalt the overflow parking. City Council agreed to allow for 100 vehicle parking spaces.

“No parking” signs to be purchased by Kelly and installed by city staff on Raymond Drive, Kingston, 6650 South, and South Weber Drive.

Update Google maps and property owner to update website.

No “right turn only” sign would be required.

FENCING:

8 ft minimum masonry wall from northern corner of Schenk property extended to the property line. 6 ft. barrier wall continuing south to the southeast property corner. Add no trespassing signs along fence.

VIOLATION:

Establish a penalty for violation of CUP conditions. Set time frame for completion of asphalt and installation of fencing. Jayme suggested violation of CUP conditions subject to fine up to that allowed by state law.

Councilwoman Petty moved to approve Conditional Use Permit 2016-05: Elite Training Centers at 128 E South Weber Drive subject to the following:

- 1. Hours of Operation**
 - a. Outdoor hours of operation limited to 30 minutes after sunup to 30 minutes after sundown w/ floor and ceiling of 7 am to 9 pm;**
 - b. Indoor hours of operation limited to 6 am to 10 pm;**
 - c. Operations permitted seven days per week;**
 - d. Special events only allowed by permit with at least two weeks' notice; permits to be approved by staff**
- 2. Parking**
 - a. Cap of 100 parking spaces;**
 - b. All parking spaces paved and marked;**
 - c. Facility staff on site to direct and control parking;**
- 3. Traffic**

Owner to procure signs that provide direction and “No Parking” on 6650 South, 475 East, South Weber Drive, Raymond, Kingston, and all adjacent streets – staff to determine spacing and location
- 4. Neighbors/Trespass**

- a. Install at least a ten-foot high barrier or masonry wall along the eastern border of the outside playing fields, from the north end of the Schenk property (parcel #131800033) to the northeast corner of the building. The fence must be constructed in such a manner that it will deter patrons from climbing the wall and trespassing on neighboring properties; the remaining portion of the eastern edge of the property shall have a six-foot barrier or fence (which may be chain-link) to the southern corner of the property.
 - b. Signs to be placed on barriers/walls/fences indicating “No Trespassing” and “No Climbing” barrier/wall/fence to retrieve soccer balls
5. Violations/Deadlines
 - Masonry wall and paved parking to be installed by May 1, 2021
 - Penalty for violation of CUP up to amount permitted by state law
 - Penalties assessed per violation, with each day/event constituting a separate and new violation, in accordance with state law and following required notice/cure requirements
 6. No parking allowed on South Weber Drive or adjacent residential streets.
 7. No lighting will be permitted for the outdoor fields.
 8. Comply with any land use easements.
 9. Comply with all city code including noise restrictions and signage.
 10. Repair and maintain all barriers, walls, and fences

Council to review a copy of the CUP before signing. Each member of Council to review to verify that the terms match the motion passed today.

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

8. Resolution 2020-40: Award Weber Basin Job Corps Campus Water System Re-Pipe Project:

Project Engineer Dana Schuler’s memo dated 24 September 2020 is as follows:

“GENERAL

South Weber City entered into a water service contract with the United States Department of Labor (DOL) in May 2020. As part of this contract, the City is to have designed and constructed a new water system for the Weber Basin Job Corps campus.

This award is applicable to the Weber Basin Job Corps’ portion of the project, with the City’s portion of the project to be awarded at a later date.

PRE-QUALIFICATION PROCESS

Due to the complexity of construction on the Job Corps campus, the project team decided to pre-qualify contractors. A Request for Qualifications was issued on July 27, 2020, with Statements of Qualifications (SOQ) due on August 7, 2020. The City received SOQs from the following contractors: 1. BHI 2. Condie Construction Co. 3. COP Construction 4. CT Davis Excavation 5. Marriott Construction 6. Ormond Construction 7. S&L Inc. 8. Sundt 9. VanCon, Inc. 10. Whitaker Construction

Each selection committee member evaluated and scored the SOQs. The committee then met on August 17, and again on August 19 to determine which contractors were deemed qualified. Overall, only CT Davis Excavation, who lacked complex project experience, was eliminated.

MANDATORY PRE-BID MEETING

Preliminary plans and a draft bid schedule were sent to the pre-qualified contractors ahead of the mandatory pre-bid meeting which was held onsite on September 4, 2020. The following contractors were attended: 1. BHI 2. COP Construction 3. Marriott Construction 4. Ormond Construction 5. Sundt 6. VanCon, Inc. 7. Whitaker Construction

Since this meeting was mandatory, Bids will only be accepted from these seven (7) companies.

BIDDING

On September 16, 2020 at 2:00 p.m., bids were opened for the Weber Basin Job Corps Campus Water System Re-Pipe Project. Three (3) bids were received from the following contractors:

1. BHI
2. COP Construction
3. Ormond Construction

The results of the bidding are shown on the enclosed Bid Tabulation. The Bid Tabulation shows the bidders in order of lowest to highest according to the Base Bids.

BUDGET

A Concept Cost Estimate was created in April 2020 which estimated the project to cost approximately \$1.4M. Per Section 2.D of the DOL-City contract, and confirmed by the City Attorney, the DOL is responsible for any overages. A conference call was held on Monday, September 21 with representatives from the Department of Labor and the US Forest Service. An acknowledgement was made on their part to fund the overage.

AWARD RECOMMENDATION

Overall, we recommend that the Council award the Project to COP Construction for the Base Bid for a total contract amount of \$1,637,830.00. of \$1,637,830.00.”

Councilwoman Petty moved to approve Resolution 2020-40: Award Weber Basin Job Corps Campus Water System Re-Pipe Project to COP Construction for \$1,637,830.00. Councilwoman Alberts seconded the motion. Mayor Sjoblom called for the vote. Council Members Alberts, Halverson, Petty, Soderquist, and Winsor voted aye. The motion carried.

9. Resolution 2020-41: Final Site and Improvement Plans for Riverside Place, Phase 5

City Engineer Brandon Jones' review of 23 September 2020 is as follows:

“Our office has completed a review of the Final Plat and Improvement Plans for the Riverside Place Phase 5 dated, September 18, 2020. Both the plat and the Improvement Plans are consistent with the approved preliminary plans and meet the associated City Codes. The improvements also comply with City Standards.

BACKGROUND This Phase connects Riverside Place Phase 3 and Harvest Park Phase 1. The majority of this phase has already been constructed as a part of the Canyon Meadows Drive Road Dedication Plat and access required for Harvest Park Phase 1. The services for the anticipated lots were constructed with the road, but the lots were not platted at the time. The Road Dedication Plat has not yet been recorded, but will no longer be needed, as this plat will take care of dedicating the road and platting the lots.

GENERAL

E1. Final plans need to be submitted to the South Weber Irrigation Company and an approval letter provided indicating that the improvement plans meet their requirements.

PLAT

E2. No comments.

IMPROVEMENT PLANS

E3. No comments.

RECOMMENDATION

E4. We recommend approval of the plat and associated improvement plans subject to receiving an official approval letter from the SWIC prior to the commencement of construction.”

City Planner Barry Burton's review of 4 September 2020 is as follows:**“Zoning Compliance:**

PL1 – All lots are in compliance with the requirements of the R-M zone.

PL2 – This phase, though not that same as shown on the approved preliminary plat, is in conformance with the preliminary as far as the number of lots in that given area. There are two reasons this is not exactly as originally approved. The approved preliminary had Canyon Meadows Drive dead-ending at the Posse Grounds in anticipation the City may be moving this facility to a new location and that land would be available for future development. The City has since made the determination not to move the Posse Grounds. Secondly, developers of the adjacent Harvest Park Subdivision initially had no access from a public street and proposed that they obtain access to Canyon Meadows Drive through what is now Riverside Place 5. The Planning Commission and City Council, in effect, approved the change to the Riverside Place Preliminary Plat by approving Harvest Park Phase 1.

Final Plat:

PL3 – I see no problems with the final plat.

Recommendation:

PL4 – I advise the Planning Commission to recommend Riverside Place Phase 5 Final Plat to the City Council for approval.”

Councilwoman Alberts raised concerns with overflowing dumpsters and weeds.

Scott Higgy, representing the property owners, explained the dumpster will be emptied more frequently and they have been working on removal of the weeds. Councilman Halverson asked about the fencing around the posse grounds. Brandon Jones commented there will be a new chain link fence installed. Councilwoman Alberts questioned if phase 1 hasn't been completed, what guarantee is there that phase 5 will be completed. Mr. Higgy replied they already have other builders interested in purchasing lots. Councilwoman Petty asked about approval from South Weber Irrigation. Councilman Halverson verified they do have approval from the provider.

Councilman Winsor moved to Resolution 2020-41: Final Site and Improvement Plans for Riverside Place, Phase 5. 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 2020-42: Award Cottonwood Dr. Waterline Replacement Project

Project Engineer Dana Schuler's memo dated 24 September 2020 is as follows:

“South Weber City and Uintah City have combined efforts to have installed a new, shared water line along Cottonwood Drive. This will replace two (2) aging, undersized, parallel lines in the roadway. Maintenance of the new water line will be shared equally between the cities. Additionally, Weber Basin Water Conservancy District will now own and operate the portion of water line from the aqueduct connection on the west side of Adams Avenue Tollway to the Cottonwood Trailhead. The Cottonwood Drive Waterline Interlocal Agreement, dated March 18, 2020, documents the cost share and ongoing maintenance responsibilities for each city.

BIDDING

On September 9, 2020 at 2:00 p.m., bids were opened for the Cottonwood Drive Water Line Replacement Project. Ten (10) bids were received from the following contractors: 1. Wasatch Sand & Gravel 2. Kapp Construction & Development 3. MC Green & Sons 4. Ormond Construction 5. BH Inc. 6. C.H. Nix Construction 7. TONCCO, Inc. 8. Skyview Excavation and Grading 9. CT Davis Excavation 10. COP Construction

The results of the bidding are shown on the enclosed Bid Tabulation. The Bid Tabulation shows the bidders in order of lowest to highest according to the Base Bids. The low bidder was Wasatch Sand and Gravel at \$787,530.00.

VALUE ENGINEERING

After receiving the bids, representatives from Uintah City, South Weber City, and Weber Basin WCD met to discuss ideas to value engineer the project to reduce the overall cost. Weber Basin agreed to allow us to re-configure the meter vaults to delete the bypasses; this saves in pipe and fittings and the overall size of the vault. South Weber City agreed to remove their SCADA installation from the project, knowing that it can be added in the future, while in the meantime, the City can request from Weber Basin any data collected with their SCADA. During the meeting, Weber Basin also committed to providing an additional \$50,000 towards the project, making their total contribution \$100,000. The contractor also provided a cost savings idea of reducing the trail repair thickness; this saved \$4,200.

CONCURRENT CHANGE ORDER 1 After receiving pricing from the contractor, a change order was prepared. The contractor was unable to obtain revised vault prices from his supplier in time for this change order; however, we will continue to work with the contractor and follow up on the deduction. This change order should be approved concurrent to the project award. Overall, the total cost savings contained in Change Order 1 is \$87,700.

BUDGET The following is a budget summary:

	Costs
2020-2021 Project Budget	\$ 700,000
Total Base Bid	\$ 787,530
Concurrent Change Order 1 (deduct)	(87,700)
Total Contract Award	\$ 699,830
Weber Basin WCD Contribution	(100,000)
Service meters replacement by SWC only	(6,390)
Total Project Cost for Cost Sharing	\$ 593,440
Uintah City Responsibility – 52.5%	\$ 311,556
South Weber City Responsibility – 47.5%	\$ 281,884
Total South Weber Responsibility (including meters)	\$ 288,274

*Does not include engineering or contingencies

AWARD RECOMMENDATION

Overall, we recommend that the Council award the Project to Wasatch Sand & Gravel for the Base Bid of \$787,530.00 together with Concurrent Change Order 1 in the amount of \$-87,700.00, for a total contact price of \$699,830.00, with the condition that Uintah City concurs with the award of the project.”

David reported Uintah City held a special meeting tonight and agreed with the recommendation. Councilwoman Alberts inquired what the cost will be when SCADA is added back in. Brandon Jones explained he is working with the SCADA supplier and the amount is currently unknown. Councilwoman Alberts verified the budgeted amount was \$300,000. Councilman Soderquist conveyed the budgeted amount was for \$350,000. He asked about the trail repair thickness of change and its effects. Brandon voiced he had no concerns with the difference and believed it would perform adequately.

Councilman Winsor moved to approve Resolution 2020-42: Award Cottonwood Dr. Waterline Replacement Project to Wasatch Sand & Gravel for a base bid of \$787,530.00 together with concurrent change order 1 deducting -\$87,700.00 for a total contract price of \$699,830.00 with the condition that Uintah City concurs. Councilman Halverson seconded the motion. Mayor Sjoblom called for the vote. Council Members Alberts, Halverson, Petty, Soderquist, and Winsor voted aye. The motion carried.

DISCUSSION ITEMS:

11. The Lofts at Deer Run Redesign

Mayor Sjoblom explained the developers have come before Planning Commission for their preliminary submission over several meetings the past four weeks. Based on Planning Commission guidance they made significant changes to the site plan/development. They are asking for some feedback from the Council as they begin to re-draw the plans to match the new site plan presented to the Planning Commission at the 16 September 2020 meeting.

Joseph Cook, developer of the Lofts at Deer Run, presented the original site plan, and then presented the new site plan indicating significant changes. There is a different configuration of the buildings with three entrances. He discussed the addition of walking paths and gathering areas. The commercial density has gone from 28,741 to 14,589. Commercial parking has gone from 90 to 51, shared parking from 54.88% to 34.69% with total parking reduced from 164 to 147. Residential units are reduced from 72 to 65. He then reviewed the architectural features which he felt is more attractive and people friendly. He expounded upon the amendment to the develop agreement which would be required and a variance request to remove the masonry wall upon the property line as there is already a wall nearby. There would be landscaping identifying the property line.

Mayor Sjoblom thanked the developer for listening to the Planning Commission and the public in trying to make this a better project for the community. Councilwoman Petty appreciated the redesign of the buildings and expressed it is a much better fit for the city. She admitted concern about parking. Joseph explained there are two parking spaces per home with one of the parking spaces being assigned to each unit.

Councilman Winsor addressed issues with the parking study. He related there will be more individuals home because of COVID. He disagreed with the timing of the day care drop off and pick up times. He announced the numbers are skewed.

Dr. Joseph Perrin of A-Trans Engineering explained the study is based on national standards. Councilman Soderquist was concerned about 20 vehicles showing up for day care at one time and how that would be addressed. The Council feared that the information was based on assumptions. Councilwoman Alberts conducted research of similar developments and all of them have vehicles spilling out into their streets. She discussed the possibilities of units renting out individual rooms which would increase the need for parking. She referred to Wasatch Front Regional Council data concerning COVID and an increase in individuals working from home. Councilman Halverson declared this development doesn't have enough parking.

Councilwoman Alberts suggested eliminating one level per building and going to three parking spaces for each unit. Joseph asked if the city would entertain the elimination of all commercial. Councilwoman Petty indicated she would. Councilwoman Alberts suggested dropping the buildings from 50 ft. to 35 ft. Councilman Winsor explained city code requires two entrances if there are more than 30 units. He was concerned about the underground parking only having one way in and out. Councilman Soderquist recommended locating the parking for the day care center as near the facility as possible. Councilwoman Alberts was remiss about snow removal eliminating some parking in winter. Fred Cox, architect, discussed eliminating the commercial and increasing more amenities for the residents which would open more parking spaces. Councilwoman Petty understood there is a development agreement, but she communicated the current configuration will have people parking on residential streets and it will become a problem. Joseph proposed coming up with a plan for three parking spaces per unit. Councilman

Halverson stated unequivocally there needs to be enough parking for the development. Fred Cox asked about correlating the number of parking spaces with the number of bedrooms along with guest parking. David indicated there are 24 one bedroom, 19 two-bedroom, 22 three-bedroom units.

12. City Council Meeting Schedule

The Mayor and staff would like to present the idea for Council's consideration to only meet twice a month, on the second and fourth Tuesdays, as identified in City Code.

City Code 1-2-4A1 states, "The City Council shall hold regular meetings on the second and fourth Tuesday of each month..." The City Council currently meets regularly on the second, third, and fourth Tuesdays of each month, adding an extra meeting allowed but not required by City Code.

Councilwoman Alberts suggested if large agendas are foreseen, she would suggest three meetings. Councilman Winsor discussed at one time there were two regular meetings and one work meeting, but over time it has migrated to three regular meetings. David discussed limiting to two meetings would allow for the packets to be distributed sooner giving individuals more time for review. The Council determined it would try the two meetings a month.

David reported the Code Committee is working on responsibilities and would like to review amendments with the City Council to get feedback. It was decided there will be a work meeting on 20 October 2020.

REPORTS:

13. New Business: Councilwoman Alberts received comments concerning City Hall being locked and asked the status for it opening back up. It was stated the Administrative Committee will be meeting to discuss this item. She related some citizens are wanting street signs. David outlined the process for requesting signs.

Councilwoman Petty reported the left turn lane on 475 East needs to be painted.

Mayor Sjoblom requested the city staff set up a tour at Wasatch Integrated Waste for the City Council and Planning Commission.

14. Council & Staff Reports

Mayor Sjoblom: She gave an update on resident Stan Cook who was recently injured when a tree fell on him during the windstorm. He was still in the hospital but able to move around with the help of a walker.

Due to a surge in recent vehicle burglaries throughout Davis County, Sheriff Sparks notified the City that his officers will be interacting with residents, especially those in affected neighborhoods, in the next few days to educate them on how to keep their property safe and deter crime in our city.

Council of Governments (COG) Meeting Updates:

- a. Coronavirus Aid, Relief, and Economic Security (CARES) Act grants were provided to six businesses located in South Weber City. Average grant amounts received around the county were up to \$15,000/business.
- b. Utah Transit Authority (UTA) is looking to implement more diversified routes and locations. They have plans to construct a Bus Rapid Transit (BRT) route, which is a rail-like transit service, from Davis County to Salt Lake County on the east side. They have plans for improvements from Woods Cross Station south but are looking at possibly extending the BRT to Farmington Station. Buses would arrive for transit every six minutes at peak hours and every ten minutes at off peak hours.

Mayor Sjoblom reported last week she visited 14 more residents in South Weber City with Peifen Tamashiro from HAFB. This round two of the well survey is for the wells HAFB identified from a record search that are located between a one- and two-mile radius of the sources of contamination. It was determined that none of these wells are being used for drinking water or vegetable garden watering.

Mayor Sjoblom thanked the Public Works Department for their handling of clean up from the windstorm. They were very quick and responsive to concerns by residents, Council, and staff.

Councilman Winsor: He disclosed a tree is down at the park. David spoke with Mark Larsen about that today. The city will be getting a chipper and take care of it.

Councilwoman Petty: She announced the Youth City Council will be meeting this Thursday to go over its charter. The Parks and Recreation Committee will be meeting this week as well.

Councilman Soderquist: He communicated the Administrative/Finance Committee met today. The Gravel Pit Committee met last week and discussed different ways to determine where the dust is originating.

Councilwoman Alberts: She conveyed there is graffiti on the old South Weber Drive west of Staker Parsons Gravel Pit. She reported the new audio equipment had arrived. She met with the Country Fair Days Committee to discuss events. There is a possibility of moving everything to Canyon Meadows Park next year.

City Manager, David Larson: There will be a new liaison from Davis County Sheriff's Department because Jason Boyston has been promoted. David will be out of town the week of 12 October 2020.

Councilwoman Alberts moved to go into a closed session held pursuant to the provision of UCA section 53-4-205(1)(c) and (d) to discuss the purchase, exchange, or lease of real property, and to discuss pending or reasonable imminent litigation at 11:00 pm. Councilman Soderquist seconded the motion. Mayor Sjoblom called for the vote. Council Members Alberts, Halverson, Petty, Soderquist, and Winsor voted aye. The motion carried.

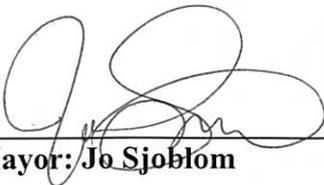
CLOSED SESSION held pursuant to the provision of UCA section 52-4-205(1)(c) and (d)
15. Discussion of the Purchase, Exchange, or Lease of Real Property

16. Discussion of Pending or Reasonable Imminent Litigation

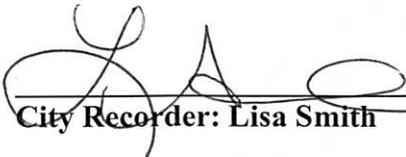
17. Return to Open Session and Adjourn

Councilman Winsor moved to return to open session at 11:37 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.

ADJOURN: Councilman Halverson moved to adjourn the Council Meeting at 11:37 p.m. Councilman Winsor seconded the motion. Mayor Sjoblom called for the vote. Council Members Alberts, Halverson, Petty, Soderquist, and Winsor voted aye. The motion carried.

APPROVED:  _____ **Date** 10-27-2020
Mayor: Jo Sjoblom

Transcriber: Michelle Clark

Attest:  _____
City Recorder: Lisa Smith

Presentation to the South Weber City - City Council - 29Sep20

Comments by Paul A. Sturm

- 1) I have several general comments regarding the Planning Commission Meeting held on 16Sep20 as follows:
 - A) The new Preliminary Site Plan & Improvements for the Lofts at Deer Run as presented by Mr. Joseph Cook and his associates was much better than his previous attempts since they finally took the recommendations of the Planning Commission seriously. The building profiles for Buildings B and C shown in the new/improved design are significantly lower and provide a better view of the Weber River valley than the fifty-foot tall wall of buildings along 2700 E. initially proposed. We do cherish our views, not like an associate of Mr. Cook stated to me on 8Jul19 at ~0850. In addition, by moving the buildings further from the Frontage Road, the "Sight Distance" is improved and permits better traffic and pedestrian safety along 2700 E.. This was a major concern with the prior site design due to multiple "Sight Distance" safety issues when the buildings were directly adjacent to the sidewalk.
 - B) The next issue that I have is with a comment made by Mr. Cook starting at approximately 29:30 into the video of the 16Sep20 Planning Commission Meeting. His series of statements concerning the architectural designs proposed in the drawings/sketches was that these were of an East Coast design similar to what he has built in Florida. This IS NOT the East Coast! As stated in several places of the South Weber City General Plan, any construction needs to blend with the "Country Feel/Country Charm of the City!"
 - C) My next concern is with the parking proposed for this development.
 - i) I believe that the parking, as now shown, is inadequate for a development of this size. The formula used by Mr. Cook and other associates, and provided by Mr. Barry Burton ($2 \times \text{\#units} + 2$), does not provide the amount of parking necessary for this development and the assumed typical type of resident for a townhouse community, i.e., young singles or young families. Please note that Taylor Walton, in an earlier Planning Commission meeting stated that, in other developments, the parking calculation was not just two extra parking slots for an entire development, but additional parking slots were required per '5' number of units. Taylor's comment was not addressed further during that meeting and since, as far as I know.
 - ii) I have questions regarding the parking report from A Trans Engineering. According to Dun & Bradstreet, A Trans Engineering is just a two person operation with annual receipts of less than \$200,000, a really small company. Also, a question that should be asked of A Trans Engineering is that, since the parking assessment is a theoretical calculation, has any follow-up work been performed by A Trans Engineering on their prior theoretical parking assessments to validate that what they had predicted actually proved to be accurate in real life.

iii) My biggest concern with the number of parking slots is that, if the calculations are incorrect, one cannot make additional parking out of thin air after the fact, and the City is left with a real mess. This concern was also mentioned by Rob multiple times during the 16Sep20 Planning Commission meeting. This was also echoed by Blair Halverson at 1:07.00 near the end of the meeting that this was a major concern of the City Council. [NOTE: I have a thought, just so that Mr. Cook has an option to provide additional parking and expand the proposed parking area. That would be to seek to purchase the lower section of Merlin Kingston's lot (the neighbor directly south of the Lofts) and create additional/overflow parking on that extra parcel. Currently that parcel has the same general topography as does the Lofts property, and as such, could be readily incorporated into the current parking design.]

2) Comment on Agenda Item #12

I understand most of the pros/cons of going to two City Council meetings per month. Two meetings per month permits both Council and Staff additional time to prepare for City Council Meetings and to hold their other committee meetings. The only negative that I can see is that, with two meetings per month, and the same amount of material to consider, each of these meetings could be one and one half times as long as they are presently.

Amy Mitchell

CC 2020-09-29 CI #2 Mitchell

1923 Deer Run Drive

Dear Mayor, City Council Members and Planning Commission-

I am writing in reference to the special meeting with regards to the Lofts.

I can't believe we are finally getting to see what they have come up with. I opened up the packet expecting something amazing for how long it took and all I wanted to say was... blah! I will get to the aesthetics later... but for now, let's address the glaring obvious... the parking! This development has inadequate parking to say the least! If these are only allowing 74 designated spaces, 1 per unit and 90 shared parking for residents and commercial, how on earth will they ever have enough room during this time when so many of us are working from home and not going into the office? When this was presented in the beginning people were going to work and leaving home every day. Now many people are doing everything at home. How will the shared parking work then? We have no on street parking along 2700, so that leaves people parking along other residential roads. Home owners who live on these roads should expect that they can keep the parking in front of their own homes for their own cars and not all of their new neighbors. When the snow falls, where will they park and where will all of the snow go? What about the employee parking for the commercial? I would like to know where guests will park, or what about if they are renting out space to 3 or more adults, so now there is even more cars to deal with. So many parking issues that don't seem to be addressed effectively in the plans.

I know that this developer is asking for a variance for a retaining wall to allow for the parking lot. I ask you to please tell them to come back with a plan that actually meets our city code with no variances of any kind! It is our only way to bring this development in to something we can tolerate. As a citizen who has listened to countless hours of meetings, I beg of you to please fulfill your promise that you will do everything you can to help give the residents of our city the very best. We have been told that there is no way to try to fix the mistake made by agreeing to the zoning change, but I disagree. We have heard repeatedly that you were "hoodwinked". Let's move past this and expect more! Let's hold him to every single thing we can so he has to change his development to fit our code, not change our code to fit his development. He knew how steep the slope in this property was prior to purchasing it. We can't change his bad purchase and we don't have to suffer for it. It's time we stand up to developers and make them develop the way we want for our city. They do their development and then move on, we have to live with what they have left behind. I understand that there is a HOA at his other property in Sunset. Doing a simple Facebook search brought up some issues that they have with their parking. Someone posted:

"There is nothing the HOA is willing to do regarding tenants' visitor parking. Tenants will feign ignorance/mistake when their visitors take your parking. It is assigned parking, but instead of giving up their own parking spot they'll gladly use whoevers spot is open then have the audacity to yell at you. There is no recourse for you as a tenant. The police can't do anything because it's private property. Property managers can't do anything because their only concern is the townhome. HOA is useless. They don't answer their phone, text messages go unanswered. "

This will be the same problems here in our city and if he just walks away, then it is up to our code enforcement to take care of these issues when people park on the road, which means an added expense to us!

They have dedicated a huge amount of space for a daycare, but I don't see much outdoor space for it. The State of Utah requires a certain amount of outdoor space as well as who can live close to a daycare. Do they have a process in place to screen those that are purchasing a condo there? And who do we think will buy a 700 square foot condo? Can we not encourage him to double the size of the townhouses and make something really nice? What is their contingency plan if the daycare doesn't come or if after a year they find that commercial can't survive there? We certainly do not want it to sit empty and become a blight or add in more housing where the commercial was supposed to go.

As we send the developer back to the drawing board... we need to help them to know how they can improve on the style! What they gave us was just plain! I ask you to push them to make the buildings look better and inviting. I am including some options of buildings that I think would at the very least look good! The Lofts at Deer Run rendition reminds me of the Aero buildings on Hillfield road just before Northridge. They are all exactly the same with no character and they have a lot that are empty still! If this development is going to be on the frontage road and be something to draw in customers to the commercial and buyers for the condos, let's have it look the very best we can! Let's give all those neighbors that are losing their beautiful view something that isn't horrible! I think adding the country charm we have come to love and expect in South Weber should be something we expect these developers to adhere to. Again, thanks to Google... here are some amazing 3 story projects that I think could give some ideas as to how to change their plan just a little to make it pleasing to the eye for not just the residents in the lofts, but also all of us who have to look at it while we live here. We should ask for something that fits our city!



Balcony's and awnings to define spaces, crisp clean white, painted cement board or some way to define space. We should ask for courtyards for people to be outside. It might even bring in a food place to the commercial. Maybe each building can look slightly different than the other ones. These are just a few pictures I found in looking for a couple minutes. With the right architect, the possibilities are endless and we need to require them to not just meet our code, but give us something that doesn't look like a cell block or college dorms! It's obvious that this developer is just after making as much money as possible so he can move on to



the next project. We have to live with what's left behind, so just like with the Stephens's property... send him back to the drawing board as many times as it takes to get it right!



I can't imagine the task you all have with this project!!

Please take your time. We don't need to rush through this and let mistakes continue to happen. Know that citizens stand behind you and we want you to say no to the variance, no to the look of it, no to the parking. You are our first line of defense in asking for more! He is just after a financial gain, while we are seeking life long residents and not something with a high turn-over!

Sincerely,

Amy Mitchell

CC 2020-09-29 CI #3 Bodily

From: [Brandyn](#)
To: [Jo Sjoblom](#); [Wayne Winsor](#); [Angie Petty](#); [Quin Soderquist](#); [Hayley Alberts](#); [Blair Halverson](#); [Robert Osborne](#); [Gary Boatright Jr.](#); [Tim Grubb](#); [Wes Johnson](#); [Taylor Walton](#); [David J. Larson](#); [Public Comment](#)
Subject: The Lofts Site Plan and Special Meeting concerns - Table consideration until better City and citizen review
Date: Thursday, August 27, 2020 2:23:03 PM

Mayor, City Council, and Planning Commission,

Please table the Lofts approval in the special meeting scheduled tonight allowing adequate time for a thorough review of the 460+ proposal!

The city already did the city and residents the mistake of previously racing through and signing the developer agreement in 2019 with very little citizen knowledge, time to share public comments after reviewing it, and transparency of the many concerning commitments, errors, and guarantees given in the agreement. This 460+ page document the City should absolutely allow City leaders and citizens adequate time to review and comment on to mitigate as much costly and long term issues that could be anticipated in this developer written proposal for their financial gain.

With only 6 days that it has been posted, and I believe was very likely strategically scheduled for a special meeting during Back to School week when many citizens or city leaders are preoccupied and limited in their time and obligations to go page by page through the many significant and important details. The City Council, Planning Commission and citizens need time to review the variances, possible conflicts of interest, and developer written exceptions being proposed. Additionally, please hold the developer strictly to all of the city codes and restrictions with no additional exceptions or variations as this development is already at maximum high density that is in vast contrast from all the other surrounding residential properties and knew the limitations and challenges this property would present.

With the average number of vehicles per household, guests, commercial space with parking for employees and customers especially during winter with little to no green space to hold snow will further limit parking when there is already far too few parking and green space to what is logical and reasonable without having never ending parking, safety, and traffic concerns with an estimated "1,730 daily trips" or vehicles each day according to their traffic study, making left hand turns from two entrance/exits in a very short distance to one another onto the already narrow road obstructing the flow of traffic among other possible concerns.

We firmly feel after hours of reviewing audio and city records that Laurie Gale was deceptive in public meetings that we understand has legal standing in presenting this development originally as "a Daycare" rather than a huge high density complex with a daycare business possibly within a suite of the development. The City allowed the rezone with consideration based on the pretense of a Daycare and many leaders have expressed concerns publically being "hoodwinked" and tricked into this rezone. While the City had a stronger legal standing before the property was sold to the developer and before the City signed a poorly written agreement with very little transparency and awareness to citizens in 2019, we understand the City is now bound by what is code and limited ability to improve the huge wall of a building and very frequent high traffic that will be constantly making left hand turns crossing traffic around what will become two very limited visibility driveways. Please firmly hold the developer strictly to all the existing City codes with no exceptions or variations just to add even greater financial gain or savings to the developer with only negative impacts and little to no benefits to surrounding residence or community. Please also reference the Sunset City dispute online with the developer trying to force through an unapproved sewer lift that becomes costly to citizens and the city later, and if I recall correctly, the dispute was because the sewer lift was added without Sunset City knowledge or prior approval. Please ensure we are not stuck with similar burdens and issues the City, residents, homeowners association, or neighborhood is burdened with that can be foreseen.

I am one who is not anti-development, but very much for wise development that makes sense. This development, unlike the Patio homes and townhomes up the street that had little to no resistance, simply does not compliment the surrounding residential community and these developments should

be built on lots with better multi-street access into the property and not on a hillside. Maximizing the very highest financial gain for the developer should not be our City's responsibility or primary concern. Please also verify that the acreage has been verified to the number of units allowable, excluding the north lot that is divided from the property by canal and therefore should not be considered in greenspace, parking, or number of unit calculations. Just as a homeowner cannot purchase a lot on the other side of their neighbor that would not give them rights to have horse, livestock, or larger building than their single, undivided lot allows or this shall set precedence for homeowners and future developers. I am so glad I do not live directly next to this property and so sorry for those long term neighbors who will now have a towering 3 story tall buildings looking down into and placing an indefinitely shadow, noise, lack of privacy, and blocking former mountain views from their backyards.

Living up the road my greatest concerns personally are the traffic safety, eyesore, and the property being next to a loud highway with bad parking and green space will increase the turnover and in a short number of years will become rundown with a notable increase in crime and transient residents. I do not believe I have ever heard any developer not say almost verbatim to cities, just as this developer did last year, "we are building a high quality development" suggesting unlike every other developer. Please consider the immediate surrounding property owners rights and neighborhoods that will be negatively impacted by this development with limited access from road, safety concerns with left hand turns around limited view corner, how large delivery, construction, and moving trucks will be able to navigate and access the property without illegally crossing the double yellow line and impeding oncoming traffic safety or flow navigating down into the property. The lack of reasonable green space solely so for the developer's financial gain to grossly maximize the very highest number of units possible. Hopefully improvements to the city code will no longer be allowable within South Weber City. This development size on what we can anticipate based on historical slopes and landslides through Layton to Washington Terraces should be considered for this odd development that would be more appropriate with better street access on relatively flat property. Retention and other structures should be kept to existing environmental and other noted restrictions. The well-established developer purchased this property knowing the high financial return they will gain from 70 or so units but also clearly knowing the odd shape and steep hillside with limited access this property will require or limit for development. The city should not allow exceptions to it's codes or conditional use for any claimed hardship or variations to hillside retention, sewer lifts, parking, retention, or other reasons that this developer had legal consideration and reasonable expectation of prior to purchasing this property.

And last, the architectural look. If we are going to continue referring to "Country Fair Days" then we should have a country or at least a more rural, residential look than the contemporary look that has been proposed and contemporary as we see countless down Hillfield road, State street in Clearfield, and through downtown Salt Lake. We have very limited space left in South Weber and we need our Planning Commission to set and expect more consistent architectural designs that complement our community or get rid of the "country" in Country Fair Days so we do not look like a hodge-podge patch work city with an identity crisis. When Walmart or Smiths wants to build in Park City, they comply with the architectural design that all can expect. While nobody is saying we should follow Park City in our strict building codes, we can definitely better define what the look and feel of the future of South Weber should be consistent with.

Thank you for the many hours of work each of you will spend reviewing this important decision and for all the countless hours of work you do for our City and citizens who have to live with whatever developments are approved as you do your best to balance the interest and legal rights of residents, the city, and developers.

Sincerely,

Brandyn Bodily

2408 E 8240 S, South Weber

CC 2020-09-29 CI #4 Hawkes

From: [Richard Hawkes](#)
To: [Public Comment](#)
Cc: [Jo Sjoblom](#); halbert@southwebercity.com; [Quin Soderquist](#); [Blair Halverson](#); [Wayne Winsor](#); [Angie Petty](#)
Subject: Comments for the Lofts at Deer Run agreement
Date: Saturday, September 5, 2020 4:51:55 PM
Attachments: [RECORDED Lofts at Deer Run Development Agreement \(7-1-2019\).pdf](#)

I have spent some time on this agreement and it appears to be flawed in the favor of the builder. Some highlights are as follow and my comments are in the PDF:

- What is the long term plan for the sewer capacity expansion. This has the city acknowledging that they need to do something but pushes it off until a later date. That way when the bond comes up and the apartments are built, the SW citizens will only have the choice to approve or not have enough sewer. Maybe we should put it to a vote now.
- The plan calls for a minimum of 164 parking spaces but they could only fit 162 into the drawing. Where are they going to come up with the additional spaces?
- The plan calls for 74 units and a minimum of 27k sq ft of commercial space. There are only 78 spots allocated (assuming 3 stories) how is this all going to fit together?

The bottom line is that this agreement is lean on details. Thus they will push it through and start construction while developing the details. Then we will be stuck with whatever details comes through when it is too late.

Richard

When recorded return to:
South Weber City
1600 East South Weber Drive
South Weber, UT 84405

**DEVELOPMENT AGREEMENT
FOR THE LOFTS AT DEER RUN
IN SOUTH WEBER CITY**

This **DEVELOPMENT AGREEMENT** ("Agreement") is made and entered into as of this 27th day of July, 2019, by and between **DEER RUN INVESTMENTS, LLC** of 784 Parkway Drive, North Salt Lake, UT 84054 (hereinafter referred to as "Developer"), and **DEER RUN PLAZA LLC** of 10883 South Martingale Lane, South Jordan, UT 84095 (hereinafter referred to as "Owner"), and **SOUTH WEBER CITY**, a municipal corporation of the State of Utah (hereinafter referred to as "City"), of 1600 East South Weber Drive, South Weber, UT 84405. Developer, Owner, and City are heretofore referred to as the "**Parties.**"

RECITALS:

- A. Owner acknowledge that Developer is their authorized agent to represent their interest in development of their fee simple title property, approximately 3.22 acres, as more particularly described in **Exhibit A** attached hereto (the "Property"). A Concept Plan of the site is attached hereto as **Exhibit B**.
- B. Developer proposes a mixed-use development which includes residential and commercial buildings and associated streets, shared parking, and other required improvements collectively known as the "The Lofts at Deer Run" (the "Development"), on the Property.
- C. The purpose of this Agreement is to establish the approved criteria required for the development of the Development prior to approval through the City's required subdivision process.
- D. City, acting pursuant to its authority under Utah Code Ann. § 10-9-101, *et seq.*, and its land use policies, ordinances and regulations has made certain determinations with respect to the Subdivision and, in the exercise of its legislative discretion, has elected to approve this Development Agreement for the purpose of specifying the obligations of the respective parties with respect to the installation of required infrastructure improvements and such other matters as the Parties agree herein.

AGREEMENT

NOW, THEREFORE, in consideration of the mutual covenants contained herein and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties agree as follows:

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

2. **City Laws and Purpose.** City determines that the provisions of this Agreement relating to establishment of Developer's rights and obligations are consistent with City laws, including the City's land use ordinances, the purposes set forth in the zoning district, and the City's General Plan. This Agreement is adopted by a City ordinance as a legislative act and hereby amends the City laws only to the extent within the authority of City and only to the extent necessary to give Developer the effect of the rights and obligations of this Agreement where such City laws may be inconsistent with this Agreement's intent.
3. **Subdivision Approval.** This Agreement does not remove the Developer from their obligation to adhere to the City's established Subdivision approval process. The Developer shall comply with all applicable time frames as specified in City Code. Approval will be based on substantial compliance with Exhibit B.
4. **Geotechnical.** The Development is located within the area identified in the General Plan as Sensitive Lands. As such, the Developer must comply with all provision of City Code, Title 10 Zoning Regulations, Chapter 14 Sensitive Lands Development Regulations.
5. **Sewer Capacity.** The Sewer Capital Facilities Plan, dated August 2017, identifies the Property as requiring 4.0 Equivalent Residential Units (ERU's) based on an assumed commercial-only land use. The City acknowledges that the Development exceeds the anticipated demand and the needed capacity will be addressed through future Capital Facilities Plans and future capital improvement projects. The Development's proportional share of the future capital improvement projects which will provide the desired capacity will be paid through the impact fees assessed when the Building Permits are issued. Building permit approval and occupancy will not be contingent upon sewer capacity.
6. **Density.** The Development will be limited to not more than seventy-four (74) new residential units. There shall be a minimum of 27,000 square feet of commercial space.
7. **Parking.** In order to accommodate the parking needs of both the residential and commercial users within the Development, there shall be at least one hundred and sixty-four (164) parking spaces. Of these spaces, there shall be one (1) space dedicated solely for each residential unit with the remaining spaces being shared by both commercial and residential occupants. In order to ensure parking requirements are followed, Developer agrees that future residents and commercial tenants/operators are made aware in writing of the dedicated and shared parking requirement. Signage and pavement marking must be provided designating a specific parking stall to each residential unit. Signage is not required for any remaining parking spaces.
8. **Hours of Operation.** Commercial buildings shall limit the hours of operation of all businesses within the Development to the hours between 5:00 am to 6:00 pm.
9. **Detention Basin.** A detention basin is required in order to control the flow of storm water leaving the site. The basin is the sole responsibility of the Development and will be privately owned and maintained. However, the sizing, design, location and construction of the basin must comply with City Code and City Standards.

10. Successors and Assigns.

10.1 **Binding Effect.** This Agreement shall be binding upon the successors and assigns of the Parties. Owners acknowledge and agree that if the City is not paid in full in a timely fashion by Developer of all monies as stated in this Agreement, no future development will be permitted by City on the Property until full payment is made.

10.2 **Assignment.** Neither this Agreement nor any of its provisions, terms or conditions may be assigned to any other Party, individual, or entity without assigning the rights as well as the responsibilities under this Agreement and without the prior written consent of City, which consent shall not be unreasonably withheld. Any such request for assignment may be made by letter addressed to South Weber City, and the prior written consent of City may also be evidenced by letter from City to Developer.

11. Default. In the event either Party fails to perform its obligations hereunder or to comply with the terms and commitments hereof, within thirty (30) days after having been given written notice of default from the other Party, the non-defaulting Party may, at its election, have the following remedies, which shall be cumulative:

11.1 all rights and remedies available at law and in equity, including but not limited to injunctive relief, specific performance, and/or damages;

11.2 to cure such default or enjoin such violation and otherwise enforce the requirements contained in this Agreement; and

11.3 the right to withhold all further approvals, licenses, permits, or other rights associated with any activity or development described in this Agreement until such default is cured.

12. Court Costs and Attorneys' Fees. In the event of any legal action or defense between the Parties arising out of or related to this Agreement or any of the documents provided for herein, the prevailing Party or Parties shall be entitled, in addition to the remedies and damages, if any awarded in such proceedings, to recover their costs and reasonable attorneys' fees.

13. Notices. Any notices, requests and demands required or desired to be given hereunder shall be in writing and shall be served personally upon the Party for whom intended, or if mailed, be by certified mail, return receipt requested, postage prepaid, to such Party at:

Developer: Deer Run Investments, LLC
784 Parkway Drive
PO BOX 540395
North Salt Lake, UT 84054

City: South Weber City
Attention: City Manager
1600 East South Weber Drive
South Weber, UT 84405

Owner: Deer Run Plaza LLC
10883 South Martingale Lane
South Jordan, UT 84095

Any Party may change its address or notice by giving written notice to the other Parties in accordance with the provisions of this section.

14. General Terms and Conditions.

- 14.1  Amendments. Any alteration or change to this Agreement shall be made only after complying with any applicable notice and hearing provisions of **MLUDMA** and applicable provisions of the City Laws.
- 14.2 Captions and Construction. This Agreement shall be construed according to its fair meaning and as if prepared by all Parties hereto. Titles and captions are for convenience only and shall not constitute a portion of this agreement. As used in this Agreement, masculine, feminine or neuter gender and the singular or plural number shall each be deemed to include the others wherever and whenever the context so dictates. Furthermore, this Agreement shall be construed to effectuate the public purposes, objectives and benefits set forth herein while protecting any compelling countervailing public interest and providing to Developer vested development rights as described herein. As used in this Agreement, the words “include” and “including” shall mean “including, but not limited to” and shall not be interpreted to limit the generality of the terms preceding such word.
- 14.3 Term of Agreement. The term of this Agreement shall be for a period of seven (7) years following the date of its adoption.
- 14.4 Agreement to Run with the Land. This Agreement shall be recorded in the office of the Davis County Recorder against the Property and is intended to and shall be deemed to run with the land and shall be binding on and inure to the benefit of the Parties hereto and their respective successors and assigns. This Agreement shall be construed in accordance with the City Laws. Any action brought in connection with this Agreement shall be brought in a court of competent jurisdiction located in Davis County, Utah.
- 14.5 Legal Representation. Each of the Parties hereto acknowledge that they each have been represented by legal counsel in negotiating this Agreement and that no Party shall have been deemed to have been the drafter of this Agreement
- 14.6 Non-Liability of City Officials. No officer, representative, agent or employee of the City shall be personally liable to any other Party hereto or any successor in interest or assignee of such Party in the event of any default or breach by the defaulting Party, or for any amount which may become due the non-defaulting Party, its successors or assigns, or for any obligation arising under the terms of this Agreement.

- 14.7 **Entire Agreement.** This Agreement, together with the exhibits hereto, integrates all of the terms and conditions pertaining to the subject matter hereof and supersedes all prior negotiations, representations, promises, inducements, or previous agreements between the Parties hereto with respect to the subject matter hereof. Any amendments hereto must be in writing and signed by the respective Parties hereto.
- 14.8 **No Third-Party Rights.** The obligations of the Parties set forth in this Agreement shall not create any rights in or obligations to any persons or parties other than to the Parties named herein. The Parties alone shall be entitled to enforce or waive any provisions of this Agreement to the extent that such provisions are for their benefit.
- 14.9 **Force Majeure.** Any prevention, delay or stoppage of the performance of any obligation under this Agreement which is due to strikes, labor disputes, inability to obtain labor, materials, equipment or reasonable substitutes therefore, acts of nature, government restrictions, regulations or controls, judicial orders, enemy or hostile government actions, war, civil commotions, fires, floods, earthquakes or other casualties or other causes beyond the reasonable control of the Party obligated to perform hereunder, shall excuse performance of the obligation by that Party for a period equal to the duration of that prevention, delay or stoppage. Any Party seeking relief under the provisions of this paragraph must have noticed the other parties in writing of a force majeure event within thirty (30) days following the occurrence of the claimed force majeure event.
- 14.10 **Severability.** Should any portion of this Agreement for any reason be declared invalid or unenforceable, the invalidity or unenforceability of such portion shall not affect the validity of any of the remaining portions, and the same shall be deemed in full force and effect as if this Agreement had been executed with the invalid portions eliminated.
- 14.11 **Waiver.** No waiver of any of the provisions of this Agreement shall operate as a waiver of any other provision regardless of any similarity that may exist between such provisions, nor shall a waiver in one instance operate as a waiver in any future event. No waiver shall be binding unless executed in writing by the waiving Party.
- 14.12 **Governing Law.** This Agreement and the performance hereunder shall be governed by the laws of the State of Utah.
- 14.13 **Exhibits.** Any exhibit to this Agreement is incorporated herein by this reference, and failure to attach any such exhibit shall not affect the validity of this Agreement or of such exhibit.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement by and through their respective duly authorized representatives as of the day and year first written above.

EXHIBIT "A"
THE LOFTS AT DEER RUN
BOUNDARY DESCRIPTION

13-041-0062

BEG ON THE W LINE OF A HWY, 125 FT PERP'LY DISTANT W'LY FR THE CENTER LINE THEREOF, AT A PT 692.5 FT E & S 4°12' W 479.28 FT & N 85°48' W 142 FT, M/L, FR THE NW COR OF THE SW 1/4 OF SEC 36-T5N-R1W, SLM; RUN TH S 4° W 243.47 FT, M/L, ALG W LINE SD HWY TO DEER RUN ESTATES UNIT NO 5; TH N 87°57'40" W 289.07 FT TO THE E'LY LINE OF THE DAVIS & WEBER CO CANAL COMPANY R/W; TH NE'LY ALG THE E'LY & S'LY LINE OF SD CANAL R/W TO A PT S 83°46' W 136.27 FT, M/L, & S 67°01' W 74.64 FT ALG SD R/W FR THE W LINE OF SD HWY; TH S 4°12' W 133.40 FT; TH S 85°48' E 66.0 FT TO THE POB. CONT. 1.581 ACRES.

13-041-0115

A TRACT OF LAND IN FEE SIT IN THE NW 1/4 SW 1/4 OF SEC 36-T5N-R1W, SLM, THE BNDRY OF SD TRACT OF LAND ARE DESC AS FOLLOWS: BEG AT THE NW COR OF SD TRACT, WH PT IS E 434.00 FT FR THE W 1/4 COR OF SD SEC 36; & RUN TH E 45.36 FT; TH SE'LY 169.29 FT ALG THE ARC OF A 626.80 FT RAD CURVE TO THE RIGHT (NOTE: CHORD BEARS S 21°03'13" E 168.80 FT); TH S 83°21'47" W 47.65 FT; TH S 66°36'47" W 63.92 FT; TH N 71.41 FT; TH E 6.00 FT; TH N 52.00 FT; TH W 6.00 FT; TH N 65.00 FT TO THE POB. CONT 0.31 ACRES

13-041-0068

BEG AT A PT 707.37 FT E & S 4°12' W 283.3 FT & S 83°46' W 152.07 FT FR NW COR OF SW 1/4 OF SEC 36-T5N-R1W, SLM; TH S 83°46' W ALG CANAL R/W 9.20 FT; TH S 67°01' W 74.64 FT; TH S 4°12' W 133.4 FT; TH S 85°48' E 76.00 FT, M/L, TO W'LY R/W LINE OF FRONTAGE RD; TH N 4°00' E 170.08 FT, M/L, TO POB. CONT. 0.388 ACRES

13-041-0118

A TRACT OF LAND IN FEE SIT IN THE NW 1/4 SW 1/4 OF SEC 36-T5N-R1W, SLM, THE BNDRY OF SD TRACT OF LAND ARE DESC AS FOLLOWS: BEG AT THE N'LY BNDRY LINE OF SD TRACT AT A PT 200.00 FT PERP'LY DIST W'LY FR THE CENTERLINE OF SD PROJECT, WH PT IS E 707.37 FT & S 4°12' W 283.30 FT & S 83°46'00" W 127.07 FT FR THE NW COR OF THE SW 1/4 OF SD SEC 36 SD PT BEING THE S'LY R/W LINE OF THE WEBER COUNTY CANAL COMPANY; & RUN TH S 4°00'00" W 413.55 FT; TH N 87°57'40" W 7.19 FT; TH S 12°25'38" E 106.71 FT; TH N 4°00' E 520.30 FT; TH S 83°46'00" W 23.37 FT TO THE POB. CONT 0.26 ACRES

13-140-0010

ALL OF LOT 2, DEER RUN ESTATES UNIT NO 5. EXCEPT THEREFR THE FOLLOWING: A PARCEL OF LAND IN FEE FOR THE WIDENING OF EXIST STATE HWY 89 KNOWN AS PROJECT NO 0089, BEING PART OF AN ENTIRE TRACT OF PPTY SIT IN LOT 2, DEER RUN ESTATES UNIT NO 5, A SUB IN THE SW 1/4 OF SEC 36-T5N-R1W, SLM; THE BNDRY OF SD PARCEL OF LAND ARE DESC AS FOLLOWS: BEG AT THE SE COR OF SD LOT 2, AT A PT 20.751 M (68.08 FT) PERP'LY DISTANT N'LY FR THE CENTER LINE OF DEER RUN DRIVE (7950 SOUTH STR) OF SD PROJECT, AT ENGINEER STATION 0+003.570; & RUN TH N 12°25'38" W 19.039 M (62.46 FT) ALG THE E'LY BNDRY LINE OF SD LOT 2; TH S 3°59'37" W 20.019 M (65.68 FT) TO THE S'LY BNDRY LINE OF SD LOT 2; TH E'LY 5.662 M (18.58 FT) ALG THE ARC OF A 96.978 M (318.17 FT) RAD CURVE TO THE RIGHT (NOTE: CHORD TO SD CURVE BEARS N 75°54'58" E FOR A DIST OF 5.662 M (18.58 FT)) TO THE POB. CONT 0.51 ACRES

CC 2020-09-29 CI #5 Maw

From: [Alyson Maw](#)
To: [Public Comment](#)
Subject: Lofts at Deer Run
Date: Monday, September 7, 2020 12:26:00 PM

My husband and I live 7913 S 2600 E, South Weber, UT 84405, and the changes that the developer is proposing is NOT something that my husband or I are looking forward to.

If there is a 12 ft retaining wall, 10 feet to the east of the Davis/Weber Canal property, and the Condo's built on the top of that. The housing complex will be a 42 foot blight in front of the Mountains. Plus their ability, to peer into our back yard....

The parking issues are still a huge concern for us. Especially in the winter months, where are they going to shovel the snow. Our home is in a cul de-sac and I constantly have to have the South Weber plow truck move the snow away from our mailbox, because they push it right to it. Then, there is a 6 foot wall of snow there for at least 3 months. There is not space allowed in the parking for all the snow that we get.

One other issue, is the water pressure. We have fluctuating pressure occasionally, how will the water be with 74 more homes using it, less than 300 feet away?

I realize that this Condo will be built, I just want it closer to the 2700 E road, than to the canal.

Thank you for listening.

--

Alyson Maw / Realtor

801-791-7253

Utah Prestige Real Estate, LLC

www.mawshomes.com

"Trust me to Find your way Home"

September 9, 2020

Dear South Weber City Council,

We the Haslam family write to you with great concern regarding the La Roca soccer field and its patrons. As a short introduction, we are a family of five. Jake and Sarah Haslam are the parents of 3 children, Isabelle(5), Ava(2), and Royce(6 months). We recently moved into 297 East Old Maple Road and have enjoyed our time getting to know the new area and our neighbors. We are excited to have a home surrounded by other young families and a place that we will be able to raise our family for many years to come.

Upon moving in, we were very surprised by the amount of traffic coming from I84 direction to La Roca soccer fields. We have a great fear not only for our children, but the other many children that live in and around the neighborhood. We are greatly concerned that with the amount of traffic passing our homes, and the speed at which they do so, it is only a matter of time before irreversible tragedy occurs. We see this as entirely avoidable and call on the commission to take action to help regulate La Roca and its patrons in a way that will keep South Weber residents safe. We echo the voices you have heard and plead for your help in maintaining a safe environment for our children.

We are grateful for your public service and trust you will represent us well to attain a favorable outcome.

Sincerely,

The Haslams

CC 2020-09-29 CI #7 Borgstrom

From: [Mike Borgstrom](#)
To: [Public Comment](#)
Subject: The Lofts
Date: Wednesday, September 16, 2020 2:11:14 PM

As you are aware nearly all residents impacted by the Lofts are in complete opposition to the project. Count me in on the opposition to the Lofts, though I know that's a moot point now. I do not believe the parking issue is still being looked at realistically, more consideration should be given to visitors vehicles. The altered drawings of the project appear to have pushed the building west, perhaps to the canal impacting many more residents on the other side of the canal. Again, count me in on opposition to the move further west. Me and many of my neighbors will be further impacted (Further disrupted view, increased noise) if the Lofts move further west. Though the vegetation in the picture is nice, I believe the view from the street will just be an overcrowded parking lot. Previously the rendering of the Lofts had more curb appeal, with the parking in the rear.

I'm not one to comment, but the misperception that the silent majority agrees with whatever is going on in the city I guess needs to be displayed.

Thanks for your consideration,

Michael Borgstrom

CC 2020-09-29 CI #8 Sharon

From: [BRIAN SHARON](#)
To: [Public Comment](#)
Subject: South Weber City Council Agenda Tuesday, September 29, 2020
Date: Monday, September 28, 2020 1:15:15 PM

With regard to Action Item #9 on the agenda:

Before approving Item 9 it would be great if the developer/contractor would clean up the empty lots. A great many of them are filled with trash and weeds. and sidewalks cannot be walked on. Also, there are three dumpsters that are filled to overflowing. The items in these dumpsters along with the trash and weeds on the empty lots get blown on the streets and finished lots in the development. As I walk around the area I often pickup items and put them in my trash can because the dumpsters are too full.

Only when the developer/contractor completes what they have started should approval for Phase 5 or any other phase be given.

Nilson Homes doesn't seem to have this problem.

Brian Sharon
562 Spaulding Way
801.822.8907

CC 2020-09-29 CI #9 Skeen

From: [Jordan Skeen](#)
To: [Public Comment](#)
Subject: La Roca and Old Maple Farms Development
Date: Tuesday, September 29, 2020 9:12:24 AM

Hello,

My wife and I live on the corner of Old Maple Rd. We purchased our home almost a year ago to-date. We were so excited to be moving into such an amazing community and area.

When spring time came around we shortly realized that our quiet little road was not so quiet. La Roca players, coaches, parents speeding through our neighborhood and running the stop sign in front of our house. We have communicated to the city and city councilmen. Since that time a sheriff has come and witnessed several traffic violations and issues with those late to practices, games, etc.

When school is out, I rarely have my kids outside as the road is littered with speeders and stop sign violators. La Roca has become such a problem that the whole neighborhood is concerned that someone is going to get hurt.

Before this happens I hope that action could be taken to avoid someone getting seriously hurt.

CC 2020-09-29 CI #10 Farrell

From: [Jillian Farrell](#)
To: [Public Comment](#)
Subject: La Rocca traffic in Old Maple Farm Subdivision
Date: Tuesday, September 29, 2020 9:55:48 AM

To whom this may concern:

I am writing to you about the dangers of the evening La Rocca traffic that occurs in our neighborhood. These people are typically rushing parents driving through quite fast or speeding teenagers. The teenagers have loud music and no consideration for our children, dog walkers and family's out on an evening stroll. Our neighborhood is a beautiful calm place but with all this chaos it's becoming a matter of when will someone get hurt not if.

Please consider speed bumps on our main road or opening up the E 6650 S up to take some of the burden.

We are new to the area. My husband is in the 421 fighter squadron on base and we would like this assignment to be enjoyable for our family and neighbors for the few yrs we have left in at Hill AFB.

Thank you,
Jillian Farrell

Tony Moser

6458 Raymond Dr.

Dear City Council Members and Mayor,

I would like to submit my public comments for today's meeting dated September 29, 2020.

The soccer facility currently located in my neighborhood has not been straight forward with their intentions from the beginning of development up to today. I have a few examples listed below. To summarize: September 8, 2016 planning commission; we were told the soccer complex was going to just be a practice facility. September 13, 2016 city council meeting; we were told only 3 fields, two outdoor and one indoor. We were told they would be a good neighbor. We were told hours of operations were from 6 am to 10 pm Monday through Saturday. Also, we were told it would strictly be a training facility (see city council work meeting minutes). All of this "misinformation" has come to light since opening this soccer complex.

Intentions come to light. June 4, 2017 an article was published in the Standard Examiner stating their true intentions. The creation of a development academy and list of teams planning on playing games at their new soccer complex. This came to exist with loud speakers announcing players names and even louder introduction music. Limited parking started to show that the 78 stalls listed in the city council meeting on September 13 were not enough to handle the crowds. Then again on July 11, 2017 the Standard examiner again posted another article about how a "soccer complex rises in South Weber farmland". In that article they reveal that home games will be played at the new soccer complex.

It was obvious then and more now, that there was **never** any intentions of keeping the conditional use permit as agreed upon by the city and the soccer complex. Parking was and still is a main concern. August 1, 2020 there was a soccer **tournament** held at the complex. During the pandemic we all are currently managing, a tournament was held and then canceled from not following CDC guidelines and crowd control. Parking was a disaster. Soccer participants honked horns and yelled at the neighbors as they left the complex. Several city council members and others, attended and saw only the beginning of what is scheduled and coming to our farmland community on the west side of South Weber. This was a 'local' tournament. This wasn't a tournament where traveling teams come in from all over the western United States. Those teams travel in motorhomes and large passenger vans. The original two outdoor soccer fields, quickly became 4 and the games continue. I will give them credit for at least following ONE of the conditions in the permit and that is the days of operations. They have been pretty good at keeping Sunday off the list as agreed upon. The hours of operations however, gets stretched as they will play up to midnight during the winter months at the indoor field.

Landscaping has been discussed multiple times in the city council and planning commission meetings as well. Currently the facility only has grass for their ball fields. Weeds can be found around the perimeter and especially around the building. Chris Tremea sent an email March 27, 2018 to

Jo Sjoblom <JSjoblom@southwebercity.com>,
Kent Hyer <KHyer@southwebercity.com>,
Wayne Winsor <wwinsor@southwebercity.com>,
Angie Petty <apetty@southwebercity.com>,

Blair Halverson <bhalverson@southwebercity.com>,
Merv Taylor <MTaylor@southwebercity.com>

In that email, he states that a bid into “the \$100,000 figure for landscaping, including trees, shrubs, and grass.” Where are the trees and shrubs?

What used to be a beautiful field with geese in the fall is now a white building with weeds everywhere.



We, as a neighborhood, would like to see the city stand up to the misleading information that continues to plague our neighborhood and keep this soccer complex as approved. That is to keep them to a training facility with allowing some scrimmage games, but NO TOURNAMENTS. If they agree to something, that they be held to that. August 1, 2020 should have been a huge eye opener to the city with where this complex potentially is headed. Overflow parking in an open grass field that wasn't mowed during the heat of the summer, is NOT an answer. Trespassing on private property needs to be enforced. Soccer parents late for practice will always result in speeding through the subdivisions, as they currently do. Teenagers late for practice do the same thing. Nate and Emma Kendell who live on the rural section of road on 6650 shouldn't have to witness a quarter mile drag strip every evening there is a practice or games.

I've spent many years living in this great community with serving others around me. This includes coaching youth basketball, youth baseball and yes youth soccer teams. I completed 10 years of reading to school kids at South Weber Elementary 1st and 2nd grade children. I participated in many years with South Weber days, including but not limited to the parade committee, cooking for the meal at the park, and other events. We used to call this place home, but lately it's hard to spend time in your own yard

on the weekends with dealing with rude soccer participants and loud parents showing their disapproval with honking and hand gestures.

I urge you to do the right thing for the city of South Weber and surrounding neighbors of this soccer complex. My family would like to continue to live here and know that the years we have spent here will continue to mean something.

I can be reached at 801-810-8669 for further comment if needed.

Tony

Planning commission: September 8, 2016

http://www.southwebercity.com/img/File/planning_commission/2016/PC%209-8-16%20Minutes.pdf

Discussion and Action on Conditional Use Permit: Application for South Weber Soccer Facility located at approx. 128 E. South Weber Dr. (Parcel 13-005-0033), approx. 12.21 acres, by developer Kelly Parke: Barry said this proposal is to build a *private soccer practice facility* which involves three different actions on the part of the Planning Commission, the rezone of the property, a one-lot subdivision and conditional use approval for the proposed use and layout.

.....

City council: - September 13, 2016

<http://www.southwebercity.com/img/File/City%20Council%20Meetings/2016/CC%209-13-16%20Minutes.pdf>

RESOLUTION 16-31 Smith & Edwards Final Subdivision: Tom said this is a final plat for Smith & Edwards soccer development. All the requirements have been met by the applicant. The Planning Commission has recommended approval to the City Council. Barry Burton, City Planner, said the access is coming off of South Weber Drive. Council Member Sjoblom asked about deterring traffic. Barry said the City has looked at alternatives in the past and suggested making 6650 South a one-way street or dead end street. He said it would make it a little less convenient for residents on 6650 South. Mayor Long asked if **no parking can be posted on 6650 South. Barry said, "yes"**. He said this property is **located in the noise zone and has an easement that does have some restrictions**. Barry said there is sufficient parking with 78 stalls as well as overflow parking. *He said the developer has said the soccer fields are **not for recreational soccer**.*

Page 4 of 12 – City Council Meeting

Kelly Parke, 3393 W. 1700 N. Ogden, Utah, said they **will try to be a good neighbor**. He said the 50 ft. is in the area where there will be an open soccer field. **He said the intent is two outdoor fields and one indoor facility.**

Page 7 of 12 City Council Meeting

5. Include hours of operation from 6:00 a.m. to 10:00 p.m. **Monday thru Saturday.**

Council Member Hyer moved to open the public hearing for Ordinance 16-18. Council Member Taylor seconded the motion. Elyse called for a roll call vote. Council Members Casas, Hyer, Taylor, and Sjoblom voted yes. The motion carried.

City Council Work Meeting Minutes – again states training facility – pg 2-3 of 6
Thom Wight said it will be under the direction of La Roca soccer. **He said this will be strictly a training facility**

Tom said the Conditional Use Permit is for a **private-use** indoor soccer facility and **two outdoor soccer fields**.

See this article from the Standard Examiner with team locations and numbers: - June 4, 2017

[Layton-based-La-Roca-joins-US-Soccers-development-academy-teams-finalized](#)

Here's a breakdown of the numbers.

"62 girls named to the four teams. The U-18/19 and U-15 teams are comprised of 15 players each while the U-16/17 and U-14 teams each have 16 players."

From the Standard Examiner: - July 11, 2017

[la-roca-soccer-complex-south-weber-construction](#)

In this article it states,

*"The plan is to utilize the outdoor fields for **home games** played by La Roca's girls development academy teams starting in **Fall 2018**, Parke said. The teams will play this upcoming season at Regional Athletic Complex in Salt Lake City."*

" but the city determined it could be zoned for commercial recreation."

Tom Smith tsmith@southwebercity.com via southwebercity@microsoft.com

Jun 27, 2017
2:35 PM

to Tony, Tammy, Jo, Wayne, Scott, Merv, Kent

Mr. Moser,

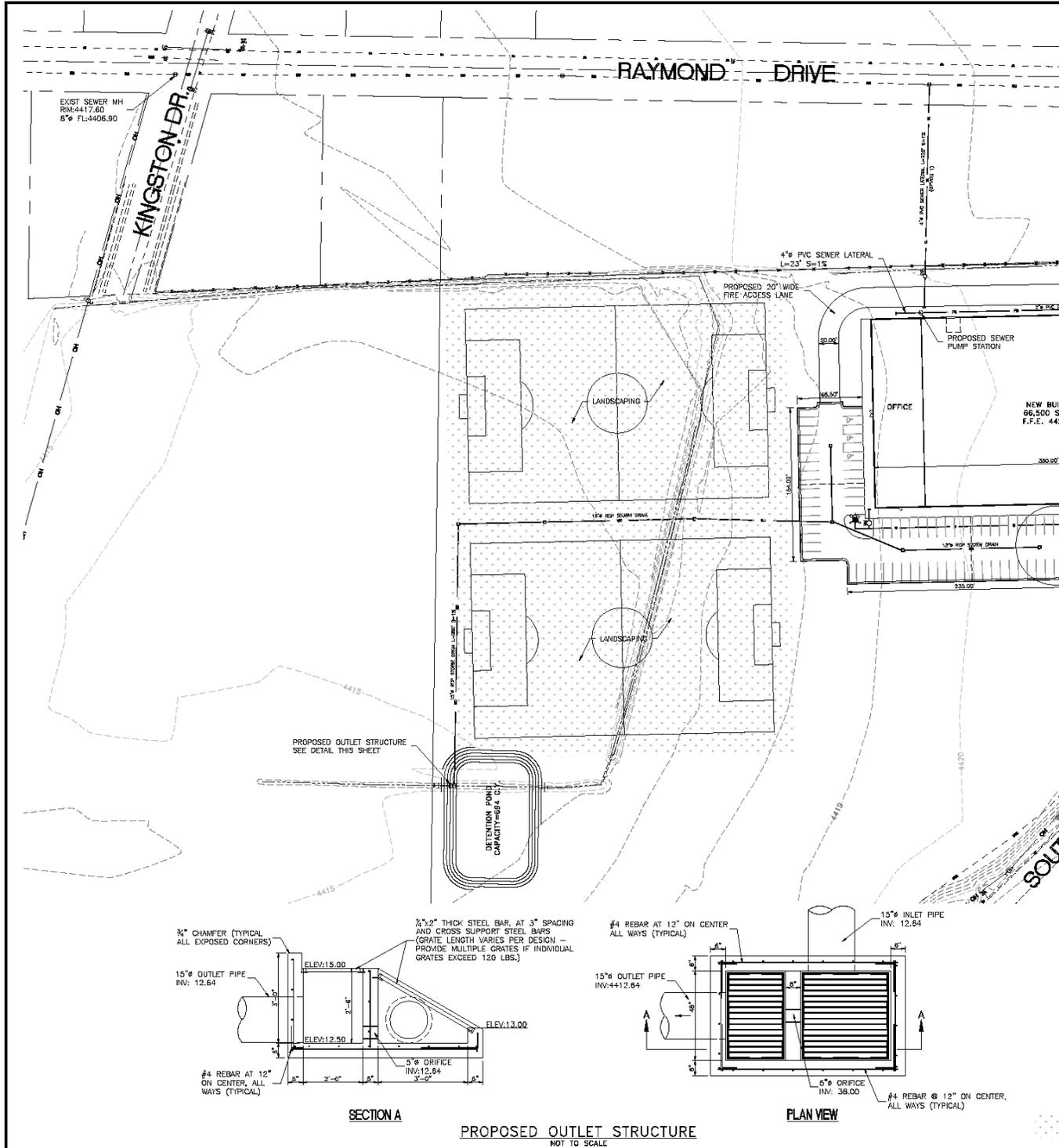
The motion that was approved by the council was with the understanding that the facility was to be for **practice use only**. The developer does not a recommendation from the Planning Commission or approval from the City Council to have competitive league games. The facility also does not have the proper accommodations to host league games (stadium seating, stadium lighting, parking, etc.). They may have future plans to develop the facility into such a complex, but that would have to go through the proper process and new terms would have to be established.

Thank you for the correction. The paved portion of the parking lot that is required of the facility is 52 lots. However, the developer is placing additional parking space on the west side.

Thank you,
Tom Smith
City Manager
South Weber City
801-479-3177 ext. 207
1600 East South Weber Dr.
South Weber City, UT 84405

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Soccer Complex Draft – June 23, 2016 – DRAFT – showing 2 fields not 4 as they currently have in place



CC 2020-09-29 CI #12 Mitchell

From: [Amy Mitchell](#)
To: [Public Comment](#); [Jo Sjoblom](#); [Quin Soderquist](#); [Blair Halverson](#); [Hayley Alberts](#); [Wayne Winsor](#); [Angie Petty](#)
Subject: City council Meeting 9_29_20
Date: Tuesday, September 29, 2020 4:13:41 PM

Dear Mayor and City Council-

Thank you for your time tonight! I appreciate the time it takes to try to do what is best for our community!

I know that this is a big meeting with so much to discuss and I so wish I could be there in person, but time is not on my side this week. I wish to address a few items from the agenda.

#1 is the CUP for the soccer complex. I hope to see you hold Mr. Parke to this agreement. I am glad that there will be more parking on site as their overflow parking does get to be a nuisance along South Weber Drive. Is it possible to also hold him accountable to fixing the entrance, making it look nicer and more appealing when you drive by? Is all other items from the past addressed in this new CUP? I hope we don't see a repeat of the many problems in the past and that it can be a benefit to our city and not just a drain.

#2 is the Lofts on Deer Run. The newest idea presented is just barely better than the last renition and I really hope that as our representatives, that you can hold him to every detail possible so we can continue to improve it. It still seems like too much to try to cram into that small space. The parking is terrible and under capacity. It is my hope that you will do like you promised all of us and make him stick to every single code we have in place! No exceptions, no variances!! That is the only thing we have to stick to! I also wish to see the number of units decreased and the size of the units increased. Even the apartments are bigger than what he is proposing. He is just here to turn a profit and we do not need to do his job for him. He will not care if it is turned into a blight, but will continue to move along to some other small city and do the same thing there. We need to ask for the very best building materials, the most amount of green space and the most amount of parking stalls possible.

I continue to stand by my previous email for the 8/27 meeting and ask for you to not allow any variances at all. You have my full support in pushing him into doing what is right for South Weber! After seeing what he has done in other cities... we need to ask for more!

Thank you for your time and service!
Sincerely,
Amy Mitchell

CC 2020-09-29 CI #13 Gibbs

From: [Janet Gibbs](#)
To: [Public Comment](#)
Subject: comments regarding Phase 4 & 5 at tonight's City Council meeting.
Date: Tuesday, September 29, 2020 4:30:35 PM

Hello

I understand that the City Council will be giving final approval to Riverside Place Phases 4 & 8 at tonight's meeting.

I have no objections to the approval of the Phases. I have concerns regarding the Riverside Place Phase 2 HOA. I have lived in the HOA for 3 years.

My comments and request are listed below.

COMMENTS

The HOA has been in "progress" for 5 years. Homes sit unfinished or partly finished; I counted 18 homes in the unfinished or partly finished status. My definition of unfinished covers a range of the hole dug (footings were poured yesterday), landscaping not completed, gates and fences not installed, to homes that sit framed only, to a home that owners apparently haven't been able to take possession for a number of reasons, one being the home didn't pass code. Some home owners have been waiting months to move into their homes. The construction seems to take longer than the accepted 6-8 months. Weeds and trash covering lots, at one point even the ones people had taken possession. These issues present an eye sore to not only the current home owners but to the whole neighborhood, including the City.

Scott and Doug (general contractor) have been made aware of these issues during HOA meetings and emails. I believe the City has also been made aware of the issues in the HOA. There is no on site supervisor and Doug isn't on site that much, plus he has been requested not to communicate with at least two homeowners.

The reasons for these delays provided to some homeowners have ranged from:

1. Can't find subs or workers
2. Fired subs and supervisors for various reasons.
3. Homes for 55+ aren't selling (this is Scott's comments) and reason for reducing the 55+ section.

The weed issue was resolved, mostly, by contacting Chris Tremea. There could be more clearing of weeds. Especially on sidewalks so people are able to use the sidewalks without tripping (which has happened to me) and use the sidewalks for wheelchairs and walkers.

3 dumpsters that are full and could be removed and replaced. This would solve the problem of junk around and keep it from blowing on home owners property.

CONCERN

My concern is that Scott and Doug will ignore, delay materials, manpower delays and no supervision of subs in finishing of Phase 2. If the developer and general contractor can't seem to complete a Phase within 5 years; how can they manage two new Phases?

REQUEST

Is it feasible to have Scott and Doug complete the following

1. Clean up weeds
2. Move in an expedited manner on completing the current homes waiting for completion.
3. Provide an on site supervisor.

I have observed Nilsson construction and there hasn't been issues with the eyesores of the HOA. I

am sure there are other issues with Nilsson homes, but they aren't apparent and don't make the area unattractive. Homeowners watch the Nilsson homes go up quickly compared to what has been the pattern at the HOA and wonder why.

Thank you for your time and consideration. I understand this email will be attached to the minutes of tonight's meeting.

Janet Gibbs
586 E Green Springs Way
South Weber
801-419-3568

Sent from [Mail](#) for Windows 10

CC 2020-09-29 CI #14 Jones

From: [ryan jones](#)
To: [Public Comment](#)
Subject: La Rocca
Date: Tuesday, September 29, 2020 10:33:43 PM

I just found out about the meeting tonight. I know this is probably too late to be included in your consideration for solutions to the traffic issue in Old Maple created by La Rocca. I understand that some see it as a problem, or a concern. Every one of the cars that goes to the soccer fields through Old Maple must pass our home. I don't see it as a big deal. Those who are going that direction are indistinguishable from those headed to their homes in the neighborhood. I worry that people will want to put speed bumps in the neighborhood. That, to me, would be worse than the chip that was laid on our roads. Needless to say increased traffic is part of a growing community.

I feel like it would be best to stop worrying about it.

I've said my piece.

Cheers!