

SOUTH WEBER CITY CITY COUNCIL MEETING

DATE OF MEETING: 27 March 2018

TIME COMMENCED: 6:01 p.m.

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

PRESENT: MAYOR:

Jo Sjoblom

COUNCILMEMBERS:

Blair Halverson

Kent Hyer

Angie Petty

Merv Taylor

Wayne Winsor

CITY MANAGER:

Mark McRae

Transcriber: Minutes transcribed by Michelle Clark

ATTENDEES: Taylor Walton, Ludovica Meeks, Sally Petty, Bill Petty, James Cook, Stanley R. Cook, Mark Staples, John Grubb, Raelene Miller, Roger Miller, Trevor Schenck, Brent Poll, Bruce Nilson, Kenny Carson, Nate Kendell, and Lindsey Stark.

Mayor Sjoblom called the meeting to order and welcomed those in attendance including former Mayor and Veteran Bill Petty.

PLEDGE OF ALLEGIANCE: Council Member Hyer

PRAYER: Council Member Petty

CONFLICT OF INTEREST: None

CONSENT AGENDA:

- **Approval of 13 March 2018 City Council Meeting Minutes.**
- **Approval of February 2018 Budget to Actual Report**

Council Member Taylor moved to approve the consent agenda as written. Council Member Winsor seconded the motion. Mayor Sjoblom called for the vote. Council Members Halverson, Hyer, Petty, Taylor, and Winsor voted yes. The motion carried.

PUBLIC COMMENTS: Mayor Sjoblom said anyone who would like to participate in public comment may come to the pulpit, state name and address, and keep comments to three minutes.

Roger Miller, 291 6650 S., said the traffic on 6650 South is unbelievable. He said two weeks ago he had a soccer mom coming down the road at 45 mph. He invited anyone who is concerned about it to come down and witness with him. He is also concerned because there are two roads

coming together without signage. He said the road needs to be dedicated because there is building going on.

Ludovica Meeks, 1811 E. 7775 S., said when it rains in front of her house it is like a lake. She said in the summer time, when her neighbors water, it accumulates in front of her house. She said the drain isn't doing its job. She is also concerned about the mosquitos. She received the city survey in the mail for tennis courts, etc. and she is asked if the city has money for this, then why doesn't the city have money for drainage repair.

Trevor Schenk, 6465 S. Raymond Drive, said regarding the mural for the soccer complex, it makes him nervous because no one on the committee is immediately affected by the soccer complex. He feels that is neglect and a lack of transparency. He feels the City Manager, Tom Smith, should have been terminated. He asked the City Engineer, Brandon Jones, about the parking for the soccer complex. He said overflow parking can't be put into that calculation. He said when the soccer complex was approved, it changed his way of life. He said his children can't ride or walk on 6650 South because there is no regulation of the traffic. He has met with the owner of the facility. He said this is a real concern for him. He feels they haven't been very good neighbors. He would like the council to take a look at how they can help him become part of the community again because they feel isolated and cut off.

Nate Kendell, lives on 6650 South, said coming from West Jordan, he lived on a very busy street and he didn't let his children out. He said they moved here and now he won't let his children go around the corner to play with their friends. He feels something needs to be done to address this issue.

Kenny Carson, 850 E. 7400 S., asked if there is a stop sign coming out of the soccer complex. He said someone is going to get killed there.

Brent Poll, 7605 S. 1375 E., said he reviewed the master plan and the goal of the city is to keep people safe. He said you have got to remember why we have a City Council and why we have a Planning Commission. He said if residents are not safe, there is something wrong.

RESOLUTION 18-21 Vietnam Veteran's Day Proclamation: Mayor Sjoblom explained that March 29th has been established as a day of observance, honor and remembrance of the service of all Vietnam and Vietnam era veterans, both by the State of Utah and by President Trump. It is the desire of South Weber to also honor these veterans. Mayor Sjoblom then read Resolution 18-21 to those in attendance.

Council Member Taylor moved to approve Resolution 18-21 Vietnam Veteran's Day Proclamation. Council Member Hyer seconded the motion. Further discussion took place. Council Member Hyer thanked Bill Petty as a Veteran for his service as well as others. **Mayor Sjoblom called for the vote. Council Members Halverson, Hyer, Petty, Taylor, and Winsor voted yes. The motion carried.**

Mayor Sjoblom stated the Youth Council will be installing flags at Memorial Park on 29 March 2018.

ORDINANCE 18-02: Amendment to City Code 11.05.020 Types of Security: Mayor Sjoblom stated after a developer has completed the installation of the required infrastructure in his development, the developer is required to establish some form of security. After a year, the city engineer inspects the improvements to verify the required improvements are still there and acceptable to the city. If there are problems, the developer is given time to make the repairs. If the repairs are not made, South Weber has the option to make the improvements and use the money put up as security to pay for the work. This is the last resort option. After the engineer approves the infrastructure, the city issues Final Acceptance and takes ownership of the infrastructure, i.e. roads, water line, sidewalk, etc. In the past, different types of security were used. This change to the city code establishes a cash escrow with a federally insured institution as the only type acceptable to South Weber.

Council Member Halverson moved to approve Ordinance 18-02: Amendment to City Code 11.05.020 types of Security. Council Member Petty seconded the motion. Mayor Sjoblom called for the vote. Council Members Halverson, Hyer, Petty, Taylor, and Winsor voted yes. The motion carried.

RESOLUTION 18-16: Amendment to Consolidated Fee Schedule: Mayor Sjoblom stated the city staff has been reviewing policies and procedures relating to the Land Development Process. To make the process more efficient, a change is being made to have the city take care of the street lights and street signs. In the past the developer installed these. Now the developer will pay a fee for the lights and signs. Before these were a part of the escrow and not a fee. Also, the cost of the chip and seal is to be done a year or more after the road is in will now be a fee, and not part of escrow. For the developer, he pays up front and his escrow is not held up by the city.

Council Member Halverson asked if there has been an issue with covering the chip and seal. Brandon Jones said rather than go through the escrow, it is better to get the money up front and get street signs, etc. ordered.

Council Member Halverson moved to approve Resolution 18-16: Amendment to Consolidated Fee Schedule. Council Member Hyer seconded the motion. Mayor Sjoblom called for the vote. Council Members Halverson, Hyer, Petty, and Winsor voted yes. The motion carried. Council Member Taylor had to step out for a phone call.

RESOLUTION 18-18: Approval of Nilson Homes Rezone Application of Parcels 13-275-0005 and 13-275-0006: Mayor Sjoblom stated Nilson Homes applied for a change of zoning for approximately 23.5 acres of the Cook property located at approximately 725 E 6650 S. The request is to rezone one portion from Agriculture to Residential Patio (9.846 acres) and the other portion to Residential Moderate (13.584 acres). This rezone is consistent with the General Plan and went before the Planning Commission on 8 March 2018.

Council Member Winsor said even though this is a request for rezoning. He referred to the Planning Commission Meeting minutes of 8 March 2018. He is concerned about the contamination. Council Member Hyer said the city doesn't have any information concerning levels of contamination or how it is even measured. He said there is a question mark as to what is safe or not safe. He is hesitant to approve anything until Hill Air Force Base has made their

presentation to the council. He said there are enough questions that this is worth giving some serious review. Council Member Taylor would like data from HAFB as well. Council Member Winsor said he understands this is rezone request tonight, but there are still significant concerns with any potential growth in this area. Council Member Halverson agrees. Brent Poll said if you rezone something there is entitlement to build. Mark Staples, of Nilson Homes, said they have been building in South Weber for 40 years. He appreciates this is a difficult situation, but they have had testing of all the groundwater and it is over 8 ½ ft. deep. He said the city is never going to get a definitive answer. He said there is a note on the plat for potential buyers. He said Mr. Cook knows individuals around him that have been tested. He said they have committed to Brandon Jones that they will do testing of the water. Council Member Taylor asked if a potential buyer is made aware of it. Mr. Staples said there is a disclaimer on the plat. Bruce Nilson said the floor level of the basement is 3 ft. above the water. Council Member Winsor is concerned about something coming up to homeowners down the road and who is left holding the bag. He said that is what we are trying to get to the bottom of.

Council Member Hyer moved to table until 10 April 2108 Resolution 18-18: Approval of Nilson Homes Rezone Application of Parcel 13-275-0005 and 13-275-0006. Council Member Winsor seconded the motion. Mayor Sjoblom called for the vote. Council Members Halverson, Hyer, Petty, Taylor, and Winsor voted yes. The motion carried.

RESOLUTION 18-19: Approval of Sun Ray Subdivision Rezone to Residential Moderate (R-M): Mayor Sjoblom stated Ray Creek LLC applied for a change of zoning for approximately 7.5 acres at approximately 1900 E Canyon Drive. The request is to rezone to Residential Moderate. This rezone is consistent with the General Plan and went before the Planning Commission on March 8, 2018. A public hearing was held, and the application was reviewed. The Planning Commission recommends approval.

Council Member Hyer moved to approve Resolution 18-19: Approval of Sun Ray Subdivision Rezone to Residential Moderate (R-M). Council Member Winsor seconded the motion. Mayor Sjoblom called for the vote. Council Members Halverson, Hyer, Petty, Taylor, and Winsor voted yes. The motion carried.

RESOLUTION 18-20: Approval of Inter-Local Agreement with Pleasant View for Use of GPS Equipment: Mayor Sjoblom stated South Weber City has a mutual relationship with other cities to help each other out as needed. Situations arise where help is needed by one city, and the other willingly assists where they can. Pleasant View in the past has needed to borrow South Weber's GPS equipment temporarily on projects. This is temporary, for short periods of time. This agreement formalizes the process. Council Member Winsor would like to review the agreement before it is approved.

Council Member Winsor moved to table until the agreement is reviewed by the council Resolution 18-20: Approval of Inter-Local Agreement with Pleasant View for Use of GPS Equipment. Council Member Taylor seconded the motion. Mayor Sjoblom called for the vote. Council Members Halverson, Hyer, Petty, Taylor, and Winsor voted yes. The motion carried.

RESOLUTION 18-22: Approval of South Weber Model Railroad Club Agreement: Mayor Sjoblom stated the South Weber Model Railroad Club maintains a 1/8 scale railroad at Canyon Meadows Park. The railroad club operates trains for public rides, in addition to club activities. The train rides are a popular event for the citizens of our community. Staff and the Parks and Recreation Committee have worked with the club to resolve issues that have arisen over the last few years. A new agreement has been prepared which resolves staff concerns and is beneficial to both parties. The new agreement is a 10-year agreement. Council Member Winsor asked if the City Attorney, Doug Ahlstrom, has reviewed the agreement. Mark McRae said he has reviewed it. Council Member Petty said the agreement doesn't address track going to individual homes. John Grubb, representing the Railroad Club, said a temporary track can be dropped down between owner and right-of-way adjacent to the track. He said there will not be a permanent track.

Council Member Petty moved to approve Resolution 18-22: Approval of South Weber Model Railroad Club Agreement. Council Member Hyer seconded the motion. Mayor Sjoblom called for the vote. Council Members Halverson, Hyer, Petty, Taylor, and Winsor voted yes. The motion carried.

Water Rate Study Presentation.

Brandon Jones, City Engineer, presented the results of a collaborative effort between city staff, himself, and Zions Public Finance. He said water rates are the monthly utility bill. The current rates have a base fee (includes up to 6,000 gallons). Over 6,000 gallons, residents pay by usage according to tiers. He said there is a different rate structure for secondary water. He then reviewed the current culinary water utility rates. He said the State Division of Water Resources requires cities to have a Water Conservation Plan and demonstrate conservation via an Accelerated Tiered Rate Structure. He pointed out that when we are talking water rates, we are only talking about the current system and infrastructure and no development. Brandon reviewed how water utility fees are allocated. He said the city does have an Asset Management Program. He said there are concerns nationally about declining infrastructure. Brandon then played a video which discussed declining infrastructure in various cities.

Brandon reviewed the five scenarios: 1. Do nothing with water rates (results in -\$400,000 by 2025), 2. Minimal Scenario 1, 3. Minimal Scenario 2, 4. Proactive Scenario 1, and 5. Proactive Scenario 2.

Water Utility Rate Analysis

- **Minimal Scenario 1**
 - Base Rate (\$38.43) for usage of less than 1,000 gallons
 - Created additional tiers
 - Usage rate for all tiers
 - minimal increase in tier rates
 - no annual increases
- **Minimal Scenario 2**
 - Base Rate (\$38.43) for usage of less than 1,000 gallons
 - Created additional tiers
 - Usage rate for all tiers
 - slightly higher tier rates than Scenario 1
 - no annual increases

Water Utility Rate Analysis

- **Proactive Scenario 1**
 - New Base Rate (\$39.20) for usage of less than 1,000 gallons
 - Created additional tiers
 - Usage rate for all tiers
 - 2% annual increases to Base Rate
 - 5% annual increases to tiers
- **Proactive Scenario 2**
 - Base Rate (\$38.43) for usage of less than 1,000 gallons
 - Created additional tiers
 - Usage rate for all tiers
 - significantly higher tier rates
 - no annual increases

Brandon stated being proactive is always less expensive in the long run. He then reviewed the culinary water utility rates (proposed). He said the staff recommendation would be Proactive Scenario 2. He also addressed Proactive Scenario 2 for Commercial.

Culinary Water Utility Rates (Proposed)

Staff Recommendation



Summary (Residential)

Tier	Current	Min. 1	Min. 2	Pro. 1 '19	Pro. 1 '25	Pro. 2
0 gallons	\$38.43	\$38.43	\$38.43	\$39.20	\$43.28	\$38.43
2,000 gallons	\$38.43	\$40.43	\$41.13	\$42.20	\$47.30	\$42.43
4,000 gallons	\$38.43	\$42.83	\$43.93	\$45.40	\$51.58	\$46.83
6,000 gallons	\$38.43	\$45.73	\$46.83	\$48.80	\$56.14	\$51.83
8,000 gallons	\$41.39	\$48.83	\$49.93	\$52.40	\$60.96	\$57.83
10,000 gallons	\$45.05	\$52.67	\$53.77	\$56.90	\$67.00	\$64.83
30,000 gallons	\$98.05	\$108.27	\$109.37	\$118.90	\$150.00	\$144.83

Proactive Scenario 2 (Commercial)		If monthly use was <u>45,000</u> gallons...	
Tier	Rate		
Base	\$ 38.43	→	\$38.43 +
0 – 2,000 gallons	\$ 2.00	→	2 x \$2.00 → \$4.00 +
2,000 – 4,000 gallons	\$ 2.20	→	2 x \$2.20 → \$4.40 +
4,000 – 6,000 gallons	\$ 2.50	→	2 x \$2.50 → \$5.00 +
6,000 – 8,000 gallons	\$ 3.00	→	2 x \$3.00 → \$6.00 +
8,000 – 10,000 gallons	\$ 3.50	→	2 x \$3.50 → \$7.00 +
10,000 – 30,000 gallons	\$ 3.75	→	20 x \$3.75 → \$75.00 +
30,000 – 60,000 gallons	\$ 4.00	→	15 x \$4.00 → \$60.00 +
60,000 + gallons	\$ 4.25		
			\$199.83

Brandon said this will need a public hearing before it is adopted. He asked the council if they have any questions. Council Member Hyer suggested at the public hearing the residents receive information on the impact fee structure before (based on studies) and how usage affects the cost. Mark McRae said a frequently asked flyer will be put together. Council Member Winsor asked if open houses are working. He would like to know how to get the information out there so that they have educated information for the public hearing. Council Member Taylor suggested noticing the meeting in the newsletter. Council Member Hyer said open houses are not well attended. The council agreed on Proactive Scenario 2. The presentation will be posted on the city’s website. Mayor Sjoblom recommended the council put together a video. Council Member Winsor recommended holding the public hearing at a different location with more space for the residents. It was decided the public hearing will be held the first of May.

Brent Poll - address the HAFB pollution plume threatening the South Weber Valley: Mr. Poll said he has been doing this for 43 years. He said it was given to him by his mother. He said there is no doubt on the footprint of the pollution in this city. He said the plume is much bigger than shown on the master plan. He then read the risk assessment of operable unit #1 (OU1) concerning residents being a human receptor. He said the Cook property is located in OU1. He said the risk assessment was prepared in 1991 and then there was a record of decision in 1998. He said the executive summary defines the location of the plume. He said the South Weber map of 2014 doesn’t define that the pollution goes clear to the river. Mr. Poll said HAFB has too many assumptions. He said HAFB doesn’t know when this is going to end. He said there are millions of gallons of toxic chemicals and metals. He said water moves and if it safe today, it could be bad tomorrow. He said nobody can fix it for their property. He said congress stated it is a discretionary function if it ever is cleaned up by HAFB. He said the map the city uses wasn’t approved for land use maps. Mayor Sjoblom asked if the chemicals break down over time. Mr. Poll said some do. He said look at the damage these chemicals can do because they are imminent health risks. He said it can’t be measured but he feels in the next ten years illnesses

will be linked to this pollution. He said there is no end in sight and there is no solution. He said HAFB should have bought up all the development rights in the west end.

Council Member Hyer said there is no standard for what is and what is not acceptable. He said there are a lot of scenarios. He asked if there is a way to test the soil and groundwater. Council Member Winsor said if you go back in history, in the 80's there was flooding in this area, and contaminants moved. He has talked to people who have groundwater wells and when they refurbished the wells they saw a sheen on the upper aquifer. He said that suggests to me that it is out there, but at what degree is it harmful. Tim Grubb said once an application is given out for a development, it is considered a taking.

REPORTS:

Council Member Taylor: He has spent time monitoring 6650 South and the average speed is 35 mph. He recommended the Davis County Sheriff's Department patrol during the soccer complex hours. Council Member Halverson questioned what the occupancy is for the soccer complex. He said there are only two restrooms in the facility. Discussion took place regarding parking issues, landscaping and items that need to be completed. Council Member Winsor suggested meeting with all parties involved.

Council Member Hyer: He was excused at 8:35 p.m.

Council Member Petty: She has received comments from citizens concerning safety at RV Parks. She said there is also a concern with setbacks and suggested being consistent with the zoning setbacks.

Council Member Winsor: He attended the members meeting for Weber Basin Water Conservancy District. The water rate will increase by \$1.50. The billing for peaking factor overages will be invoiced to the cities. There will be a public access website. He said the Finance Administration Committee Meeting will be cancelled on April 27th.

Mayor Sjoblom: She reminded the council to register for the Conference in St. George. She reported that the City Council meeting scheduled for 24 April 2018 will be cancelled to prepare for the conference.

She spoke with the council and gave Brandon Jones approval to move forward with the closure of 6650 South.

She attended a meeting last week with Brandon Jones and the Mayor and City Engineer of Layton City. They discussed the plans for South Bench Drive and they are now working toward memorializing a joint connection point for Layton City and South Weber roads to meet up. She said Old Fort Road will now be called South Bench Drive, which will consist of Phase 1 and Phase 2. She said this will make it easier to apply for grants with the county and state.

She reported applications have been received for City Manager. There will be two teams to screen the applications. The selection team to screen applications will meet on April 5th at 2:00 p.m. to narrow the group of applicants down to 6-8. Interviews will be conducted the week of April 9-13. On April 17th there will be a closed meeting to conduct final interviews. She thanked

Matt Dixon (South Ogden City Manager) and Tom Hansen (Washington Terrace City Manager) for their help in this process.

She met with Barry Burton, Randy Elliot (Davis County Commission), Davis County Public Works Director, and Mark Larsen at the proposed site for the RV Park and talked about possible monetary assistance from Davis County for development of a trail through 12 acres.

She attended a meeting with Wasatch Integrated Waste. The cover will be installed on the phase closest to South Weber City.

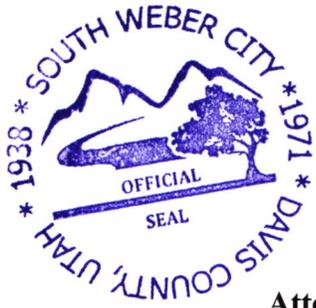
Planning Commission Liaison: Commissioner Walton stated the Planning Commission will be reviewing a Preliminary Plat for Sun Ray Subdivision.

ADJOURNED: Council Member Winsor moved to adjourn the Council Meeting at 8:50 p.m. Council Member Petty seconded the motion. Council Members Halverson, Hyer, Petty, Taylor, and Winsor voted yes. The motion carried.

APPROVED: _____ **Date**
Mayor: Jo Sjoblom

Transcriber: Michelle Clark

City Recorder: Mark McRae



Attest: