

SOUTH WEBER CITY COUNCIL WORK MEETING

DATE OF MEETING: 22 October 2008

TIME COMMENCED: 5:26 p.m.

PRESENT:	MAYOR:	Brent Petersen
	COUNCILMEMBERS:	Scott Peterson
		Michael Poff
		Farrell Poll
		David Thomas (6:25 p.m.)
		Scott Woodbury
	CITY MANAGER:	Matt Dixon
	CITY RECORDER:	Erika Ahlstrom

Visitors: Gary Payne, Paul Waite, Denise Smith.

DISCUSSION: SOUTH WEBER ELEMETARY SCHOOL ADDITION/CONDITIONAL USE: Mayor Petersen stated he wanted to provide the Council with a brief history of discussions with the Davis School District regarding the plan for the K-2nd Grade addition to South Weber Elementary. He reported that when Gary Payne from the school district came in to talk to the city, Matt informed Gary that in order to follow city ordinance they will need to apply for conditional use permit. Mayor Petersen reported that in looking into the matter further, about a quarter of the cities in Davis County do not have a provision for schools as a permitted use. Due to public hearing notice requirements, the Planning Commission agreed to call a special meeting to be held on October 30 to review the conditional use. Mayor Petersen explained the school district has asked to have the conditional use application fee waived, which Mayor Petersen does not have the option of doing. The district is also asking for waiver of some or all of the impact fees. Mayor Petersen said the third issue is there is a strip of land the city owns that the district needs for storm drain retention for the project.

Matt informed the school district they will have to contact Central Weber Sewer District to find out what the fee to them will be. The city collects the impact fee on behalf of the Sewer District, then remits that fee to them.

Gary Payne explained the district's attorney said "there is no right answer." He said the school district does pay connection fees, and they pay storm sewer impact fees.

Mayor Petersen said this issue was discussed at the last Council of Governments meeting as something they will address with legislators. The Mayor is recommending that the city look at waiving some of the fees, and told Gary Payne and Paul Waite the school district will have to make that request of the City Council.

Paul Waite feels this sets a precedence. He said our patrons pay taxes to school district and for the bonding, and the district wants to be responsible in the money we spend. Paul stated they have never paid impact fees on past projects. He said they have been protective of South Weber residents by not paying fees in other cities, so now protective they owe that to residents in other cities. Paul said he answers to seven board members and a superintendent and he has to protect the district's interest. Paul expressed he really appreciates the support he has received from Mayor Petersen. He said Matt has been very protective of the Mayor and Council.

Councilmember Poll said if the Council makes an exception for the district, then the 20% of the population that didn't approve of the bonding can complain. He said we have to be able to justify how

we will waive or not waive, and explain to the residents. Paul said in their experience tells them that the other cities say well they treat schools differently.

Matt said he and the staff did research on other cities. It was found that the majority of them have schools as a permitted use, which is a more expedited process but does require them to go through a site plan. However, there are some cities, such as Kaysville and West Point, in which they are conditional uses.

It was discussed that the school district is not arguing that they will allow the city to be involved with the site plan.

Paul said they go to their board on November 4 with the bid, and want to give the notice to proceed on November 5. However, they are not slated to come before the City Council with their conditional use until November 12. Paul is concerned because they were told they cannot proceed without approval. Mayor Petersen said the city won't give them permission to proceed, but won't do anything to stop them. He said in his opinion they can go ahead and stake and move dirt, there is no reason they can't do that.

Matt will provide Gary with an answer regarding any connection fees that may be charged.

The school district representative left at this time (6:06 p.m.)

Matt said any development pays their proportionate share of impact on the city and he feels this is clear in state law.

It was discussed that the attorney general letter that was provided by Gary Payne was specific to road fees, which is not one of the fees that the city charges to commercial development.

Mayor Petersen discussed the point of the taxpayers.

Councilmember Poll said he has problem with the idea of waiving fees. He may be in favor of not charging fees in lieu of something else.

NEW CITY LOGO DESIGN: Denise Smith from CherryBomb had worked with Councilmembers Woodbury and Poll to come up with a fourth set of options for a new logo.

Councilmember Thomas arrived at this time (6:25 p.m.)

The Councilmembers each indicated which logo they liked the best. It was agreed they do not want "Life in Motion" on the logo.

Councilmember Thomas moved to approve moving forward with the first logo on the most recent set that was provided. Councilmember Woodbury seconded. No vote taken.

Councilmember Poff interjected that he adamantly opposes all of the logos presented so far. He feels if we are going to change the logo, then we need to change it for the better and none of them have the "wow factor."

Matt suggested that we move forward if we don't like the current logo. He feels most all of the ones that have been presented are better than the current one. The city will soon have an RFP for a marketing firm to do a brochure and it is a good time to do this.

Councilmember Woodbury would like to see this on the next Council agenda for a vote.

Councilmember Thomas agreed, saying we need to make a decision and move on. He feels we have several good logos to choose from, and he hates the current logo we have.

There are several other logos that Denise had prepared that were not sent out to everyone. These will be sent out and it will be put on the next agenda for action.

ORDINANCE 08-15 AMENDING 11-4-10B: The Council discussed modifying the ordinance that was presented before voting next week. At the October 14 meeting, this item was tabled. Erika read that at that meeting Councilmember Peterson had wanted to add verbage that the home's elevation is higher than the sidewalk. Also at that meeting, a motion that was made by Councilmember Poff was made that did not pass was to add to the exceptions must be development of more than 20 acres and must be zoned residential low moderate or lower.

The Council also discussed the roll curb that the developers of RIVER BEND ESTATES, which will also be on next week's agenda, would like to install. This exception is dependent upon passing of Ordinance 08-15.

The Council agreed that they like the rural look and feel. Councilmember Poll would like to see photos of the roll curb that is being proposed.

Councilmember Thomas is concerned about the frontages if we are going to make exemptions. He is also concerned about developments that abut developments with exceptions for consistency.

Councilmember Poll concerned about the arbitrary 20 acre limitation. He is also not in favor of the asphalt sidewalk.

Matt stated if they do approve the exception for rolled curb, then we need to have a standard cross section for it. They Planning Commission has a differing opinion, with the opinion that each developer can come in with an idea of what they think will work.

Councilmember Thomas agreed that if we allow an exception for rolled curb it has to be standardized. He also feels it needs to be stated it can only be in specific areas, like uninterrupted roadway, or self-enclosed road, the idea being that the entire neighborhood is going to be rolled curb.

Matt said the asphalt walks would be more expensive for the city to maintain than cement. He said the developer went with the eight foot asphalt because that is the size of the machines; anything smaller would be handwork.

Mayor Petersen feels if we say no to the exceptions, then the city becomes "cookie cutter."
Councilmember Poll disagrees, stating the difference can be made in the homes.

Councilmember Thomas said if the city has to pay more money to maintain the asphalt sidewalk, it isn't fair to ask rest of taxpayers to subsidize those who want this "rural feel."

Councilmembers Poll, Poff and Thomas all expressed they want sidewalk on both sides of the street.

Councilmember Thomas reiterated the city needs to specify the rolled curb needs to be internal to the subdivision and not on arterial streets. We will need to set a standard as well because courts like standards and vague language is likely to be stricken down in any court.

Matt said if it is limited to a specific zone then it will keep to rural.

The Council discussed if setting the 20 acres is considered arbitrary. Councilmember Thomas said that there has been a lot of discussion about the issue which proves that it is not arbitrary and capricious.

It was discussed that the exception does not make any specification for sidewalk exceptions.

The following modification will be made to the proposed Ordinance 08-15 for the agenda: Roll curb may be allowed on internal streets, not arterial roads; add cross section for rolled curb.

Work meeting adjourned at 8:20 p.m.

Minutes by

Erika Ahlstrom, City Recorder