

# SOUTH WEBER CITY COUNCIL MEETING

**DATE OF MEETING:** 25 November 2008

**TIME COMMENCED:** 6:02 p.m.

**PLEDGE OF ALLEGIANCE:** Councilmember Thomas

**PRAYER:** Mayor Petersen

**PRESENT: MAYOR** Brent Petersen

**COUNCILMEMBERS:** Scott Peterson  
Michael Poff  
David Thomas

**CITY MANAGER:** Matt Dixon  
**CITY RECORDER:** Erika Ahlstrom

**EXCUSED: COUNCILMEMBERS:** Farrell Poll  
Scott Woodbury

**Transcriber:** Minutes transcribed by Michelle Clark

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A public work/discussion meeting was held at 5:30 p.m. to discuss and review agenda items.

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**VISITORS:** Brent Poll, Marilyn Hales, Helene Leibman, Sally Neil, Dave Allison, David Harris, Brad Davis, Bob Elliott, Naomi Mohr, Chris and Jenette Poll, Jared Poll, Barbara Fisher, B Hall, Louis Cooper, and Val Petersen.

Mayor Petersen excused Councilmember Poll and Councilmember Woodbury from tonight's meeting.

**APPROVAL OF THE AGENDA:** Councilmember Poff moved to approve tonight's agenda as written. Councilmember Thomas seconded the motion. Councilmembers Peterson, Poff, Thomas, and Woodbury voted yes. The motion carried.

**DECLARATION OF CONFLICT OF INTEREST:** None declared.

**CONSENT AGENDA:**

- ~~APPROVAL OF 12 NOVEMBER 2008 COUNCIL MEETING MINUTES~~
- ~~APPROVAL OF 18 NOVEMBER 2008 WORK MEETING MINUTES~~
- WARRANT REGISTER
- BUDGET REPORT/FINANCIAL STATEMENT

Councilmember Peterson requested removal of the 12 November and 18 November minutes from the Consent Agenda.

**Councilmember Peterson moved to approve the items remaining on the Consent Agenda. Councilmember Thomas seconded the motion. Councilmembers Peterson, Poff, and Thomas voted yes. The motion carried.**

**Councilmember Thomas moved to table the approval of the 12 November 2008 council meeting minutes and the 18 November 2008 work meeting minutes. Councilmember Peterson seconded the motion. Councilmembers Peterson, Poff, and Thomas voted yes. The motion carried.**

**QUARTERLY REPORT: DAVIS COUNTY SHERIFF DEPT – Detective Jon West:**

Detective Jon West of the Davis County Sheriff's Department presented the 3<sup>rd</sup> quarter report. The report included the total number of citations for July 1, 2008 being 200, with 160 being speeding citations. The total number of incidents for the quarter was 150. Detective West stated this is a drastic decrease because starting January 1, 2008, the sheriff's office changed the policy on how they assigned incidents on their computer system. If a report is not generated from the call, it is no longer recorded as an "incident." Detective West will soon be able to search calls for the city so in the future he will have data on how many calls are received, as well as those that are recorded as incidents.

Councilmember Thomas asked about the number of open felony cases in the city. Detective West said he is not aware of that information because he doesn't deal with those cases. He stated the biggest problem in South Weber is the theft of copper from the gravel pit.

Discussion took place regarding the speed trailer located on 1900 East. Detective West said the trailer does allow for traffic studies.

**HAFB ENVIRONMENTAL MANAGEMENT – Report on Arsenic Cleanup Project:**

B Hall, Environmental Engineer at HAFB, gave an overview of the project. She stated their mission is to conduct environmental cleanup of HAFB and its associated facilities. Their primary concerns are to protect human health and environment. They follow the "Superfund" laws and regulations. They are overseen by the Environmental Protection Agency and Utah Department of Environmental Quality. There is a special account set aside by Congress to clean up military bases. It is illegal to use those funds for other purposes.

B said their public involvement program consists of: Restoration Advisory Board (RAB), local citizens, city reps, regulatory agencies, water districts, special interest groups (e.g. Sierra Club). Jan Ukena and Scott Peterson represent South Weber City. B stated they conduct InfoFairs in communities, newsletters, fact sheets, web-sites that provide information about all cleanup sites, direct mailing to affected residents and businesses, and all cleanup documents are available for public review at Weber State University Libraries.

B explained that they should have done a better job with public notification concerning the arsenic cleanup. Mayor Petersen suggested giving a status update of projects. B then identified the location of OU1 arsenic impacted soil sites. She identified its location from the elementary school. She also identified the ground water plumes.

B stated arsenic is a naturally occurring element (As). It is about 20<sup>th</sup> in abundance in earth's crust. There are approximately 200 minerals that contain arsenic. It is mobile in the environment by being carried in the air with dust, dissolved in water, and can accumulate in fish/shellfish. Primary exposure routes include: eating or drinking food or water containing arsenic, and breathing dust laden air, sawdust, or smoke containing arsenic.

Arsenic sources include: naturally occurring – arsenic in the soil dissolves in the groundwater because of conditions in OU1 landfills, and as ground water comes in contact with air at the springs, the arsenic comes out of solution (often with red-staining from iron).

B explained that wording on signs is an OSHA requirement. She said workers are required to wear respirators; however, respirators are not required after air sampling confirms arsenic levels are safe.

She said there are four types of requirements that are driving what they are doing. They include:

1. Regulatory (the OU1 record of decision requires excavation of arsenic-contaminate solid above background levels – background = 11mg/kg).
2. Technical (They removed more soil at 1<sup>st</sup> three springs (“Site 1”) than planned so did not complete work this fall.
  - Elevated Arsenic concentration deeper than expected (between 6” and 24” below the surface)
  - Concerns for slope stability if excavate deeper
  - Expect the same at U1-305 (“Site 2”)... so improve approach now
3. Budgetary: Will require contract modifications and more money.
4. Access: Springs are on private property – access agreement required.

B discussed remedial action for Fall 2008. They installed fencing between the hillside and canal road, removed and chipped vegetation, excavated arsenic-impacted soil in planned footprint, completed confirmation sampling, installed orange marker barrier at 2 ft below surface and backfilled, regarded, replanted vegetation + erosion control matting. She also discussed and identified trenching around the project that captures spring water. As of five years ago, the springs have dried up.

B stated the schedule is as follows: October 2008 remedial action suspended, Winter 2008/2009 discussion with stakeholders to define best way to move forward, December 2008 newsletter to residents, February 2009 InfoFair, resume work date to be determined, and tours available for public and council. She said their primary focus is protectiveness and slope stability.

Councilmember Poff asked what does arsenic dust do? B stated she is not a toxicologist, but found information during her research. She discussed the primary acute health results due to consumption.

Councilmember Thomas asked in comparison to other hazardous chemicals, where is arsenic in the rating? B said it depends on the exposure and the dose. She has no concern about the risk of arsenic on that hillside other than the workers who have direct contact.

**SOUTH WEBER LANDFILL COALITION - Comments:** Brent Poll, 7605 S. 1375 E., said that everything they did with the arsenic project seemed to be very professional; however, the unfortunate truth is that HAFB has a terrible history of being wrong. Mr. Poll said he has never accused them of negligence, they have just been habitually wrong. Mr. Poll explained the history of contamination with HAFB. He said in 1998 HAFB came up with a record of decision. He read alternative #7 to those in attendance. He said HAFB did not pick alternative #7 because of the expense. He feels the alternative that HAFB did select still leaves risk in this town. Mr. Poll suggested HAFB do something proactive. He feels alternative #7 was the only fix for South Weber. He said this truly is something that scares him. It is worse on children and pregnant women. He discussed his aunt that was recently diagnosed with lung cancer. He said she was asked by her doctor if she has been exposed to groundwater contamination. Mr. Poll suggested, until this is resolved, the city should put a moratorium on development of subdivisions from his property west. He suggested putting the burden on developers. Councilmember Thomas suggested looking at the pathway and then doing an overlay.

**Bob Elliott, of HAFB,** discussed what took place when Canyon Meadows Subdivision was approved, and the monitoring wells were installed. He was involved with this project in which the evidence provided no risk.

Councilmember Poff stated what brought us to this point was the construction of a new building at the elementary school. Bob Elliott said HAFB is comfortable and feels they have adequate data from that area to allay concerns.

Councilmember Thomas suggested taking samples from the soil and water around the elementary school. Bob Elliott said they would have to do a background study to determine if there are higher levels. Mayor Petersen said he would be in favor of that.

B suggested contacting a third party. She said Environmental Management does restoration for HAFB and they are not advisors. Mr. Poll said his advisor has suggested such testing.

Matt said as the city looks at development, the attention is shifting from the east to the west. He asked if HAFB is willing to test certain areas requested by the city. Bob Elliott said they would look at each case individually. He said there is probably data already available.

**Dave Allen, Utah Department of Environmental Air Quality,** said if you have any reservations with what HAFB is doing, he suggested contacting Mo Lamb. Mr. Allen said he has taken notes tonight and will take them back to his management.

**RESOLUTION 08-54 FOR OPERATION AND MAINTENANCE OF WEBER RIVER TRAIL:** Matt Dixon, City Manager, reported that on October 28, 2008 the Trails Master Plan, including this trail, was adopted and added to the General Plan's Transportation Map. Weber Pathways, who have been instrumental in the planning of trails, has requested that the city provide documentation that once this trail is in place, basic maintenance such as garbage removal and operation and maintenance of public facilities will be provided by the city. Matt explained that while parts of this trail do fall outside city boundaries, Weber Pathways is only requesting the city be responsible for those parts that fall within South Weber. He stated this resolution will provide Weber Pathways documentation to provide to concerned property owners that feel once

the trail is in place and Weber Pathways moves on, the city will provide the operation and maintenance of the trails.

Helene Leibman, of Weber Pathways, stated they have hired a company to conduct a survey concerning the county lines. Matt identified the county lines on the aerial map. Discussion took place regarding the trails being on UDOT property, but the city will maintain and operate them. Helene said in the past they have donated property to the municipality, which is what they prefer. She said they are also in the process of getting easements from property owners. Sally Neil, of Weber Pathways, said their goal is to secure the property in perpetuity. She said this will go before UDOT and the Federal Highway Administration. They will be asking for support from civic leaders etc.

**Councilmember Peterson moved to approve Resolution 08-54 for operation and maintenance of the Weber River Trail. Councilmember Thomas seconded the motion. Erika called for the vote. Councilmembers Peterson, Poff, and Thomas voted yes. The motion carried.**

**RESOLUTION 08-55: ESTABLISHMENT OF AUDIT COMMITTEE:**

**Councilmember Poff moved to approve Resolution 08-55 to establish the audit committee. Councilmember Peterson seconded the motion. Erika called for the vote. Councilmembers Peterson, Poff, and Thomas voted yes. The motion carried.**

**DISCUSSION: DONATION OF PETERSEN PROPERTY:**

Matt Dixon, City Manager, explained that the Petersen family is prepared to donate two parcels of property to the city. The first parcel is a ¼ acre that sits west of the old barn. The second parcel is approximately 4 acres that runs from South Weber Drive at approximately 500 East, south up the hill just past the HAFB easement.

Councilmember Peterson feels the ¼ acre parcel is a good idea and would tie into what is already there. Matt asked if there is any expectation to preserve the current structures on the property?

**Val Petersen, 2112 E. 8100 S.,** said there is no expectation to preserve buildings on this parcel. He said the second parcel could still be used as a potential site for a city cemetery. He said there are no restrictions from the family as to what the city would use the property for.

Councilmember Peterson asked about the cost of a geotech study for the hillside.

Councilmember Thomas suggested contacting HAFB to see if they have any geotech studies on this property.

The council agreed to move ahead with accepting both parcels. Tim Grubb will prepare documents for the city.

**MAYOR'S ITEMS:**

**Neighbor to Neighbor Drive with United Way and LDS Church:** Mayor Petersen discussed that the Neighbor to Neighbor program he talked about in the work meeting will be held December 12 and 13.

**COUNCIL ITEMS:**

**Councilmember Thomas:**

**Davis County School District:** He is waiting to discuss demographics at build out for South Weber which will require two elementary schools. The current school has close to 700 students. He said the school district does not believe South Weber will need another elementary school. He is also discussing the need for a junior high school in South Weber. He is trying to meet with them in early January.

**CITY MANAGER ITEMS:**

**New Water Meters:** Matt stated half of the new water meters have been installed. The city staff is currently being trained on the software.

**Audit:** Matt reported that the audit has been completed.

**ADJOURN:** Councilmember Peterson moved to adjourn the City Council meeting at 8:42 p.m. Councilmember Thomas seconded the motion. Councilmembers Peterson, Poff, and Thomas voted yes. The motion carried.

**APPROVED:** \_\_\_\_\_ **Date** 09 Dec 2008  
**Mayor: Brent Petersen**

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**Transcriber: Michelle Clark**

**Attest:** \_\_\_\_\_  
**City Recorder: Erika J. Ahlstrom**

**NOVEMBER 25, 2008**  
**WORK/DISCUSSION MEETING PRIOR TO CITY COUNCIL**

The work session commenced at 5:32 p.m.

Those in attendance to the work session were: Mayor Brent Petersen, Councilmembers Scott Peterson, Michael Poff, Farrell Poll, Dave Thomas, City Manager Matt Dixon, City Recorder Erika Ahlstrom.

Visitors: None.

CONSENT AGENDA: Minutes – The Council had concerns about several items on both the 12 November Council meeting and 18 November work meeting minutes. Erika will listen to the audio to clarify concerns. The Council will remove both minutes from the Consent Agenda for approval at the next meeting.

Budget Report – Mayor Petersen commended Matt and the staff for keeping expenditures down; they are at 22%. Although licenses and permits are down, the revenue is at 35% Mayor Petersen has asked Matt to provide scenarios for cutting the budget by 1%, 3% and 5% in the event a cut is deemed necessary.

DISCUSSION OF PETERSEN PROPERTY DONATION: Mayor Petersen indicated that there is really nothing the property owners can do with the hillside property; there are several wells located on the property. The piece by the barn could be used for parking. Councilmember Poll said his only concern would be potential for landslides and the associated liability. Councilmember Poll will not be at the regular meeting tonight, but he stated he is in favor of accepting both pieces of property.

OTHER: 475 East – Mayor Petersen would like to have an evaluation of the 475 East project once it is completed. Some of the residents are not pleased about the cluster mailboxes.

Neighbor to Neighbor Response Program – Governor Huntsman announced a Neighbor to Neighbor program that is being done through United Way to help families and individuals who are struggling during the current economic uncertainty. The City Office will be a collection point for donations. It was deemed a resolution is not needed for this.

Utility Bill Assistance – Mayor Petersen has thought about the idea of trying to put a pool together to help those who can't pay their utility bill, possibly through donations, Councilmember Thomas stated these funds would have to be put aside in restricted account. Matt said his concern would be criteria for eligibility and who would determine who would qualify.

Central Weber Sewer District Fees – Matt reported that the fees that Central Weber Sewer are charging cities are going up. They are doing \$140 million in improvements that are needed due to tightening of EPA standards. South Weber currently pays \$22,000 per quarter; this will be raised to \$48,000. This translated to an increase of \$5.20 per month per connection. This increase would change the monthly sewer rate from \$18 to \$23.20. To raise it to any less than that will tap into the city's funds. Central Weber would come to a public meeting and make it clear it is not the city raising these rates. Matt said the rate increase goes into effect in January, and the Council would need to adopt the rate change in December.

The work meeting adjourned at 6:03 p.m.

Work meeting minutes by Erika Ahlstrom.