

SOUTH WEBER CITY COUNCIL AGENDA

PUBLIC NOTICE is hereby given that the City Council of SOUTH WEBER, Davis County, Utah will meet in a regular public meeting **TUESDAY, 12 NOVEMBER 2013** at the City Council Chambers, 1600 E South Weber Dr, South Weber, UT commencing at **6:00 p.m.**

PUBLIC WORK MEETING:

5:30 p.m. REVIEW AGENDA ITEMS AND WARRANT REGISTER

COUNCIL MEETING:

6:00 p.m. **PLEDGE OF ALLEGIANCE** – Councilmember Poll

PRAYER - Councilmember Hilton

APPROVAL OF AGENDA

DECLARATION OF CONFLICT OF INTEREST

CONSENT AGENDA (These items are considered by the City Council to be routine and will be approved by a single motion. There will be no separate discussion on Consent Agenda items prior to the vote, unless removed from the Consent Agenda to be considered separately.)

♦ Approval of 22 October 2013 City Council Meeting Minutes

6:05 p.m. CANVASS – 2013 MUNICIPAL GENERAL ELECTION

* **PUBLIC HEARING** 6:10 p.m. **ORDINANCE 13-17: An Ordinance Amending Title 10 Zoning Regulations Chapter 9 Sign and Lighting Regulations**

6:20 p.m. **EASTON VILLAGE FENCING REQUIREMENT** – *Layne Kap*

6:30 p.m. **PUBLIC COMMENT** Keep public comments to 3 minutes or less per person
MAYOR
CITY COUNCIL ASSIGNMENT UPDATES & COMMENTS
CITY MANAGER
STAFF

CLOSED EXECUTIVE SESSION

CLOSED EXECUTIVE SESSION – UTAH CODE 52-4-204 & 52-4-205:

THE COUNCIL WILL CONSIDER A MOTION TO ENTER INTO CLOSED SESSION FOR THE PURPOSE OF DISCUSSION OF CHARACTER, PROFESSIONAL COMPETENCE, OR PHYSICAL OR MENTAL HEALTH OF INDIVIDUAL(S)

THE UNDERSIGNED DULY APPOINTED CITY RECORDER FOR THE MUNICIPALITY OF SOUTH WEBER CITY HEREBY CERTIFIES THAT A COPY OF THE FOREGOING NOTICE WAS MAILED, EMAILED, FAXED OR POSTED TO:

CITY OFFICE BUILDING
CITY WEBSITE www.southwebercity.com
UT PUBLIC NOTICE WEBSITE www.pmn.utah.gov

EACH MEMBER OF GOVERNING BODY
THOSE LISTED ON THE AGENDA
SOUTH WEBER ELEMENTARY
SOUTH WEBER FAMILY ACTIVITY CENTER

DAVIS COUNTY CLIPPER
STANDARD-EXAMINER
SALT LAKE TRIBUNE
DESERET NEWS

DATE: 7 November 2013

CITY RECORDER: Erika J. Ahlstrom

IN COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT, INDIVIDUALS NEEDING SPECIAL ACCOMMODATIONS DURING THIS MEETING SHOULD NOTIFY ERIKA AHLSTROM, 1600 EAST SOUTH WEBER DRIVE, SOUTH WEBER, UTAH 84405 (801-479-3177)
Agenda times are approximate and may be moved in order, sequence and time to meet the needs of the Council.

Report Criteria:

Detail report.
Invoices with totals above \$0 included.
Only unpaid invoices included.
Invoice.Payment Due Date = {<=} 11/02/2013

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
10-54-320 Emergency Preparedness							
	A-1 KEY SERVICE, INC.	228647	ACCESS DOOR - FIRE STATION	08/01/2013	37.80	.00	
Total 10-54-320 Emergency Preparedness:					37.80	.00	
27-40-760 Projects							
	AAA FIRE SAFETY & ALARM IN	256621	RESTORE FIRE SERVICE LINE	10/12/2013	1,325.00	.00	
Total 27-40-760 Projects:					1,325.00	.00	
27-40-760 Projects							
	ALL WOOD TREE SERVICE	5107	TREE TRIM AT 367 SWD	10/11/2013	175.00	.00	
Total 27-40-760 Projects:					175.00	.00	
51-40-250 Equipment Supplies & Maint.							
	APCO INC	4417	SCADA SYSTEM - MAINT	10/04/2013	187.50	.00	
Total 51-40-250 Equipment Supplies & Maint.:					187.50	.00	
51-40-480 Special Water Supplies							
	AT&T	101013	TELEPHONE BILLS FOR PUMP HOUSES	10/10/2013	39.99	.00	
Total 51-40-480 Special Water Supplies:					39.99	.00	
45-21370 DEPOSITS							
	BC GROUP HOLDINGS	102213	ESCROW RELEASE - SURE STEEL	10/22/2013	36,573.90	.00	
Total 45-21370 DEPOSITS:					36,573.90	.00	
51-40-140 Uniforms							
	CAL RANCH STORES	4087	UNIFORMS	10/10/2013	169.99	.00	
Total 51-40-140 Uniforms:					169.99	.00	

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
51-40-490	Water O & M Charge						
	CENTURYLINK	101013	TELEPHONE BILLS	10/10/2013	149.63	.00	
	Total 51-40-490 Water O & M Charge:				149.63	.00	
10-60-250	Equipment Supplies & Maint.						
	CINTAS CORPORATION	5000654368	FIRST AID STATIONS -	10/24/2013	38.86	.00	
	Total 10-60-250 Equipment Supplies & Maint.:				38.86	.00	
20-71-610	Miscellaneous Supplies						
	CINTAS CORPORATION	5000609712	FIRST AID STATIONS -	09/23/2013	29.73	29.73	10/09/2013
	CINTAS CORPORATION	5000609712	FIRST AID STATIONS -	09/23/2013	31.00	.00	
	Total 20-71-610 Miscellaneous Supplies:				60.73	29.73	
20-71-483	Flag Football						
	CROWN TROPHY	21021	FLAG FOOTBALL	10/21/2013	264.00	.00	
	Total 20-71-483 Flag Football:				264.00	.00	
20-71-484	Volleyball						
	CROWN TROPHY	21021	VOLLEYBALL	10/21/2013	279.00	.00	
	Total 20-71-484 Volleyball:				279.00	.00	
10-42-317	Professional/Technical-Bailiff						
	DAVIS COUNTY GOVERNMENT	64261	BAILIFF DUTIES	10/08/2013	350.00	.00	
	Total 10-42-317 Professional/Technical-Bailiff:				350.00	.00	
20-71-270	Utilities						
	DAVIS SCHOOL DISTRICT	79229	FAMILY ACTIVITY UTILITY-	10/09/2013	4,468.00	.00	
	Total 20-71-270 Utilities:				4,468.00	.00	
10-42-242	Court Operating Expenditures						
	DE LAGE LANDEN	19882088	COPIER MAINT AGREEMENT - SHARP	10/20/2013	21.06	.00	
	Total 10-42-242 Court Operating Expenditures:				21.06	.00	

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
10-43-251	Equipment Maint. Agreement DE LAGE LANDEN	19882088	COPIER MAINT AGREEMENT - SHARP	10/20/2013	49.16	.00	
Total 10-43-251 Equipment Maint. Agreement:					49.16	.00	
51-40-250	Equipment Supplies & Maint. DE LAGE LANDEN	19882088	COPIER MAINT AGREEMENT - SHARP	10/20/2013	35.12	.00	
Total 51-40-250 Equipment Supplies & Maint.:					35.12	.00	
52-40-250	Equipment Supplies & Maint. DE LAGE LANDEN	19882088	COPIER MAINT AGREEMENT - SHARP	10/20/2013	35.12	.00	
Total 52-40-250 Equipment Supplies & Maint.:					35.12	.00	
51-40-250	Equipment Supplies & Maint. FREEDOM MAILING SERVICES,	23447	UTILITY BILLING	10/29/2013	219.33	.00	
Total 51-40-250 Equipment Supplies & Maint.:					219.33	.00	
52-40-250	Equipment Supplies & Maint. FREEDOM MAILING SERVICES,	23447	UTILITY BILLING	10/29/2013	219.33	.00	
Total 52-40-250 Equipment Supplies & Maint.:					219.33	.00	
53-40-250	Equipment Supplies & Maint. FREEDOM MAILING SERVICES,	23447	UTILITY BILLING	10/29/2013	219.33	.00	
Total 53-40-250 Equipment Supplies & Maint.:					219.33	.00	
54-40-250	Equipment Supplies & Maint. FREEDOM MAILING SERVICES,	23447	UTILITY BILLING	10/29/2013	219.33	.00	
Total 54-40-250 Equipment Supplies & Maint.:					219.33	.00	
10-70-261	Grounds Supplies & Maintenance GREAT BASIN TURF PRODUCT	121325	WEED AND FEED SERVICES	10/14/2013	1,526.25	.00	
Total 10-70-261 Grounds Supplies & Maintenance:					1,526.25	.00	

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
51-40-480	Special Water Supplies						
	INDUSTRIAL TOOL BOX	36885	MARKING PAINT FOR UTILITIES	08/22/2013	64.33	.00	
Total 51-40-480 Special Water Supplies:					64.33	.00	
10-43-230 Travel							
	JONES, JAMI	UAPT ACADE	PER DIEM - UAPT ACADEMY	10/02/2013	237.30	.00	10/18/2013
	JONES, JAMI	UPAT ACADE	PER DIEM - UAPT ACADEMY	10/02/2013	94.92	.00	
Total 10-43-230 Travel:					142.38	.00	
10-43-315 Professional & Tech. - Auditor							
	KARREN HENDRIX STAGG ALL	105971	AUDIT PREP SERVICES	10/31/2013	820.00	.00	
Total 10-43-315 Professional & Tech. - Auditor:					820.00	.00	
51-40-315 Professional & Tech. - Auditor							
	KARREN HENDRIX STAGG ALL	105971	AUDIT PREP SERVICES	10/31/2013	820.00	.00	
Total 51-40-315 Professional & Tech. - Auditor:					820.00	.00	
52-40-315 Professional & Tech. - Auditor							
	KARREN HENDRIX STAGG ALL	105971	AUDIT PREP SERVICES	10/31/2013	820.00	.00	
Total 52-40-315 Professional & Tech. - Auditor:					820.00	.00	
54-40-315 Professional & Tech. - Auditor							
	KARREN HENDRIX STAGG ALL	105971	AUDIT PREP SERVICES	10/31/2013	615.00	.00	
Total 54-40-315 Professional & Tech. - Auditor:					615.00	.00	
51-40-483 Emergency R & R Water							
	KASTLE ROCK EXCAVATING IN	5925	WATER LEAK REPAIRS	10/14/2013	525.00	.00	
	KASTLE ROCK EXCAVATING IN	5926	WATER LEAK REPAIRS	10/14/2013	1,035.00	.00	
Total 51-40-483 Emergency R & R Water:					1,560.00	.00	
10-54-320 Emergency Preparedness							
	KECK, LARRY	103013	COMPLETED CERT CLASS	10/30/2013	35.00	.00	

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
Total 10-54-320 Emergency Preparedness:					35.00	.00	
51-40-250 Equipment Supplies & Maint.							
	KNOX COMPANY	13-006578	KNOX BOX FOR GATES	10/28/2013	311.00	.00	
Total 51-40-250 Equipment Supplies & Maint.:					311.00	.00	
10-57-250 Equipment Supplies & Maint.							
	L N CURTIS	31470159-00	FIRE SUPPLIES	10/15/2013	194.00	.00	
	L N CURTIS	3139621-00	FIRE EQUIP MAINT	10/15/2013	1,857.73	.00	
Total 10-57-250 Equipment Supplies & Maint.:					2,051.73	.00	
10-57-740 Equipment Purchases							
	L N CURTIS	3135860-07	PANTS	07/22/2013	920.00	.00	
	L N CURTIS	3135860-07	COATS	07/22/2013	570.00	.00	
	L N CURTIS	3135860-08	HAT	08/07/2013	45.15	.00	
	L N CURTIS	3135860-09	boots	08/26/2013	200.00	.00	
Total 10-57-740 Equipment Purchases:					1,735.15	.00	
10-43-370 Professional & Tech. Services							
	LES OLSEN COMPANY	EA483073	QTRLY - SERVICE CONTRACT	10/16/2013	166.73	.00	
Total 10-43-370 Professional & Tech. Services:					166.73	.00	
10-42-230 Travel							
	LEXINGTON HOTEL	102413	AOC CONFERENCE - L SORENSEN	10/24/2013	171.70	.00	
Total 10-42-230 Travel:					171.70	.00	
10-43-262 General Government Buildings							
	MOUNT OLYMPUS	132130081012	CITY HALL WATER COOLER	10/12/2013	23.87	.00	
Total 10-43-262 General Government Buildings:					23.87	.00	
45-21350 PERFORMANCE BONDS ON DEPOSIT							
	NILSON HOMES	101013	Completion Bond # SWC130420020	10/10/2013	500.00	.00	
	NILSON HOMES	102113	Completion Bond # SWC100823029	10/21/2013	500.00	.00	

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
Total 45-21350 PERFORMANCE BONDS ON DEPOSIT:					1,000.00	.00	
51-37-100 WATER SALES							
	NOLAND & SON CONSTRUCTIO	101613	REFUND DEPOSIT FOR FIRE HYDRANT USE	10/16/2013	462.28	.00	
Total 51-37-100 WATER SALES:					462.28	.00	
10-43-240 Office Supplies & Expense							
	OFFICE DEPOT	667392000001	OFFICE SUPPLIES	10/10/2013	89.36	.00	
Total 10-43-240 Office Supplies & Expense:					89.36	.00	
51-40-240 Office Supplies & Expense							
	OFFICE DEPOT	667392038001	OFFICE SUPPLIES	10/10/2013	15.10	.00	
	OFFICE DEPOT	667708266001	OFFICE SUPPLIES	10/11/2013	7.59	.00	
Total 51-40-240 Office Supplies & Expense:					22.69	.00	
10-58-230 Travel							
	OLSEN, CLINT	090413	PER DIEM - ICC	09/04/2013	33.00	.00	
Total 10-58-230 Travel:					33.00	.00	
10-42-242 Court Operating Expenditures							
	OSEGUERA, INGRID	101713	INTERPRETER	10/17/2013	39.02	.00	
Total 10-42-242 Court Operating Expenditures:					39.02	.00	
10-22500 HEALTH INSURANCE PAYABLE							
	PEHP/AGENCY A	SEPT 2013	Dental Insurance	09/30/2013	696.42	.00	
	PEHP/AGENCY A	OCT 2013	Dental Insurance	10/30/2013	696.42	.00	
Total 10-22500 HEALTH INSURANCE PAYABLE:					1,392.84	.00	
10-60-250 Equipment Supplies & Maint.							
	PETROLEUM EQUIPMENT COM	182124	AFC SYSTEM REPAIRS AT SHOP	10/15/2013	526.00	.00	
Total 10-60-250 Equipment Supplies & Maint.:					526.00	.00	

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
45-21350	PERFORMANCE BONDS ON DEPOSIT						
	R J WESTBROEK	101613	COMPLETION BOND - #SWC130423022	10/16/2013	500.00	.00	
	R J WESTBROEK	102313	COMPLETION BOND - #SWC130530032	10/23/2013	500.00	.00	
	Total 45-21350 PERFORMANCE BONDS ON DEPOSIT:				1,000.00	.00	
10-54-320	Emergency Preparedness						
	RICHARDSON, LARRY	103013	COMPLETED CERT CLASS	10/30/2013	35.00	.00	
	Total 10-54-320 Emergency Preparedness:				35.00	.00	
10-57-240	Office Supplies & Expense						
	RIVER PRINTING COMPANY, IN	104149	FIRE DEPT - INPECTION FORMS	10/09/2013	20.75	.00	
	Total 10-57-240 Office Supplies & Expense:				20.75	.00	
10-43-313	Professional/Tech. - Attorney						
	SMITH KNOWLES PC	306947	DISCUSSIONS WITH STAFF	09/30/2013	640.00	.00	
	Total 10-43-313 Professional/Tech. - Attorney:				640.00	.00	
10-42-230	Travel						
	SORENSEN, LAURIE	AOC 2013	AOC COURT CONF - PER DIEM & MILEAGE	10/24/2013	447.00	.00	
	Total 10-42-230 Travel:				447.00	.00	
10-34-250	Bldg Rental/Park Use (Bowery)						
	STARK, JILL	102913	REFUND CIVIC CENTER DEPOSIT	10/29/2013	200.00	.00	
	Total 10-34-250 Bldg Rental/Park Use (Bowery):				200.00	.00	
10-43-314	Ordinance Codification						
	STERLING CODIFIERS INC	14160	ORDINANCE WORK	09/30/2013	2,667.00	.00	
	Total 10-43-314 Ordinance Codification:				2,667.00	.00	
10-60-250	Equipment Supplies & Maint.						
	TOM RANDALL DISTRIBUTING	0208570	DIESEL FUEL FOR CITY FUEL TANK	10/24/2013	375.72	.00	
	Total 10-60-250 Equipment Supplies & Maint.:				375.72	.00	

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
51-40-250	Equipment Supplies & Maint. TOM RANDALL DISTRIBUTING	0208570	DIESEL FUEL FOR CITY FUEL TANK	10/24/2013	375.72	.00	
Total 51-40-250 Equipment Supplies & Maint.:					375.72	.00	
52-40-250	Equipment Supplies & Maint. TOM RANDALL DISTRIBUTING	0208570	DIESEL FUEL FOR CITY FUEL TANK	10/24/2013	375.72	.00	
Total 52-40-250 Equipment Supplies & Maint.:					375.72	.00	
54-40-250	Equipment Supplies & Maint. TOM RANDALL DISTRIBUTING	0208570	DIESEL FUEL FOR CITY FUEL TANK	10/24/2013	375.71	.00	
Total 54-40-250 Equipment Supplies & Maint.:					375.71	.00	
10-57-250	Equipment Supplies & Maint. TOP QUALITY GLOVE	LA201369	LATEX GLOVES FOR FIRE DEPT	10/25/2013	69.90	.00	
Total 10-57-250 Equipment Supplies & Maint.:					69.90	.00	
10-57-370	Professional & Tech. Services UTAH COMMUNICATIONS AGE	47610	MONTHLY FIRE DEPT RADIO FEE	09/30/2013	604.50	.00	
Total 10-57-370 Professional & Tech. Services:					604.50	.00	
10-60-370	Professional & Tech. Services UTAH COMMUNICATIONS AGE	47611	MONTHLY PUB WORK RADIO FEE	09/30/2013	139.50	.00	
Total 10-60-370 Professional & Tech. Services:					139.50	.00	
Grand Totals:					66,892.03	29.73	

Dated: _____

City Treasurer: _____

City Manager: _____

<u>Vendor</u>	<u>Vendor Name</u>	<u>Invoice Number</u>	<u>Description</u>	<u>Invoice Date</u>	<u>Net Invoice Amount</u>	<u>Amount Paid</u>	<u>Date Paid</u>
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Report Criteria:

- Detail report.
 - Invoices with totals above \$0 included.
 - Only unpaid invoices included.
 - Invoice.Payment Due Date = {<=} 11/02/2013
-

Report Criteria:

Detail report.

Invoices with totals above \$0 included.

Only unpaid invoices included.

Invoice.Payment Due Date = {<=} 11/09/2013

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
20-71-480 Basketball							
	ACADEMY SPORTS	235078	BASKETBALL JERSEYS	10/10/2013	55.32	.00	
	ACADEMY SPORTS	235078	BASKETBALL JERSEYS	10/10/2013	605.68	.00	
Total 20-71-480 Basketball:					661.00	.00	
51-16670 WATER - WIP							
	B&K Fox Contractors, INC	EST#2 FINAL	West End Water Line -SWD	11/05/2013	251,764.03	.00	
Total 51-16670 WATER - WIP:					251,764.03	.00	
10-60-250 Equipment Supplies & Maint.							
	CINTAS CORPORATION LOC18	180508631	MATS/TOWELS	10/02/2013	12.00	.00	
Total 10-60-250 Equipment Supplies & Maint.:					12.00	.00	
51-40-140 Uniforms							
	CINTAS CORPORATION LOC18	180508631	UNIFORMS	10/02/2013	61.48	.00	
Total 51-40-140 Uniforms:					61.48	.00	
52-40-140 Uniforms							
	CINTAS CORPORATION LOC18	180508631	UNIFORMS	10/02/2013	20.50	.00	
Total 52-40-140 Uniforms:					20.50	.00	
10-60-260 Buildings & Grounds - Shop							
	DE'S KEY SERVICE	48498	KEYS	10/22/2013	15.00	.00	
Total 10-60-260 Buildings & Grounds - Shop:					15.00	.00	
10-43-262 General Government Buildings							
	DURKS PLUMBING	01930565	CIVIC CENTER SUPPLIES	10/08/2013	58.66	.00	

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
Total 10-43-262 General Government Buildings:					58.66	.00	
10-60-250 Equipment Supplies & Maint.							
	EVCO HOUSE OF HOSE	OG060534	HYDRAULIC HOSE & SUPPLIES	10/22/2013	58.70	.00	
Total 10-60-250 Equipment Supplies & Maint.:					58.70	.00	
10-60-251 Vehicle Supplies & Maintenance							
	EVCO HOUSE OF HOSE	OG061092	HOSE & SUPPLIES FOR DUMP TRUCK	10/29/2013	100.88	.00	
Total 10-60-251 Vehicle Supplies & Maintenance:					100.88	.00	
10-60-250 Equipment Supplies & Maint.							
	GRAINGER	9275357813	SAFETY VESTS	10/22/2013	39.92	.00	
	GRAINGER	9274868745	SAFETY SUPPLIES	10/22/2013	399.28	.00	
Total 10-60-250 Equipment Supplies & Maint.:					439.20	.00	
51-40-490 Water O & M Charge							
	HD SUPPLY WATERWORKS	B632113	METERS	10/17/2013	1,398.30	.00	
	HD SUPPLY WATERWORKS	B603425	METER VALVE	10/11/2013	153.49	.00	
Total 51-40-490 Water O & M Charge:					1,551.79	.00	
10-60-250 Equipment Supplies & Maint.							
	HERRICK INDUSTRIAL SUPPLY	1012306-01	GLOVES	10/30/2013	10.08	.00	
Total 10-60-250 Equipment Supplies & Maint.:					10.08	.00	
10-60-251 Vehicle Supplies & Maintenance							
	HERRICK INDUSTRIAL SUPPLY	1012312-01	DUMP TRUCK SUPPLIES	10/30/2013	298.20	.00	
Total 10-60-251 Vehicle Supplies & Maintenance:					298.20	.00	
10-70-261 Grounds Supplies & Maintenance							
	HERRICK INDUSTRIAL SUPPLY	1011905-01	PARK SUPPLIES	10/25/2013	215.53	.00	
Total 10-70-261 Grounds Supplies & Maintenance:					215.53	.00	

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
10-57-250	Equipment Supplies & Maint.						
	INSTA-CHAIN, INC	43839	CHAIN WHEEL AND ARM PIVOT	10/08/2013	106.60	.00	
	INSTA-CHAIN, INC	43839	FREIGHT CHARGES	10/08/2013	15.23	.00	
	Total 10-57-250 Equipment Supplies & Maint.:				121.83	.00	
10-57-745	EQUIPMENT COSTING OVER \$500						
	INSTA-CHAIN, INC	43839	CHAIN WHEEL AND ARM PIVOT	10/08/2013	504.60	.00	
	Total 10-57-745 EQUIPMENT COSTING OVER \$500:				504.60	.00	
10-60-410	Special Highway Supplies						
	INTERSTATE BARRICADES	103649	ROAD SIGNS	10/07/2013	1,111.29	.00	
	INTERSTATE BARRICADES	103837	COTTON WOOD COVE ROAD SIGN ANCHOR	10/18/2013	92.30	.00	
	Total 10-60-410 Special Highway Supplies:				1,203.59	.00	
10-60-251	Vehicle Supplies & Maintenance						
	INTERSTATE BILLING SERVICE	213-273514	MAINT FOR PLOW TRUCK	10/11/2013	289.96	.00	
	INTERSTATE BILLING SERVICE	213-273475	REPAIRS TO PLOW TRUCK	10/10/2013	1,019.32	.00	
	Total 10-60-251 Vehicle Supplies & Maintenance:				1,309.28	.00	
20-34-750	RECREATION FEES						
	JEPPSEN, JACQUE	100813	REFUND RECREATION FEE	10/08/2013	30.00	.00	
	Total 20-34-750 RECREATION FEES:				30.00	.00	
10-60-250	Equipment Supplies & Maint.						
	JOHNSON ELECTRIC	037469	MILWAUKEE GRINDER KIT	10/22/2013	349.95	.00	
	Total 10-60-250 Equipment Supplies & Maint.:				349.95	.00	
10-43-241	Materials & Supplies						
	LEFAVOR ENVELOPE COMPAN	143375	OFFICE SUPPLIES - ENVELOPES	10/29/2013	71.53	.00	
	Total 10-43-241 Materials & Supplies:				71.53	.00	
10-61-411	Snow Removal						
	LEGACY EQUIPMENT	61355	SNOW PLOW MOUNT REPAIRS	10/08/2013	305.70	.00	

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
Total 10-61-411 Snow Removal:					305.70	.00	
10-60-260 Buildings & Grounds - Shop							
	LOWES PROX	924937	SHOP SUPPLIES	10/01/2013	55.02	.00	
	LOWES PROX	923909	SHOP MATERIALS	10/07/2013	22.49	.00	
	LOWES PROX	923339	SHOP MATERIALS	10/17/2013	12.32	.00	
	LOWES PROX	923969	SHOP SUPPLIES	10/21/2013	22.74	.00	
Total 10-60-260 Buildings & Grounds - Shop:					112.57	.00	
10-60-410 Special Highway Supplies							
	LOWES PROX	923910	COTTONWOOD COVE SIGNS	10/07/2013	19.62	.00	
	LOWES PROX	923340	COTTONWOOD COVE SIGNS	10/17/2013	24.40	.00	
Total 10-60-410 Special Highway Supplies:					44.02	.00	
20-71-241 Materials & Supplies							
	LOWES PROX	923978-1	RECREATION SUPPLIES	10/21/2013	169.93	.00	
Total 20-71-241 Materials & Supplies:					169.93	.00	
10-43-240 Office Supplies & Expense							
	OFFICE DEPOT	667392000001	OFFICE SUPPLIES	10/10/2013	89.36	.00	
Total 10-43-240 Office Supplies & Expense:					89.36	.00	
51-40-240 Office Supplies & Expense							
	OFFICE DEPOT	CREDIT	OFFICE SUPPLIES - Credit	10/10/2013	543.47-	.00	
	OFFICE DEPOT	667392038001	OFFICE SUPPLIES	10/10/2013	15.10	.00	
	OFFICE DEPOT	667708266001	OFFICE SUPPLIES	10/11/2013	7.59	.00	
Total 51-40-240 Office Supplies & Expense:					520.78-	.00	
10-22500 HEALTH INSURANCE PAYABLE							
	OPTICARE OF UTAH	41313	VISION PREMIUMS -	10/14/2013	74.39	.00	
Total 10-22500 HEALTH INSURANCE PAYABLE:					74.39	.00	
10-60-251 Vehicle Supplies & Maintenance							
	OREILLY AUTOMOTIVE, INC.	3596-302432	VEHICLE MAINTENANCE	10/16/2013	46.85	.00	

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
	OREILLY AUTOMOTIVE, INC.	3596-300771	VEHICLE MAINTENANCE	10/07/2013	45.48	.00	
	Total 10-60-251 Vehicle Supplies & Maintenance:				92.33	.00	
51-40-483 Emergency R & R Water							
	POST ASPHALT PAVING	2013-	ASPHALT PAVING	10/15/2013	1,878.50	.00	
	Total 51-40-483 Emergency R & R Water:				1,878.50	.00	
10-43-253 Equipment Maint. - Software							
	QUALTRICS	27175	SURVEY SOFTWARE - GF	10/14/2013	1,250.00	.00	
	Total 10-43-253 Equipment Maint. - Software:				1,250.00	.00	
51-40-250 Equipment Supplies & Maint.							
	QUALTRICS	27175	SURVEY SOFTWARE - WT	10/14/2013	625.00	.00	
	Total 51-40-250 Equipment Supplies & Maint.:				625.00	.00	
52-40-250 Equipment Supplies & Maint.							
	QUALTRICS	27175	SURVEY SOFTWARE - SW	10/14/2013	625.00	.00	
	Total 52-40-250 Equipment Supplies & Maint.:				625.00	.00	
20-21365 KNIGHTS FOOTBALL DEPOSITS							
	SCHENCK, JED	KFB 2013	FOOTBALL DEPOSIT RETURN	10/10/2013	300.00	.00	
	Total 20-21365 KNIGHTS FOOTBALL DEPOSITS:				300.00	.00	
10-60-424 Curb & Gutter Restoration							
	SLIPPERY ROCK CONSTRUCTI	1190	CURB & GUTTER/SIDEWALK	10/15/2013	12,348.00	.00	
	Total 10-60-424 Curb & Gutter Restoration:				12,348.00	.00	
10-43-313 Professional/Tech. - Attorney							
	SMITH KNOWLES PC	306948	MONTHLY ATTORNEY FEES	09/30/2013	1,300.00	.00	
	Total 10-43-313 Professional/Tech. - Attorney:				1,300.00	.00	
51-40-483 Emergency R & R Water							
	STAKER & PARSON COMPANIE	3410007	ROAD BASE	10/21/2013	101.92	.00	

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
	STAKER & PARSON COMPANIE	3411559	ROAD BASE	10/23/2013	152.08	.00	
	STAKER & PARSON COMPANIE	3401466	ROAD BASE	10/09/2013	178.67	.00	
Total 51-40-483 Emergency R & R Water:					432.67	.00	
10-43-370 Professional & Tech. Services							
	TECSERV, INC.	11531	MONTHLY COMPUTER SERVICE	11/01/2013	500.00	.00	
Total 10-43-370 Professional & Tech. Services:					500.00	.00	
20-71-262 General Government Buildings							
	UNIFIRST CORPORATION	3561530407	FAC TOWELS & MATS -	10/02/2013	55.32	.00	
	UNIFIRST CORPORATION	3561532413	FAC TOWELS & MATS -	10/09/2013	55.32	.00	
	UNIFIRST CORPORATION	3561536408	FAC TOWELS & MATS -	10/23/2013	55.32	.00	
	UNIFIRST CORPORATION	3561538422	FAC TOWELS & MATS -	10/30/2013	55.32	.00	
	UNIFIRST CORPORATION	CM356152839	CREDIT - FAC TOWELS & MATS	10/31/2013	28.15-	.00	
Total 20-71-262 General Government Buildings:					193.13	.00	
10-43-370 Professional & Tech. Services							
	UPPERCASE PRINTING, INK	7555	NEWSLETTER	10/29/2013	26.40	.00	
Total 10-43-370 Professional & Tech. Services:					26.40	.00	
20-71-241 Materials & Supplies							
	UPPERCASE PRINTING, INK	7555	NEWSLETTER	10/29/2013	26.40	.00	
Total 20-71-241 Materials & Supplies:					26.40	.00	
51-40-250 Equipment Supplies & Maint.							
	UPPERCASE PRINTING, INK	7555	NEWSLETTER	10/29/2013	26.40	.00	
Total 51-40-250 Equipment Supplies & Maint.:					26.40	.00	
52-40-250 Equipment Supplies & Maint.							
	UPPERCASE PRINTING, INK	7555	NEWSLETTER	10/29/2013	26.40	.00	
Total 52-40-250 Equipment Supplies & Maint.:					26.40	.00	
53-40-250 Equipment Supplies & Maint.							
	UPPERCASE PRINTING, INK	7555	NEWSLETTER	10/29/2013	26.40	.00	

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
Total 53-40-250 Equipment Supplies & Maint.:					26.40	.00	
54-40-250 Equipment Supplies & Maint.							
	UPPERCASE PRINTING, INK	7555	NEWSLETTER	10/29/2013	26.40	.00	
Total 54-40-250 Equipment Supplies & Maint.:					26.40	.00	
51-40-490 Water O & M Charge							
	VERIZON WIRELESS	9712893328	WIFI FOR GPS	10/08/2013	58.29	.00	
Total 51-40-490 Water O & M Charge:					58.29	.00	
Grand Totals:					278,894.34	.00	

Dated: _____

City Treasurer: _____

City Manager: _____

Report Criteria:

Detail report.

Invoices with totals above \$0 included.

Only unpaid invoices included.

Invoice.Payment Due Date = {<=} 11/09/2013

1 **SOUTH WEBER CITY COUNCIL MEETING**

2
3 **DATE OF MEETING:** 22 October 2013 **TIME COMMENCED:** 6:00 p.m.

4
5 **PLEDGE OF ALLEGIANCE:** Mayor Monroe

6
7 **PRAYER:** Councilmember Poff

8
9 **PRESENT: MAYOR:** Jeff Monroe

10
11 **COUNCILMEMBERS:** Joseph Gertge
12 Randy Hilton
13 Michael Poff
14 Farrell Poll
15 David Thomas

16
17 **CITY MANAGER:** Rodger Worthen

18
19 **CITY RECORDER:** Erika Ahlstrom

20
21
22 **Transcriber:** Minutes transcribed by Michelle Clark

23
24
25
26 *A PUBLIC WORK MEETING was held at*
27 *5:30 p.m. to REVIEW AGENDA ITEMS & WARRANT REGISTER*
28

29
30
31 **VISITORS:** Marlene Poore & Tammy Long.

32
33 **APPROVAL OF THE AGENDA:** Councilmember Gertge moved to approve the agenda as
34 written. Councilmember Poll seconded the motion. Councilmembers Gertge, Hilton, Poff,
35 Poll, and Thomas voted. The motion carried.

36
37 **CONSENT AGENDA:**

- 38
39 ♦ Approval of 8 October 2013 City Council Meeting Minutes
40 ♦ Approval of 15 October 2013 City Council Work Meeting Minutes

41
42 Councilmember Poff moved to approve the consent agenda. Councilmember Poll seconded
43 the motion. Councilmembers Gertge, Hilton, Poff, Poll, and Thomas voted yes. The
44 motion carried.

45
46 **DECLARATION OF CONFLICT OF INTEREST:** The City Council declared no conflict of
47 interest.
48

49 **BID AWARD: Skyhaven Cove Storm Drain Outfall Project**

50 Rodger Worthen, City Manager, explained that several years ago the City accepted a
51 development project called Skyhaven Cove Subdivision. The project was completed by the
52 developer many years ago and is situated north of South Weber Drive approximately 1100 East.
53 He stated at the time of approval and construction the City allowed the storm water run-off
54 collected in Skyhaven Cove to be discharged upon agriculture property northwest of the
55 subdivision owned by the Kap Family. This creates problems of use for the property. The City
56 now desires to correct this issue and has developed a plan of resolution.

57
58 Rodger stated now with the construction of the Cottonwood Subdivision to the north of
59 Skyhaven Cove the City has an opportunity to eliminate the illicit discharge of storm water upon
60 the Kap farm via re-alignment of the Skyhaven Cove storm drain pipe to the newly constructed
61 Cottonwood subdivision thus connecting the two storm drain systems and routing all storm water
62 to the Weber River outlet.

63
64 The City Engineer has designed the project installation to lessen impacts upon adjoining
65 homeowners, as such; the City will be using an existing public utility easement to install the new
66 line. City staff has met several times with the adjoining landowners regarding this budgeted
67 project over the last year, while it is an impact upon their property they have recognized the need
68 for the work as designed. Land restorative efforts are a large part of the work by the contractor.
69 The bid is less than the City Engineers construction estimate of \$51,365.00 and has been
70 appropriately budgeted for this fiscal year.

71
72 Bids received are as follows:

73		
74	1. Leon Poulsen Construction Company	\$49,751.75
75	2. Kapp Companies	\$58,083.50
76	3. Ormond Construction	\$63,470.94
77	4. Geneva Rock Products	\$68,233.00
78	5. Noland & Son Construction	\$69,775.00
79	6. Wardell Brothers Construction	\$97,551.25
80	.	

81 **Councilmember Gertge moved to approve the award of the Skyhaven Cove storm-drain**
82 **construction project to Leon Poulsen Construction Company for \$49,751.75 and not to**
83 **exceed \$55,000 to improve the City’s storm water management system, take advantage of**
84 **adjoining storm water connections, improve public safety, and eliminate the illicit**
85 **discharge of water upon private lands. Councilmember Thomas seconded the motion.**
86 **Councilmembers Gertge, Hilton, Poff, Poll, and Thomas voted yes. The motion carried.**

87
88 **CITY COUNCIL ITEMS:**

89
90 **Councilmember Poll:**

91
92 **Legislative Policy Committee Meeting:** There is a possibility that the Legislature will
93 enact a 10 cent tax for road repairs, improvements etc. It would be collected on a county basis
94 and then distributed. This item will be discussed further in 2014. Councilmember Gertge is
95 concerned about the number of HOA’s in South Weber City and what will happen if the city
96 takes over any of those roads.

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Councilmember Gertge:

Weber Trailways: Councilmember Gertge said the Weber Trailways is having a difficult time finishing up the trail before the weather turns.

Bicycle Associations: He has been contacted by bicyclists concerning South Weber Drive. Mayor Monroe suggested Councilmember Gertge contact the Bike Shoppe, Bingham Cycle, etc. to contact bike associations.

CITY MANAGER ITEMS:

HOA Meeting: Rodger will be meeting with the Bateman Estates and Sandalwood Cove Subdivision residents to discuss concerns.

ADJOURNED: Councilmember Poll moved to adjourn the city council meeting at 6:40 p.m. Councilmember Thomas seconded the motion. Councilmembers Gertge, Hilton, Poff, Poll, and Thomas voted yes. The motion carried.

APPROVED: _____ Date

Mayor: Jeff Monroe

Transcriber: Michelle Clark

Attest: _____
City Recorder: Erika Ahlstrom

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OCTOBER 22, 2013

WORK/DISCUSSION MEETING PRIOR TO CITY COUNCIL

Those in attendance to the work session were: Mayor Jeff Monroe, Councilmembers Joe Gertge, Randy Hilton, Michael Poff, Farrell Poll, Dave Thomas, City Manager Rodger Worthen, City Recorder Erika Ahlstrom.

Visitors: Marlene Poore, Tammy Long.

Councilmember Gertge moved to enter into a work session. Councilmember Hilton seconded. Work meeting commenced at 5:32 p.m.

Consent Agenda and Warrant Register: One minor change to October 8 minutes.

Bid Award for Skyhaven Cove Storm Drain Outfall Project: Rodger explained that currently the storm water is going into the landowner's field. This project connects to the Cottonwood Cove subdivision. We are using the existing utility easement, and the property owners are okay with the project. The contractor will restore landscaping, fencing, etc., so restoration makes up a lot of the cost. The lowest bidder came in lower than engineer's estimate.

Other Items: Councilmember Hilton addressed a complaint regarding a fence that was recently installed on 2100 East and View Drive obstructing the view of the road. Rodger will have Mark Larsen ensure the fence location complies with City code.

Councilmember Gertge said Mr. Dayton approached him with concerns about the road that is supposed to be emergency access for Easton Village. Councilmember Gertge said it cannot be an emergency access now that there is a drop off at the end of the road. The fencing also needs to be done. Rodger has tried to contact Layne Kap but he has been out of town.

Councilmember Gerge asked if Layne Kap went to Planning Commission with another phase in their development. Rodger stated he had and this will be coming before the Council soon. The development agreement entered into with the first phase indicates they must have a second access by this next phase, however the Code has since changed to allow 30 homes without a second exit. Councilmember Gertge said with the school and the Family Activity Center in this area, this makes this access a major issue that needs to be looked at. Mayor Monroe said we are not in the business of helping developers.

The Council would like to look at making recommendations for new street light locations.

Rodger reported he met with Dak Maxfield of Staker Parson where they discussed doing something with the detention basin at the west of the pit. Rodger and Dak proposed relocating the detention and continuing the berm next to the sidewalk. He said Staker Parson would be willing to do the earthwork. Councilmember Poll disagreed with this plan, stating he would like to see something else go in where the detention basin is, like a park. Councilmember Gertge agreed there should be a park. Rodger stated it all boils down to funding. The Council would like to meet with Dak regarding this issue.

It was discussed that more seating is needed for the Little Buckaroo Rodeo at the Posse Grounds. Councilmember Hilton with check into having Job Corps make some stadium seating.

Work meeting adjourned at 5:55 p.m. Work meeting minutes by Erika Ahlstrom.

SOUTH WEBER PLANNING COMMISSION
Staff Backup Report

Item No: **Ordinance 13-17**

Date of Meeting: **November 12, 2013** (Public Hearing)

RECOMMENDATION

Approve Ordinance 13-17 amending the City's Code for sign and lighting regulations.

BACKGROUND

This ordinance addresses the outdated regulations (i.e. political signs and location) and adds regulations for billboards.

The Planning Commission held a public hearing for this ordinance on September 26. Representatives from YESCO and Reagan Signs attended this hearing and expressed some concerns about the impact the draft ordinance had on their current signs that are located in South Weber, mainly portions of the proposed ordinance would have brought the existing signs out of compliance. Subsequently, staff met with these representatives to address their concerns and have made the necessary changes in the ordinance. The sign companies have been provided with a copy of the proposed ordinance and they are in agreement with what is presented. The Planning Commission recommended approval of Ordinance 13-17 on October 24.

Attachments: ORDINANCE 13-17
 Planning Commission Minutes 9-26-13 and 10-24-13
 Current City Code for Reference
 ACLU Letter to Orem Re: Political Signs

ORDINANCE 13-17
AN ORDINANCE AMENDING
TITLE 10 ZONING REGULATIONS
CHAPTER 9 SIGN & LIGHTING REGULATIONS

WHEREAS, the South Weber City Council established Title 10 Zoning Regulations to establish various zoning requirements in order to preserve and promote the health, safety, morals, convenience, order and the general welfare of the city, its present and future inhabitants and the general public, and provide a wide array of developments; and

WHEREAS, the South Weber City Planning Commission held a public hearing on the 26th day of September 2013, and has made a favorable recommendation of these amendments to the South Weber City Council; and

WHEREAS, the South Weber City Council held a public hearing on the 12th day of November 2013, and has reviewed the amendments and recommendations made by the Planning Commission;

NOW THEREFORE BE IT ORDAINED, by the Legislative Body of South Weber City as follows:

SECTION 1: The South Weber City Code shall be amended as follows:

SECTION 2: The South Weber City Code, Title 10 Zoning Regulations, Chapter 9 Sign & Lighting Regulations shall be amended as follows:

Add:

10-9-1: PURPOSE AND INTENT:

The purpose of this chapter is to regulate and to authorize the use of signs that are compatible with their surroundings and to promote short and long term civic beauty and order by establishing standards and regulations for sign design, location, size, type, compatibility, safety, and aesthetics.

The intent of this chapter is to regulate design and placement of identification/communication devices that are built specifically to identify, inform, and direct patrons to a particular merchant, store, establishment or service. It is not the intent of this chapter to regulate the content of public speech nor infringe upon freedom of speech.

Renumber the following sections as follows:

10-9-1 EFFECT OF CHAPTER to 10-9-2 EFFECT ON CHAPTER
10-9-2 DEFINITIONS to 10-9-3 DEFINITIONS
10-9-3 GENERAL LIMITATIONS to 10-9-4 GENERAL LIMITATIONS

10-9-4 CLASSIFICATION OF SIGNS to 10-9-5 CLASSIFICATION OF SIGNS

10-9-3 Definitions shall be amended adding:

CONVERT or CONVERSION: To change a sign or billboard face from its existing, non-digital surface to a digitally controlled surface. Convert or conversion does not include "maintenance" of the sign.

CURFEW: Between midnight and six o'clock (6:00) AM. the digital billboard face shall be frozen on one message.

FRONTAGE (SIGNS): The distance between the two (2) side lot lines of a parcel measured along the street or streets of a corner lot which the parcel is allowed access. No state or federal highway to which no access is allowed shall be considered as frontage.

Amend 10-9-4 GENERAL LIMITATIONS, ITEM J POLITICAL SIGNS as follows:

J. Political Signs: Political signs shall be allowed in all zones, provided they comply with the following regulations:

1. They shall comply with the requirements of subsection E of this Section.
2. Political signs shall not be erected ~~or placed in any publicly visible location prior to thirty (30) days before the election for which this issue will be decided.~~

Add: within 150 feet from a building where a polling place is located.

~~3. Political signs shall be removed within seven (7) days after the election at which the issue is decided. (1989 Code § 12-15-003)~~

Amend 10-9-5 CLASSIFICATION OF SIGNS ITEMS A through D as follows:

Remove all reference to "political" sign types.

Add:

10-9-6 BILLBOARDS

A. Permit Required: No billboard shall be erected, relocated, reconstructed or enlarged without obtaining a building permit. These signs shall be subject to the appropriate provisions of the building code.

B. Site Plan: All applications for sign permits shall be accompanied by a site plan drawn to a scale showing the exact size, location and ownership of record for the site; the exact size of any existing signs and any proposed signs (including elevation drawings) and the proposed location of the new sign with relation to buildings and property lines.

C. Number of Billboards: The number of billboards allowed in the City shall be limited to the number of billboards that have received a legal South Weber City permit as of the time of adoption of this code. The number of billboards in the City shall never increase. A new billboard shall only be permitted as replacements or relocations of an existing billboard as permitted by this Title.

D. Permitted and Prohibited Locations: Billboards shall be permitted in the following areas:

1. I-84 Corridor: Billboards shall be permitted in any non-residential zoning district along the I-84 Corridor, within three hundred feet (300') of the I-84 centerline, measured to the nearest support column or pole.
2. Highway 89 Corridor: Billboards shall be permitted in any non-residential zoning district along the Highway 89 Corridor, within two hundred feet (200300') of the Highway centerline, measured to the billboard pole.

E. Removal of Billboards; Demolition Permit Required: Prior to the removal of any billboard in South Weber City the following requirements must be met:

1. Permit required. Billboards may be removed by the billboard owner only after obtaining a demolition permit from South Weber City. Owners that do not obtain the appropriate demolition permit shall forfeit the right to reconstruct, relocate, build or convert any billboard that is removed without a permit.
2. Application. Application shall be made by obtaining a demolition permit provided by the city Building Official

F. Relocation of billboards; Building permit required

1. The owner of a billboard may relocate a billboard from any conforming or nonconforming site to a conforming, approved location only after a permit is obtained as set forth in this Title and must comply with other provisions of this Chapter.
2. Billboards moved to an approved location shall conform with all sign requirements of the new location.
3. Billboards in nonconforming locations shall not be permitted to convert or enlarge the sign face.
4. Owners relocating billboards from a conforming or nonconforming location to a conforming location shall install the relocated billboard within twenty-four (24) months of the issuance of a demolition permit, with not more than two (2) extensions of up to one (1) year each granted by the Building Official. If the billboard is not installed within the maximum allowed time frame, then the ability to relocate said billboard is forfeited.

G. Maintenance of billboards

1. Each billboard shall be maintained in a safe, presentable, and good condition; including the replacement of defective parts, painting, cleaning, removal of old or dilapidated advertisements and other acts required for the maintenance of said sign.
2. For any structural changes to an existing billboard, a building permit shall be required.

H. Height, size, spacing, and setbacks: All billboards within South Weber City shall adhere to the following requirements for height, size, spacing and setbacks:

1. **Billboard Height:** Billboards shall not exceed a height of sixty-five feet (65') above the highest point of the grade of the highway toward which the billboard is oriented at a point perpendicular to the billboard.
2. **Billboard Size:**

Billboards are limited to six hundred and seventy-two (672) square feet for each face.
Billboards (digital & non-digital) are allowed up to two faces that are on opposite sides of the billboard.
3. **Billboard Spacing:**

Spacing of billboards shall follow current State Code.
4. **Billboard Setbacks:**
(a) No billboard shall be closer than five feet (5-feet) to a front property line, or Right of Way line measured to the closest edge of the billboard.

I. Digital billboards: In addition to the following requirements, digital billboards shall adhere to the same size, height, spacing, setbacks and locations as all other standard billboards:

1. Video animation shall be prohibited including text, image or graphic scrolling and animated advertisement transitions;
2. Digital billboard advertisements shall have a minimum dwell time of eight (8) seconds and a maximum rotation time of one-quarter (.25) second;

3. Digital billboard advertisements shall not blink, flash, pulse, twinkle or similar, or be lit by any outside light source;

4. Digital billboards that are three hundred feet (300') or closer to any legally occupied dwelling may be required to adhere to a curfew as required below:

(a) If a billboard is within three hundred feet (300') of a legally occupied dwelling and is within a one hundred and twenty degree (120) radius area measured from the center point of the digital billboard face then this billboard face shall adhere to the curfew; or

(b) If a billboard is within one hundred and fifty feet (150') of a legally occupied dwelling and is within a thirty degree (30) radius area measured from the center point of the digital billboard face and beginning at the one hundred and twenty degree (120) line then this billboard face shall adhere to the curfew;

(c) The curfew shall be lifted in the event of the need for emergency messages.

5. All digital billboards shall be equipped with an automatic dimmer control or other mechanism that automatically controls the sign's brightness and display period;

6. Digital billboards shall not increase the ambient lighting level more than three-tenths (0.3) foot candle when measured by a foot candle meter, perpendicular to the digital face, at a distance of three hundred feet (300');

7. Digital billboards shall not be larger than six hundred and seventy-two (672) square feet.

8. After installation, the applicant shall certify that the billboard has been tested and complies with the motion, dwell time, brightness, rotation time, and all other requirements herein. The City may request certification of compliance at any time.

9. A building permit shall be required for the conversion of any billboard face.

SECTION 3: This ordinance shall take effect upon posting.

PASSED AND ADOPTED by the City Council of South Weber, Davis County, on the **12th** day of **November, 2013.**

MAYOR: Jeffery G. Monroe

ATTEST:

Erika J. Ahlstrom, CMC, City Recorder

CERTIFICATE OF POSTING

I, the duly appointed recorder for the City of South Weber, hereby certify that ***Ordinance 13-17: An Ordinance Amending Title 10 Zoning Regulations, Chapter 9 Sign & Lighting Regulations*** was passed and adopted the ____ day of _____ 2013, and certify that copies of the foregoing Ordinance 13-17 were posted in the following locations within the municipality this ____ day of _____, 2013.

1. South Weber Elementary, 1285 E. Lester Drive
2. South Weber Family Activity Center, 1181 E. Lester Drive
3. South Weber City Building, 1600 E. South Weber Drive
4. South Weber City website www.southwebercity.com
5. Utah Public Notice Website www.pmn.utah.gov

Erika J. Ahlstrom, CMC, City Recorder ENERAL LIMITATIONS to 10-9-4 GENERAL LIMITATIONS

should be approved by the city". Emily suggested restricting Lot 1, 2, & 3. Brandon stated he will work with the developer's engineer concerning the language. Commissioner Osborne is concerned about sending this item forward with so many items left to be completed.

Commissioner Grubb moved to recommend approval for the Final Subdivision Application for Canyon Vistas Subdivision, 13 lots, to be located at approximately 1750 E 7250 S.; Developers: Mike Schultz & Mike Bastian prior to going on the City Council agenda subject to the following conditions:

1. Complete all items in city staff report of 26 September 2013.
2. Complete all items on City Engineer's letter of 19 September 2013.
3. Include a separate agreement for 30' easement over southerly portion of the parcel owned by Questar to South Weber city for future road.
4. Add to the subdivision plat a reference outside of the subdivision to the future road.
5. Define the UPL easement on the subdivision.
6. Name the streets.
7. Clarify the 20' Questar gas line on the west and whether or not it exists and the location of the storm drain is located in an area outside of the Questar easement.
8. Designate a restriction on Lot 1, 2, 3 as outlined in City Engineer's letter, item #7.

Commissioner Stott seconded the motion. Commissioners Grubb, Hyde, Stott, and Westbrook voted yes. Commissioner Osborne voted no. The motion carried 4 to 1.

Commissioner Stott moved to open the public hearing for Ordinance 13-17. Commissioner Grubb seconded the motion. Commissioners Grubb, Hyde, Osborne, Stott, and Westbrook voted yes. The motion carried.

***** PUBLIC HEARING *****

Recommendation of Ordinance Amendment: Ordinance 13-17, An Ordinance Amending Title 10 Zoning Regulations, Chapter 9 Sign & Lighting: Nate Seacrest, 3052 Crescent

Drive Salt Lake City, Utah stated there are items he would like to discuss concerning this ordinance. He said there are some undefined terms. There is reference to a curfew that isn't defined. There is also spacing requirements concerning legal and non-conforming signs. He would like the opportunity to meet with the Planning Commission to discuss these items further.

Jared Johnson, 998 E. 5100 S. South Ogden, understands Reagan and Yesco are the only companies currently operating in South Weber City. He discussed the similarity of this ordinance to Layton City. He said the 75 ft. proximity is unique to Layton City. He would like to have input on this for South Weber City. He said there are issues in the ordinance that will be difficult to work with. He would suggest discussing the definitions as well. There is an issue

concerning installation of signs and cutting the size in half when moving the sign. He also has the same concern with curfew. There is a discrepancy with height requirements from Hwy 89 and Hwy 84.

Commissioner Grubb moved to close the public hearing for Ordinance 13-17. Commissioner Stott seconded the motion. Commissioners Grubb, Hyde, Osborne, Stott, and Westbrook voted yes. The motion carried.

******* PUBLIC HEARING CLOSED *******

The Planning Commission agreed that it would be a great idea to sit down and discuss some of these items.

Commissioner Grubb moved to table Ordinance 13-17, An Ordinance Amending Title 10 Zoning Regulations, Chapter 9 Sign & Lighting for city staff and Commissioner Osborne to review further. Commissioner Stott seconded the motion. Commissioners Grubb, Hyde, Osborne, Stott, and Westbrook voted yes. The motion carried.

ADJOURN: Commissioner Osborne moved to adjourn the Planning Commission meeting at 9:18 p.m. Commissioner Stott seconded the motion. Commissioners Grubb, Hyde, Osborne, Stott, and Westbrook voted yes. The motion carried.

APPROVED: _____ Date
Commissioner: Delene Hyde

Attest: _____
Deputy Recorder: Emily A. Thomas

Transcriber: Michelle Clark

97 **put into place with hours of operation Monday thru Friday and limited on Saturday.**
98 **Reason for tabling and not denial is that the geographical location seems to mitigate the**
99 **surrounding area and its historical use has been in that area. The development agreement**
100 **is to be completed by January 2014. Commissioner Westbrook seconded the motion.**
101 **Commissioners Grubb, Hyde, Osborne, Stott, and Westbrook voted yes. The motion**
102 **carried.**

103
104 **Recommendation of Ordinance Amendment: Ordinance 13-17, An Ordinance Amending**
105 **Title 10 Zoning Regulations, Chapter 9 Sign & Lighting Regulations (*A public hearing for**
106 **this item was held on September 26, 2013.)** Following the public hearing and discussion from
107 the September 26, 2013 meeting, staff met with representatives from Yesco and Reagan sign
108 companies.

109
110 Emily Thomas, Deputy Recorder, stated a letter has been provided by Yesco and Reagan sign
111 companies. They have both reviewed the draft and have two concerns that they felt should be
112 implemented. The first is the “curfew” definition. They both felt that having the ordinance read
113 “shut off” and also that the “face shall be frozen on one message” was confusing and
114 contradictory. They believe the intent is to hold one static message from midnight to 6 am, and
115 suggest the following language: “Between midnight and six o’clock (6:00) am, the digital face
116 shall be frozen on one message.” The second is regarding the setback requirement on Hwy 89.
117 They both have existing signs that do not meet the 20’ setback when measure from the nearest
118 edge of the sign, and in fact there are a few in the gravel pit that would require a very tall pole to
119 meet that requirement, should they be rebuilt. They also preferred to see Section H,4,(b) deleted
120 entirely and have all signs in the ordinance meet a single setback requirement of 5’ per H,4(a).

121
122 Barry stated the city staff is in agreement with Yesco and Reagan concerning these changes.

123
124 **Commissioner Grubb moved to amend Ordinance 13-17- An Ordinance Amending Title 10**
125 **Zoning Regulations, Chapter 9 Sign & Lighting Regulations. Commissioner Stott seconded**
126 **the motion. Commissioners Grubb, Hyde, Osborne, Stott, and Westbrook voted yes. The**
127 **motion carried.**

128
129 **Discussion Item: Proposed Bryson Meadows Subdivision & Rezone for 63 Single Family**
130 **Homes & Apartment Complex to be located at approximately 424 E 6650 S, parcels #13-**
131 **006-0025, 13-006-0031, 13-023-0109, Developers: Gardner Crane & Jared Bryson (*This is**
132 **a discussion only, no official action will be taken on this item.)** Jared Bryson said he has met
133 with the city staff at three sketch plan meetings. The proposed development has approximately
134 63 single family units and an apartment complex. The property is currently zoned Agricultural
135 (A).

136
137 Mr. Bryson said they will be requesting to rezone the property to Residential Moderate (RM) and
138 another section to Residential High (RH). Barry stated the location of the property falls within an
139 area of the General Plan that requires a road connection to 475 East.

140
141 Jared Bryson said they have done their best to accommodate the regional detention pond.
142 Commissioner Hyde asked about the access road on west end of 6650 South. She asked why
143 they can’t access through Heather Cove. Mr. Bryson said he has attempted to purchase property
144 from the Kendall’s, who have not been willing to sale. Barry said feels this plan does allow for

Chapter 9

SIGN AND LIGHTING REGULATIONS

10-9-1: EFFECT OF CHAPTER:

The regulations herein set forth shall apply and govern all zones as set forth in this Title. (1989 Code § 12-15-001)

10-9-2: DEFINITIONS:

For the purpose of this Chapter, certain words and terms are defined in addition to the definitions stated in Section [10-1-10](#) of this Title as follows:

SIGN: Any device for visual communication to the general public to be viewed from out of doors, but not including any flag, badge or ensign of any government or governmental agency.

SIGN, ANIMATED: A sign which involves motion or rotation of any part by mechanical or artificial means or displaying flashing or intermittent lights.

SIGN, AREA: The area of a sign that is used for display purposes, including the minimum frame and supports. In computing sign area, only one side of back-to-back signs covering the same subject shall be computed when signs are parallel or diverge from a common edge by an angle of not more than forty five degrees (45°). In relation to signs that do not have a frame or separate background, sign area shall be computed on the basis of the least rectangle, triangle or circle large enough to frame the display.

SIGNS, LIGHTED-TYPE: A categorical rating given to a sign according to the type of illumination that is permitted to have as follows:

Direct: An illuminated sign, the light source of which is a visible part of the sign or which projects light upon the sign.

Indirect: An illuminated sign, the light source of which is not visible from any angle but which is incorporated in the structure of the sign.

SIGNS, TYPE: A categorical rating given to a sign according to its type of written message as follows:

Advertising: A sign which directs attention to a use, product, commodity or service, not related to the premises.

Business: A sign which directs attention to a use conducted, commodity sold or service performed upon the premises.

Identification: A sign displayed to indicate the name or nature of buildings or use, including home occupations, but not commercial or industrial uses located upon the premises.

Political: A sign displayed to inform the public of a candidate running for public office or an issue to be decided in a legal election by public vote.

Property: A sign related to the property upon which it is located and offering such property for sale or lease, or advertising completed improvement, or announcing the name of the builder, owner, designer or developer of the project, or warning against trespassing.

Service: A sign which is incidental to a use lawfully occupying the property upon which the sign is located and which sign is necessary to provide information to the public, such as direction to parking lot, location of restrooms, sale of agriculture product produced upon the premises and which may bear as an incidental part of the sign the name, address or trademark of persons furnishing such sign to the owner of the premises or such other pertinent facts.

Temporary Subdivision: A sign advertising lots in a subdivision displayed for a specific period of time as indicated by permit, not to exceed two (2) years or the time when all lots or units are sold, whichever comes first. No sign permit shall be issued until preliminary plat approval is given by the Planning Commission.

STRUCTURAL TYPE: A categorical rating given to a sign according to its structure as follows:

Billboard: Any sign designated or used for the posting of bills or temporary messages.

Flat: A sign erected parallel to and attached to or painted on or pasted on the outside wall of a building and projecting not more than eighteen inches (18") from such wall.

Ground: A sign placed upon the ground or supported by a frame or multiple supports placed in or upon the ground and which has less than four feet (4') clearance between the sign and the ground.

Pole: A sign which is attached to or supported by one or more poles, or a pilaster or similar structure which is supported by the ground, including any such sign which also rests on or overlaps the roof of a building twelve inches (12") or less.

Projecting: A sign attached to a building and extending in whole or in part more than eighteen inches (18") beyond any wall of the building without the aid of any other vertical supports, including any such sign that also rests on or overlaps the roof twelve inches (12") or more.

Roof: A sign erected partially or wholly on or over the roof of a building, but not including pole or projecting signs that rest on or overlap a roof twelve inches (12") or less.

Temporary: A temporary sign as regulated by this Title shall include any sign, banner, pennant, valance or advertising display constructed of cloth, canvas, light fabric, cardboard, wallboard or any other light materials, with or without frames, intended to be displayed for a short period of time only.

Window: A sign erected in, attached to, painted on, or pasted on, a window. (1989 Code § 12-15-002; amd. Ord. 98-1, 1-13-1998; Ord. 99-20, 7-13-1999)

10-9-3: GENERAL LIMITATIONS:

The following provisions affect all signs and classes of signs. No sign shall be erected, replaced or reconstructed, maintained, enlarged or moved to a new location unless it complies with all of the following conditions: (1989 Code § 12-15-003)

A. **Permit Required:** No advertising, business or temporary subdivision sign shall be erected, relocated, reconstructed or enlarged without obtaining a building permit. These signs shall be subject to the appropriate provisions of the building code. (1989 Code § 12-15-003; amd. 1998 Code)

- B. Site Plan: All applications for sign permits shall be accompanied by a site plan drawn to a scale showing the exact size, location and ownership of record for the site; the exact size of any existing signs and any proposed signs (including elevation drawings) and the proposed location of the new sign with relation to buildings and property lines.
- C. Lights Or Lighted Signs: In any zone, no spotlight, floodlight or any type of lighted or animated sign shall be installed in any way or continued in operation which will permit the rays of light to penetrate beyond the property upon which such light or lighted sign is located in a manner constituting a nuisance or hazard, and no light may be permitted where the light source is visible from adjacent property.
- D. Projection: No part of any sign shall be attached to any building or other structure or otherwise located in such away as to project across any property line.
- E. Prohibited Lights And Signs On Public Property; Exception:
1. No sign or light standard or pole shall be erected on publicly-owned land, inside street rights-of-way or otherwise. No sign, handbill, poster, advertisement or notice of any kind or sort, whether political or otherwise, shall be fastened, placed, posted, painted or attached in any way in or upon any curbstone, lamppost, telephone pole, telegraph pole, electric light or power pole, hydrant, bridge, tree, rock, sidewalk or street.
 2. Signs and lights owned and erected by a public agency or its authorized representative.
- F. Traffic Hazard: No light, sign or other advertising structure as regulated by this Title shall be erected at the intersection of any street in such a manner as to obstruct free and clear vision, or at any location where by reason of the position, shape or color, it may interfere with, obstruct the view of or be confused with any authorized traffic signs, signal or device or which makes use of the words "stop", "look", "drive-in", "danger" or other words, phrases, symbols, or characters in such manner as to interfere, mislead or confuse traffic.

- G. Maintenance: Every sign shall be kept in good condition as to maintenance and repair. The Building and Zoning Inspector may require dilapidated and/or unsafe signs to be put in good condition and upon failure of the owner to do so after thirty (30) days' written notice, the City may order such signs removed or demolished.
- H. Clearance: There shall be a minimum clearance of ten feet (10') between the ground or sidewalk and any part of a projecting sign or pole sign, excepting where there is less than eighteen inches (18") projection from its support. Ground signs shall have a maximum clearance of four feet (4').
- I. Ownership: The identity of the owner of all off-premises signs shall be in plain and public view.
- J. Political Signs: Political signs shall be allowed in all zones, provided they comply with the following regulations:
1. They shall comply with the requirements of subsection E of this Section.
 2. Political signs shall not be erected or placed in any publicly visible location prior to thirty (30) days before the election which the issue will be decided.
 3. Political signs shall be removed within seven (7) days after the election at which the issue is decided. (1989 Code § 12-15-003)

10-9-4: CLASSIFICATIONS OF SIGNS:

The following classifications of signs shall be deemed to include all signs permitted in any zone. If for any reason the classification of any sign is not readily determinable, the classification of such sign shall be determined by the Building Inspector.

- A. Class 1: Signs meeting the following specifications and conditions shall constitute Class 1:

1. Sign Type: Identification, political, property, service and temporary subdivision.
2. Structural Type: Flat, ground, pole and temporary.
3. Lighted Type: Direct and indirect lighted.
4. Maximum Number And Size:
 - a. Identification And Service Signs: Two (2) signs not to exceed three (3) square feet in combined area for parcels up to one-half ($1/2$) acre in area; not to exceed ten (10) square feet in combined area for parcels from one-half ($1/2$) acre to two (2) acres in area; and not to exceed thirty two (32) square feet in combined area for parcels greater than two (2) acres.
 - b. Property Signs: Nine (9) square feet in combined total area.
 - c. Political And Temporary Subdivision Signs: Thirty two (32) square feet in combined total area.
5. Location: Anywhere on property.
6. Maximum Height: Ten feet (10').
7. Special Limitations: No animated signs.

B. Class 2: Signs meeting the following specifications and conditions shall constitute class 2:

1. Sign Type: Business.
2. Structural Type: Flat, ground or pole.
3. Lighted Type: Direct or indirect lighted.
4. Maximum Number And Size: One sign not to exceed three (3) square feet for home occupations. For service accessory uses, one sign not to exceed ten (10) square feet, unless the sign is more than five hundred feet (500') from a public street and is flat and attached to a wall of the business, then it shall not exceed thirty two (32) square feet for each five hundred feet (500') from a public street.
5. Maximum Height: Ten feet (10').

6. Special Limitations: No animated signs.

7. Location: Anywhere on the property.

C. Class 3: Signs meeting the following specifications and conditions shall constitute class 3:

1. Sign Type: Identification.

2. Structural Type: Flat, ground and pole.

3. Lighted Type: Direct and indirect lighted.

4. Maximum Number And Size: One sign for each street frontage not to exceed sixteen (16) square feet.

5. Location: Anywhere on the property.

6. Maximum Height: Ten feet (10'), unless it is a flat sign attached to or painted on the building, in which case the maximum height shall be the same as the maximum height of structures allowed in the zone.

7. Special Limitations: No animated signs.

D. Class 4: Signs meeting the following specifications and conditions shall constitute class 4:

1. Sign Type: Business, identification, service, political, property and temporary subdivision.

2. Structural Type: Flat, ground, pole, projecting, temporary and window.

3. Lighted Type: Direct and indirect lighted.

4. Maximum Number And Size: No maximum number, but the combined total area of all signs shall not exceed two hundred (200) square feet.

5. Location: Anywhere on the property.

6. Maximum Height: Twenty five feet (25'), unless it is a flat sign attached to or painted on the building, in which case the

maximum height shall be the same as the maximum height of structures allowed in the zone.

E. Class 5: Signs meeting the following specifications and conditions shall constitute class 5: (1989 Code § 12-15-004)

1. Sign Type: Business, identification, political, property, service and temporary subdivision. (Ord. 2004-04, 6-22-2004)
2. Structural Type: Flat, ground, pole, projecting, roof, temporary and window.
3. Lighted Type: Direct and indirect lighted. (1989 Code § 12-15-004)
4. Maximum Number And Size: The maximum number and total area allowed shall be according to the following regulations:
 - a. Flat Signs: There is no maximum on the number of such signs. The total area of all such signs on the primary or main walls or facades facing the street shall be limited to ten percent (10%) of the wall or facade to which the sign is attached. The total area of all such signs on secondary walls or facades shall be limited to five percent (5%) of the wall or facade area to which the sign is attached.
 - b. Ground And Pole Signs: One ground or pole sign per street frontage per business is allowed with a maximum area of thirty (30) square feet plus two (2) square feet of sign area per ten (10) lineal feet of frontage on the street to which the sign is oriented. If the sign is on a corner lot and is placed so that it orients to both streets, then one sign is allowed with a maximum area of sixty (60) square feet plus two (2) square feet per ten (10) lineal feet of frontage on both streets. The absolute maximum area of any ground or pole sign for a single business is two hundred (200) square feet except as noted in subsection E4c of this section. Where two (2) or more businesses are located within the same structure or in very close proximity in a commercial center type arrangement, ground and pole signs are limited to one sign per commercial center. That sign shall be for the purpose of identifying all businesses within the commercial center and shall have a maximum area of fifty (50) square feet plus ten (10) square feet per business identified on the sign with an absolute maximum area three hundred (300) square feet except as noted in subsection E4c of this section.
 - c. Pole Signs Within Four Hundred Feet Of Interstate 84 Or Highway 89: Pole signs that are located within four hundred feet (400') of Interstate 84 and Highway 89 and are oriented toward either of those highways shall be allowed a fifty percent (50%) increase in the sign area specified in subsection E4b of this section.
 - d. Projecting Signs: One projecting sign per business is allowed with a maximum area of four (4) square feet per business.
 - e. Temporary Signs: There shall be no maximum number, but the total area allowed shall be a maximum of five percent (5%) of the area of the primary wall or facade facing the street for each business.

(1) Time Limit: Temporary signs may be displayed for a maximum period of sixty (60) days.

f. Window Signs: Window signs shall be limited to twenty five percent (25%) of the window area of the primary wall or facade of the building.

5. Location: Anywhere on the property, unless otherwise noted in this chapter.

6. Maximum Height: Twenty five feet (25'), unless it is a flat sign attached to or painted on the building, in which case the maximum height shall be the same as the maximum height of structures allowed in the zone, or unless the property on which the business is located is within four hundred feet (400') of Interstate 84 or Highway 89 in which case the maximum height shall be forty feet (40'). (Ord. 2004-04, 6-22-2004)

F. Class 6: Signs meeting the following specifications and conditions shall constitute class 6:

1. Sign Type: Business, identification, political, property and service.

2. Structural Type: Flat, ground, projecting, temporary and window.

3. Lighted Type: Direct and indirect lighted.

4. Maximum Number And Size: No maximum number, but the combined total area of all signs shall not exceed five percent (5%) of the total area of the facade of the main public entry side of the business. Where there are multiple businesses/uses in the same building or complex of buildings, one additional sign may be permitted which indicates all businesses/uses within the building or complex and which is limited to three (3) square feet per business/use.

5. Location: Anywhere on the property.

6. Maximum Height: Ten feet (10'), unless it is a flat sign attached to or painted on the building, in which case the maximum height shall be the same as the maximum height of structures allowed in the zone. (Ord. 2000-13, 12-12-2000)

G. Class 7: Signs meeting the following specifications and conditions shall constitute class 7:

1. Sign Type: All types.

2. Structural Type: Flat, ground, pole or projecting.
3. Lighted Type: Direct and indirect lighted.
4. Maximum Number And Size: No maximum number, but the combined total area of all signs shall not exceed four hundred (400) square feet.
5. Location: Anywhere on the property.
6. Maximum Height: Twenty five feet (25'), unless it is a flat sign attached to or painted on a building, in which case the maximum height shall be the same as the maximum height of structures allowed in the zone. (Ord. 2004-04, 6-22-2004)



AMERICAN CIVIL LIBERTIES UNION OF UTAH FOUNDATION, INC
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(801) 521-9862 PHONE • (801) 532-2850 FAX
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August 24, 2004

Jim Reams, City Manager
56 North State, Room 104
Orem, Utah 84057

City of Orem Planning Commission
Richard Rawson, Chair
56 North State
Orem, Utah 84057

Re: City of Orem Sign Ordinance

Gentlemen:

As national and local elections approach, it has come to our attention that the City of Orem zoning regulations include an ordinance that imposes a time limitation on the posting of political signs on residential property. Specifically, it states that political signs shall “[n]ot be erected more than forty-five (45) days prior to the election with which it is associated,” and shall “be removed within ten (10) days following the election.” Sign Ordinance of the City of Orem, § 14-3-3.

The First Amendment to the Constitution guarantees, among several liberties, the freedom of expression. “A special respect for individual liberty in the home has long been a part of our culture and our law; that principle has special resonance when the government seeks to constrain a person’s ability to speak there.”¹ That liberty includes a right to erect signs, “a form of expression protected by the Free Speech Clause” of the First Amendment.² Indeed, yard and window signs are a unique medium that “may have no practical substitute.”³ Although expression in the home is subject to constitutionally appropriate regulation,⁴ the City of Orem’s regulatory scheme is constitutionally flawed.

Most significantly, the ordinance applies different standards to signs depending upon their content or message. For instance, temporal limits appear to differ based on the content of the sign. Issue signs may be put up indefinitely while other types of signs (e.g. political or campaign signs) are limited in how long they may be displayed.

¹ City of Ladue v. Gilleo, 512 U.S. 44, 58 (1994).

² Id. at 48.

³ Id. at 57.

⁴ Id. at 48.

Such “content-based” regulations of expression are “*presumptively unconstitutional.*”⁵ Judicial skepticism of content-based restrictions is particularly acute for expression that occurs on private property. “With rare exceptions, content discrimination in regulations of the speech of private citizens on private property or in a traditional public forum is presumptively impermissible, and this presumption is a very strong one.”⁶

In the residential context, we are unaware of any court that has allowed such content-based restrictions, except perhaps for signs with a commercial message. But signs bearing a political, personal or religious message cannot be banned altogether, restricted in duration, or otherwise burdened with an ill-defined regulatory system as has been done by the City of Orem.⁷ We would appreciate receiving your written assurance by Monday, September 6, 2004, that you will cease and desist from enforcing this zoning regulation and will work to change the law to reflect constitutional standards at the next Planning and Zoning meeting.

If the problem is not resolved, we will consider legal action against the town and the Zoning Commission. Should we be forced to take such action, the ACLU of Utah will be entitled to recover costs and attorney fees.

If you would like to discuss the matter, you can reach me through my office at 801.521.9862, ext. 103. We look forward to hearing from you.

Respectfully,

Margaret Plane
Staff Attorney
ACLU of Utah

cc: Paul Johnson, City Attorney
Mayor Jerry Washburn

⁵ Rosenberger v. Rector and Visitors of Univ. of Virginia, 515 U.S. 819, 828-29 (1995); Forsyth County, Georgia v. Nationalist Movement, 505 U.S. 123, 130 (1992); Simon and Schuster, Inc. v. Members of New York State Crime Victims Bd., 502 U.S. 105, 115 (1991).

⁶ Gilleo, 512 U.S. at 59 (O’Connor, J., concurring).

⁷ See, e.g., Whitton v. City of Gladstone, 54 F.3d 1400, 1408 (8th Cir. 1995); Arlington County Republican Comm. v. Arlington County, VA, 983 F.2d 587 (4th Cir. 1993); Sugarman v. Village of Chester, 192 F.Supp.2d 282 (S.D.N.Y. 2002); King Enterprises, 215 F.Supp.2d 891 (E.D. Mich. 2002); Knoeffler v. Town of Mamakating, 87 F. Supp. 2d 322, 327-331 (S.D. NY 2000); North Olmstead Chamber of Commerce v. City of North Olmstead, 86 F. Supp. 2d 755, 764 (N.D. Ohio 2000); Curry v. Prince George’s Co., 33 F. Supp. 2d 447, 452 (D. Maryland 1999); Outdoor Systems, Inc. v. City of Merriam, Kansas, 67 F. Supp. 2d 1258 (D. Kansas 1999); Dimas v. City of Warren, 939 F. Supp. 554, 557 (E.D. Mich. 1996); Pica v. Sarno, 907 F. Supp. 795, 800-01 (D. NJ. 1995) McCormack v. Township of Clinton, 872 F. Supp. 1320 (D. NJ. 1994); Loftus v. Township of Lawrence Park, 764 F. Supp. 354 (W.D. Pa. 1991); Orrazio v. Town of North Hempstead, 426 F. Supp. 1144 (E.D. NY 1977).

Erika Ahlstrom

From: Layne <Layne@kastlerockexcavation.com>
Sent: Friday, October 25, 2013 1:09 PM
To: Erika Ahlstrom
Subject: City Council Meeting

Hi Erika,

I wondered if we could get on the agenda for the next City Council meeting to discuss Easton village Phase 1 fencing?

Let me know.

Thanks,

Layne Kap

801-725-5510

11-4-13: FENCING:

- A. **Bordering Agricultural Land:** Where land used for agricultural purposes lies adjacent to a subdivision, a six foot (6') high fence is required between the subdivision and the agricultural land. The purpose of the fence is to provide a reasonable barrier so that residents of, or visitors to, the subdivision are not inadvertently exposed to the dangers of the farm or livestock. Fencing required under this provision is not for the purpose of keeping livestock out of the subdivision. Responsibility for keeping livestock contained on the agricultural property remains the responsibility of the owner of that livestock. After receiving a recommendation from the planning commission, the city council may require any type of fence that provides a reasonable barrier to humans. Required fences shall be installed entirely within the subdivision property unless a property line fence is agreed to by the owner of the adjoining agricultural property by written agreement signed by all property owners involved. Such agreement shall be provided to the city prior to final plat approval by the city council.
- B. **Bordering Canals:** Where a subdivision borders a canal or canal right of way, a six foot (6') high fence is required between the subdivision and the canal. After receiving a recommendation from the planning commission, the city council may require any type of fence that provides a reasonable barrier to humans so residents of, or visitors to, the subdivision are not inadvertently exposed to the dangers of the canal. In order for the barrier to be effective, fencing of other subdivision borders may be required by the city council.

Fences shall be constructed so that individual property owners are responsible for maintaining only their portion of the fence; with posts located at all property corners. Required fencing shall be considered part of the subdivision improvements and subject to bonding requirements. The city council has final approval on fence requirements. (Ord. 2005-7, 10-11-2005)