

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, 09 NOVEMBER 2010** 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 WARRANT REGISTERS & REVIEW AND DISCUSS AGENDA ITEMS

CLOSED EXECUTIVE SESSION:

UTAH CODE 52-4-204 & 52-4-205: THE COUNCIL MAY CONSIDER A MOTION TO ENTER INTO CLOSED SESSION FOR: *Discussion of pending or reasonably imminent litigation*

COUNCIL MEETING:

6:00 p.m. PLEDGE OF ALLEGIANCE: COUNCILMEMBER WOODBURY

PRAYER: COUNCILMEMBER POFF

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 26 OCTOBER 2010 COUNCIL MEETING MINUTES**

◆ **APPROVAL OF 2 NOVEMBER 2010 COUNCIL/PLANNING COMMISSION COMBINED SESSION WORK MEETING MINUTES**

*** PUBLIC HEARING**

6:05 p.m. ORDINANCE 10-09: AN ORDINANCE AMENDING TITLE 10 ZONING REGULATIONS, CHAPTER 1 GENERAL PROVISIONS, SECTION 10 DEFINITIONS ADDING "OWNER OCCUPIED TWO FAMILY DWELLING" AND AMENDING CHAPTER 7 CONDITIONAL USES ADDING "ARTICLE L. OWNER OCCUPIED TWO FAMILY DWELLINGS"

6:10 p.m. DISCUSSION WITH UTAH DEPARTMENT OF TRANSPORTATION (UDOT) REGARDING SOUTH WEBER DRIVE (SR-60) – *Jason Davis, Region One Director, UDOT*

6:30 p.m. RESOLUTION 10-41: AUTHORIZING CONTINUED CONDITIONAL USE FOR FORESTDALE INVESTMENTS/ BURBIDGE CONCRETE PUMPING AT 7636 SOUTH CORNIA DRIVE

**6:40 p.m. MAYOR
CITY COUNCIL ASSIGNMENT UPDATES & OTHER INFORMATION
CITY MANAGER
STAFF
NON SCHEDULED DELEGATION**

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.utah.gov/pmn
EACH MEMBER OF GOVERNING BODY

SOUTH WEBER FAMILY ACTIVITY CENTER
SOUTH WEBER ELEMENTARY
THOSE LISTED ON THE AGENDA

DAVIS COUNTY CLIPPER
STANDARD-EXAMINER
SALT LAKE TRIBUNE
DESERET NEWS

DATE: November 5, 2010

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 move in order, sequence and time to meet the needs of the Council.

Report Criteria:

Invoice.Payment Due Date = {<=} 11/06/2010

GL Acct No	Vendor	Vendor Name	Description	Invoice No	PO No	Inv Date	Amount	Period	GL Activity No
20-71-610	RECREATION FUND - RECREATION EXPENDITURES - Miscellaneous Supplies								
	127 ACADEMY SPORTS	CHEER TSHIRTS		219979	1868	10/05/2010	90.00	09/10	0
10-43-610	GENERAL FUND - ADMINISTRATIVE - Miscellaneous Supplies								
	250 ALSCO-AMERICAN LINEN DIVISK	TABLE CLOTHS - CITY MGR APP DINNER		_OGD565371		09/27/2010	28.35	09/10	0
51-40-312	WATER UTILITY FUND - EXPENDITURES - Professional/Technical-Engin								
	432 APCO INC	PROGRAMMING FOR WELL PUMP		3106		09/03/2010	220.00	09/10	0
10-57-280	GENERAL FUND - FIRE PROTECTION - Telephone								
	1375 AT&T MOBILITY	FIRE - ENGINE ONE AIRCARD		101610		10/16/2010	62.94	10/10	0
10-57-370	GENERAL FUND - FIRE PROTECTION - Professional & Tech. Services								
	640 BATTERIES PLUS	FIRE - BATTERIES		212327	1683	09/30/2010	291.96	09/10	0
10-43-740	GENERAL FUND - ADMINISTRATIVE - Equipment Purchases								
	1310 CDW GOVERNMENT INC	HITACHI		VCV9978		10/01/2010	235.00	10/10	0
52-40-491	SEWER UTILITY FUND - EXPENDITURES - CWSID - Sewer Payment								
	1335 CENTRAL WEBER SEWER IMPR	QUARTERLY SEWER FEE		2482		10/14/2010	63,251.00	10/10	0
	1335 CENTRAL WEBER SEWER IMPR	BUILDING IMPACT QUARTERLY FEE - rdD QUARTER 2010		101210		10/12/2010	18,664.00	10/10	0
							81,915.00	*	
10-34-250	GENERAL FUND - CHARGES FOR SERVICES - Bldg Rental/Park Use (Bowery)								
	13180 CLARK, LINDA	REIMBURSE CIVIC CENTER DEPOSIT		102610		10/26/2010	200.00	10/10	0
10-43-370	GENERAL FUND - ADMINISTRATIVE - Professional & Tech. Services								
	1380 CLARK, MICHELLE	C/C MINUTE TRANSCRIBER		092010		10/26/2010	472.48	09/10	0
	1380 CLARK, MICHELLE	C/C MINUTE TRANSCRIBER		082010		10/26/2010	472.48	08/10	0
							944.96	*	
20-71-482	RECREATION FUND - RECREATION EXPENDITURES - Soccer								
	1665 CROWN TROPHY	FALL SOCCER TROPHIES		14849		10/24/2010	72.40	10/10	0
20-71-484	RECREATION FUND - RECREATION EXPENDITURES - Volleyball								
	1665 CROWN TROPHY	VOLLEYBALL SHIRTS		1155		10/04/2010	161.00	10/10	0
20-71-270	RECREATION FUND - RECREATION EXPENDITURES - Utilities								
	1840 DAVIS SCHOOL DISTRICT	FAMILY ACTIVITY UTILITY-		66672		10/11/2010	4,554.00	10/10	0

GL Acct No	Vendor	Vendor Name	Description	Invoice No	PO No	Inv Date	Amount	Period	GL Activity No
45-21350	CAPITAL PROJECTS FUND - PERFORMANCE BONDS ON DEPOSIT								
	7755	DENNIS WATERS CONSTRUCTK	COMPLETION BOND RELEASE - SWC#100528019	101410		10/14/2010	500.00	10/10	0
10-70-250	GENERAL FUND - PARKS - Equipment Supplies & Maint.								
	2235	DURKS PLUMBING	PARK	01703424		10/05/2010	60.17	10/10	0
	2235	DURKS PLUMBING	PARK	01703556		10/05/2010	2.65	10/10	0
							62.82	*	
10-70-261	GENERAL FUND - PARKS - Grounds Supplies & Maintenance								
	2235	DURKS PLUMBING	SOD SHOVEL	01698570		09/09/2010	22.20	09/10	0
	2235	DURKS PLUMBING	TIMER AND SOLENOID	01704969		10/14/2010	100.81	10/10	0
							123.01	*	
10-43-241	GENERAL FUND - ADMINISTRATIVE - Materials & Supplies								
	2643	FREEDOM MAILING SERVICES, II	BUSINESS LICENSE RENEWAL CARDS	17660		10/15/2010	76.67	10/10	0
54-40-493	STORM SEWER UTILITY FUND - EXPENDITURES - Storm Sewer O & M								
	401013	Frontier Wholesale	Storm grate for Silverleaf det basin	1004	1863	09/20/2010	490.00	10/10	0
10-57-250	GENERAL FUND - FIRE PROTECTION - Equipment Supplies & Maint.								
	10180	GRAYDON, THOMAS	Engine One Transmission repair	1692	1692	10/15/2010	85.89	10/10	0
51-16670	WATER UTILITY FUND - WATER - WIP								
	13014	HANSEN & ASSOCIATES	ENGINEERING SERVICES - WATER TANK	10639		10/12/2010	1,203.10	09/10	45070902
51-40-250	WATER UTILITY FUND - EXPENDITURES - Equipment Supplies & Maint.								
	4835	HD SUPPLY WATERWORKS	METER	1889526		09/14/2010	1,222.98	09/10	0
	4835	HD SUPPLY WATERWORKS	WATER - SUPPLIES	1889526		09/14/2010	378.10	09/10	0
							1,601.08	*	
10-60-250	GENERAL FUND - STREETS - Equipment Supplies & Maint.								
	3120	HERRICK INDUSTRIAL SUPPLY	REEL	1423324-01		09/10/2010	83.99	09/10	0
10-60-410	GENERAL FUND - STREETS - Special Highway Supplies								
	3630	INTERSTATE BARRICADES	ROAD SIGNS	85139		10/14/2010	71.00	10/10	0
10-43-312	GENERAL FUND - ADMINISTRATIVE - Professional/Tech. - Engineer								
	3793	JONES AND ASSOCIATES	STORM WATER REPORT	14367		10/01/2010	103.50	09/10	0
	3793	JONES AND ASSOCIATES	EASEMENT ACQUISTION FOR AUDIT	14367		10/01/2010	120.50	09/10	0
	3793	JONES AND ASSOCIATES	SOUTH BENCH DRAINAGE ANALYSIS	14367		10/01/2010	85.00	09/10	0
	3793	JONES AND ASSOCIATES	ENGINEERING SERVICES	14368		10/01/2010	520.50	09/10	0

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							829.50	*	
45-40-740	CAPITAL PROJECTS FUND - EXPENDITURES - GENERAL CAPITAL PROJECTS								
	3793 JONES AND ASSOCIATES	CANYON MEADOWS PARK PROJECT		14367		10/01/2010	42.50	09/10	45010902
51-16670	WATER UTILITY FUND - WATER - WIP								
	3793 JONES AND ASSOCIATES	WEST RESERVOIR LINE		14367		10/01/2010	1,039.50	09/10	45070902
	3793 JONES AND ASSOCIATES	RESERVIOR # 4 CONSTRUCTION MGMT		14367		10/01/2010	10,317.00	09/10	45070902
	3793 JONES AND ASSOCIATES	CHURCH STREET WATERLINE CONNECTION		14367		10/01/2010	2,612.50	09/10	45070903
							13,969.00	*	
54-40-312	STORM SEWER UTILITY FUND - EXPENDITURES - Professional/Technical-Engin								
	3793 JONES AND ASSOCIATES	DAVIS COUNTY STORM WATER COALITION MEETING		14367		10/01/2010	220.50	09/10	0
51-40-315	WATER UTILITY FUND - EXPENDITURES - Professional & Tech. - Auditor								
	3835 KARREN HENDRIX STAGG ALLEI	AUDITOR SERVICES		97862		09/15/2010	900.00	09/10	0
51-40-483	WATER UTILITY FUND - EXPENDITURES - Emergency R & R Water								
	3840 KASTLE ROCK EXCAVATING INC	WATER LEAK REPAIRS		1718		09/13/2010	250.00	09/10	0
10-57-740	GENERAL FUND - FIRE PROTECTION - Equipment Purchases								
	3960 L N CURTIS	GLOVES		101510	1691	10/15/2010	245.00	10/10	0
10-60-251	GENERAL FUND - STREETS - Vehicle Supplies & Maintenance								
	6920 LAYTON TRIPLE STOP	fuel for PW truck		8275293		10/14/2010	88.01	10/10	0
	6920 LAYTON TRIPLE STOP	fuel for PW truck - Clint		8275190		10/12/2010	37.01	10/10	0
	6920 LAYTON TRIPLE STOP	fuel for PW truck		8275573		10/20/2010	99.42	10/10	0
	6920 LAYTON TRIPLE STOP	fuel for PW truck		302699		10/19/2010	35.00	10/10	0
	6920 LAYTON TRIPLE STOP	fuel for PW truck		302713		10/19/2010	77.00	10/10	0
	6920 LAYTON TRIPLE STOP	fuel for PW truck		8275820		10/25/2010	76.60	10/10	0
							413.04	*	
10-60-250	GENERAL FUND - STREETS - Equipment Supplies & Maint.								
	4125 LOWES PROX	SHOP		188373		10/12/2010	14.18	10/10	0
	4170 MADDOX COMPRESSOR CO INC	AIR PRESSURE GAUGE		24144		10/18/2010	7.95	10/10	0
							7.95	*	
10-70-250	GENERAL FUND - PARKS - Equipment Supplies & Maint.								
	4250 MAW EQUIPMENT	CAP		41238		10/14/2010	8.39	10/10	0
52-40-490	SEWER UTILITY FUND - EXPENDITURES - Sewer O & M Charge								
	4783 NATIONWIDE ENVIROMENTAL S	LIFT STATION DEGREASER		4000		09/14/2010	840.48	09/10	0
10-61-411	GENERAL FUND - CLASS "C" ROADS - Snow Removal								
	4950 NORTH AMERICAN SALT COMP#	SALT FOR SNOW REMOVAL - CREDIT FROM INV#7044373		90017495		12/11/2009	436.28	03/10	0

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51-40-250	WATER UTILITY FUND - EXPENDITURES - Equipment Supplies & Maint.								
	7590	OLDCASTLE PRECAST	WATER DEPT SUPPLIES	210271193		09/27/2010	92.54	09/10	0
10-22500	GENERAL FUND - HEALTH INSURANCE PAYABLE								
	50002	OPTICARE OF UTAH	VISION PREMIUMS -	110110		10/22/2010	48.69	11/10	0
10-60-251	GENERAL FUND - STREETS - Vehicle Supplies & Maintenance								
	50003	O'REILLY AUTO PARTS	ANTIFREEZE	3596-125695		10/20/2010	31.92	10/10	0
20-34-750	RECREATION FUND - RECREATION REVENUE - RECREATION FEES								
	13788	PATTERSON, STACIE	REFUND FOR BASKETBALL	102610		10/26/2010	40.00	10/10	0
10-43-270	GENERAL FUND - ADMINISTRATIVE - Utilities								
	5580	QUESTAR GAS COMPANY	NATURAL GAS FUEL BILLS	102110		10/21/2010	153.56	10/10	0
10-43-241	GENERAL FUND - ADMINISTRATIVE - Materials & Supplies								
	5777	RECOMMENDED BUILDING MAIN	CUSTODIAL SUPPLIES	110405		10/01/2010	.00	10/10	0
10-43-370	GENERAL FUND - ADMINISTRATIVE - Professional & Tech. Services								
	5777	RECOMMENDED BUILDING MAIN	CUSTODIAL SERVICES	110405		10/01/2010	497.00	10/10	0
51-40-140	WATER UTILITY FUND - EXPENDITURES - Uniforms								
	5772	RED WING - OGDEN	BOOTS	153946		10/06/2010	110.00	10/10	0
10-43-313	GENERAL FUND - ADMINISTRATIVE - Professional/Tech. - Attorney								
	6456	SMITH KNOWLES PC	MONTHLY ATTORNEY FEES	093010		09/30/2010	1,300.00	09/10	0
	6456	SMITH KNOWLES PC	MONTHLY ATTORNEY FEES	08-0260		09/30/2010	90.00	09/10	0
							1,390.00	*	
51-16670	WATER UTILITY FUND - WATER - WIP								
	6540	STAKER & PARSON COMPANIES	WATER TANK - RETAINAGE	100710		10/07/2010	9,224.30	09/10	45070900
10-43-740	GENERAL FUND - ADMINISTRATIVE - Equipment Purchases								
	6765	SUPERIOR COMPUTERS - OGDE	COMPUTER - CITY RECORDER	16102		10/19/2010	999.99	10/10	0
10-60-251	GENERAL FUND - STREETS - Vehicle Supplies & Maintenance								
	6780	T J TRAILERS	SPRINGS FOR RAMP GATES	44230		10/14/2010	32.69	10/10	0
20-71-487	RECREATION FUND - RECREATION EXPENDITURES - KNIGHT'S FOOTBALL								
	401012	TRIQUEST	FUNDRAISER DISCOUNT CARDS FOR FOOTBALL	C4019		10/08/2010	1,150.00	10/10	0

GL Acct No	Vendor	Vendor Name	Description	Invoice No	PO No	Inv Date	Amount	Period	GL Activity No
10-43-262	GENERAL FUND - ADMINISTRATIVE - General Government Buildings	7065 UNIFIRST CORPORATION	FIRE STATION -	3561195727		10/06/2010	18.00	10/10	0
20-71-262	RECREATION FUND - RECREATION EXPENDITURES - General Government Buildings	7065 UNIFIRST CORPORATION	FAC TOWELS & MATS -	3561193455		09/29/2010	33.84	09/10	0
51-40-250	WATER UTILITY FUND - EXPENDITURES - Equipment Supplies & Maint.	7085 UPPERCASE PRINTING, INK	UTILITY FORMS & ENVELOPES	4359		10/12/2010	4.44	10/10	0
52-40-250	SEWER UTILITY FUND - EXPENDITURES - Equipment Supplies & Maint.	7085 UPPERCASE PRINTING, INK	UTILITY FORMS & ENVELOPES	4359		10/12/2010	4.44	10/10	0
53-40-250	SANITATION UTILITY FUND - EXPENDITURES - Equipment Supplies & Maint.	7085 UPPERCASE PRINTING, INK	UTILITY FORMS & ENVELOPES	4359		10/12/2010	4.44	10/10	0
54-40-250	STORM SEWER UTILITY FUND - EXPENDITURES - Equipment Supplies & Maint.	7085 UPPERCASE PRINTING, INK	UTILITY FORMS & ENVELOPES	4359		10/12/2010	4.43	10/10	0
10-57-370	GENERAL FUND - FIRE PROTECTION - Professional & Tech. Services	7102 UTAH COMMUNICATIONS AGEN	Repair for 2 pagers	91379	1676	09/28/2010	61.85	09/10	0
10-22500	GENERAL FUND - HEALTH INSURANCE PAYABLE	5543 UTAH RETIREMENT SYSTEMS	PERFERRED CHOICE DENTAL -	103110		10/31/2010	508.70	10/10	0
51-16670	WATER UTILITY FUND - WATER - WIP	7440 VALLEY NURSERY	WATER LINE TREES	750566		10/06/2010	354.90	10/10	0
Grand Total:							<u>125,143.16</u>		

Dated: _____

City Treasurer: _____

City Manager: _____

Report Criteria:

Invoice.Payment Due Date = {<=} 11/06/2010

Report Criteria:

Invoice.Payment Due Date = {<=} 11/13/2010

GL Acct No	Vendor	Vendor Name	Description	Invoice No	PO No	Inv Date	Amount	Period	GL Activity No
10-57-370	GENERAL FUND - FIRE PROTECTION - Professional & Tech. Services								
	7530 ACS GOVERNMENT SYSTEMS		FIRE DEPARTMENT SOFTWARE	586814		10/19/2010	2,205.00	11/10	0
51-16670	WATER UTILITY FUND - WATER - WIP								
	453 ARW ENGINEERS, P.C.		WATER TANK CONSTRUCTION	18980		11/01/2010	500.00	11/10	45070900
	453 ARW ENGINEERS, P.C.		WATER TANK CONSTRUCTION	18912		10/01/2010	1,400.00	10/10	45070902
							1,900.00	*	
20-71-484	RECREATION FUND - RECREATION EXPENDITURES - Volleyball								
	13719 BROWN, KAYD		VOLLEYBALL REFEREE	101410		10/14/2010	14.00	10/10	0
45-21350	CAPITAL PROJECTS FUND - PERFORMANCE BONDS ON DEPOSIT								
	13674 CHENEY, ARTHELLO		COMPLETION BOND #SWC080403016	110210		11/02/2010	200.00	11/10	0
10-43-620	GENERAL FUND - ADMINISTRATIVE - Miscellaneous Services								
	13789 CONOCOPHILLIPS COMPANY		Consideration for Pioneer Pipeline encroachment 10-26-10	110310		11/03/2010	10.00	11/10	0
51-40-250	WATER UTILITY FUND - EXPENDITURES - Equipment Supplies & Maint.								
	2643 FREEDOM MAILING SERVICES, II		UTILITY BILLING	17707		10/29/2010	208.83	10/10	0
52-40-250	SEWER UTILITY FUND - EXPENDITURES - Equipment Supplies & Maint.								
	2643 FREEDOM MAILING SERVICES, II		UTILITY BILLING	17707		10/29/2010	208.83	10/10	0
53-40-250	SANITATION UTILITY FUND - EXPENDITURES - Equipment Supplies & Maint.								
	2643 FREEDOM MAILING SERVICES, II		UTILITY BILLING	17707		10/29/2010	208.83	10/10	0
54-40-250	STORM SEWER UTILITY FUND - EXPENDITURES - Equipment Supplies & Maint.								
	2643 FREEDOM MAILING SERVICES, II		UTILITY BILLING	17707		10/29/2010	208.83	10/10	0
10-60-250	GENERAL FUND - STREETS - Equipment Supplies & Maint.								
	3120 HERRICK INDUSTRIAL SUPPLY		PAINT	1427400-01		10/28/2010	27.51	10/10	0
10-60-260	GENERAL FUND - STREETS - Buildings & Grounds - Shop								
	3120 HERRICK INDUSTRIAL SUPPLY		SHOP MATERIALS	1426527-01		10/20/2010	65.34	10/10	0
10-43-620	GENERAL FUND - ADMINISTRATIVE - Miscellaneous Services								
	13791 INTELLIPAY INC		UTILITY PMT PROCESSING	7116		10/04/2010	3.45	10/10	0
51-16670	WATER UTILITY FUND - WATER - WIP								

	3452	INTERMOUNTAIN TESTING SER\	WATER TANK SAMPLE	38247		10/23/2010	42.00	10/10	45070900
	3452	INTERMOUNTAIN TESTING SER\	WATER TANK SAMPLE	38198		10/16/2010	446.00	10/10	45070900
							488.00	*	
20-71-250		RECREATION FUND - RECREATION EXPENDITURES - Equipment Supplies & Maint.							
	4005	LARAMIE FITNESS REPAIR	EQUIPMENT REPAIRS	2886		10/18/2010	150.00	10/10	0
10-54-321		GENERAL FUND - PUBLIC SAFETY - Liquor Law (Narcotics)							
	4060	LAYTON CITY CORPORATION	METRO STRIKE FORCE-2010-11	1129		10/21/2010	2,250.00	10/10	0
10-57-250		GENERAL FUND - FIRE PROTECTION - Equipment Supplies & Maint.							
	6920	LAYTON TRIPLE STOP	fuel for FIRE STATION	8275304		10/14/2010	85.54	10/10	0
	6920	LAYTON TRIPLE STOP	fuel for FIRE STATION	0272580		11/01/2010	36.68	11/10	0
							122.22	*	
10-60-251		GENERAL FUND - STREETS - Vehicle Supplies & Maintenance							
	6920	LAYTON TRIPLE STOP	fuel for PW truck	8273145		10/28/2010	99.00	10/10	0
	6920	LAYTON TRIPLE STOP	fuel for PW truck	8273322		11/02/2010	88.00	11/10	0
	6920	LAYTON TRIPLE STOP	fuel for PW truck	8273333		11/03/2010	29.00	11/10	0
	6920	LAYTON TRIPLE STOP	fuel for PW truck	8272806		10/20/2010	89.40	10/10	0
							305.40	*	
45-21350		CAPITAL PROJECTS FUND - PERFORMANCE BONDS ON DEPOSIT							
	40200	NILSON HOMES	BP BOND RELEASE - SWC100623026	102010		10/20/2010	500.00	10/10	0
10-61-411		GENERAL FUND - CLASS "C" ROADS - Snow Removal							
	4950	NORTH AMERICAN SALT COMP	SALT FOR SNOW REMOVAL - CREDIT FROM INV#7044373	90017495		12/11/2009	436.28	03/10	0
10-42-240		GENERAL FUND - JUDICIAL - Office Supplies & Expense							
	5010	OFFICE DEPOT	OFFICE SUPPLIES - COURT	8197599-001	1871	10/21/2010	29.89	10/10	0
10-43-240		GENERAL FUND - ADMINISTRATIVE - Office Supplies & Expense							
	5010	OFFICE DEPOT	OFFICE SUPPLIES	8197599-001		10/21/2010	148.24	10/10	0
20-71-482		RECREATION FUND - RECREATION EXPENDITURES - Soccer							
	13790	SMITH, CANDICE	SOCCER REFEREE	092510		09/25/2010	77.00	10/10	0
20-71-484		RECREATION FUND - RECREATION EXPENDITURES - Volleyball							
	13790	SMITH, CANDICE	VOLLEYBALL REFEREE	103010		10/30/2010	98.00	10/10	0
45-40-740		CAPITAL PROJECTS FUND - EXPENDITURES - GENERAL CAPITAL PROJECTS							
	13749	SOUTH WEBER MODEL RR CLUI	REIMBURSE FOR HONEY BUCKET INV #0784136	091710		09/17/2010	175.00	10/10	45010903
10-43-314		GENERAL FUND - ADMINISTRATIVE - Ordinance Codification							
	6690	STERLING CODIFIERS INC	ORDINANCE WORK	10678		10/15/2010	1,313.00	10/10	0

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10-57-360	GENERAL FUND - FIRE PROTECTION - Education & Training								
	6498 THE STORE		FIRE DEPARTMENT TRAINING	1008		10/09/2010	59.89	10/10	0
10-43-262	GENERAL FUND - ADMINISTRATIVE - General Government Buildings								
	7065 UNIFIRST CORPORATION		FIRE STATION -	3561200273		10/20/2010	18.00	10/10	0
20-71-262	RECREATION FUND - RECREATION EXPENDITURES - General Government Buildings								
	7065 UNIFIRST CORPORATION		FAC TOWELS & MATS -	3561202551		10/27/2010	28.21	10/10	0
	7065 UNIFIRST CORPORATION		FAC TOWELS & MATS -	3561200258		10/20/2010	33.84	10/10	0
							62.05	*	
10-57-250	GENERAL FUND - FIRE PROTECTION - Equipment Supplies & Maint.								
	7102 UTAH COMMUNICATIONS AGEN		MONTHLY FIRE DEPT RADIO FEE	37292		10/31/2010	651.00	10/10	0
10-60-370	GENERAL FUND - STREETS - Professional & Tech. Services								
	7102 UTAH COMMUNICATIONS AGEN		RADIOS - PUBLIC WORKS MARCH 2010	37293		10/31/2010	139.50	10/10	0
53-40-492	SANITATION UTILITY FUND - EXPENDITURES - Sanitation Fee Charges								
	7650 WASATCH INTEGRATED WASTE		DUMP/BURN FEES	103110		10/31/2010	12,405.75	09/10	0
Grand Total:							<u>23,817.28</u>		

Dated: _____

City Treasurer: _____

City Manager: _____

Report Criteria:

Invoice.Payment Due Date = {<=} 11/13/2010

South Weber City Council

Staff Backup Report

Date of City Council Meeting: **09 Nov 2010 (Public Hearing)**

Title: **Ordinance 10-09: An Ordinance Amending Title 10 Zoning Regulations, Chapter 1 General Provisions, Section 10 Definitions Adding “Owner Occupied Two Family Dwelling” and Amending Chapter 7 Conditional Uses Adding “Article L. Owner Occupied Two Family Dwellings”**

RECOMMENDATION

Approve Ordinance 10-09.

BACKGROUND

On April 22, 2010, the Planning Commission recommended an ordinance amending zoning to permit two family dwellings in the residential moderate, residential low moderate and agricultural zones. On June 22, 2010, the City Council held another public hearing at which time they moved to table the approval until more research and information could be provided and some conditions set. Staff has researched several other cities' ordinances and compiled a list of conditions for a two family dwelling.

On August 26, 2010 the Planning Commission held discussion session regarding the proposed ordinance. On September 23, 2010, a public hearing was held and the ordinance was recommended for approval.

ATTACHMENTS

- September 23, 2010 Planning Commission minutes
- August 26, 2010 Planning Commission minutes
- April 22, 2010 Planning Commission minutes
- June 22, 2010 City Council minutes
- Ordinance 10-09

ORDINANCE 10-09

AN ORDINANCE AMENDING TITLE 10 ZONING REGULATIONS, CHAPTER 1 GENERAL PROVISIONS, SECTION 10 DEFINITIONS ADDING “OWNER OCCUPIED TWO FAMILY DWELLING” AND AMENDING CHAPTER 7 CONDITIONAL USES ADDING “ARTICLE L. OWNER OCCUPIED TWO FAMILY DWELLINGS”

WHEREAS, the South Weber City Council established Title 10 Zoning Regulations, Chapter 7 Conditional Uses to allow the proper integration into the city uses which may be suitable only in certain locations in the city zoning district, or only if such uses are designed or laid out in the site in a particular manner; and

WHEREAS, in order to further promote proper integration, it is necessary to establish guidelines for two family dwellings; and

WHEREAS, the South Weber City Planning Commission held a public hearing on September 23, 2010, and has made a favorable recommendation of this amendment to the South Weber City Council; and

WHEREAS, the South Weber City Council held a public hearing on November 9, 2010, 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: South Weber City Code, Title 10, Chapter 1, Section 10, shall be amended as follows:

Add “Owner Occupied Two Family Dwelling” to Definitions

Owner Occupied Two Family Dwelling: A single family dwelling that is occupied by the owner and a tenant renting a portion of the home. This is not considered to be the same as a multi-family dwelling.

SECTION 3: South Weber City Code, Title 10, Chapter 7, shall be amended as follows:

Add Article L to Title 10, Chapter 7

ARTICLE L. OWNER OCCUPIED TWO FAMILY DWELLINGS

10-7L-1 SCOPE: Two-family dwellings are allowed as an alternative to single-family detached dwellings as a conditional use permitted by zoning regulations.

10-7L-2 CONDITIONS REQUIRED:

- A. There shall be no exterior evidence of change in building to indicate the extra family, except as may be required by the building code.
- B. After conversion the area shall have not less than two (2) rooms, exclusive of bathroom and public halls, to each dwelling unit.
- C. Stairways leading to the second or any other floor shall be located within the walls of the building.
- D. There shall be no structural change in the exterior of the dwelling unit other than to provide desirable means of egress from dwelling units.
- E. Each unit shall include proper cooking facilities.
- F. Each separate entrance shall be clearly marked as required by the Fire Department.
- G. There shall be a minimum of two dedicated parking spaces per dwelling unit. Parking shall be either in the garage and driveway or in an alternate location such as a side yard cement pad. A site plan showing parking shall accompany the conditional use permit application.
- H. A building permit shall be required for any structural changes.

10-7L-3: BUSINESS LICENSE REQUIRED:

A conditional use permit is required in addition to and before a business license for the rental unit is issued, and the granting of said permit shall not relieve the permittee of any licensing requirement of the city, the state or any other public agency.

SECTION 4: This ordinance shall take effect upon posting.

PASSED AND ADOPTED by the City Council of South Weber, Davis County, this **9th** day of **November, 2010.**

ATTEST:

MAYOR: Jeffrey G. Monroe

Erika J. Ahlstrom, City Recorder

CERTIFICATE OF POSTING

I, the duly appointed recorder for the City of South Weber, hereby certify that *Ordinance 10-09: An Ordinance Amending Title 10 Zoning Regulations, Chapter 1 General Provisions, Section 10 Definitions Adding “Owner Occupied Two Family Dwelling” and Amending Chapter 7 Conditional Uses Adding “Article L. Owner Occupied Two Family Dwellings”* was passed and adopted the 9th day of November, 2010, and certify that copies of the foregoing Ordinance 10-09 were posted in the following locations within the municipality this ____ day of _____, 2010.

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

Erika J. Ahlstrom, City Recorder

SOUTH WEBER PLANNING COMMISSION MEETING

DATE OF MEETING: 23 September 2010

TIME COMMENCED: 6:36 p.m.

PRESENT: COMMISSIONERS:

Delene Hyde (Excused)
Tim Grubb
Mark Perkins
Rorie Stott
Rod Westbroek

DEPUTY CITY RECORDER:

Emily Thomas (Excused)

CITY PLANNER:

Scott Hess

TRANSCRIBER:

Michelle Clark

VISITORS: Rex Bouchard, Jeff Breese, Randall Vickers, Chad Bessinger, LeRoy Kapp, Mike Poll, Lou Ann Ray, Harold Mahany, and Doug Ray.

Commissioner Stott excused Commissioner Hyde from tonight's meeting.

APPROVAL OF THE AGENDA: Commissioner Grubb moved to approve tonight's agenda as amended with the removal of the 26 August 2010 minutes due to lack of a quorum. Commissioner Westbroek seconded the motion. Commissioners Grubb, Perkins, Stott, and Westbroek voted yes. The motion carried.

APPROVAL OF 8 JULY 2010 PLANNING COMMISSION MEETING MINTUES: Commissioner Grubb moved to approve the minutes of 8 July 2010 Planning Commission Meeting as written. Commissioner Perkins seconded the motion. Commissioners Westbroek, Grubb, and Perkins voted yes. Commissioner Stott abstained. The motion carried.

DECLARATION OF CONFLICT OF INTEREST: The Planning Commission did not report any conflict of interest.

Commissioner Westbroek moved to open the public hearing for Ordinance #10-09. Commissioner Grubb seconded the motion. Commissioners Hyde, Stott, and Westbroek voted yes. The motion carried.

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

ORDINANCE #10-09: AN ORDINANCE AMENDING TITLE 10 ZONING REGULATIONS, CHAPTER 1 GENERAL PROVISIONS, SECTION 10 DEFINITIONS ADD "OWNER OCCUPIED TWO FAMILY DWELLING" & AMEND CHAPTER 7 CONDITIONAL USES ADD "ARTCLE L OWNER

OCCUPIED TWO FAMILY DWELLINGS”: Scott Hess, City Planner, stated on April 22, 2010, the Planning Commission recommended an ordinance amending zoning to permit two family dwellings in the residential moderate, residential low moderate and agricultural zones. On June 22, 2010, the City Council held another public hearing at which time they moved to table the approval until more research and information could be provided and some conditions set. Staff has researched several other cities’ ordinances and compiled a list of conditions for a two family dwelling.

Scott Hess, City Planner, read the requirements for the ordinance which reads as follows:

- A. There shall be no exterior evidence of change in building to indicate the extra family, except as may be required by the building code.
- B. After conversion the area shall have not less than two (2) rooms, exclusive of bathroom and public halls to each dwelling unit.
- C. Stairways leading to the second or any other floor shall be located within the walls of the building.
- D. There shall be no structural change in the exterior of the dwelling unit other than to provide desirable means of egress from dwelling units.
- E. Each unit shall include proper cooking facilities.
- F. Each separate entrance shall be clearly marked as required by the Fire Department.
- G. There shall be a minimum of two dedicated parking spaces per dwelling unit. Parking shall be either in the garage and driveway or in an alternate location such as a side yard cement pad. A site plan showing parking shall accompany the conditional use permit application.
- H. A building permit shall be required for any structural changes.

Scott stated a conditional use permit is required in addition to and before a business license for the rental unit is issued.

Commissioner Stott asked for any public comment. There was none.

Commissioner Grubb moved to close the public hearing for Ordinance #10-09. Commissioner Westbrook seconded the motion. Commissioners Grubb, Perkins, Stott, and Westbrook voted yes. The motion carried.

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

Commissioner Grubb moved to approve Ordinance #10-09 - an ordinance amending Title 10 Zoning regulations Chapter 1 General Provisions, Section 10 Definitions, add “Owner Occupied Two Family Dwelling” and amend Chapter 7 Conditional Uses, add Article L Owner Occupied Two Family Dwellings. Commissioner Perkins seconded the motion. Commissioners Grubb, Perkins, Stott, and Westbrook voted yes. The motion carried.

Commissioner Westbrook moved to open the public hearing for preliminary application. Commissioner Grubb seconded the motion. Commissioners Grubb, Perkins, Stott, and Westbrook voted yes. The motion carried.

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

PRELIMINARY APPLICATION, COTTONWOOD COVE SUBDIVISION (30 LOTS), LOCATED AT APPROXIMATELY 1200 E 7250 S, DEVELOPED BY HENRY WALKER LAND LLC: Scott Hess, City Planner, stated in May 2008, the Planning

SOUTH WEBER PLANNING COMMISSION MEETING

DATE OF MEETING: 26 August 2010

TIME COMMENCED: 6:31 p.m.

PRESENT: COMMISSIONERS:

Delene Hyde
Rorie Stott
Rod Westbroek

EXCUSED:

Mark Perkins
Tim Grubb

DEPUTY RECORDER:

Emily Thomas

CITY PLANNER:

Scott Hess

TRANSCRIBER:

Michelle Clark

VISITORS: Beth Hess.

Commissioner Hyde excused Commissioner Perkins and Commissioner Grubb from tonight's meeting.

APPROVAL OF THE AGENDA: Commissioner Westbroek moved to approve tonight's agenda as written. Commissioner Stott seconded the motion. Commissioners Hyde, and Westbroek voted yes. The motion carried.

APPROVAL OF 8 JULY 2010 PLANNING COMMISSION MEETING MINTUES: Commissioner Stott moved to table the minutes of 8 July 2010 Planning Commission Meeting as written. Commissioner Westbroek seconded the motion. Commissioners Hyde, Stott, and Westbroek voted yes. The motion carried.

DECLARATION OF CONFLICT OF INTEREST: The Planning Commission did not report any conflict of interest.

DISCUSS ORDINANCE 10-09 AN ORDINANCE AMENDING TITLE 10 ZONING REGULATIONS; CHAPTER 7 CONDITIONAL USE, ADD ARTICLE L, TWO FAMILY DWELLINGS:

Emily stated on April 22, 2010, the Planning Commission recommended an ordinance amending zoning to permit two family dwellings in the residential moderate, residential low moderate and agricultural zones. On June 22, 2010, the City Council held another public hearing at which time they moved to table the approval until more research and information could be provided and some conditions set. Emily stated the City Council had the city staff research several other cities' ordinances and compiled a list of conditions for a two family dwelling. Scott Hess stated after

researching information there were conditions added to the drafted ordinance. They are as follows:

- A. There shall be no exterior evidence of change in building to indicate the extra family, except as may be required by the building code.
- B. After conversion the area shall have not less than two (2) rooms, exclusive of bathroom and public halls to each dwelling unit.
- C. Stairways leading to the second or any other floor shall be located within the walls of the building.
- D. There shall be no structural change in the exterior of the dwelling unit other than to provide desirable means of egress from dwelling units.
- E. Each unit shall include proper cooking facilities.
- F. Each separate entrance shall be clearly marked as required by the Fire Department.
- G. There shall be a minimum of two dedicated parking spaces per dwelling unit. Parking shall be either in the garage and driveway or in an alternate location such as a side yard cement pad.
- H. A building permit shall be required for any structural changes.

Scott suggested having a business license obtained with the conditional use permit.

Emily received comments from Fire Chief Graydon. She stated he wanted to know if the name could be changed from two-family dwelling to "partial home rental". Emily suggested defining a two-family dwelling in the city ordinance. The Planning Commission agreed.

Scott stated the requirement of the zone requires it to be owner occupied. The Planning Commission feels "owner occupied" should be added as item "I" in the ordinance.

Emily stated a public hearing will be held on September 23rd at which time a recommendation can be made to the City Council.

RECOMMENDATION TO CITY COUNCIL REGARDING PARCEL #13-034-0044, COMMERCIAL ZONED PROPERTY OWNED BY

STAKER PARSONS: During the last review of the Staker Parson Gravel Pit, the City Council asked that the Planning Commission provide a formal recommendation regarding the commercial property located along South Weber Drive near the HWY 89 interchange. This recommendation will affect the stopping point for mining of this pit.

Scott asked should the property remain as it is (a wide parcel) or should the property be stacked and be a deep parcel. Scott stated in his opinion having a wider parcel could possibly allow for a few street side businesses, while having a deeper parcel could possibly allow for a corner gas station with pumps in the rear or a corner office building. Either formation fits with the South Weber Drive Commercial Design Guidelines, it is just a matter of preference.

Emily stated when Staker Parsons was in attendance at the City Council, they stated Maverik requested the parcels stacked. Commissioner Hyde stated it is hard to know because we want commercial; therefore, she feels they should do whatever attracts businesses. Commissioner Stott feels it would be better off with a big piece in the front. Commissioner Westbrook feels the deeper parcel would have more attraction for a business. The Planning Commission feels it would be difficult to lose that length of commercial along the frontage.

SOUTH WEBER PLANNING COMMISSION MEETING

DATE OF MEETING: 22 April 2010

TIME COMMENCED: 6:32 p.m.

PRESENT: COMMISSIONERS:

Delene Hyde
Tim Grubb
Rorie Stott
Mark Perkins
Rod Westbroek

CITY MANAGER:

Matt Dixon

DEPUTY RECORDER:

Emily Thomas (excused)

CITY RECORDER:

Erika Ahlstrom

CITY PLANNER:

Scott Hess

TRANSCRIBER:

Michelle Clark

A public work/discussion meeting was held at 6:00 p.m. to discuss agenda items, correspondence, and/or future agenda items.

VISITORS: Emily Black, Arthello Cheney, Debi Waters, and Blayne Christensen.

APPROVAL OF THE AGENDA: Commissioner Grubb moved to approve tonight's agenda as written. Commissioner Westbroek seconded the motion. Commissioners Hyde, Grubb, Stott, Perkins, and Westbroek voted yes. The motion carried.

APPROVAL OF 25 FEBRUARY 2010 PLANNING COMMISSION MEETING MINUTES: Commissioner Westbroek moved to approve the meeting minutes of 25 February 2010 as amended. Commissioner Grubb seconded the motion. Commissioners Hyde, Grubb, Stott, Perkins, and Westbroek voted yes. The motion carried.

DECLARATION OF CONFLICT OF INTEREST: The Planning Commission did not report any conflict of interest.

Commissioner Westbroek moved to open the public hearing for Ordinance 10-06. Commissioner Stott seconded the motion. Commissioners Hyde, Grubb, Perkins, Stott, and Westbroek voted yes. The motion carried.

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

Ordinance 10-06: An Ordinance Amending Title 10 Zoning Regulations, Chapter 5, Zoning Districts, Additions of Owner-Occupied Two-Family Dwellings as a Conditional Use in the

Residential Moderate Zone (10-5A-3), Residential Low Moderate Zone (10-5B-3), and the Agricultural Zone (10-5E-3): Scott Hess, City Planner, stated currently, two family dwellings are only permitted as a conditional use in the Residential Low and Higher Density zones. This is much stricter than both the County and State Ordinances, which allow up to four non-related people to live in one dwelling and still be considered a “family”. Scott stated based on discussion of this ordinance it was decided it will be owner occupied.

By adding this to the city ordinance as a conditional use, we will increase the number of potential rentals and the number of potential business licenses. It will also provide an option to residents who previously were prohibited from renting a portion of their home due to zoning requirements.

Blayne Christensen, 7752 S. 2300 E., stated he is concerned about the zoning. He feels the current zoning creates certain characteristics that are different from other cities. He feels the amendment is somewhat short sighted and he is in favor of keeping the ordinance “as is”.

Arthello Cheney, 2279 View Drive, stated he brought this up in February. The ordinance is in both Davis and Weber Counties as well as the State. He feels with the addition of adding owner occupy, he doesn't see this making a big difference. He stated he will not be able to remain in his home unless this ordinance is amended. He was told before he came to the city by two different individuals who are renting their homes that I shouldn't go to the city. He feels owner occupancy is an advantage.

Mr. Christensen stated he is a neighbor to Art. He stated this amendment will affect approximately 70% of the residents in South Weber City. He stated it will increase the density and traffic flow as well as the characteristics of the city.

Commissioner Perkins moved to close the public hearing for Ordinance 10-06. Commissioner Stott seconded the motion. Commissioners Hyde, Grubb, Perkins, Stott, and Westbroek voted yes. The motion carried.

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

Commissioner Stott stated this ordinance has been in place for high and low zones, but why not moderate? Scott stated he doesn't know what the former intent was or if it was intentionally left out when the ordinance was written.

Commissioner Grubb feels with the use being owner occupied he doesn't think it will impact the city or create a safety issue. He stated it is already established in certain zones and he feels this will add consistency to the zones. Commissioner Perkins feels there is far more risk by allowing single family rentals that are not owner occupied. Commissioner Grubb agreed. Commissioner Perkins stated this does give us some control.

Commissioner Grubb moved to recommend approval of Ordinance 10-06 - An Ordinance Amending Title 10 Zoning Regulations, Chapter 5, Zoning Districts, Additions of Owner-Occupied Two-Family Dwellings as a Conditional Use in the Residential Moderate Zone (10-5A-3), Residential Low Moderate Zone (10-5B-3), and the Agricultural Zone (10-5E-3). Commissioner Perkins seconded the motion. Commissioners Hyde, Grubb, Perkins, Stott, and Westbroek voted yes. The motion carried.

SOUTH WEBER CITY COUNCIL MEETING

DATE OF MEETING: 22 June 2010

TIME COMMENCED: 6:00 p.m.

PLEDGE OF ALLEGIANCE: Councilmember Lusk

PRAYER: Councilmember Woodbury

PRESENT: COUNCILMEMBERS:

David Thomas (Mayor pro tem)

Sara Lusk

Farrell Poll

Michael Poff

David Thomas

Scott Woodbury

CITY MANAGER:

Matt Dixon

CITY RECORDER:

Erika Ahlstrom

EXCUSED: MAYOR:

Jeff Monroe

Transcriber: Minutes transcribed by Michelle Clark

5:30 p.m. PUBLIC WORK MEETING: REVIEW WARRANT REGISTERS and REVIEW AND DISCUSS AGENDA ITEMS

VISITORS: Casey Kap, Barbara Kap, Calvin Kap, Jan Ukena, Jeremy Davis, Cody Tak, Lindsey Mabry, Rob Osborne, Scott Peterson, Leslie Waters, Lynn Poll, Hans Carlsson, Keith Kendell, Keith Kap, Brent Petersen, Rob Tesch, Arthello Cheney, Ivan Ray, Bruce Crane, Teri Hill, Tom Graydon, Lynn Thomas, Barbara “B” Ball, Barbara Fisher.

Mayor pro tem Dave Thomas excused Mayor Monroe from tonight’s meeting.

APPROVAL OF THE AGENDA: Councilmember Woodbury moved to approve the agenda as amended to include the 6:40 p.m. agenda item (HAFB environmental update) and to delete Resolution 10-26 from the agenda. Councilmember Lusk seconded the motion. Councilmembers Lusk, Poff, Poll, Thomas, and Woodbury voted yes. The motion carried.

DECLARATION OF CONFLICT OF INTEREST: There was no conflict of interest declared by any council member.

CONSENT AGENDA:

◆ **APPROVAL OF 8 JUNE 2010 COUNCIL MEETING MINUTES**

◆ **APPROVAL OF 15 JUNE 2010 WORK MEETING MINUTES**

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

ORDINANCE 10-05: AN ORDINANCE AMENDING TITLE 11 SUBDIVISION REGULATIONS, CHAPTER 4 IMPROVEMENT REQUIREMENTS, SECTIONS 2K CONDITIONAL ACCEPTANCE, 2L FINAL ACCEPTANCE, & SECTION 10 CURB, GUTTER, SIDEWALK & ASPHALT PAVING: Matt stated in 2008 when this ordinance was last approved, there were a few items that were overlooked. Below is a list of the omitted areas and how each has been corrected:

- 1. Requirement of Curb, Gutter, and Sidewalk was omitted from the General Requirements Section (11-4-2); however, it was included in the Improvements Section (11-4-10). This has now been added to the General Requirements Section (11-4-2K-5).
- 2. Requirement of seal coating prior to final acceptance. The previous version allowed for the money for seal coating to remain in escrow and final acceptance permitted before the seal coat was complete. The requirement of completing this prior to final acceptance has been added to 11-4-2L & 11-4-10.

On April 22, 2010 the Planning Commission recommended the approval of this ordinance.

Councilmember Thomas asked for public comment. There was none.

Councilmember Woodbury moved to close the public hearing for Ordinance 10-05. Councilmember Poll seconded the motion. Councilmembers Lusk, Poll, Poff, Thomas, and Woodbury voted yes. The motion carried.

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

Councilmember Poll moved to approve Ordinance 10-05. Councilmember Woodbury seconded the motion. Erika called for the vote. Councilmembers Lusk, Poll, Poff, Thomas, and Woodbury voted yes. The motion carried.

Councilmember Poll moved to open the public hearing for Ordinance 10-06. Councilmember Poff seconded the motion. Councilmembers Lusk, Poll, Poff, Thomas, and Woodbury voted yes. The motion carried.

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

ORDINANCE 10-06: AN ORDINANCE AMENDING TITLE 10 ZONING REGULATIONS, CHAPTER 5 ZONING DISTRICTS, ADDITIONS OF OWNER OCCUPIED TWO-FAMILY DWELLINGS AS A CONDITIONAL USE IN THE RESIDENTIAL MODERATE ZONE (10-5A-3), RESIDENTIAL LOW MODERATE ZONE (10-5B-3), AND AGRICULTURAL ZONE (10-5E-3): Matt stated currently, two family dwellings are only permitted as a conditional use in the Residential Low and Higher Density zones. This ordinance would allow residents in all residential zones to rent out a portion of their home.

The planning commission determined it would be best for this type of use to be limited to “owner-occupied.”

Councilmember Thomas asked about the conditions. Matt stated they need to be separated by fire wall with separate entrance, parking availability, separate utilities. Councilmember Thomas stated state laws states you can have three non-related individuals.

Art Cheney, 2279 E. View Drive, he brought this up in February with the Planning Commission because his wife was ready to pass away and he doesn't need to live in a home at 2,700 sq. ft. by himself. He understands there are some individuals that are not in favor of this because of their concern that the city will turn into city full of dulexes. He stated being “owner occupied” would help eliminate this. He is currently receiving a paid retirement and if this doesn't happen he would probably turn his home back to a lending institution. He isn't sure what family he has at the present time who could live with him. He also asked about the possibility of a variance application. He desires that the council pass this ordinance. He stated there are a lot of places in South Weber that individuals rent out that aren't family members. He would like to have the option of family or non-relatives.

Rob Osborne, 2317 View Drive, stated he is opposed to changing this zoning. He appreciates the dilemma that Mr. Cheney faces but he believes the fair or Christian thing to do would be to rally around this individual verses changing public policy. He feels if there are several in the community already doing this, then the city needs to clamp down on them. He is concerned about changing ordinances to open the community up. His sister, Jan Ukena, has a letter (see attached) that she would like to make part of public record. Mr. Osborn read the letter to those in attendance.

Councilmember Woodbury commended Art Cheney for coming forward honestly and legally. Councilmember Woodbury asked about the variance brought up by Mr. Cheney? Councilmember Thomas stated that would go against the state statute.

John Lusk, 2284 E. 7925 S., stated it is only one zone that is affected by this. He stated the Planning Commission voted in favor of this ordinance. He said individuals have property that is an asset to them. He feels this should be approved. He stated if it is “owner occupied” they are going to make sure the individuals are decent renters.

Leslie Waters, 7981 S. 2175 E., feels this would be “opening a can of worms”. She said there are a lot of conditions that need to be met. She stated when the home owner moves then what happens. She is also concerned about who will enforce this. She worries about parking.

Mr. Cheney stated he was a dry wall contractor and a general contractor for many years. He has a building permit and has had property inspections from the building inspector. He has plenty of room for parking. The sheet rock is fire code. He has the required smoke detectors and electrical. He welcomes anyone to come look at it. He is open for anyone's ideas as to what to do.

Mr. Osborne asked Mr. Cheney if there is anything we can do as a community to help Mr. Cheney but doing it this way is not fair to everybody else in the city.

Councilmember Lusk moved to close the public hearing for Ordinance 10-06. Councilmember Woodbury seconded the motion. Councilmembers Lusk, Poll, Poff, Thomas, and Woodbury voted yes. The motion carried.

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

Councilmember Poff asked about the state statute requirement for relatives. Councilmember Thomas stated the owner can have three un-related individuals. He stated it comes from the definition of a single family household. Councilmember Lusk stated it is currently allowed in residential low and residential high as a conditional use.

Councilmember Poll is not in favor of turning the city into a city of twin home duplexes. He can't see the city is going to run another water meter and Utah Power will run another power line, etc. He said there would be another hook up fee through the city. He feels there are a lot of questions that need to be answered. Councilmember Thomas stated they can always abandon the conditional use. Councilmember Poll asked if you can make a condition that once home is sold the conditional use is expired. Councilmember Thomas stated the owner would have to abandon it. Councilmember Poll stated the city would have to tear up the road to put in an additional water line, etc. Councilmember Lusk stated are we going to allow someone to use their property if they go along with the city's conditional use requirements. She feels the conditional use benefits the city.

Matt displayed the current zoning map. He identified those areas that would be affected by this ordinance. Tom Graydon, Fire Chief, stated he is not going to state whether he is for this or against it, but if you are going to move forward then we need the exact conditions before us. He stated the difference between a duplex and a twin home. He stated there are individuals violating this in the city.

Councilmember Poff moved to table Ordinance 10-06 to allow for more research.

Councilmember Poll seconded the motion. Erika called for the vote. Further discussion took place. Councilmember Lusk asked if this can be approved and conditions placed on an individual basis. Councilmember Thomas stated that could be an option. Matt stated he wouldn't recommend approving the ordinance until you know exactly what the conditions are and the requirements.

Councilmembers Poll, Poff, Thomas, and Woodbury voted yes. Councilmember Lusk voted no. The motion carried 4 to 1.

Matt asked the council what they would like from the city staff on this. Councilmember Thomas suggested putting together a list of conditions.

HILL AFB ENVIRONMENTAL UPDATE – Barbara “B” Hall, Environmental Engineer

B. Hall, representing Hill AFB and site manager for operable unit #1, she stated we are having an info fair tomorrow night at the Family Activity Center from 6 p.m. to 8 p.m. She stated tomorrow night they will illustrate a new image of what the plume looks like. There will also be a medical doctor in attendance to answer questions. B. then reviewed the map of operable unit #1 from 2006 and 2010. The maps show the estimated extent of shallow groundwater contamination from OU1 in South Weber. She encouraged the council to review the packet that was given to them. She stated there is evidence that this plume is getting smaller.

South Weber City Council Meeting

Staff Backup Report

Date of City Council Meeting: **02 Nov 2010**

Title: **RES 10-41 Authorizing Continued Conditional Use for Forestdale Investments/Burbidge Concrete Pumping at 7636 S. Cornia Drive**

BACKGROUND

July 9, 2009: The Planning Commission reviewed the original conditional use permit issued to Seward Motor Freight and found the current use by Burbidge Concrete Pumping to be different than the original use the permit was issued for. Due to this and the lack of maintaining the required business license, the Planning Commission required the business to apply for a new conditional use permit within 60 days.

October 8, 2009: A conditional use application, signed by the property owner Vaughn Burbidge, was received; however, the application could not be approved because the use (found by the Planning Commission to be a "construction yard") was not permitted in the current Commercial Highway zoning as of 2008. Because the original conditional use was found to be null and void, the application fee was refunded in full and the business asked to vacate the premises or seek an appeal from the Board of Adjustment. A letter was sent to Mr. Burbidge on November 3, 2009 formally notifying him of this motion and instructions for how to appeal.

December 9, 2009: Application to Board of Adjustment for appeal was received.

January 28, 2010: Board of Adjustment Chair issued a "stay" of appeal.

February 9, 2010: Application 2010-02 received. The intention is to continue the existing use, which as stated in the application is for the dispatch of trucks all over the Wasatch Front.

February 25, 2010: The Planning Commission moved to **not recommend** this application for approval.

March 16, 2010 Work Session: The City Council discussed this issue with Mr. Burbidge's attorney James Ziter and the City Attorney Steve Noel. Mr. Ziter's opinion is that Burbidge Concrete Pumping is consistent with the city's permitted use of "gasoline and diesel service station" in the Commercial Highway zone.

After this work session, a closed executive session for the purpose of imminent litigation was held with the City Attorney Steve Noel, during which it was determined the City Council would deny the application, but would determine that they are a legal nonconforming use, fine them for not having a business license, and allow them to operate under the previous conditional use permit. Mr. Noel was directed to work with Mr. Ziter toward this end.

CONCLUSION

City Attorney Steve Noel and Burbidge Attorney James Ziter worked together on a resolution to allow continued conditional use. Burbidge will be asked to pay business license fees and penalties from 2006-2010. Emily figured the total to be \$1,152.50.

Erika Ahlstrom

From: Emily Thomas
Sent: Tuesday, October 19, 2010 4:55 PM
To: Erika Ahlstrom; Roger Worthen
Subject: FW: Burbidge Fees
Follow Up Flag: Follow up
Due By: Wednesday, October 20, 2010 12:00 AM
Flag Status: Red
Attachments: Proposed Resolution (A0373897).DOC

This needs to go on the next City Council agenda.

Emily Thomas

Deputy City Recorder
801-479-3177

www.southwebercity.com

www.twitter.com/South_Weber_UT

From: Steve Noel [mailto:snoel@smithknowles.com]
Sent: Tuesday, October 19, 2010 1:32 PM
To: Emily Thomas
Cc: Matthew Dixon; ziterlaw@gmail.com
Subject: RE: Burbidge Fees

Emily:

Attached is the resolution that Matt, James and I have worked on for some time now. It contains the necessary language to put this all to bed. James will forward a check for the fees/fines in the amount you provided to me earlier, along with a signed copy of the resolution showing his clients' dismissal of the appeal. Once the resolution is adopted by the council, we will be able to negotiate the check and the matter will be over, as I see it. If you have any questions, or if this is not consistent with your understanding of things, please let me know. Thanks for all your help on this. This email is being copied to Mr. Ziter. Emily, if you respond to it with any questions or concerns, please only reply to me. Thanks.

Stephen F. Noel

Erika Ahlstrom

From: Emily Thomas
Sent: Tuesday, October 19, 2010 11:33 AM
To: Steve Noel
Cc: Erika Ahlstrom; Roger Worthen
Subject: Burbidge Fees
Importance: High
Attachments: BL Ord.pdf; 2006 Fee Schedule.pdf; 2007 Fee Schedule.pdf; 2008 fee schedule.pdf

Hi Steve,

Attached you will find the fee schedule associated with each year that Burbidge operated without a business license 2006-current. (Note: Business License info can be found on the following pages of each: 2006 page 9, 2007 page 7, 2008 page 7, 2009 – no revision to BL fees, 2010 page 6.)

I have classified Burbidge the same from 2006-2009 (Service Station-Retail) as this was the closest classification for these years. In 2010, the classifications were all amended, reclassifying Burbidge as commercial.

I have also read through the City Code, past and current, and found that 3-1-4E Failure to Pay does not specify a fine amount for not having a license, but rather that a citation would be issued by Davis County Sherriff (attached). Due to this, I am not sure what the fee, if any, would be associated.

The business license fees due are calculated first with original amount, then if not paid by Feb 1, then we add 50%, and if still not paid by March 1, then we add 100% penalty. This equates to the following:

Year	Original Fee	50% Penalty	100% Penalty
2006	\$100	\$150	\$250
2007	\$100	\$150	\$250
2008	\$100	\$150	\$250
2009	\$100	\$150	\$250
2010	\$61	\$91.50	\$152.50

Total Fees Due:	\$1152.50
------------------------	------------------

Please let me know if you require additional information.

Thanks,

Emily Thomas

Deputy City Recorder
801-479-3177

www.southwebercity.com

www.twitter.com/South_Weber_UT

BEFORE THE SOUTH WEBER CITY COUNCIL,
IN AND FOR SOUTH WEBER CITY, STATE OF UTAH

* * * * *

IN RE: Forestdale Investments, LLC

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**RESOLUTION 10-41
AUTHORIZING CONTINUED
CONDITIONAL USE**

* * * * *

BACKGROUND

On or about August 1988, The South Weber City Council (the “City Council”), and the Mayor (then Rex Bouchard) approved a conditional use permit for Seward Truck Lines (“Seward”) to build and use the property located at 7636 South Cornia Drive, South Weber City, Utah 84405 (the “Property”) as a private truck service and repair facility (the “Conditional Use”), as memorialized in the minutes of that certain South Weber City Council Meeting dated August 8, 1988 (minutes attached).

Seward owned and occupied the Property until 2006 when it sold the Property to Forestdale Investments, LLC (“Forestdale”). Seward continued to lease and occupy the Property from the date of the 2006 sale until mid-2008. In 2006, Burbidge Concrete Pumping, LLC (“BCP”) shared the repair garage on the Property which it co-leased from Forestdale for the same basic use as Seward’s original Conditional Use. BCP has been the sole tenant of the Property since mid-2008.

The owner and tenant failed to obtain and maintain a business license. Accordingly, the Planning Commission determined that the conditional use had lapsed. As a result, BCP applied for a business license in 2009, which application was denied, pending approval of a new conditional use application requested by South Weber City’s Planning Commission (the “Planning Commission”). BCP submitted a conditional use application which the Planning Commission subsequently denied (the “Ruling”).

BCP and Forestdale timely appealed the Planning Commission Ruling before the South Weber City, Board of Adjustment (the “Board of Adjustment”) which appeal was stayed by the Board of Adjustment while the parties attempt to reach a resolution of the matter.

The matter was subsequently discussed during a City Council work meeting with the Mayor, City Council, Stephen Noel, attorney for South Weber City, James Ziter, attorney for Forestdale, and other South Weber City officials present.

The Mayor and City Council, as the result of the foregoing, and being otherwise informed on the matter finds as follows:

1. The Mayor and City Council have the authority to review, follow, or not follow, all recommendations of the Planning Commission.
2. The Mayor and City Council have the authority to determine the status of all conditional use permits inside South Weber City and to grant conditional uses inside South Weber City.
3. The Mayor and City Council have the authority to review and grant all business licenses inside South Weber City.

RESOLUTION

1. **RESOLVED:** The Conditional Use originally granted to Seward is deemed to have not lapsed, and is current and in effect given the circumstances of this case and BCP’s payment of all necessary back charges and fees.
2. **RESOLVED:** BCP may obtain an appropriate business license from South Weber City, and continue to occupy, rent, and use the Property consistent with the Conditional Use.
3. **RESOLVED:** Forestdale may continue to lease, rent, and sell the Property with the Conditional Use not lapsed, current and in effect.
4. **RESOLVED:** Forestdale agrees to pay South Weber City all past and presently due licensing and permit fees, delinquent penalties, etc. associated with their operational use of the Property prior to execution of this Resolution.
5. **RESOLVED:** Forestdale understands its obligation to maintain an active business license with South Weber City for use of the Property in order for the Conditional Use to not expire.

APPROVAL AND RATIFICATION

The Mayor, and South Weber City Council unanimously approve, confirm, and authorize in all respects the foregoing resolutions.

Jeff Monroe
Mayor

Date

Michael Poff
City Council Member

Date

Sara Lusk
City Council Member

Date

Farrell D. Poll
City Council Member

Date

David L. Thomas
City Council Member

Date

Scott E. Woodbury
City Council Member

Date

DISMISSAL OF APPEAL ACTION

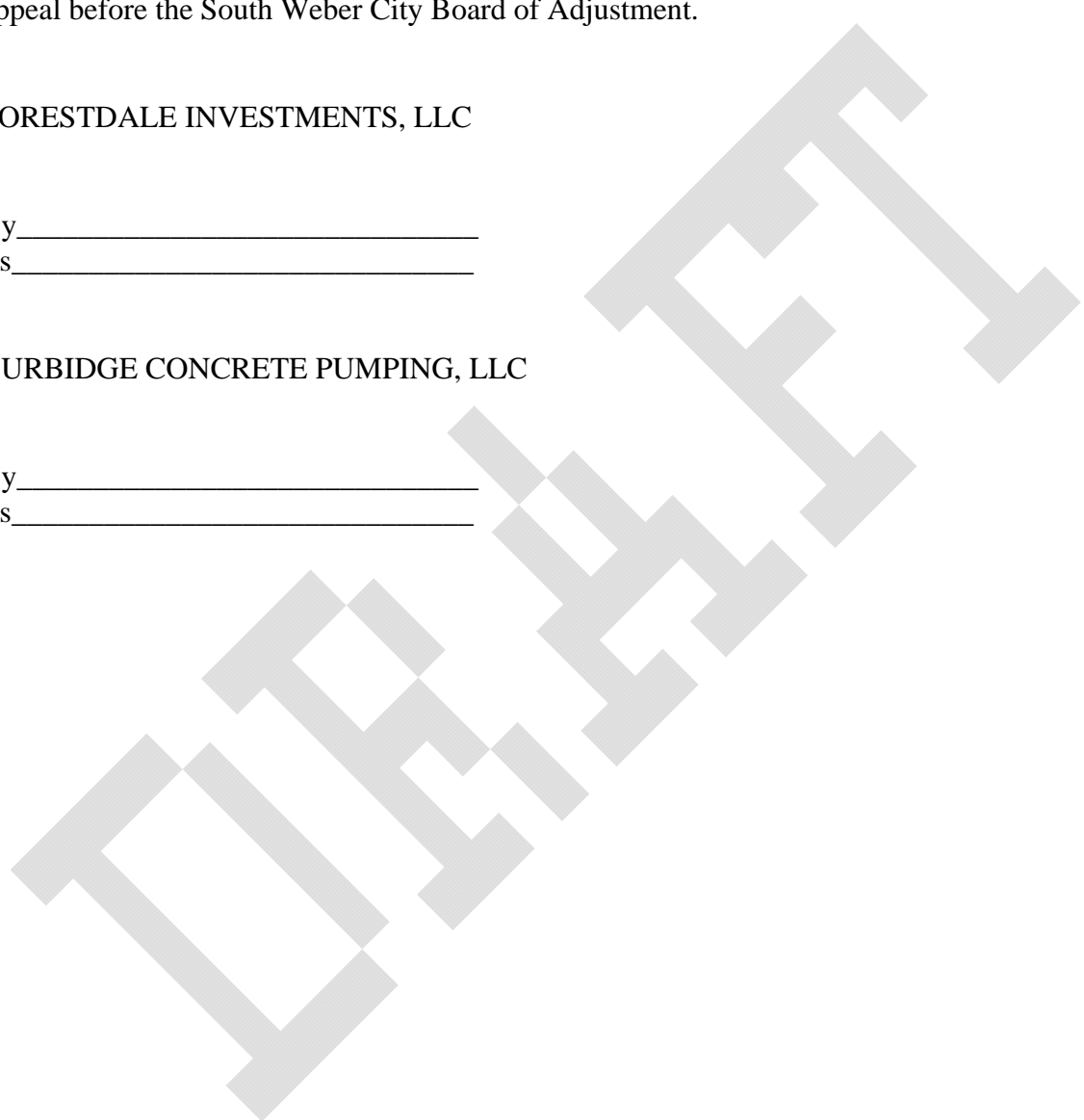
Effective this ____ day of _____, 2010, Forestdale Investments, LLC, and Burbidge Concrete Pumping, LLC hereby jointly dismiss the pending appeal before the South Weber City Board of Adjustment.

FORESTDALE INVESTMENTS, LLC

By _____
Its _____

BURBIDGE CONCRETE PUMPING, LLC

By _____
Its _____



SPECIAL

SOUTH WEBER CITY COUNCIL MEETING

DATE HELD: 8 August 1988

TIME COMMENCED: 4:30 P.M.

NOTE: This special meeting was held since City Council Meeting was cancelled on 9 Aug 88 due to Country Fair Day week.

PRAYER: -----

PLEDGE: -----

PRESENT: MAYOR: Rex Bouchard

COUNCILMEN: James Young
Ray Peek
Jeff Monroe
Veng Glismann

ABSENT: Reid Stank

CITY RECORDER: Ginger Millen

CITY ATTORNEY:

VISITORS: Donna Tolman, Boyd Draper, Mike Harvey, Rick Kump, & Mike Marchant

APPROVAL OF AGENDA: A motion was made by Councilman Monroe and seconded by Councilman Peek to approve this afternoon's agenda with the addition of Savage Rock's extended operating time. All were in favor.

CONDITIONAL USE PERMIT--SEWARD TRUCK LINES-- PRIVATE TRUCK STOP. Seward Truck Lines is requesting to build a private truck stop at approximately 7600 E. Connia Drive. This property has been zoned C-H. This truck stop would be a service and repair facility for their own truck lines with facilities for overnight accommodations. One person from the truck lines will be at the facility at all times. This conditional use permit was approved by the Planning Commission on 4 August 1988. A fire hydrant will be installed. A computerized security system will also be installed. The Planning Commission, City Engineers and City Council was concerned about Connia Drive and the impact the large trucks would have on the upkeep of this street. The Planning Commission suggested that Seward Truck Lines and the City Council work out some type of agreement on the upkeep of the road. A motion was made by Councilman Young and seconded by Councilman Glismann to approve this conditional use permit and site plan subject to Seward Truck Lines signing a lease agreement that when the City deems it necessary, they will participate in an Improvement District for repair/on construction of a new road on Connia Drive. All were in favor.

HOME OCCUPATION PERMIT--DONNA TOLMAN--FAMILY GROUP DAY CARE CENTER--1390 E. SOUTH WEBER DRIVE. Councilman James Young stated the Planning Commission approve this home occupation permit for Mrs Tolman on 4 August 1988 subject to the following conditions: (1) Fence to be installed 1 year from date of approval (9 AUG 89) around home. (2) Maximum of 12 children in

SOUTH WEBER CITY COUNCIL MEETING AGENDA

PUBLIC NOTICE is hereby given that the City Council of SOUTH WEBER CITY, Davis County, Utah will meet in a (~~REGULAR~~/SPECIAL) public meeting on Monday, 8 August 19 88 at the CITY COUNCIL CHAMBERS, 1600 East South Weber Drive commencing at 4:30 P.M.

THE AGENDA FOR THE MEETING IS AS FOLLOWS:

PLEDGE OF ALLEGIANCE: -----

PRAYER: -----

APPROVAL OF AGENDA:

APPROVAL OF MINUTES: ----- DATE OF MINUTES: _____

4:30 P.M. Conditional Use Permit--Seward Truck Lines--Private
Truck Stop---Connia Drive

4:40 P.M. Home Occupation Application--Donna Tolman--1390 E. S. Weber Dr
Family Group Day Care Center

MAYOR'S BUSINESS:

1. Savage Rock--Extension of Operating Times

COUNCILMEN ITEMS:

FOLLOW-UP ITEMS OF PREVIOUS MEETING:

NON-SCHEDULED DELEGATION

ADJOURN

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

Ray's Valley Service

Standard Examiner

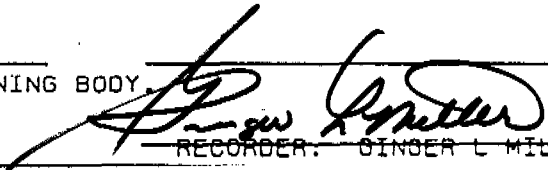
R.B.'s One Stop

Lakeside Review

City Office Bldg.

AND TO EACH MEMBER OF THE GOVERNING BODY.

8 Aug 88
DATE


RECORDER: GINGER L. MILLER

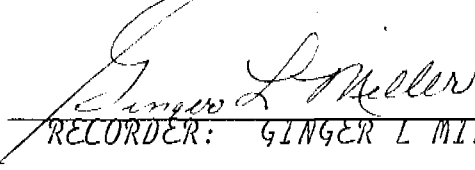
home which will also include her own three children. (3) When basement is ready to be finished off, they must obtain a building permit and have the proper inspections. (4) Subject to state licensing regulations and fire chief's recommendations. A motion was made by Councilman Young to approve this application with Councilman Peek seconding the motion. All were in favor.

SAVAGE ROCK PRODUCTS--EXTENSION OF OPERATING TIMES. Mayor Bouchard stated that Savage Rock contacted him again after our denial of their operating times. He stated that he has went and checked and they now have their roads treated and they have a on-site watering truck. This has helped the dust considerably. A motion was made by Councilman Monroe and seconded by Councilman Young to approve their extension of operating times subject to the City still monitoring the pit. All were in favor.

ADJOURNED: 5:00 P.M.

APPROVED:


MAYOR: REX BOUCHARD


RECORDER: GINGER L MILLER

SOUTH WEBER PLANNING COMMISSION MEETING

DATE OF MEETING: 9 July 2009

TIME COMMENCED: 6:31 p.m.

PRESENT: COMMISSIONERS:

Delene Hyde
Tim Grubb
Rorie Stott
Mark Perkins (excused)
Rod Westbroek

CITY MANAGER:

Matt Dixon

DEPUTY RECORDER:

Emily Thomas

CITY PLANNER:

Scott Hess

TRANSCRIBER:

Michelle Clark

A public work/discussion meeting was held at 6:00 p.m. to discuss agenda items, correspondence, and/or future agenda items.

VISITORS: Jameson Harvey, Rick Adams, Wade Shaw, D. Hansen, Merlin Daines, Eddy Shaw, Kyle Shupe, Alyson Shupe, Barbara Shupe, Dan Shupe, Jim Burwell, Keith Kap, and Michael Poff.

APPROVAL OF THE AGENDA: Commissioner Grubb moved to approve tonight's agenda as written. Commissioner Stott seconded the motion. Commissioners Hyde, Grubb, Stott, and Westbroek voted yes. The motion carried.

APPROVAL OF 25 JUNE 2009 PLANNING COMMISSION MEETING MINTUES: Commissioner Westbroek moved to approve the minutes of 25 June 2009 Planning Commission Meeting as written. Commissioner Grubb seconded the motion. Commissioners Hyde, Grubb, Stott, and Westbroek voted yes. The motion carried.

DECLARATION OF CONFLICT OF INTEREST: The Planning Commission did not report any conflict of interest.

Commissioner Hyde excused Matt Dixon and Commissioner Perkins from tonight's meeting. Commissioner Hyde welcomed Scott Hess, City Planner.

REVIEW OF CONDTIONAL USE PERMIT #1988; BURBIDGE CONCRETE PUMPING; 7636 S. CORNIA DRIVE:

Jameson Harvey, Manager for Burbidge Concrete Pumping, approached the Planning Commission. He said this company leases concrete pumps. They use the building to park trucks

and light maintenance on the vehicles. Commissioner Grubb said there is confusion that this business is different from the business, Seward, which was the previous business there. Commissioner Hyde said no business license has been issued for this business. Mr. Harvey said this business is really not that different. He said the business is run out of Salt Lake City. Commissioner Grubb said a business license needs to be purchased for this business. Commissioner Hyde agreed. The Planning Commission feels this business is completely different and they need to apply for a conditional use permit and pay the necessary fee for a business license. Mr. Harvey said they assumed because the business is out of Salt Lake that they didn't need a business license in South Weber City.

Commissioner Grubb moved that Burbidge apply within 60 days for a conditional use permit. Commissioner Westbrook seconded the motion. Commissioners Hyde, Grubb, Stott, and Westbrook voted yes. The motion carried.

Commissioner Westbrook moved to open the public hearing for rezone application #2009-2. Commissioner Grubb seconded the motion. Commissioners Hyde, Grubb, Stott, and Westbrook voted yes. The motion carried.

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

REZONE APPLICATION #2009-2: 933 E. SOUTH WEBER DRIVE, PARCEL #13-021-0046 FROM RESIDENTIAL MODERATE (RM) & AGRICULTURAL (A) TO RESIDENTIAL MODERATE (RM); DANIEL & BARBARA SHUPE:

Kyle Shupe approached the Planning Commission.

Commissioner Hyde asked for public comment. There was none.

Commissioner Grubb moved to close the public hearing for rezone application #2009-2. Commissioner Westbrook seconded the motion. Commissioners Hyde, Grubb, Stott, and Westbrook voted yes. The motion carried.

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

Emily explained that when property along South Weber Drive was rezoned from agricultural to residential, there were a few parcels that ended up in both agricultural and residential zones. In order to subdivide, this property needs to be all in one zone – Residential Moderate (RM).

Commissioner Grubb moved to recommend approval of rezone application #2009-2 at 933 E. South Weber Drive, parcel #13-021-0046 from Residential Moderate (RM) & Agricultural (A) to Residential Moderate (RM) for Daniel and Barbara Shupe. Commissioner Stott seconded the motion. Commissioner Hyde, Grubb, Stott, and Westbrook voted yes. The motion carried.

Commissioner Westbrook moved to open the public hearing for preliminary/final approval for Dan Shupe Subdivision. Commissioner Grubb seconded the motion. Commissioners Hyde, Grubb, Stott, and Westbrook voted yes. The motion carried.

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

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

RECOMMENDATION TO CITY COUNCIL ORDINANCE 10-04 AMENDING TITLE 10 ZONING REGULATION, ADDITION OF CHAPTER 17 DRINKING WTER

SOURCE PROTECTION: Scott Hess stated in December 2009 the city submitted a drinking water plan to the State.

Commissioner Hyde asked if there was any public comment. There was none.

Commissioner Perkins moved to close the public hearing for Ordinance 10-04. Commissioner Stott seconded the motion. Commissioners Hyde, Grubb, Perkins, Stott, and Westbrook voted yes. The motion carried.

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

Commissioner Grubb moved to recommend to the City Council approval of Ordinance 10-04 amending Title 10 Zoning Regulations, Addition of Chapter 16 Drinking Water Source Protection. Commissioner Perkins seconded the motion. Commissioners Hyde, Grubb, Perkins, Stott, and Westbrook voted yes. The motion carried.

Commissioner Westbrook moved to open public hearing for Conditional Use Application #2010-02. Commissioner Grubb seconded. Commissioners Hyde, Grubb, Perkins, Stott, and Westbrook voted yes. The motion carried.

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

CONDITIONAL USE APPLICATION #2010-02: BURBIDGE CONCRETE PUMPING LLC & FORESTDALE INVESTMENTS LLC, 7636 S. CORNIA DRIVE, JAMES C.

ZITER: James Ziter, 2231 E. Murray Holladay Rd., representing Burbidge Concrete Pumping, gave a brief history of the property. He stated in 2006 Forestdale purchased the property but didn't want to occupy the whole thing so Burbidge Concrete Pumping leased from Forestdale. He stated Burbidge wants to continue renting. Mr. Ziter has met with Matt Dixon and Stephen Noel. He stated the use has been the same for more than a decade now and Burbidge would like to remain there. He stated there is no construction material stored at the site, but a collection of trucks at various times.

Commissioner Hyde asked if there was any public comment. There was none.

Commissioner Grubb moved to close the public hearing for Conditional Use Application #2012-02. Commissioner Stott seconded the motion. Commissioners Hyde, Grubb, Perkins, Stott, and Westbrook voted yes. The motion carried.

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

Commissioner Hyde stated this is a new conditional use application.

Matt stated what is before the Planning Commission is a new conditional use application and is not a review of the existing use. Matt stated the city code requires in order for condition use to

be active that a business license be maintained. He stated Burbidge has not yet applied for a business license. He asked if the proposed use of the property complies with the permitted use of the zone. Matt doesn't see how a truck storage refueling facility fits into those uses. He doesn't see that it is consistent with the conditional uses in the zone for a new application.

Mr. Ziter stated in all of the other hubs no other jurisdiction has required a business license. He feels this is a technicality and that there has been a consistent use there. Commissioner Hyde stated this is a new application and it doesn't meet the zone. Commissioner Hyde stated we can't by law go against the city ordinance; therefore, the only other option would be for you to go to the Board of Adjustment.

Vaughn Burbidge, 4634 S. Thousand Oaks Dr., of Forestdale Investments, stated this building as well as our building in Park City is consistent with the highway commercial. Commissioner Hyde stated it may consistent in Park City but not in South Weber. He is concerned because he is now being told he has a building that cannot be used in that zone.

Matt stated this item will move on to the City Council whether there is approval or not.

Emily read the permitted uses City Code, 10-5H-4, "Accessory uses and buildings; Dwellings, single-family, only when in the same structure as the business or commercial use and when occupied by the owner/operator or employee employed on the premises; Eating establishments, including drive-ins; Gasoline and diesel service stations; Laundry and dry cleaning services; Public buildings and public utility buildings and uses; Retail sales; Transient lodging; Uses judged by the planning commission to be similar and compatible with the purposes of this article."

Commissioner Grubb stated this application doesn't fit what our ideas are for this type of zone.

Commissioner Grubb moved to not recommend Conditional Use Application #2012-02 for Burbidge Concrete Pumping LLC & Forestdale Investments LLC located at 736 S. Cornia Drive for James C. Ziter based on the current zoning ordinance and under our interpretation it doesn't fit. Commissioner Perkins seconded the motion. Commissioners Hyde, Grubb, Perkins, and Westbrook voted yes. Commissioner Stott voted no. The motion carried 4 to 1.

Commissioner Westbrook moved to open the public hearing for Conditional Use Application #2010-03. Commissioner Perkins seconded the motion. Commissioners Hyde, Grubb, Perkins, Stott, and Westbrook voted yes. The motion carried.

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

CONDITIONAL USE APPLICATION #2010-03: DOG KENNEL, 7270 S. 2050 E., SUZIE RADTKE: Robert Radtke, 7270 S. 2050 E., stated this application is for a dog kennel to be located within an agricultural zone. The application is to house a total of four dogs on the property.

Commissioner Hyde asked if there was any public comment.

JAMES C. ZITER
ATTORNEY AT LAW

2231 East Murray Holladay Road, Suite 210
Salt Lake City, Utah 84117



Phone: (801) 758-0360
FAX: (206) 666-4445
FAX: (206) 666-4554
Licensed in Utah and Nevada

February 9, 2010

South Weber City Planning Commission
Via Hand Delivery

RE: Forestdale Investments, LLC - Burbidge Concrete Pumping, LLC
Conditional Use Application

Dear Planning Commission:

Accompanying this letter and the appropriate filing fee is the Conditional Use Application for Forestdale Investments, LLC, and Burbidge Concrete Pumping, LLC's use of the property at 7636 South Cornia Drive, South Weber City, Utah (the "Property").

The Application is accompanied by the following Exhibits:

- a) Chain of title showing the legal description.
- b) A detailed statement of the existing and proposed use.
- c) A list of all owners of property within 300 feet identified by address and parcel number.
- d) Mailing labels for all property owners within 300 feet.
- e) A 2010 fuel tank compliance certificate.

There is also another selection of photographic and large map Exhibits which contain, among other things, a map of the NW Section 36T 5N R 1W containing the Property and all adjoining properties within 300 feet identified by parcel number, various Google Earth photographs of the Property, photographs of the structures on the Property, and the County's survey of the neighboring Sure Steel property showing the placement of the Property.

Please contact me for further scheduling of this matter.

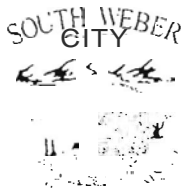
Sincerely,



JAMES C. ZITER
Attorney at Law

JCZ:lt
cc: Matt Dixon

ORIGINAL



South Weber City
1600 East South Weber Drive, South Weber, Utah 84405
Phone: (801) 479-3177 • Fax: (801) 479-0066

CONDITIONAL USE PERMIT APPLICATION
COMMERCIAL OR INDUSTRIAL ZONE

Business Name: Burbidge Concrete Pumping, LLC and Forestdale Investments, LLC
Property Owner: Forestdale Investments, LLC Phone: 801-750-3848
Mailing Address: 911 South Rio Grande Street, SLC, UT 84101 Fax: 888-672-5988
Applicant/Agent: James C. Ziter, Attorney at Law Phone: 801-758-0360
2231 E. Murray Holladay Rd, #210, SLC, Utah 84117 Fax: 888-672-5988
Email Address: ziterlaw@hotmail.com

Property Address: 7636 South Cornia Drive, South Weber City, Utah 84405
Parcel I.O. Number: 13-039-0041 Street C, v/State/Zip Zone: C-H
Acres or Square Feet of Parcel: 3.74 acres Sq. Ft. of Office/Comm: 12,000 truck garage

Legal Description: (If you need please attach description)

See attachment "A" for legal description.

Proposed Use: State in detail what is intended to be done with the property.

Truck storage, repair, and dispatch. See attachment "B" for more detailed description.

Note: List of property owners within 300 feet identified by parcel number and address, mailing labels, and fuel tank certification are attached as attachments "C", "D", and "E" respectively.

Anticipated number of customers coming to the proposed business site on a daily basis:

[x] 0- [] 1-10 [] 11-20 [] 21+

Anticipated number of employees: 1-10 employees with property occupied during typical business hours.

Development Schedule: Present the proposed time table for the initiation and completion of the proposed construction. Projects contemplated in phases should be so noted. The property is currently being rented by Burbidge Concrete

Pumping, LLC as a truck storage, repair, and dispatch facility. The property owner and tenant are ready to comply with all

South Weber City licenses and permits to continue the current use. No construction or development on the property is needed.

Public Notice Authorization: I (we) do hereby give permission to South Weber City to "public notice" sign on the property contained in this application for of notification of use application.

Signed: [Signature] Property Owner _____ Property Owner

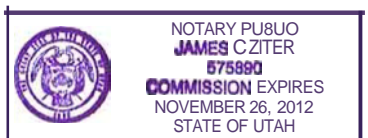
APPLICANT'S AFFIDAVIT

State of Utah
County of Salt Lake

I (we) Forestdale Investments, LLC, being duly sworn, depose I (we) the sole owner(s)/agent of Property Owners or Agent or Property Owners or Agent in this application. 7636 Cornia Dr South Weber City, Utah Property Address
the statements and here in, in the other and to the best of my the argument in behalf of the application, Also, all statements in all respects true and correct. to the best of my belief.

Dated this 3 day of FEB, 2010

Signed: [Signature] Property Owner or Agent _____ Property Owner or Agent
I appear before me this 3 day of FEB

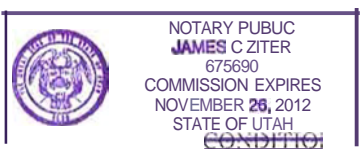


AGENT AUTHORIZATION

State of Utah
County of Salt Lake

I (we) Forestdale Investments, LLC, the sole owner(s) of the real Property Owners; 7636 S. Cornia Dr., South Weber City, Utah, SOUTH WEBER City, Utah do hereby appoint James C. Ziter, Attorney at Law Property Address as my to represent (us) with the above described real property, and to appear on my (our) behalf city boards considering

Property Owner



Notary Public: _____

CONDITIONAL USE PERMIT

Property Owner: Forestdale Investments, LLC

Parcel LD. No.: 13-039-0041

Property Address: 7636 S. Cornia Dr., South Weber City, Utah 84405

Zone: C-H

(If different from above): James C. Ziter, Attorney at Law

Mailing Address: 2231 E. Murray Holladay Road, #210

Salt Lake City, UTAH 84117

Legal Description: See Attachment for Legal Description

(To Be Completed By South Weber City)

Application Number: 2010-02

Fee: 500.00

2/9/10 EJA

Receipt No.: 13.069000

Use: _____

Date Reviewed by Planning Commission: _____

Approved

Disapproved

Additional Comments: _____

Signed: _____

Planning Commission Chairperson

Date Reviewed by City Council (if applicable): _____

Approved

Disapproved

Additional Comments: _____



SOUTH WEBER CITY

CHECKLIST FOR ARCHITECTURAL SITE PLAN
CONDITIONAL USE PERMIT – COMMERCIAL OR INDUSTRIAL ZONE

TO BE COMPLETED BY APPLICANT

Name of Project: Forestdale Investments, LLC properly

Approx. Address of Site: 7636 S. Cornia Drive, South Weber City, Utah 84405

(s): 13-039-0041

Zone: C-H

Applicant:

Company: Forestdale Investments, LLC

Owner or Vaughn Burbidge

Address: 911 S. Rio Grande

City/State/Zip: Salt Lake City, Utah 84101

Phone: 801-750-3848

Fax: 888-572-5988

E-mail Address: vburbidge@bcpumping.com

TO BE COMPLETED BY CITY

Conditional Use Application Number: _____

Submission Date: _____

Sketch Plan Review Date (if applicable): _____

Review Date: _____

City Council Review Date: _____

Additions or Corrections Required (Notes only - applicant will be provided with checklist):

TO BE COMPLETED BY BOTH THE APPLICANT AND THE CITY

Applicant: _____ of the following items for compliance with adopted City _____ Master Plans and Ordinances,

City Staff: _____ items for _____ City Standards, Titles, Master Plans and Ordinances. _____ by _____ on _____ sheet and attach to this document. Upon completion of _____ copy of this document will be provided to the Applicant and shall serve as notice to the Applicant of _____ with conditions, or rejection of this Site Plan as submitted,

<u>Applicant</u>	<u>City</u>	<u>Description</u>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	1. One 11" x17" copy of architectural drawing (drawn to scale) which includes the following:
<input checked="" type="checkbox"/>	<input type="checkbox"/>	A. Building footprint dimensions
<input checked="" type="checkbox"/>	<input type="checkbox"/>	B. _____ on property
<input type="checkbox"/>	<input type="checkbox"/>	C. Architectural type and design (including exterior color scheme)
<input type="checkbox"/>	<input type="checkbox"/>	D. Landscaping
<input type="checkbox"/>	<input type="checkbox"/>	E. Buffer yard
<input checked="" type="checkbox"/>	<input type="checkbox"/>	F. Off-street parking facilities
<input checked="" type="checkbox"/>	<input type="checkbox"/>	G. Fencing
<input checked="" type="checkbox"/>	<input type="checkbox"/>	H. Location of Fuel Tanks (if applicable);
<input checked="" type="checkbox"/>	<input type="checkbox"/>	I. Location of Sign (if applicable);
<input checked="" type="checkbox"/>	<input type="checkbox"/>	J. North Arrow
<input checked="" type="checkbox"/>	<input type="checkbox"/>	2. Fueling and Containment (if applicable)
<input type="checkbox"/>	<input type="checkbox"/>	3. Description of _____ Solutions
<input type="checkbox"/>	<input type="checkbox"/>	4. Accessibility to Fire Protection (contact Wim Plum, Fire Chief. 509-0783)
<input type="checkbox"/>	<input type="checkbox"/>	5. Water, Sewer and _____
<input type="checkbox"/>	<input type="checkbox"/>	6. Hours of Operation
<input type="checkbox"/>	<input type="checkbox"/>	7. Lighting
<input type="checkbox"/>	<input type="checkbox"/>	8. Sign Design _____ for Zone)

to _____ City Ordinances for specific requirements-

TITLE 10. ZONING REGULATIONS: Chapter 5. Zoning Districts
 Chapter 7, Conditional Uses
 Chapter 8, Off Street _____ Loading
 Chapter 9. Sign and Lighting Regulations
 Chapter 15,

TITLE 9, BUILDING REGULATIONS: Chapter 3, Fire Code
 (with the exception of _____ Liquor Conditional Use.) Said plans shall be drawn to scale, and _____ and all of the following: the building lot and dimensions, building locations, landscaping, existing trees and shrubbery, off-street _____ vehicular and pedestrian circulation, location _____ of abutting _____ and proposed _____ drainage, _____ In addition _____ shall _____ of major exterior elevations, and proposed exterior color scheme.

STATEMENT OF PROPOSED USE:

State in detail what is intended to be done with the propeliy located at 7636 South Cornia Drive, South Weber City, Utah 84405 (the "Property").

Both the propeliy owner Forestdale Investments, LLC, ("Forestdale") and the tenant Burbidge Concrete Pumping, LLC, ("BCP") propose to continue to use the property for the purposes the property has been used continuously for at least 11 years: truck storage, repair, and dispatch. The property consists of an enormous truck storage and repair warehouse which is comprised of 12 industrial sized truck bays accessed by the same number of 20 foot tall garage doors. There are 3 small offices which adjoin the truck storage warehouse, and a stand-alone truck fueling canopy which houses a licensed diesel tank.

Historical aerial photographs show the Propeliy vacant and undeveloped until at least 1989. In 1999, the Utah Department of Transportation ("UDOT") which was previously a long-time owner, sold the Property to Seward Motor Freight, Inc., ("Seward Trucking").

It is not known whether UDOT originally constructed and used the two structures on the propeliy (the truck storage building and the fueling canopy) prior to 1999. It is certain however, that whoever built the existing structures, Seward Trucking began occupying the Property in 1999 for its truck storage, repair, and dispatch operations.

In 2006, Seward Trucking which had used the Propeliy continuously since 1999, scaled back its operations in northern Utah, and sold the Property to Forestdale, but continued to lease half of the building for its truck storage, repair and dispatch operations. In the meantime, beginning in 2006, Forestdale leased the other half of the building to BCP, which also used the Property for truck storage, repair and dispatch. From the period 2006 - 2009 both Seward Trucking and BCP leased and occupied the propeliy for the same purposes. In 2009, Seward vacated the Property leaving BCP as the only tenant.

BCP is one of the largest concrete pumping companies in Utah and maintains four dispatch locations covering the Wasatch Front and Southern Utah. BCP's service is to drive a concrete pumping truck from one of its dispatch locations to a jobsite. The truck and truck operator transfers concrete (not furnished by BCP) from a typical cement mixer (not furnished by BCP) to, usually, a building foundation. At the end of a job, all clean-up of the trucks are completely done at the jobsite. Besides its trucks, BCP does not furnish or own any construction materials or inventory whatsoever. For jobs in northern Utah, BCP trucks are dispatched from the South Weber facility. At the end of a work day, BCP trucks are returned to the dispatch facility, parked in the building, serviced by BCP mechanics if needed, and truck operators drive their own vehicles away from the Property.

The continued use the Property has no customer traffic, and is used by 0-10 BCP truck operators or truck repair personnel depending on demand.

2010 UST CERTIFICATE OF COMPLIANCE

ISSUED TO:

BURBIDGE CONCRETE PUMPING LLC
911 S RIO GRANDE
SALT LAKE CITY UT 84101

LOCATION OF TANKS:

OGDEN SHOP
7636 S CORNIA DR
SOUTH WEBER UT 84405
Facility 10: 3000279

Tank #	Capacity	Substance	Compliance	Financial Assurance Mech.
1	12000	Diesel	Yes	PST Fund
2	2000	Used Oil	Yes	PST Fund

This certificate will automatically lapse if any of the required fees are not paid. It may also be revoked for failure to comply with state and federal UST regulations. Possession of this certificate does not signify coverage under the Utah PST Fund. Cleanup requirements may be obtained from the Division of Environmental Response and Remediation.

UTAH DEPARTMENT OF ENVIRONMENTAL QUALITY

TABLE OF EXHIBITS

Accompanying the Forestdale Investments, LLC/Burbidge Concrete Pumping, LLC Conditional Use Application

A. Map of the NW Section 36 T 5N R 1W (records of the Davis County Recorder's Office) showing the subject property and all property within 300 feet containing all parcel numbers of all parcels within 300 feet. (NOTE: The list of property owners within 300 feet, identified by parcel number, and accompanying mailing labels are attached to the Application.)

B. Google Earth photograph of the subject property with structures. The photograph is dated March, 2006 and is shot from approximately 5000 feet. A "NOI" arrow is in the upper right corner of the photograph.

C. Google Earth photograph of the subject property with structures dated 2006 from altitude 6930 feet.

D. The front of the property showing garages 7-12 as viewed from Cornia Drive looking east.

E. The front of the property showing garages 7-12 as viewed from Cornia Drive looking east.

F. The rear of the property showing garages 1-6 looking north.

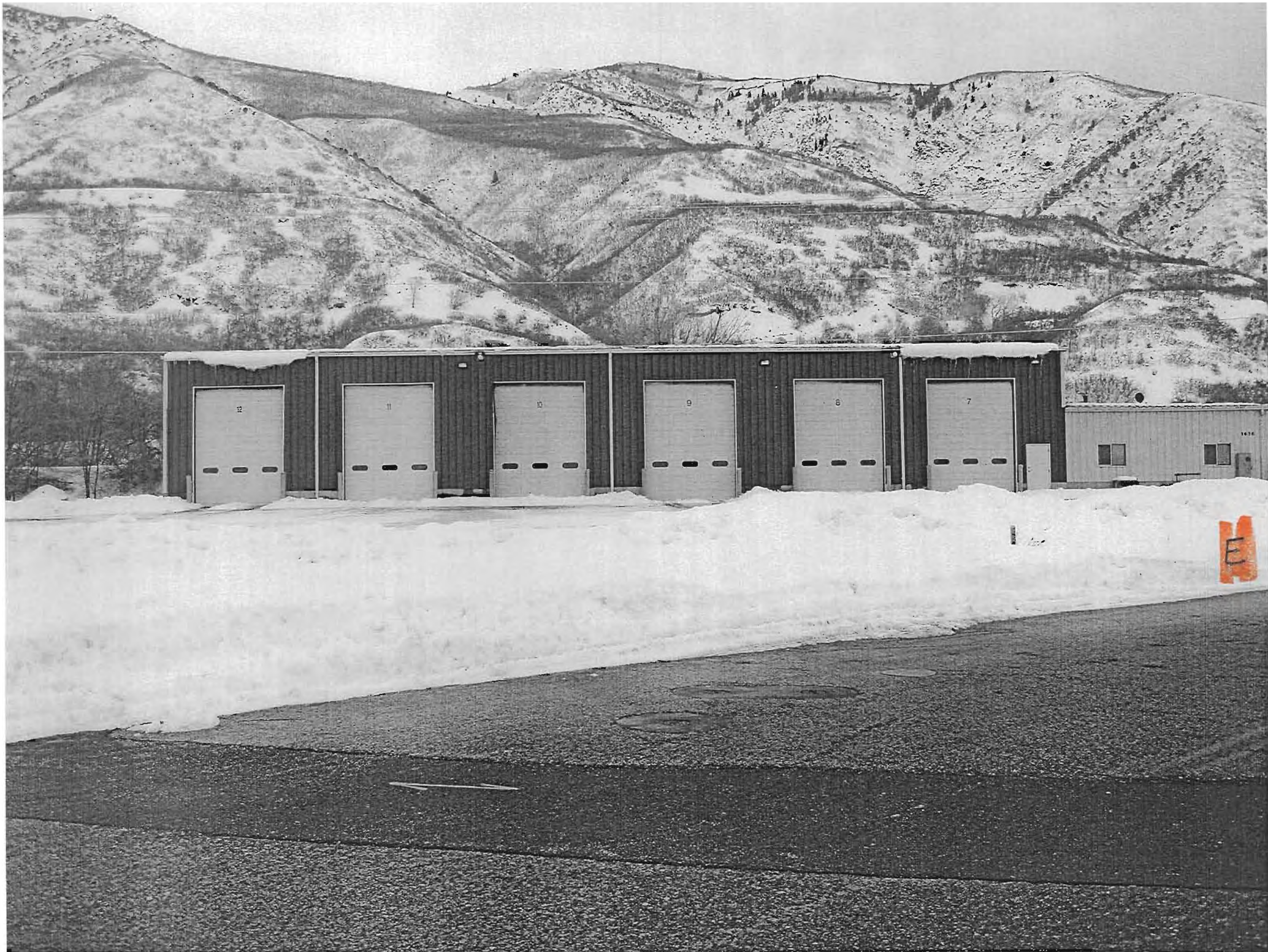
G. Inside the truck storage - repair facility.

H. Inside the truck storage - repair facility.

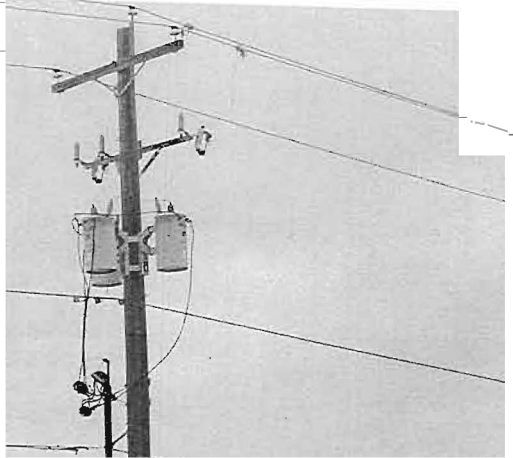
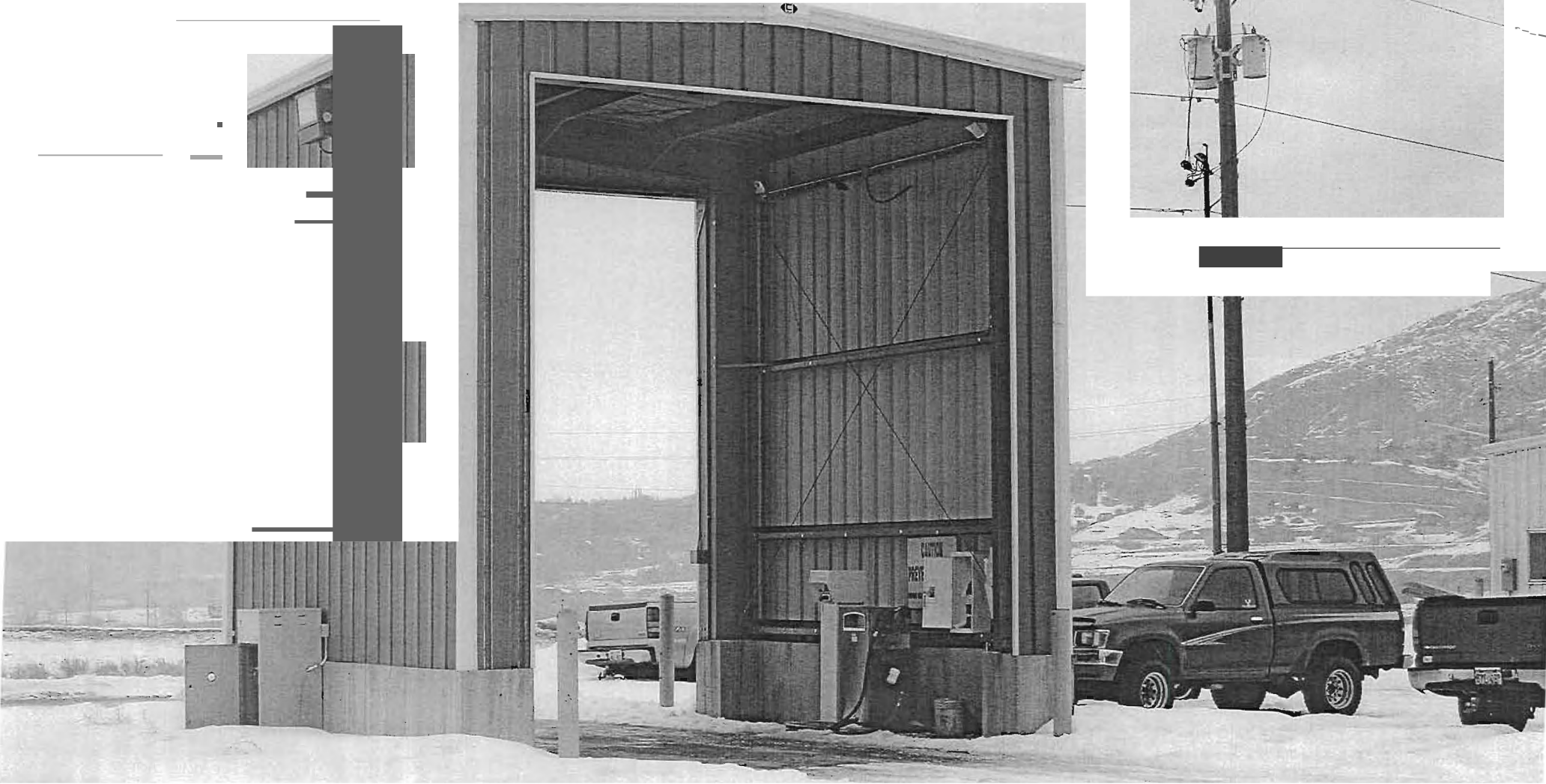
1. View of the fuel canopy looking north.

1. View of the fuel canopy and the main building looking approximately north east.

K. Survey of the neighboring property (on which Big D Construction is building the Sure Steel facility) showing the relative position of the subject property.







SOUTH WEBER CITY COUNCIL WORK MEETING

DATE OF MEETING: 16 March 2010

TIME COMMENCED: 5:35 p.m.

PRESENT:	MAYOR:	Jeff Monroe
	COUNCILMEMBERS:	Sara Lusk
		Michael Poff
		Farrell Poll
		David Thomas
		Scott Woodbury
	CITY MANAGER:	Matt Dixon
	CITY RECORDER:	Erika Ahlstrom
	DEPUTY RECORDER:	Emily Thomas
	CITY PLANNER:	Scott Hess

Visitors: Attorney Steve Noel, Attorney James Ziter, Tom Graydon.

Councilmember Woodbury moved to open the work meeting. Councilmember Poff seconded. Mayor Monroe welcomed everyone and reviewed the agenda.

REVIEW OF UPCOMING AGENDA ITEMS:

Conditional Use Burbidge Concrete Pumping LLC & Forestdale Investments LLC, 7636 S. Cornia Drive (James C. Ziter, Agent): Matt introduced the issue, stating the Planning Commission had determined the conditional use (Seward Motor Freight) that Burbidge thought they were operating under expired. The Planning Commission determined the use was not the same, plus Burbidge had not secured a city business license. The owner of the property, but not the company, is Vaughan Burbidge. Mr. Burbidge contacted Matt and stated they would be filing an appeal with the Board of Adjustment. They did so, and the Board of Adjustment has stayed the appeal to allow Burbidge to submit a new conditional use application. The Planning Commission reviewed the application and determined this type of use is not longer allowed in the zone, therefore did not make a favorable recommendation to the City Council.

Mayor Monroe invited James Ziter, attorney and agent for Forestdale Investments/Vaughan Burbidge, to present their position. Mr. Ziter indicated that in 1999, Seward bought property from UDOT. The structure is a warehouse with 12 truck bays which Seward used to service and store its fleet. Forestdale bought the property in 2006, allowed Seward to continue to use a portion of the building to service and store vehicles for a while, and also secured Burbidge Concrete Pumping as a tenant. Mr. Ziter acknowledged that Burbidge did not fill out a business license application, noting that of all of the company's locations, South Weber is the only one that requires it. He stated Burbidge didn't react to that, and the zoning use changed. Mr. Ziter said he thinks Burbidge Concrete Pumping is consistent with what is in the city's statute under Commercial Highway zone as a permitted use, specifically gasoline and diesel service station. The Planning Commission did not agree in that Forestdale rents to a private client to services its own truck fleet. The Planning Commission discussed they envision service stations for public use. Mr. Ziter quoted Commissioner Stott's comment from the February 25 meeting: "We see the intent as a service station for the public, we want commercial highway to create tax dollars for the citizens to make the community nicer." Mr. Ziter this is discrimination to not allow a use that doesn't generate enough tax revenue to the city.

Mr. Ziter read the permitted uses for the zone, which include “gasoline and diesel service stations’ and “uses judged by the Planning Commission to be similar and compatible with the purposes of this article.” He discussed that the city code states all permitted uses that require more than an acre needs a conditional use. Mr. Ziter said he feels that the city is upset that Burbidge didn’t get business license so was prepared to say no to anything that was proposed. He reiterated the use is consistent with the zoning, or at least similar and not incompatible. He stated Burbidge uses it to fuel, service and store its truck fleet, which is the same as it has been used for 11 years. Mr. Ziter suggested maybe fining them for no business license, and to allow the use (which he feels is covered under the statute) to continue.

Mayor Monroe asked if there are questions.

Councilmember Poff asked what the city’s issue is, other than no business license. Matt said city code states that if don’t have business license, you lose the condition. He said one of the arguments is (Burbidge) took occupancy operating as a business, received notice from the city (to apply for a business license), and they have done nothing. Matt said he has discussed with Vaughan how we can make this work as a win/win, but Matt doesn’t see how we can allow the use under the current ordinances.

Councilmember Poff asked if there is a problem with business license regulation. Matt responded that it is not the city’s responsibility to “babysit” every business in the city. Mr. Ziter questioned why the property owner’s rights have been forfeited because the tenant didn’t get a business license. He added that one point of confusion is that the tenant gets the mail.

Mr. Ziter restated his argument that this is a diesel service station that fits in the statute, and the only reason it is a conditional use is because of the site size. He said Burbidge and Forestdale, and the City can get out of this without litigation by having a site visit and finding that is within the statute, then fining Burbidge regarding the business license. Matt said Burbidge uses fuel to wash the concrete equipment, and the city should have the ability to review issues such as if the property owner is ensuring storm water and environmental protection. Matt said Burbidge should come to the city with information on how they are going to mitigate potential impacts, and ask the city if they are satisfactory. He said it is not an assumption for Vaughan Burbidge to make that they are fine. Matt added that Commissioners Stott’s comments are not the reason the Planning Commission is making an unfavorable recommendation, are not in the motion nor the determination.

Attorney Steve Noel clarified Mr. Ziter’s client’s position is that the use that Burbidge wishes to continue is similar or compatible if not the same as its use prior to the modification of the zoning ordinance, that which was engaged by Seward. Mr. Ziter added that it is also consistent with the current ordinance. Mr. Ziter said Forestdale is trying to corner the contiguous piece to develop ten acres once the economy recovers, and the city shouldn’t scare away a big time developer that can generate revenue for the city. Matt said this should have no bearing on the decision that is before the Council at this time.

Councilmember Poll said his interpretation of the uses allowed in the zone would be geared toward retail, and the intent is for retail type establishments. He said what is there now is more an industrial type use.

Councilmember Poff asked for clarification on what the Council is being asked to decide. Mr. Noel said they are being asked to grant the applicant's application for a conditional use permit.

Mayor Monroe said the Council has plenty of information now to assist with their determination.

Mr. Ziter said Utah state law (10-9a-507) mandates that a conditional use shall be approved if reasonable conditions are proposed to mitigate detrimental effects, and also requires that the standards be set forth in ordinances. Mr. Ziter left the meeting at this time.

Resolution 10-12: Adam Peek Minor Subdivision (1 Lot), 912 E. 7240 South (Adam Peek, Developer): Mr. Peek will be tearing down house the home the currently sits on the big farm parcel. This subdivision is being done to subdivide a half acre off of the parcel. Fire Chief Graydon said he has no problem with the current turnaround.

Poff moved at 6:13 Woodbury second.

Scott H and Emily excused.

ADJOURNED TO EXECUTIVE CLOSED SESSION: A motion was made by Councilmember Poff at 6:13 p.m. to enter into a closed executive session in accordance with UCA 52-4-205 to discuss pending or reasonably imminent litigation. Motion seconded by Councilmember Woodbury. Councilmembers Lusk, Poff, Poll, Thomas and Woodbury voted yes. The motion carried. Emily Thomas, Scott Hess, and Tom Graydon were asked to step out during the closed session.

The work meeting reconvened at 7:03 p.m. Emily Thomas and Scott Hess rejoined the meeting.

Ordinance 10-02: An Ordinance Amending Title 10 Zoning Regulations, Chapter 5 Zoning Districts, Adding Article N. Commercial Overlay Zone: City Planner Scott Hess gave the background leading to the recommendation of this zone. In the Fall of 2009 the South Weber Drive Commercial Design Guidelines were adopted. This zone, which is an overly to the C-H zone, supports those guidelines, creating mixed use walkable areas and allowing for multifamily housing. The overlay zone changes setbacks for structures, allowing to build up to the street (downtown style), and no parking lots in the front. Height restriction was increased to 3 ½ stories, or 50' tall. There is a special provision to allow patio dining and outdoor retail sales. Having outdoor uses allowed by per permit with time limits was discussed. Scott Hess will research special use permits.

Councilmember Poff stated that a lot comes down to staff interpretation. Scott said this zone is tied to the enforceable design guidelines that are full of pictures.

Ordinance 10-03: An Ordinance Amending Title 10 Zoning Regulations, Chapter 7 Conditional Uses: Emily Thomas stated this amendment divides residential and nonresidential conditional uses. The amended ordinance is clearer, and provides that only commercial conditional uses will need City Council approval. The commercial provisions are similar to the city's subdivision ordinance.