

# SOUTH WEBER CITY CITY COUNCIL MEETING

**DATE OF MEETING:** 9 February 2016

**TIME COMMENCED:** 6:03 p.m.

**PRESENT:** **MAYOR:**

Tammy Long (excused)

**MAYOR PRO TEM:**

Marlene Poore

**COUNCILMEMBERS:**

Scott Casas  
Kent Hyer  
Marlene Poore  
Merv Taylor  
Jo Sjoblom

**CITY RECORDER:**

Tom Smith

**CITY MANAGER:**

Duncan Murray

**Transcriber:** Minutes transcribed by Michelle Clark

**VISITORS:** John Grubb, Debi Pitts, Brent Stauffer, Marie & Owen Cash, Cody Stauffer, Tim Grubb, Roger Parrish, and Michael Poff.

**Council Member Poore called the meeting to order and welcomed those in attendance.**

**PLEDGE OF ALLEGIANCE:** Council Member Poore

**PRAYER:** Council Member Sjoblom

**AGENDA:** Council Member Hyer moved to approve the agenda as written. Council Member Sjoblom seconded the motion. Council Members Casas, Hyer, Poore, Taylor, and Sjoblom voted yes. The motion carried.

**CONFLICT OF INTEREST:** None

**CONSENT AGENDA:**

- Approval of January 23, 2016 Annual City Council Summit Meeting Minutes
- Approval of January 26, 2016 City Council Work Meeting Minutes
- Approval of January 26, 2016 City Council Meeting Minutes

- **December 2015 Budget to Actual**
- **January 2016 Check Register**
- **Resolution 16-08: approval of Amendments to the personnel policy regarding the use of City pool car vehicle:** Tom explained in the 1-26-16 council meeting it was discussed that staff was directed to amend the personnel policy to include: (1) South Weber City employees shall exercise primary access to utilize a pool car vehicle; therefore the request for access by an employee shall be higher priority than the request for access from that of an elected official; and (2) Elected officials shall not be permitted access to a pool car vehicle if the mode of transportation is otherwise funded as a result of paid membership (or other compensation) regarding a board, committee, or other organization.
- **Motion to terminate installation agreement for the Cedar Loop Park Toy Playground Equipment:** Tom explained the playground equipment for the Cedar Loop Park was scheduled for installation this spring around March. Staff received instruction from the council to entertain negotiations to be relieved of the contract or to evaluate how much money and time was vested to the project in order for the council to make a more informed decision. The awarded contractor (Brinkerhoff Excavating) has expressed that they have no problem terminating the agreement, free of any severability charges or poor standing on behalf of the City. This information comes via e-mail through a correspondence from Brandon Jones (Jones & Associates) and Jordan Galetka with Brinkerhoff Excavating.

**Council Member Taylor moved to approve the consent agenda. Council Member Hyer seconded the motion. Council Member Casas, Hyer, Poore, Taylor, and Sjoblom voted yes. The motion carried.**

**APPROVALS:**

**Resolution 16-09: Surplus of Park Toy Playground Equipment:** Tom explained that the City staff is requesting City Council direction to surplus the existing Big Toy equipment at auction, to another city, or other form of solicitation (KSL). He said it was discussed in the work meeting that we will go through KSL.

**Council Member Hyer moved to approve Resolution 16-09 (surplus of park toy playground equipment). Council Member Taylor seconded the motion. Tom called for a roll call vote. Council Member Casas, Hyer, Poore, Taylor, and Sjoblom voted yes. The motion carried.**

**Ordinance 16-02: An ordinance of the South Weber City Council establishing a citywide temporary land use regulation pursuant to Utah Code Ann. 10-9a-504, prohibiting new subdivisions pending establishment of a Capital Facilities Plan:** Tom explained that recently there have been subdivision applications that are rather large (50-100+ lots). He said the City staff is concerned that the applications for the approval of the lots are being filled faster than anticipated and that the City does not yet have a plan in place to require that developers and home builders pay for the full cost of the additional water required for their development. In other words, the City Council approved of paying for more water (140 acre feet) in a meeting held on July 28, 2015 in addition to the 99 AF that the city, at that time, had. The approval of the 140 AF was to accommodate “a small buffer for developments that would be approved between now and when the Impact Fee arrangement with Weber Basin Water Conservancy District (WBWCD) is in place.” It is important to note that the said approval included water to be supplied to the subdivision that was then called Bryson Meadows (ORD 13-18A & 13-18B).

Since the approval of 140 AF on July 28, 2015 more applications for development have come in to the City. Most notably including, the Spaulding Development named Riverside Place Subdivision. This subdivision made application on August 4, 2015 and has 76 lots. Because this subdivision was not anticipated when purchasing water on July 28, 2015, water had not been planned for allocation. Coincidentally, the Bryson Meadows subdivision had come to a stand-still, meaning that the developers had withdrawn from the project and over time their application has expired (Nov 2015). As a result of their application expiring, on November 12, 2015 Fords Inc. filed application to develop in the same area, under the same circumstances as the Bryson Meadows Subdivision, including water rights as expressed in ORD. 13-18A & 13-18B. That subdivision is now called Maple Farms.

Tom said it is imperative that the council understand that although the Riverside Place subdivision made application first, the Maple Farms subdivision is already entitled the water designated to their subdivision as per the ordinance. The reason for that is because at the January 14, 2016 Planning Commission meeting the Planning Commission discussed a proposal from Fords Inc. in order to move forward with the subdivision contingent on the developers strict obedience to the already existing zoning ordinances (ORD. 13-18A & 13-18B), to which the developer agreed. However, no official action was taken on behalf of the Planning Commission. Because the zoning ordinance follows the zone change, which is good for 4 years, a developer has the ability to assume a zone change if the prior applicant's application has expired. Inasmuch as the application has expired, the Maple Farms subdivision is moving forward through the City's subdivision development process with their initial sketch plan meeting having taken place on February 2, 2016.

Tom said the problem facing the City is that according to the Utah Division of Drinking Water Rule R309-510-7, Table 510-1, the City is short of water and unable to meet their obligation to supply water for new development, including Maple Farms, and any other residential or commercial subdivision that makes application in the future. Bear in mind too, a city cannot turn away development unless there is a compelling reason, such as water availability.

Tom said the City staff is proposing a 6 month land use restriction for development throughout the City, which would include building permits. What this means is that:

1. As outlined, from the summit as an essential project, Brandon Jones, City Engineer, will be able to maintain full focus and attention on the capital facilities plans that will provide the information needed to conduct the impact fee studies, coupled with the utility rate studies, free of distraction of additional subdivision applications and the like;
2. Once the engineering work is completed, staff will prepare the RFP for the impact fee analysis and utility rate study;
3. With respect to water supply for Maple Farms, and any other developments that come in prior to the moratorium going into effect, will be addressed through development agreements. What a development agreement means is that the city will either:

- I. Have their impact fees in place by the time a building permit is ready to be issued;
- or II. The City will be compelled to purchase more water.

Tom said the Council should know that even though a process is in place, State law requires a grace period of 6 months from the completion time of the actual analysis of the proposed impact fee(s) to be implemented.

Tom said the temporary land use regulation will not affect pending development applications including building permits. He said the impact fees are a vehicle to provide funding for water that does not have to be billed to current residents. He said this will also allow for a plan to be put in place.

Council Member Hyer asked about time frame for Riverside Place. Tom said Riverside Place is covered. Council Member Hyer suggested making some kind of rough guess as to what the impact fee will be instead of waiting for the analysis to be completed. He asked if that impact fee will have to be submitted to the State. Tom said we would do it through a development agreement. He said this is just infrastructure.

Council Member Poore said the City purchased approximately 950 AF and used approximately 585 AF last year. Council Member Casas said the concern at the time was having existing residents pay for development. He discussed the reason why the Council didn't feel comfortable purchasing 400 AF. Council Member Poore said what you use can't carry over.

Tom said in six months the City Engineer should have a good portion of the Capital Facilities Plan in place. Brandon Jones, City Engineer, said it might help to start at the beginning in understanding what a Capital Facilities Plan is. He said you need to establish with a plan what the current level of service is, then you establish the infrastructure (additional tanks, water lines, etc.). He said this takes a fair amount of analysis. He said the impact fee is based on taking the cost of those projects and then figuring out the remainder of potential build out. He said the challenge with the Capital Facilities Plan is the Impact Fee Analysis. He said this plan is an estimated guess on the projects. He said those projects are used to calculate the impact fee. He said the law is very specific on how you can implement an impact fee. He said the money collected from an impact fee needs to be spent within six years. Brandon isn't sure what Council Member Hyer is requesting concerning coming up with an estimated impact fee can be done. Brandon did discuss the purchase of water last year and the cost savings by purchasing District 2 water. He reported that District 2 water is now gone. Brandon said if the City can incorporate the City's Impact Fee Analysis with Weber Basin Water's Impact Fee Analysis, then the City will know what can be charged for an impact fee. He said you should have water in place for a development, when they are approved. He said anyone who buys a lot should have the assurance that all services are there when they are ready to develop. He believes he can get his portion of the plan completed within the next six months. Brandon is currently working with the State concerning getting the City's water requirement reduced. He believes there are enough buffers in place. Council Member Hyer would like to know what has been paid over the last decade by residents.

**Council Member Casas moved to open up for public comment for ten minutes. Council Member Hyer seconded. Tom called for a roll call vote. Council Member Casas, Hyer,**

Poore, and Sjoblom voted yes. Council Member Taylor voted no. The motion carried 4 to 1.

Tim Grubb, 6926 S. 475 E., said he wants to make sure that Brandon can do his job whether there is a moratorium or not. He feels they are pretty independent and are two separate issues. He isn't sure why the Capital Facilities Plan wasn't done before now. He asked about Maple Farms. Brandon said a development agreement addresses not having enough water. Mark Larsen said this water isn't tied to building permits but lots.

Michael Poff, 6591 S. 475 E., he said we don't want a reputation in the City for those who might want to participate in development. He suggested moving forward with caution.

Council Member Taylor moved to close the public comment. Council Member Hyer seconded. Tom called for a roll call vote. Council Member Casas, Hyer, Poore, Taylor, and Sjoblom voted yes. The motion carried.

Council Member Sjoblom asked Brandon about his time line. Brandon said the challenge with development is that they take first priority. He has found it difficult to know what the Council's priorities are.

Council Member Hyer moved to deny Ordinance 16-02: An ordinance of the South Weber City Council establishing a citywide temporary land use regulation pursuant to Utah Code Ann. 10-9a-504, prohibiting new subdivisions pending establishment of a Capital Facilities Plan. Council Member Casas seconded the motion.

Further discussion on the motion took place. Council Member Poore feels this will potentially cost the residents more to purchase water and that is why she would like to see the moratorium. Council Member Sjoblom agreed.

Tom called for a roll call vote. Council Member Casas and Hyer voted yes. Council Member Taylor, Poore, Sjoblom voted no. The motion died 3 to 2.

Council Member Taylor moved to approve Ordinance 16-02: An ordinance of the South Weber City Council establishing a citywide temporary land use regulation pursuant to Utah Code Ann. 10-9a-504, prohibiting new subdivisions pending establishment of a Capital Facilities Plan. Council Member Poore seconded the motion. Tom called for a roll call vote. Council Members Taylor, Poore, and Sjoblom voted yes. Council Member Hyer and Casas voted no. The motion carried 3 to 2.

### DISCUSSION:

#### **Additional review of the FY 2014-2015 audit to include:**

- **New capitalization threshold;**
- **New capital asset list; and**
- **Any additional comments pertaining to the asset list or audit.**

#### **Budget Discussion of what council would like to see in the FY 2016-2017 budget to include:**

- **Equipment Threshold Itemized specifically in the budget;**

- **Procedures and timeline (March 8 deadline for inclusion of new expenditures); and**
- **Any other budget item discussion.**

Mark McRae said they are still committed to meeting with department heads. Everything under \$5,000 is off the capital asset list. He has researched several items on the list. He said Council Member Poore has offered to help research items on the list. Council Member Hyer recommended Council Member Poore not spend too much time researching. Mark said he needs direction from the Council concerning the capital asset list and what they would like to see on this list in the future. Council Member Casas is concerned about items on the list that are probably not assets anymore. Mark said he needs to know if the Council wants him to keep researching some of these items. Council Member Poore said she will research old meeting minutes and see what she can clean up and then the Council can take another look at it the list. Mark said being a small City these records are similar to other cities. He would like the Council's direction as to whether or not he should continue to research these items. The Council decided and was in agreement to include everything over \$10,000 on the capital asset list. The Council agreed that Council Member Poore will conduct research to see what she can come up with and then review the list again. Mark asked if there are additional audit questions. Council Member Casas has put together some questions and would like to sit down with Mark individually to address them.

Mark asked the Council what they would like to see the committees address and what would they like to see on the budget (charts, pictures, etc.). Council Member Poore would like to discuss some of these items in a work session. Council Member Casas said the Council would like to cut the budget by 10% so that the City isn't borrowing from savings in the future. Council Member Poore said there are some exceptions with certain funds. Council Member Taylor said we also discussed no employee 3% increase pay, no differential pay, and no hiring. Council Member Poore would like to see line items. She would also like to see a beginning balance on page 56. Council Member Poore would like to look at lease verses purchase of vehicles. Council Member Hyer would like to see budget verses actual going back at least five years. Mark said they will do line item by line item concerning revenue and expenses when the budget process begins. He said some items are a guess (building permits, subdivision fees, etc.). It was decided that the budget information will go with the 7 and 5 month standard. Council Member Hyer requested a pie chart of each department's major fund.

#### **PUBLIC COMMENTS:**

**Marie Cash, 428 E. South Weber Drive,** said she lives in a residential zone, but the neighbor to the east is Claude Nix Construction Company. She would like to know when South Weber City is going to shut down Claude Nix Construction. She said from 1976 to 1999 the company has operated without a permit. She explained that from 1997 to 1999 the council contemplated amortization. At that time, Claude Nix submitted a CUP request for a ten year permit. That ten year request was approved on 11 May 1999. She said it has been ten years since the conditional use permit was authorized to them and it expired in 2010. She said in 2014 she asked the mayor, at the time, to appoint an ADHOC committee to study this situation and he didn't. She further explained that in 2015 she asked Mayor Long to appoint an ADHOC Committee. She turned it over to the Planning Commission and it was scheduled 28 August 2015. At that Planning Commission meeting, one of the Planning Commission members reported walking through Claude Nix Construction yard and finding nothing wrong. She has submitted information to

Mayor Long concerning a copy of the information she has. She said the City has not enforced the conditional use permit requirements. Council Member Hyer will be meeting with Mr. and Mrs. Cash concerning this item.

**Roger Parrish, 7297 S. 1550 E.,** said regarding the conditional use permit. Originally, they wanted a legal non-conforming permit and there was a requirement to have a business license by a certain date and they never got it. He said the City gave Claude Nix a conditional use permit. He said they have expanded. He said they are being taxed as a residential property and paying less than if they were in a commercial zone.

**Michael Poff, 6591 S. 475 E.,** thanked the Council for allowing him to continue on as the Youth Council advisor. He said they recently went to the Legislature. He said the Easter Egg Hunt will be on 21 March 2016 at 5:30 p.m.

**Owen Cash, 1428 South Weber Drive,** asked the Council if they are going to act upon his wife's request to shut Mr. Nix down or if they are going to pass this on to someone else to make someone obey the law. He would like to know if they are going to discuss it because he would like to be in attendance.

**John Grubb, 6966 S. 475 E.,** asked if there is a percentage set aside for parks and recreation. Mark McRae said there is a recreation impact fee that affects new growth in the City that has to be spent on recreation for bond payment. He said the impact fee has to be for specific projects. Mr. Grubb said there are several subdivisions that have been built in the last several years. He would like to know how much has been set aside for park improvements. He would like to get a copy of the minutes from the Summit. Council Member Casas said at the Summit the Council decided not to move forward in spending money at Canyon Meadows Park because there are currently infrastructure concerns elsewhere in the City that need to take precedence.

### **CITY COUNCIL ITEMS:**

#### **Council Member Casas:**

**Street Lights:** Council Member Casas said there are three street lights out located at approximately 2775 East South Weber Drive.

### **CITY MANAGER ITEMS:**

**Prioritized Projects:** Duncan referred to the 10 main South Weber City projects for January 1, 2016 to July 1, 2017 and asked the Council if there are any changes to this list. Council Member Hyer would like to see the Utility Rate Study fall on the heels of the Capital Facilities Plan. Council Member Poore would like to look at the utility bill being put on actual useage.

### **ADJOURN:**

**Council Member Poore moved to go into a CLOSED SESSION- as per UCA § Section 52-4-205(1)(a): Discussion of the character, professional competence, or physical, or mental health of an individual. Council Member Sjoblom seconded the motion. Tom called for a**

roll call vote. Council Members Casas, Hyer, Poore, Sjoblom, and Taylor voted yes. The motion carried.

Council Member Taylor moved to adjourn the meeting at 9:21 p.m. Council Hyer Member seconded the motion. Council Members Casas, Hyer, Poore, Sjoblom, and Taylor voted yes. The motion carried.

**APPROVED:** \_\_\_\_\_ Date  
Mayor Pro Tem: Marlene Poore

\_\_\_\_\_  
Transcriber: Michelle Clark

Attest: \_\_\_\_\_  
City Recorder: Tom Smith



# SOUTH WEBER CITY COUNCIL WORK MEETING

**DATE OF MEETING:** 9 February 2016

**TIME COMMENCED:** 5:30 p.m.

**PRESENT: MAYOR:**

Tammy Long (excused)

**MAYOR PRO TEM:**

Marlene Poore

**COUNCILMEMBERS:**

Scott Casas  
Kent Hyer  
Marlene Poore  
Merv Taylor  
Jo Sjoblom

**CITY MANAGER:**

Duncan Murray

**CITY RECORDER:**

Tom Smith

**CITY TREASURER:**

Paul Laprevote

**Transcriber:** Minutes transcribed by Michelle Clark

**VISITORS:** Debi Pitts, John Grubb, Mark McRae, Doug Ahlstrom, and Brandon Jones.

## **CONSENT AGENDA:**

- **Approval of January 23, 2016 Annual City Council Summit Meeting Minutes**
- **Approval of January 26, 2016 City Council Work Meeting Minutes**
- **Approval of January 26, 2016 City Council Meeting Minutes**
- **December 2015 Budget to Actual**
- **January 2016 Check Register**
- **Resolution 16-08: approval of Amendments to the personnel policy regarding the use of City pool car vehicle:** In the 1-26-16 council meeting it was discussed that staff was directed to amend the personnel policy to include: (1) South Weber City employees shall exercise primary access to utilize a pool car vehicle; therefore the request for access by an employee shall be higher priority than the request for access from that of an elected official; and (2) Elected officials shall not be permitted access to a pool car vehicle if the mode of transportation is otherwise funded as a result of paid membership (or other compensation) regarding a board, committee, or other organization.
- **Motion to terminate installation agreement for the Cedar Loop Park Toy Playground Equipment** A prior South Weber City Council decision to fund playground equipment for the Cedar Loop Park was scheduled for installation this spring around March. The City staff received instruction from the City Council to entertain negotiations to be relieved of the contract or to evaluate how much money and time was vested to the project in order for the City Council to make a more informed decision. The awarded contractor (Brinkerhoff Excavating) has

expressed that they have no problem terminating the agreement, free of any severability charges or poor standing on behalf of the City. This information comes via e-mail through a correspondence from Brandon Jones (Jones & Associates) and Jordan Galetka with Brinkerhoff Excavating.

Council Member Casas questioned the check register concerning American Leak Detection. Mark McRae said the City's leaks are checked every year. Council Member Casas questioned why truck maintenance can't be done in house. Council Member Poore said the fleet management policy does state as much maintenance as possible should be done in house. Council Member Casas asked about the check to Johnson Electric to replace and repair street lights when it should Rocky Mountain Power. Duncan suggested having the City Engineer put together a map of street lights that are City owned and Rocky Mountain Power. Council Member Casas did give Duncan a list of street lights last fall. Council Member Casas is asking to reduce the amount of boot allotment Public Works Department. He would like the committee to look at that for the next budget cycle. Council Member Casas asked about the check to South Weber Storage. Mark explained the City stores Country Fair Days equipment at South Weber Storage. He suggested looking at the possibility of getting a shed for some long term storage. Council Member Sjoblom will look into the boot allotment and Council Member Hyer will look into the storage shed for Country Fair Days equipment. Council Member Casas questioned the check to Young Chevrolet for \$676. Mark will look into that.

#### **APPROVALS:**

**Resolution 16-09: Surplus of Park Toy Playground Equipment:** Tom said the City staff is requesting City Council direction to surplus the existing Big Toy equipment at auction, to another city, or other form of solicitation (KSL). The Council requested going with KSL.

**Ordinance 16-02: An ordinance of the South Weber City Council establishing a citywide temporary land use regulation pursuant to Utah Code Ann. 10-9a-504, prohibiting new subdivisions pending establishment of a Capital Facilities Plan:** Tom explained that recently there have been subdivision applications that are rather large (50-100+ lots). He said the City staff is concerned that the applications for the approval of the lots are being filled faster than anticipated and that the City does not yet have a plan in place to require that developers and home builders pay for the full cost of the additional water required for their development. In other words, the City Council approved of paying for more water (140 acre feet) in a meeting held on July 28, 2015 in addition to the 99 AF that the city, at that time, had. The approval of the 140 AF was to accommodate "a small buffer for developments that would be approved between now and when the Impact Fee arrangement with Weber Basin Water Conservancy District (WBWCD) is in place." It is important to note that the said approval included water to be supplied to the subdivision that was then called Bryson Meadows (ORD 13-18A & 13-18B).

Tom explained that since the approval of 140 AF on July 28, 2015 more applications for development have come in to the City. Most notably including, the Spaulding Development named Riverside Place Subdivision. This subdivision made application on August 4, 2015 and has 76 lots. Because this subdivision was not anticipated when purchasing water on July 28, 2015, water had not been planned for allocation. Coincidentally, the Bryson Meadows subdivision had come to a stand-still, meaning that the developers had withdrawn from the

project and over time their application has expired (Nov 2015). As a result of their application expiring, on November 12, 2015 Fords Inc. filed application to develop in the same area, under the same circumstances as the Bryson Meadows Subdivision, including water rights as expressed in ORD. 13-18A & 13-18B. That subdivision is now called Maple Farms.

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The City staff is proposing a 6 month land use restriction for development throughout the City, which would include building permits. What this means is that:

1. As outlined, from the summit as an essential project, Brandon Jones, City Engineer, will be able to maintain full focus and attention on the capital facilities plans that will provide the information needed to conduct the impact fee studies, coupled with the utility rate studies, free of distraction of additional subdivision applications and the like;
2. Once the engineering work is completed, staff will prepare the RFP for the impact fee analysis and utility rate study;
3. With respect to water supply for Maple Farms, and any other developments that come in prior to the Ordinance 16-02 going into effect, will be addressed through development agreements. What a development agreement means is that the City will either:
  - I. Have their impact fees in place by the time a building permit is ready to be issued;
  - or II. The City will be compelled to purchase more water

Tom said even though a process is in place; State law requires a grace period of 6 months from the completion time of the actual analysis of the proposed impact fee(s) to be implemented. Duncan said \$32,000 has been budgeted for the Capital Facilities Master Plan.

**DISCUSSION:** (There was no discussion on the following items)

**Additional review of the FY 2014-2015 audit to include:**

- **New capitalization threshold;**
- **New capital asset list; and**
- **Any additional comments pertaining to the asset list or audit.**

**Budget Discussion of what council would like to see in the FY 2016-2017 budget to include:**

- **Equipment Threshold Itemized specifically in the budget;**
- **Procedures and timeline (March 8 deadline for inclusion of new expenditures); and**
- **Any other budget item discussion.**

Adjourned at 6:00 p.m.

**APPROVED:** \_\_\_\_\_ **Date**  
**Mayor Pro Tem: Marlene Poore**

\_\_\_\_\_  
**Transcriber: Michelle Clark**

**Attest:** \_\_\_\_\_  
**City Recorder: Tom Smith**