

SOUTH WEBER CITY COUNCIL MEETING

DATE OF MEETING: 12 August 2014

TIME COMMENCED: 6:04 p.m.

PLEDGE OF ALLEGIANCE: Council Member Poore

PRAYER: Council Member Poff

PRESENT: MAYOR: Tammy Long

COUNCILMEMBERS: Scott Casas
Randy Hilton
Michael Poff
Marlene Poore
David Thomas

CITY RECORDER: Tom Smith

CITY MANAGER: Duncan Murray

Transcriber: Minutes transcribed by Michelle Clark

*A PUBLIC WORK MEETING was held at
5:30 p.m. to
REVIEW AGENDA ITEMS*

VISITORS: Jared Bryson, Jennie Knight, Ricky Smith, Ronald Smith, Tyler Jacobson, David Stevenson, Sam Hood, Paul Laprevote, Jan Ukena, Wayne Winsor, Kimball Clark, Rob Osborne.

Mayor Long called the meeting to order and welcomed those in attendance.

APPROVAL OF THE AGENDA: Council Member Poff moved to approve the agenda as written. Council Member Thomas seconded the motion. Council Members Casas, Hilton, Poff, Poore, and Thomas voted yes. The motion carried.

CONFLICT OF INTEREST: There was no declaration of conflict of interest made by the City Council.

CONSENT AGENDA:

- Approval of 22 July 2014 Council Work Meeting Minutes
- Approval of 22 July 2014 City Council Minutes

- **Approval of Municipal Code Online Agreement** – Duncan said, Kimball Clark, of Municipal Code Online, is in attendance tonight if the Council has questions. The Council was in agreement that they needed more time to review the agreement.

Council Member Poff moved to table the consent agenda. Council Member Hilton seconded the motion. Council Members Casas, Hilton, Poff, Poore, and Thomas voted yes. The motion carried.

APPOINTMENTS:

RESOLUTION 14-24: TO RATIFY THE APPOINTMENTS OF THE CITY RECORDER, CITY TREASURER, INTERIM CITY TREASURER, AND INTERIM DEPUTY TREASURER:

Paul Laprevote, City Treasurer, approached the City Council and Mayor. He thanked them for the opportunity to work with them and South Weber City. He comes with a background in working in finances for other cities. He is currently living in Layton City.

Council Member Thomas moved to approve Resolution 14-24 to appoint Tom Smith as City Recorder on July 22, 2014, Dee Murray, contract approved, effective immediately for Interim (Temporary) City Treasurer on June 17, 2014. Mark McRae, appointed, effective immediately Interim Deputy Treasurer on July 22, 2014, Paul Laprevote, appointed, effective August 11, 2014 as City Treasurer on July 22, 2014. Council Member Poff seconded the motion. Council Members Casas, Hilton, Poff, Poore, and Thomas voted yes. The motion carried.

RESOLUTION 14-25: TO APPOINT AN APPEAL AUTHORITY:

The resolution identifies David B. Stevenson, Attorney at Law, of Stevenson & Smith, PC of Ogden. Council Member Poff said he hasn't seen anything that discusses compensation etc. He hasn't seen a contract. Duncan said he has a letter of 5 August 2014 from Stevenson & Smith which discusses their proposal to act as the appeal authority and conflict attorney. He explained that Stevenson & Smith are proposing to charge a rate of \$175 per hour for their service. Council Member Poff understands the City charges a fee to individuals with an appeal. Duncan said the intent would be that the fee is covered within the appeal. He said we want to find good expertise at a reasonable rate. He said the other option would be the State Ombudsman, which is a higher rate. Duncan said most appeals include about a two hour time frame. He said according to State law we have to appoint someone. Duncan introduced David Stevenson and Sam Hood of Stevenson & Smith. Council Member Poff asked if they have done this before. Mr. Stevenson said they have not been an appeal authority before. Their firm specializes in Real Estate and land use issues. Council Member Poff said if someone comes in and fills out an application for an appeal, he is concerned about bias. Mr. Stevenson said there are essentially two types of appeals that they would handle. He said in regards to the appeal, they have to look and see if the decision made complies with the City's ordinances. He said if there is a conflict of interest, they can't take the case. Duncan said we need to look at a protocol for the receptionist to send information directly to the appeal authority before it goes to the staff. Council Member Casas said he was the City's last appeal. He is still angry about it because he never had a hearing, money held, etc.

Council Member Thomas moved to approve Resolution 14-25 to appoint David B. Stevenson, Attorney at Law, of Stevenson & Smith, PC of Ogden (with any other attorney in his law firm designated by him to act as a substitute), effectively immediately. Council Member Poff seconded the motion. Council Members Hilton, Poff, Poore, and Thomas voted yes. Council Member Casas voted no. The motion carried 4 to 1.

APPOINT A CITY COUNCIL REPRESENTATIVE TO THE PLANNING COMMISSION:

Council Member Thomas moved to table the City Council representative to the Planning Commission. Council Member Hilton seconded the motion. Council Members Casas, Hilton, Poff, Poore, and Thomas voted yes. The motion carried.

Council Member Poff moved to open the public hearing for Ordinance 14-02. Council Member Thomas seconded the motion. Council Members Casas, Hilton, Poff, Poore, and Thomas voted yes. The motion carried.

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

PROPOSED ORDINANCE 14-02, AN ORDINANCE AMENDING TITLE 10 ZONING REGULATIONS, CHAPTER 5 ZONING DISTRICTS, ADDITION OF ARTICL P:

RESIDENTIAL PATIO ZONE: Duncan said this ordinance has been considered for several months as part of the whole general plan process. The Planning Commission last considered it in June 2014 and recommended approval to the City Council. This ordinance allows for individual applicants to rezone areas in the City to the Residential Patio Zone. Duncan reviewed some of the requirements for this zone which include: there is to be no more than six dwellings per acre, minimum lot size of 6,000 square feet, minimum lot width of sixty-five feet, dwellings front setback of twenty feet with rear setback of ten feet, side setback of six feet minimum, main structure is not to exceed twenty-five feet, at least fifteen percent of the total site shall be thoroughly landscape. Duncan explained that this type of zone is intended for adult living (but isn't required in the ordinance); however, it could be included in the CC&R's. Council Member Poff said there is a concern with a one developer making application for a maximum of ten acres, and then another development making application for a maximum of ten acres right next to the previous applicant.

Mayor Long asked for public comment.

Jan Ukena, 7948 S. 2100 E., said to answer Council Member Poff's concerns, the City Council can add in a section that patio zoning can only be within a certain distance of another patio zone. She said it is possible to separate them.

Wendell Pasch, who didn't sign in, feels this zone is a nice fit for the community and gives developers options.

Council Member Thomas said one of the selling points is to remove the asterisk from the land use map. He is comfortable with this zone because those asterisks will now be removed.

Council Member Poff doesn't know if this zone being exclusionary is the best fit. He is concerned about the setbacks; however, he does like the height requirement.

Duncan suggested adding language such as "minimum separation between patio zones shall be ___ feet". Council Member Thomas said if someone comes in with a request right next to another one, there will be an uphill battle because the general plan will need to be changed.

Mark Larsen asked what is the difference between a home and a patio home? Duncan said there isn't a specific definition in the ordinance. Council Member Hilton is in favor of putting together a definition of a patio home. Jan Ukena said maybe the subdivision should be titled, "Patio Subdivision". Mark said you can build a two story at twenty-five feet. Council Member Hilton is concerned if this is going to be an adult community and someone moves in with kids. Council Member Poff said we come up with this zone that is suppose to bridge residential home and high density but we are so exclusionary, He feels this may not be fulfilling it's purpose. Council Member Thomas said as long as someone can meet all the requirements, he doesn't know whether or not we care if it is going to be all adult living. Mark questioned whether or not you can legally exclude someone.

Council Member Thomas moved to close the public hearing for Ordinance 14-02. Council Member Poff seconded the motion. Council Members Casas, Hilton, Poff, Poore, and Thomas voted yes. The motion carried.

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

Council Member Casas moved to approve Ordinance 14-02. Council Member Thomas seconded the motion. Council Members Casas, Hilton, Poff, Poore, and Thomas voted yes. The motion carried.

APPROVALS:

SURPLUS CITY PROPERTY:

Items listed for surplus are as follows: 2004

1. Ferris is 3000 2004 900 hours
2. Ferris is 5000 2004 2,600 hours
3. New Holland MC22 2001 1,161 hours
4. Landa Pressure Washer

It is proposed that the above list items be put out for "surplus" at the State auction in Salt Lake County. Mark Larsen said this will allow individuals to bid on them live or over the internet. Council Member Poore asked if this is the best time to put these items out to auction. Mark said he doesn't think it really matters on ten year items.

Council Member Thomas moved to approve the surplus items. Council Member Hilton seconded the motion. Council Members Hilton, Poff, and Thomas voted yes. Council Member Casas and Poore voted no. The motion carried 3 to 2.

RESOLUTION 14-26: APROVAL OF THE FRANCHISE AGREEMENT BETWEEN SOUTH WEBER CITY AND SYRINGA:

Duncan explained that this resolution will allow a franchise agreement between South Weber City and Syringa. The agreement allows Syringa access to use the City's right-of-way for placement of utilities (in particular, the placement of fiber optic cable and related infrastructure). They will be connecting to the telecommunications tower on Cottonwood Drive and the one across the street from the City Office. He said in talking with the City Engineer and Mark Larsen there are no concerns. There is no revenue or cost to the City. The potential benefit is that the City Office could connect to it as well as services for residents.

Tyler Jacobson, of Syringa, said they provide the pipe for Digis etc. He said this location is for Sprint and the cell towers out there. Council Member Poff asked if there is a franchise fee? Tyler said we run a fiber optic line for Sprint. Council Member Poff said the City isn't really getting any revenue from this. Duncan said typically you don't see dollar amounts here, but the advantage is that if at any time we need to add safety equipment on the tower, the City would be able to do that. He said the tower would allow for enhanced service. Council Member Poff asked when the fiber optic line was ran up to Hill Air Force Base, if the City received any compensation? Council Member Thomas said he doesn't think the City received anything. Council Member Thomas asked if this would prevent the City from being able to install sidewalk over their line. Tyler said we want to be a good neighbor. He said they work closely with the Public Works Director to make sure their design goes along with their future plans. He said if there is a concrete surface most of the time they will bore underneath it. Duncan asked what other cities are adopting this. Tyler said there are quite a few all along the Wasatch front. He said their deadline is to have it completed before the end of 2014. Duncan said he recently discussed with Brandon Wilson, of Syringa, the fact that South Weber Drive has recently been overlaid.

Council Member Thomas moved to adopt Resolution 14-26. Council Member Casas seconded the motion. Council Members Casas, Hilton, Poff, Poore, and Thomas voted yes. The motion carried.

RON SMITH WAIVER OR REDUCTION OF IMPACT FEES FOR CULINARY

WATER: Duncan explained that the homeowner was trying to decide whether or not to fix his well or hook up to culinary water for his home. The home is approximately 65-70 years old. Duncan said Mr. Smith had never been connected to the culinary water system. Mr. Smith was told by the city staff that it would cost \$265 for a connection fee. He wasn't told that the cost is the connection fee plus the \$1366 impact fee. Mr. Smith has now appealed to the City Council for a waiver or reduction in the impact fee. Duncan said the staff recommendation is that a limited precedent be established for any house that is 50 years old or more and has not previously been connected to culinary water. He recommended encouraging older homes to connect to culinary water. Council Member Poff asked about access to the well and if he gets the rights through Weber Basin. He said another item is that impact fees go to create new system improvements. He said Mr. Smith's property taxes probably helped with the impact.

Councilmember Casas said the impact fee is more than just water. Duncan said it is just the culinary water impact fee.

Ricky Smith, 7320 S. 1550 E., representing his father (Ronald Smith of 174 E. South Weber Drive) said he was the one who called the City initially. Between the 1st and 3rd of July he contacted the City. He spoke to Kim Byram, who didn't know at the time, and said she would talk to Mark Larsen. He said Kim told him to install the meter it would cost \$265. On July 9th he came to the City and talked to Kim. He asked her if that would be the only fee of \$265 and was told that would be the only fee. On July 14th Bryan came to his home and told him he couldn't hook us up because we hadn't paid the impact fee. Mr. Smith said they would have gone a different direction if they would have known it would have cost that much. He explained that he rented a backhoe to dig the line. Mark said Ron is probably the only home in that area that wasn't hooked up to culinary water.

Council Member Thomas moved to waive the culinary water impact fee of \$1366.00 on the following basis 1. Although technically it isn't a Gestapo claim it has all the elements, 2. Because of the age of the home and circumstance of being constructed in 1958, it wasn't connected to the culinary water system. Council Member Poff seconded the motion. Council Members Casas, Hilton, Poff, Poore, and Thomas voted yes. The motion carried.

DISCUSSION ITEMS:

WEBER BASIN WATER: INITIAL DISCUSSION: Brandon Jones, City Engineer, said part of his job is to be proactive and this is one of those items. He said the majority of the City's water supply comes from Weber Basin Water. He is concerned because District II water is in short supply. He has completed an analysis as to where the City is currently at. South Weber city currently has 700 Acre-Feet (AF) per year of contracted water with Weber Basin. The City's Well produces about 100 AF per year which gives a total of 800 AF per year of culinary water supply. Mark Larsen said this well is deteriorating. Brandon said the capacity for the well would be up to 400 AF. Mark said there is a limit to how much you can pump. Brandon said there would be potential for additional water there. He recommends the City use the well and look into a study to see what the capacity would be for that well. He feels it isn't a reality to drill for another well.

Brandon reported that the City also currently has 2,001 Equivalent Residential Connections (ERC's). The Utah Division of Drinking Water Rule R309-510-7, Table 510-1, states that Drinking Water Systems need to be able to provide one year's supply of water, the average yearly demand. This equates to 146,000 gal/ERC (0.448 AF/ERC). Based on the City's current ERC's and the State's rules, the City is currently 97 AF short of meeting this requirement.

Brandon said Weber Basin develops blocks of water (through wells and treatment facilities) and sells this water to City's and other Water Districts as desired by those agencies. Weber Basin is currently offering for purchase contracts, what is referred to as District II water. He said as of this week, there is only about 800 AF of this water remaining for purchase. Weber Basin recognizes the need to continue to provide water to those agencies that rely on them and have therefore master planned for the development of District II water and District IV water. The

current cost of District II water is \$361.59/AF. They are currently projecting the cost of District III water to be \$546/AF and District IV water to be approximately \$850/AF. District II water is expected to be gone by the end of this year. District III water should last for 10-15 years following that. District IV water should last for an additional 10-15 years following that.

Brandon said his office also performed an extensive analysis in regards to how much water to purchase and when to purchase it. Based on an average 3% growth factor, the City will reach build-out in the year 2033. Also, based on additional growth of 1,476 ERC's, an additional 760 AF of culinary water will need to be purchased before build-out.

Brandon feels the future includes purchasing more water from Weber Basin. He said three scenarios were analyzed in order to determine the most cost effective purchasing strategy for South Weber City. An evaluation period of 30 years was selected in order to see the true time value of money 10 years beyond build-out. The three scenarios are as follows:

Scenario 1: This scenario approached purchasing water in moderate sized purchase contracts. Beginning with larger blocks in the beginning and getting smaller towards the Build-Out. This scenario would purchase the following:

District II Water	200 AF
District III Water	300 AF
<u>District IV Water</u>	<u>260 AF</u>
Total	760 AF

Over the 30 year evaluation period, the additional water would cost \$9.58 million

Scenario 2: This scenario approached purchasing large blocks of water at the end of each District's availability until Build-Out. This scenario would purchase the following:

District II Water	400 AF
District III Water	300 AF
<u>District IV Water</u>	<u>60 AF</u>
Total	760 AF

Over the 30 year evaluation period, the additional water would cost \$8.28 million

Scenario 3: This scenario approached purchasing small blocks of water as frequently as needed until Build-Out. This scenario would purchase the following:

District II Water	110 AF
District III Water	375 AF
<u>District IV Water</u>	<u>275 AF</u>
Total	760 AF

Over the 30 year evaluation period, the additional water would cost \$9.57 million

Brandon reported that surprisingly, the City could save about \$1.3 million over the next 30 years by following the purchasing strategy of Scenario 2.

Brandon said although it would put a heavier burden on the existing residents right now, it will save both current and future residents much more money long-term by purchasing a large block on District II water now. We also feel that it is much more likely that the Operation and Maintenance costs for District III and District IV water will be much higher than District II water (costs that are unknown and could not be factored into this analysis, but will certainly increase the price much more than can be reflected in this analysis).

Therefore, Brandon recommended that the City purchase 400 AF of District II water. The cost for this water would be \$144,636 (paid for in January 2015). This purchase would sustain the City for approximately 10 years.

Brandon reviewed the Water Supply Needs Analysis Graphs & Charts. Councilmember Casas said as a Council we did not dive deep into the numbers of the Enterprise Fund. He is asking that in the future, the Council look at those numbers in detail. He feels a decision needs to be made soon. Ralph Osborne, 2317 View Drive, suggested writing an ordinance in which a developer is required to bring in the culinary water for the proposed subdivision. Councilmember Thomas said the problem is when a developer comes in with a Weber Basin contract, the City doesn't have the capacity. Brandon said secondary water works differently than culinary water. Secondary water comes in the form of shares. He said water is extremely valuable and if you look at the contract with Weber Basin, the early contracts were super cheap. He said if the City is interested in the 400 AF, they will need to make a decision soon. He said it boils down to how much you want to benefit long term. Councilmember Poff would like to see staff put together three options and how they impact the residents as well as how they will be supported. Councilmember Thomas said part of the analysis would be to look at the Fund Balance and whether or not to increase the rate some or put in some Capital money that would have been used for something else.

This item will be placed on the work meeting agenda for next week.

PARK AND RIDE AGREEMENT: INITIAL DISCUSSION: Duncan said the City has an agreement with UDOT concerning the park and ride. He said the City has six services that are the City's responsibility which include: snow removal, maintenance and landscaping and sprinkler system, water for landscaping, electrical power for lighting, police protection/security, and trash removal. He suggested at the next meeting the City Council look at which items should be re-contracted or bid.

FUTURE REQUESTS FOR PROPOSAL: **This item will be added to the work meeting agenda.**

REPORTS:

REPORT ON TREE COMPENSATION IN CENTRAL PARK

The City received 8 tree vouchers valued at \$150.00 each. The vouchers have already been used at other parks. Additional trees (smaller than those that had been previously planted) can be planted and placed in the area according to Rocky Mountain Power standards as long as they don't obstruct the power lines.

REPORT ON THE BUDGET FOR CURB, GUTTER, AND SIDEWALK

REPLACEMENT: Mark said right now there are 128 requests for sidewalk replacement. He said the sidewalks are rated by priority. He said if we did everything on the list it would cost \$200,000. He said obviously there isn't enough money in the budget to replace all of them. He said on the City website residents can log their complaints. Duncan said a lot of times residents don't know there are certain classifications for those sidewalks that need to be repaired. He said those areas that are safety hazards need to be done first.

REPORT ON RECENT STORM WATER ISSUES:

Brandon Jones, City Engineer, said two weeks ago the City got a pretty good storm with a lot of flooding. The Deer Run detention pond was spilling into the street north of the canal. Some damage did take place at the Silver Leaf detention basin on 8240 South. Brandon said the problem is a pipe capacity and not enough detention. He said when you design for storms, it is a table that predicts what will happen in a storm. He said sometimes it is difficult when there is a lot of rain in a short amount of time. Councilmember Casas asked with UDOT widening Highway 89, where will the water be detained? Brandon said in the Highway 89 detention basin. Brandon said the City doesn't have an overall model for storm drain water. He said the City has master planned for storm water but not globally for the whole city. He suggested completing a Capital Facilities Plan. He believes the City's impact fees are way too low. He said there is some real benefit in having an overall global master plan for the City. Brandon explained that pipes are designed for a 10 year storm and detention basins are designed for 100 year storm.

REPORT ON THE STAKER/PARSONS DUST MITIGATION: This item will be discussed at the work meeting next week.

PUBLIC COMMENT:

Wayne Winsor, 7913 S. 1300 E., encouraged the City to reach out to Layton City with a mutual aide agreement for fire needs instead of purchasing a new fire truck. Council Member Poff said we have mutual aide agreements with the neighboring cities.

MAYOR'S ITEMS:

Change in General at Hill Air Force Base

CITY COUNCIL ITEMS:

Council Member Casas:

Weber Pathway Trails Pathway Mixer: Friday August 22nd at Snow Basin to raise money for the Weber River pathway

Communication Committee Meeting: August 21st at 7:00 p.m. at City Office.

Council Member Poff:

Youth City Council Applications: Available and due on August 15th.

Council Member Hilton:

City Council Meeting: He will not be in attendance on August 26th.

Council Member Thomas:

Weber Basin Report on Gravel Pit: He suggested Duncan contact Weber Basin to get a copy of the report on the gravel pit concerning whether or not the pit can hold water. It was suggested Darren Hess, of Weber Basin, attend City Council meeting and give a report.

CITY MANAGER ITEMS:

Staker/Parsons Report: They will report to the Planning Commission on August 28th at 6:00 p.m. The Council suggested having them report to the City Council as well.

Utah League of Cities and Towns Meeting September 10th-12th: Councilmember Poff and his wife will be attending. Tom will email everyone.

ADJOURNED: Council Member Casas moved to adjourn the City Council Meeting at 8:46 p.m. Council Member Poore seconded the motion. Council Members Casas, Hilton, Poff, Poore, and Thomas voted yes. The motion carried

APPROVED: _____ Date
Mayor: Tammy Long

Transcriber: Michelle Clark

Attest: _____
City Recorder: Tom Smith