

# SOUTH WEBER CITY CITY COUNCIL MEETING

**DATE OF MEETING:** 13 September 2016

**TIME COMMENCED:** 6:00 p.m.

**PRESENT: MAYOR:**

Tammy Long

**COUNCILMEMBERS:**

Scott Casas  
Kent Hyer  
Marlene Poore (excused)  
Merv Taylor  
Jo Sjoblom

**CITY RECORDER:**

Elyse Greiner

**CITY MANAGER:**

Tom Smith

**CITY ATTORNEY:**

Doug Ahlstrom

**Transcriber:** Minutes transcribed by Michelle Clark

**VISITORS:** Thom Wight, Quinn Tucker, Wayne Winsor, John McCall, Brent Poll, Farrell Poll, Raelene Miller, Roger Miller, Tim Grubb, Kelly Parke, Delene Hyde, Judy Barton, Grandon Brimley, DeAnn Hoggan, David Hoggan, Cheryl Bambrough, Brian Poll, Brent Petersen, Charles Poll, Trevor Schenck, Elizabeth Rice, and Chris Tremea.

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

**PLEDGE OF ALLEGIANCE:** Council Member Hyer

**PRAYER:** Council Member Casas

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

**CONFLICT OF INTEREST:** None

**CONSENT AGENDA:**

- Approval of August 23, 2016 Meeting Minutes
- Approval of August 23, 2016 Work Meeting Minutes
- Approval of July 2016 Budget to Actual
- Approval of August 2016 Check Register

Council Member Sjoblom moved to approve the consent agenda. Council Member Taylor seconded the motion. Elyse called for a roll call vote. Council Members Casas, Hyer, Taylor, and Sjoblom voted yes. The motion carried.

**ACTION ITEMS:**

Council Member Sjoblom moved to open the public hearing for Ordinance 16-17. Council Member Hyer seconded the motion. Elyse called for a roll call vote. Council Members Casas, Hyer, Taylor, and Sjoblom voted yes. The motion carried.

**\*\*\*\*\* PUBLIC HEARING \*\*\*\*\***

**Public Hearing on ORDINANCE 16-17: Rezone request for property located at approx. 128 E. South Weber Dr. (Parcel 13-005-0033), approx. 24.08 acres, be rezoned from an Agricultural Zone (A) to Commercial Recreation Zone (C-R), by applicant Kelly Parke:**

Tom said the Planning Commission has given a recommendation for approval of this rezone. While the General Plan doesn't specifically project the Commercial Recreation zone to be there, it does call for open lands. Since HAFB has a no-build zone on the southern portion of the property for permanent residences due to the high noise level, a soccer field would be a great use for the property.

Mayor Long asked if there was any public comment. She reminded individuals, who wish to speak, to approach the pulpit, state their name and address, and they have three minutes to speak. Council Member Hyer said he will be timing individuals for three minutes.

**Brent Poll, 7605 S. 1375 E.,** said he is in attendance to discuss pollution. He said every time the City Council approves development in west end, the City is putting people at risk. He hopes the Council read about cross polluted transfer. He said this is a super fund site. He said this has been going on since Mayor Bouchard. He has been studying this for 24 years with an advisor and we know that Hill Air Force Base is not going to clean up the pollution.

**Delene Hyde, 349 E. 6650 S.,** said this developer is putting out a big investment. She said this is 25 acres that has the potential for more soccer fields. She said this property has a potential of 13 fields with this acreage. She discussed how many vehicles will be generated by soccer fields. She is concerned about increasing traffic on 6650 South, which is not a collector road. She said there have been other developments that have been denied because of access. She feels this development needs to find another out from this property and suggested the developer wait until the Kendell property is developed. She feels it is appalling that individuals have only three minutes to speak.

**Trevor Schenck, 6455 Raymond Drive,** would like to donate to his three minutes to Delene Hyde. He was told he could not do that.

Council Member Taylor moved to close the public hearing for Ordinance 16-17. Council Member Casas seconded the motion. Elyse called for a roll call vote. Council Members Casas, Hyer, Taylor, and Sjoblom voted yes. The motion carried.

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

**Council Member Casas moved to approve Ordinance 16-17: Rezone request for property located at approx. 128 E. South Weber Dr. (Parcel 13-005-0033), approx. 24.08 acres, be rezoned from an Agricultural Zone (A) to Commercial Recreation Zone (C-R), by applicant Kelly Parke. Council Member Taylor seconded the motion. Elyse called for a roll call vote. Council Members Casas, Hyer, Taylor, and Sjoblom voted yes. The motion carried.**

**RESOLUTION 16-31 Smith & Edwards Final Subdivision:** Tom said this is a final plat for Smith & Edwards soccer development. All the requirements have been met by the applicant. The Planning Commission has recommended approval to the City Council.

Barry Burton, City Planner, said the access is coming off of South Weber Drive. Council Member Sjoblom asked about deterring traffic. Barry said the City has looked at alternatives in the past and suggested making 6650 South a one-way street or dead end street. He said it would make it a little less convenient for residents on 6650 South. Mayor Long asked if no parking can be posted on 6650 South. Barry said, "yes". He said this property is located in the noise zone and has an easement that does have some restrictions. Barry said there is sufficient parking with 78 stalls as well as overflow parking. He said the developer has said the soccer fields are not for recreational soccer.

**Council Member Casas moved to approve RESOLUTION 16-31 Smith & Edwards Final Subdivision. Council Member Sjoblom seconded the motion. Elyse called for a roll call vote. Council Members Casas, Hyer, Taylor, and Sjoblom voted yes. The motion carried.**

**Council Member Taylor moved to open the public hearing for Ordinance 16-20. Council Member Hyer seconded the motion. Elyse called for a roll call vote. Council Members Casas, Hyer, Taylor, and Sjoblom voted yes. The motion carried.**

**\*\*\*\*\* PUBLIC HEARING \*\*\*\*\***

**Public Hearing on ORDINANCE 16-20: Amendment to Code Section 10.05M.6 (B) Buffer Yard Landscaping:** Tom said the Planning Commission has made a favorable recommendation to the Council to approve of this ordinance amendment. Previously the Commercial Recreation Zone required a buffer yard (certain distance and amount of foliage; can be found in Code 10.15.070) between surrounding agricultural and residential zones. The Planning Commission felt that the developers putting in the soccer field would be met with undue hardship having to put a certain amount of vegetation around the 24 acres of property. They concluded that it also doesn't make sense to buffer agricultural property from recreation property. To lessen the burden for all developers, the buffer yard would only be required on sides adjacent to buildable residential zones.

It is recommended that Subsection 10.05M.6B of the South Weber City Code pertaining to buffer yard landscaping be amended as follows:

**10.05M.6B Buffer Yard Landscaping**

B. Buffer Yard Landscaping: Buffer Yard D landscaping shall be required between the CR zone and all residential zones, except where there are legal restrictions on the residential zoned property that prevent the construction of residences.

Tom said after discussing the amendment in the work session. The City Council is recommending amending it to Buffer Yard B. He explained that there is a section of approximately 50 ft. that would need to be buffered from the C-R Zone from the residential zone. Tom said the buffer yard does define the types of trees.

Mayor Long asked if there was any public comment.

**Trevor Schenck, 6455 Raymond Drive**, asked which buffer is the requirement.

Barry Burton said in each of the buffer yard classifications there are several options that can be chosen. He said the number of trees, shrubs, etc. varies with specific buffer yard. Tom said the buffer yard requirement is only required in a 50 ft. area of space where this would be required. Barry said it only applies to those properties that back up to residential property. He explained the need for the amendment is because the Planning Commission didn't see a need to buffer agricultural property. Doug Ahlstrom said from going from D to C reduces the number of evergreens, but B doesn't require the evergreens. Council Member Hyer said this will affect Trevor Schenck's property and he would recommend the developer meet with you to discuss options of trees. Barry said this is not just for a soccer complex but any other use in a C-R Zone throughout the City.

Mr. Schenck said previously the buffer was 30 ft. (with buffer yard D) and with buffer yard B it will go to a minimum of 10 ft.

**Tim Grubb, 6926 S. 475 E.**, said if this is a recreation zone it will attract parks and openness. He said in this case, you would want the bigger set back.

**Thom Wight, 1925 N. Rolling Oaks Layton, Utah**, said he is willing to collaborate with Mr. Schenck, within reason, concerning the buffer yard. He said they have not designed anything yet.

**Kelly Parke, 3393 W. 1700 N. Ogden, Utah**, said they will try to be a good neighbor. He said the 50 ft. is in the area where there will be an open soccer field. He said the intent is two outdoor fields and one indoor facility.

**Council Member Taylor moved to close the public hearing for Ordinance 16-20. Council Member Hyer seconded the motion. Elyse called for a roll call vote. Council Members Casas, Hyer, Taylor, and Sjoblom voted yes. The motion carried.**

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

Council Member Sjoblom is concerned about buffer yard B having a 10 ft minimum. She feels the code needs to be amended. Tom agrees the landscaping code needs to be visited. Doug Ahlstrom suggested changing the buffer yard from the proposed B to C.

**Council Member Casas moved to approve Ordinance 16-20: Amendment to Code Section 10.05M.6 (B) Buffer Yard Landscaping: B. Buffer Yard Landscaping: Buffer Yard C landscaping shall be required between the CR zone and all residential zones, except where there are legal restrictions on the residential zoned property that prevent the construction of residences. Council Member Taylor seconded the motion. Elyse called for a roll call vote. Council Members Casas, Hyer, Taylor, and Sjoblom voted yes. The motion carried.**

**Council Member Sjoblom moved to open the public hearing for Conditional Use Permit: application for South Weber Soccer Facility located at approx. 128 E. South Weber Dr. (Parcel 13-005-0033), approx. 12.21 acres, by developer Kelly Parke. Council Member Hyer seconded the motion. Elyse called for a roll call vote. Council Members Casas, Hyer, Taylor, and Sjoblom voted yes. The motion carried.**

**\*\*\*\*\* PUBLIC HEARING \*\*\*\*\***

**Public Hearing on Conditional Use Permit: application for South Weber Soccer Facility located at approx. 128 E. South Weber Dr. (Parcel 13-005-0033), approx. 12.21 acres, by developer Kelly Parke:** The Conditional Use Permit is for a private-use indoor soccer facility and two outdoor soccer fields. The Planning Commission recommended approval subject to the items addressed in the City’s Engineer’s memo (dated 8/31/16) in addition that it meet the buffer yard ordinance (prior agenda item).

**Brandon Jones memo of 31 August 2016 is as follows:**

Our office has completed a review of the Plat and Improvement Plans for the Smith & Edwards Subdivision and associated South Weber Soccer Facility received on August 19th and 30th, 2016. We recommend approval, subject to the following comments and recommendations being addressed prior to final approval from the City Council.

1. **General.** The developer will need to comply with the UDOT Access Approval stipulations, the recommendations of the Geotechnical Report by GSH and the requirements of the South Weber Irrigation Company as previously discussed and recommended.
2. **Sewer Easement.** This set of plans does not show any sewer lateral from the building. We are assuming that the sewer lateral is still being proposed to be installed across the “T+R Ranches” property to the east. A separate easement document will be needed to allow the crossing of this property. However, this being a sewer lateral, it will be owned by the owner of the Soccer Facility. Therefore, the easement should be conveyed from “T+R Ranches” to the owner of the Soccer Facility, not the City. This easement will be needed prior to constructing the lateral or recording the plat, whichever one comes first. **This item has been addressed.**
3. **Plat.** No comments.

4. **Improvement Plans.** The following are items related to the improvements. a. Sheet #C3. The plans need to show the sewer lateral from the building to wherever it is being proposed (assumed to be in Raymond Drive).

Tom said all the requirements have been met.

Mayor Long asked if there was any public comment.

**Delene Hyde, 349 E. 6650 S.,** feels a development agreement needs to be put in place limiting the access to this facility. She said a lot of the indoor fields play until 1:00 a.m. She would like to see a time limit. She said you have no idea what is going to happen today.

**Trevor Schenck, 6455 Raymond Drive,** said he is confused concerning what the setback requirement is.

**Tim Grubb, 6926 S. 475 E.,** said with buffer yard C states they can be as close to 20’ to the residential property.

Barry said the building is approximately 300’ from the Schenck’s property line and 50’ from the soccer field. It was stated the amendment is as follows:

**10.05M.6B Buffer Yard Landscaping**

B. Buffer Yard Landscaping: Buffer Yard (C) landscaping shall be required between the CR zone and all residential zones, except where there are legal restrictions on the residential zoned property that prevent the construction of residences.

Mr. Schenk requested this requirement be put in the motion. Tom said when the City Council makes their motion they need to include what is being discussed.

**Council Member Sjoblom moved to close the public hearing for Conditional Use Permit: application for South Weber Soccer Facility located at approx. 128 E. South Weber Dr. (Parcel 13-005-0033), approx. 12.21 acres, by developer Kelly Parke. Council Member Casas seconded the motion. Elyse called for a roll call vote. Council Members Casas, Hyer, Taylor, and Sjoblom voted yes. The motion carried.**

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

Council Member Taylor apologized for being abrupt but they want to keep control of this meeting. He said the Council is sensitive to residents along 6650 South.

**Council Member Hyer moved to approve the Conditional Use Permit: application for South Weber Soccer Facility located at approx. 128 E. South Weber Dr. (Parcel 13-005-0033), approx. 12.21 acres, by developer Kelly Parke subject to the following conditions:**

- 1. Developer required to follow recommendation on geo technical report.**
- 2. Amendment to use buffer yard C.**
- 3. Approval by adjacent landowner Trevor Schenk as to types of foliage (subject to Code).**

- 4. Intended use statement to be submitted by the developer and intention for the total acreage of property.
- 5. Include hours of operation from 6:00 a.m. to 10:00 p.m. Monday thru Saturday.

Council Member Taylor seconded the motion. Elyse called for a roll call vote. Council Members Casas, Hyer, Taylor, and Sjoblom voted yes. The motion carried.

Council Member Hyer moved to open the public hearing for Ordinance 16-18. Council Member Taylor seconded the motion. Elyse called for a roll call vote. Council Members Casas, Hyer, Taylor, and Sjoblom voted yes. The motion carried.

**\*\*\*\*\* PUBLIC HEARING \*\*\*\*\***

**Public Hearing on ORDINANCE 16-18: Rezone request for property located at approx. 7482 S. Cornia Dr. (Parcel 13-174-0001), approx. 1.313 acres, be rezoned from an Agricultural Zone (A) to Highway-Commercial Zone (C-H), by applicant John McCall:**

Tom said the Planning Commission has given a favorable recommendation for approval of this rezone because it is in accordance with the General Plan.

Mayor Long asked if there was any public comment.

John McCall, 2735 W. 4375 S. Roy, Utah, said he is the co-owner of the property. He said this request will help to market the property as commercial.

Council Member Sjoblom moved to close the public hearing for Ordinance 16-18. Council Member Casas seconded the motion. Elyse called for a roll call vote. Council Members Casas, Hyer, Taylor, and Sjoblom voted yes. The motion carried.

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

Council Member Hyer moved to approve Ordinance 16-18: Rezone request for property located at approx. 7482 S. Cornia Dr. (Parcel 13-174-0001), approx. 1.313 acres, be rezoned from an Agricultural Zone (A) to Highway-Commercial Zone (C-H), by applicant John McCall. Council Member Taylor seconded the motion. Elyse called for a roll call vote. Council Members Casas, Hyer, Taylor, and Sjoblom voted yes. The motion carried.

Council Member Taylor moved to open the public hearing for Ordinance 16-19. Council Member Casas seconded the motion. Elyse called for a roll call vote. Council Members Casas, Hyer, Taylor, and Sjoblom voted yes. The motion carried.

**\*\*\*\*\* PUBLIC HEARING \*\*\*\*\***

**Public Hearing on ORDINANCE 16-19: Rezone request for property located at approx. 600 E. South Weber Dr. (Parcel 13-020-0056), approximately .85 acres, be rezoned from the Residential Low Zone (RL) to Residential Moderate Zone (RM), by applicant Grandon Brimley:** Tom explained that this proposal is to rezone .85 acres of land in the R-LM zone to the R-M zone. The property contains an existing residence and a detached garage. Mr. Brimley

would like to split the lot into two parcels, but existing zoning doesn't allow it. The property sits adjacent to two other subdivisions, the Bowman Old Farm Subdivision to the north and the Canyon Meadows Subdivision to the east. The lots in Canyon Meadows and Bowman Old Farm are approximately the same size as would these be, if subdivided.

This request does not conform to the recommendations of the General Plan, which calls for low moderate density residential in this location. The applicant has pointed out that the lot is not large enough to pasture farm animals and would not be out of character with adjacent lots.

Tom said the Planning Commission and City staff recommended approval of the rezone because the property is unique and the rezone would meet the surrounding land use though it doesn't conform to the general plan projected land use map.

Mayor Long asked if there was any public comment.

**Grandon Brimley, 600 E. South Weber Drive**, said this property is not large enough for farm animals. He feels this lot can be a much better use of the land. He said there are two accesses onto South Weber Drive.

**Tim Grubb, 6926 S. 475 E.**, said he lives in the area. He said what he is proposing fits the area. He said the road and sidewalk are already in. He said the curb is already cut for the existing home and the east property.

**Council Member Hyer moved to close the public hearing for Ordinance 16-19. Council Member Sjoblom seconded the motion. Elyse called for a roll call vote. Council Members Casas, Hyer, Taylor, and Sjoblom voted yes. The motion carried.**

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

**Council Member Hyer moved to approve Ordinance 16-19: Rezone request for property located at approx. 600 E. South Weber Dr. (Parcel 13-020-0056), approximately .85 acres, be rezoned from the Residential Low Zone (RL) to Residential Moderate Zone (RM), by applicant Grandon Brimley. Council Member Sjoblom seconded the motion. Elyse called for a roll call vote. Council Members Casas, Hyer, Taylor, and Sjoblom voted yes. The motion carried.**

**Council Member Sjoblom moved to open the public hearing for Ordinance 16-21. Council Member Hyer seconded the motion. Elyse called for a roll call vote. Council Members Casas, Hyer, Taylor, and Sjoblom voted yes. The motion carried.**

**\*\*\*\*\* PUBLIC HEARING \*\*\*\*\***

**Public Hearing on ORDINANCE 16-21: Amendment to Code Sections 10.5A.2, 10.5B.2, 10.5C.3, 10.5D.2, 10.5E.2, 10.5F.2, 10.5G.4, 10.5H.4, 10.5I.4, 10.5K.4, 10.55L.4, 10.5M.4, 10.5N.4, 10.5O.4, and 10.5P.2 Permitted Uses, to allow for mobile businesses:** Tom said in the last meeting, the Council approved an ordinance to regulate mobile businesses. This current

ordinance amendment allows mobile businesses to do business in the City as a permitted use so they can actually start doing business.

Mayor Long asked if there was any public comment. There was none.

**Council Member Sjoblom moved to close the public hearing for Ordinance 16-21. Council Member Taylor seconded the motion. Elyse called for a roll call vote. Council Members Casas, Hyer, Taylor, and Sjoblom voted yes. The motion carried.**

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

**Council Member Casas moved to approve Ordinance 16-21: Amendment to Code Sections 10.5A.2, 10.5B.2, 10.5C.3, 10.5D.2, 10.5E.2, 10.5F.2, 10.5G.4, 10.5H.4, 10.5I.4, 10.5K.4, 10.5L.4, 10.5M.4, 10.5N.4, 10.5O.4, and 10.5P.2 Permitted Uses, to allow for mobile businesses. Council Member Taylor seconded the motion. Elyse called for a roll call vote. Council Members Casas, Hyer, Taylor, and Sjoblom voted yes. The motion carried.**

**Council Member Hyer moved to open the public hearing for Ordinance 16-22. Council Member Sjoblom seconded the motion. Elyse called for a roll call vote. Council Members Casas, Hyer, Taylor, and Sjoblom voted yes. The motion carried.**

**\*\*\*\*\* PUBLIC HEARING \*\*\*\*\***

**Public Hearing on ORDINANCE 16-22: Amendment to Code Sections 10.01.100 Definitions and 10.05C.4 Conditional Uses, to allow for assisted living facilities**

Tom said at the last Council meeting, Tim Grubb approached the Council with an idea to develop a piece of property off of 475 E. to an assisted living facility. Currently, City Code doesn't have provisions to allow them. These ordinance changes would allow for that type of business in the R-H. The Planning Commission recommended approval of this ordinance.

It is recommended that Subsections 10.01.100 Definitions and 10.05C.4 Conditional Uses of the South Weber City Code pertaining to assisted living facilities be amended as follows:

**10.01.100 Definitions ASSISTED LIVING FACILITY:**

An assisted living facility is a housing facility for people with disabilities or for adults who cannot or chose not to live independently, but rather live in a group living environment under the care of state licensed professionals. An assisted living facility does not house individuals under care for drug or alcohol rehabilitation, nor can one serve as transitional housing for individuals reentering society from the penal system.

**0.5C.4 Conditional Uses**

- 14. Assisted living facilities

Mayor Long asked if there was any public comment.

**Tim Grubb, 6926 S. 475 E.**, said he appreciates the work Barry Burton has done is creating this for the City. He said this will be subject to a conditional use and will be controlling factors.

**Council Member Sjoblom moved to close the public hearing for Ordinance 16-22. Council Member Hyer seconded the motion. Elyse called for a roll call vote. Council Members Casas, Hyer, Taylor, and Sjoblom voted yes. The motion carried.**

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

**Council Member Hyer moved to approve Ordinance 16-22: Amendment to Code Sections 10.01.100 Definitions and 10.05C.4 Conditional Uses, to allow for assisted living facilities. Council Member Sjoblom seconded the motion. Elyse called for a roll call vote. Council Members Casas, Hyer, Taylor, and Sjoblom voted yes. The motion carried.**

**RESOLUTION 16-30 Amendment to Fee Schedule (mobile businesses):**

Tom said the amendment to the fee schedule will be to add a mobile business license fee and permit fees.

**Council Member Sjoblom moved to approve Resolution 16-30 Amendment to Fee Schedule (mobile businesses). Council Member Hyer seconded the motion. Elyse called for a roll call vote. Council Members Casas, Hyer, Taylor, and Sjoblom voted yes. The motion carried.**

**RESOLUTION 16-32 Selection of Professional Financial Auditor Services:**

Mark McRae said at the Councils request, they went through the process of selecting a financial auditor for the City. He reported that they had 9 CPA firms respond to the RFP. The firm that they are recommending to the Council as the new auditor is Keddington & Christensen.

Council Member Casas commended the financial department for their effort in this. Council Member Hyer is in agreement with the selection of this company.

**Council Member Sjoblom moved to approve Resolution 16-32 Selection of Professional Financial Auditor Services. Council Member Casas seconded the motion. Elyse called for a roll call vote. Council Members Casas, Hyer, Taylor, and Sjoblom voted yes. The motion carried.**

**DISCUSSION ITEMS (possible action):**

**Review of Snow Removal Policy:** Mayor Long said in the work session it was suggested to table this item until next week.

**Council Member Taylor moved to table this item until next week. Council Member Hyer seconded the motion. Elyse called for a roll call vote. Council Members Casas, Hyer, Taylor, and Sjoblom voted yes. The motion carried.**

**Review of Maintenance II job description including Building Inspector:**

**Council Member Hyer moved to have a discussion on this item. Council Member Sjoblom seconded the motion. Elyse called for a roll call vote. Council Members Hyer and Sjoblom voted yes. Council Member Taylor, Casas and Mayor Long voted no. The motion was denied.**

**Council Member Hyer moved to table this item until next week. Council Member Taylor seconded the motion. Elyse called for a roll call vote. Council Members Hyer, Casas, Taylor, and Sjoblom voted yes. The motion carried.**

**CITY COUNCIL ITEMS:**

**Council Member Casas:**

**Drinking Fountain at Canyon Meadows Park:** The drinking fountain needs to be repaired.

**Central Park:** There is an exposed electrical box by the scoreboard.

**Salt Facility:** He requested the Council discuss this item at the next work meeting.

**Council Member Hyer:**

**Davis/Weber Canal Company:** He reported that the Davis/Weber Canal Company has been removing some trees along the canal. He said concerned residents have contacted him. He would like the City to contact the canal company to find out what is going on.

Chris Tremea, City Code Enforcer, said he did receive complaints and he will be meeting with the canal company. He has visited the location and said they are not large trees. He will pass any information he receives along to Tom. Tom said he is aware of this and was told they are conducting maintenance. He said the City was not aware of this until a resident contacted the City. Mayor Long asked if the boundary line is in unincorporated area.

**Council Member Sjoblom:**

**Status of Digital Sign:** Scout Master over Digital Sign for Scouts has moved to St. George. They will be moving forward with the project.

**PUBLIC COMMENTS:**

**Deann Hoggan, 7701 S. 1650 E.,** thanked Council Member Hyer and City employees. She said residents did not receive any warning from Davis/Weber Canal Company that trees will be cut down. She said their property lines extend upon the fence lines. She said the canal company did conduct a survey. She said they have received conflicting reasons for the trees being cut down. She has contacted Jeff Oiler and he will contact the canal company. She said it would be nice to have communication, which would help to alleviate concerns.

**Delene Hyde, 349 E. 6650 S.**, said she recognizes some of the Council who campaigned in her neighborhood. She is concerned about limiting citizens to three minutes for public comment. She said sometimes we don't get to say everything that is on our minds.

**Dave Hogan, 7701 S 1650 E.**, said he owns one of the three homes that were damaged in the mudslide. He said when they built their home they were required to install an engineered retaining wall. He said they want to make sure the canal company has the same rules and regulations that they abide by. He suggested marking the trees that they feel need to be taken out.

**Tim Grubb, 6926 S. 475 E.**, said the three minute public comment is not an ordinance, but policy. He understands in the situation if there are several people present. Also, concerning the soccer field, he feels there wasn't enough time for the City Council to look at it. He said there are a number of things that are kind of scary. He said an issue with 6650 South has been created with approval of this soccer complex. He would request the City staff look at options for 6650 South. He said Old Maple Farms will be going in, which could create options to dead end 6650 South.

**Liz Rice, 7875 S. 2310 E.**, asked about the building inspector maintenance job. She said her husband is a contractor in the City and, as a citizen feels, a building inspector is important.

**Council Member Hyer moved to take a five minute break before going into the closed session. Council Member Taylor seconded. Council Members Casas, Hyer, Sjoblom, and Taylor voted yes. The motion carried.**

**Council Member Hyer at 7:58 p.m. moved to go into a closed session as per UCA § Section 52-4-205(1)(c): Discussion of pending or reasonably imminent litigation. Council Member Taylor seconded the motion. Elyse called for the vote. Council Members Casas, Hyer, Sjoblom, and Taylor voted yes. The motion carried.**

The public meeting resumed at 9:32 p.m.

**ADJOURNED: Council Member Taylor moved to adjourn the meeting at 9:33 p.m. Council Member Sjoblom seconded the motion. Council Members Taylor, Sjoblom, and Casas voted yes. The motion carried.**

**APPROVED:** \_\_\_\_\_ **Date**

**Mayor: Tammy Long**

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

**Attest:** \_\_\_\_\_ **City Recorder: Elyse Greiner**

# SOUTH WEBER CITY COUNCIL WORK MEETING

**DATE OF MEETING:** 13 September 2016

**TIME COMMENCED:** 4:37 p.m.

**PRESENT: MAYOR:**

Tammy Long

**COUNCILMEMBERS:**

Scott Casas  
Kent Hyer  
Marlene Poore (excused)  
Merv Taylor  
Jo Sjoblom

**CITY RECORDER:**

Elyse Greiner

**CITY MANAGER:**

Tom Smith

**Transcriber:** Minutes transcribed by Michelle Clark

**VISITORS:** Thom Wight, Quinn Tucker, Brandon Jones, Doug Ahlstrom, Mark McRae, Wayne Winsor, Brent Poll.

Mayor Long said Council Member Poore may not be in attendance tonight and has asked to table the Review of Maintenance II job description including Building Inspector. Tom suggested not tabling this item because this is a time sensitive issue. It was suggested to have two council members and the Mayor to be included in the interviewing of this position.

Mayor Long said she doesn't put agenda items on the meeting. She said electronic meetings and absences need to be excused ahead of time so that it is put on the agenda.

## **CONSENT AGENDA:**

- **Approval of August 23, 2016 Meeting Minutes**
- **Approval of August 23, 2016 Work Meeting Minutes**
- **Approval of July 2016 Budget to Actual**
- **Approval of August 2016 Check Register**

There were no amendments to the minutes. Council Member Casas would like to see the budget to actual for the month of June. Mark said a copy is available but it is not final. Council Member Casas requested to see a copy of it. Mark will send a copy of it to everyone. There were no concerns with the check register. Mayor Long asked if the public hearings were all notified. Tom said, "yes".

## **ACTION ITEMS:**

**Public Hearing on ORDINANCE 16-17: Rezone request for property located at approx. 128 E. South Weber Dr. (Parcel 13-005-0033), approx. 24.08 acres, be rezoned from an Agricultural Zone (A) to Commercial Recreation Zone (C-R), by applicant Kelly Parke.**

Tom said the Planning Commission has given a recommendation for approval of this rezone. While the General Plan doesn't specifically project the Commercial Recreation zone to be there, it does call for open lands. Since HAFB has a no-build zone on the southern portion of the property for permanent residences due to the high noise level, a soccer field would be a great use for the property. Doug Ahlstrom reminded the Council to make sure their decision is based on the rezone.

**RESOLUTION 16-31 Smith & Edwards Final Subdivision**

Tom said this is the final plat. He said there are some contingencies in the City Engineer's memo.

Tom said there may be some concerns with the parking. He said the developer has submitted plans that include more parking stalls than the requirement. Council Member Sjoblom asked about traffic. Brandon said an engineered traffic study is not required for this project.

**Public Hearing on ORDINANCE 16-20: Amendment to Code Section 10.05M.6 (B) Buffer Yard Landscaping:** Tom said the Planning Commission has made a favorable recommendation to the Council to approve of this ordinance amendment. Previously the Commercial Recreation Zone required a buffer yard (certain distance and amount of foliage; can be found in Code 10.15.070) between surrounding agricultural and residential zones. The Planning Commission felt that the developers putting in the soccer field would be met with undue hardship having to put a certain amount of vegetation around the 24 acres of property. They concluded that it also doesn't make sense to buffer agricultural property from recreation property. To lessen the burden for all developers, the buffer yard would only be required on sides adjacent to residential zones.

It is recommended that Subsection 10.05M.6B of the South Weber City Code pertaining to buffer yard landscaping be amended as follows:

**10.05M.6B Buffer Yard Landscaping**

B. Buffer Yard Landscaping: Buffer Yard D landscaping shall be required between the CR zone and all residential zones, except where there are legal restrictions on the residential zoned property that prevent the construction of residences.

Council Member Casas is finding it difficult to interpret this amendment. Elyse explained that this amendment came about because there isn't a need to buffer between agricultural property and commercial recreation, but it is necessary to buffer from residential property. Council Member Casas is concerned that this buffer D is going to be difficult for the developer to maintain and it may be excessive. Council Member Casas said buffer yard B & C may be more conducive to this project.

**Thom Wight, 1925 N. Rolling Oaks Layton, Utah,** said there is a concern with this requirement, but they are willing to do what is required.

Tom referenced buffer yard C requirements. Council Member Hyer asked about the facility. Thom Wight said it will be under the direction of La Roca soccer. He said this will be strictly a

training facility. Council Member Casas asked if the Council can amend the ordinance to be buffer yard C instead of buffer yard D.

Wayne Winsor feels the entire landscaping ordinance needs to be amended. He then explained the Planning Commission's discussions concerning the buffer yard. The Council was concerned about this being excessive landscaping. Wayne explained that the Planning Commission felt the soccer fields could be enough buffer, but had to follow City code. Council Member Casas said buffer yard C is required for commercial business and he feels this would be acceptable. Tom discussed amending the ordinance to read buffer yard B with recreational uses.

Tom read amendments (CHANGE THE BELOW CODE TO INCLUDE TOM'S CHANGES)

#### 10.05M.6B Buffer Yard Landscaping

B. Buffer Yard Landscaping: Buffer Yard ~~D~~ C landscaping shall be required between the CR zone and all residential zones, except where there are legal restrictions on the residential zoned property that prevent the construction of residences.

**Public Hearing on Conditional Use Permit: application for South Weber Soccer Facility located at approx. 128 E. South Weber Dr. (Parcel 13-005-0033), approx. 12.21 acres, by developer Kelly Parke:** Tom said the Conditional Use Permit is for a private-use indoor soccer facility and two outdoor soccer fields. The Planning Commission recommended approval subject to the items addressed in the City's Engineer's memo of 31 August 2016 in addition that it meet the buffer yard ordinance.

#### **Brandon Jones memo of 31 August 2016 is as follows:**

Our office has completed a review of the Plat and Improvement Plans for the Smith & Edwards Subdivision and associated South Weber Soccer Facility received on August 19th and 30th, 2016. We recommend approval, subject to the following comments and recommendations being addressed prior to final approval from the City Council.

1. **General.** The developer will need to comply with the UDOT Access Approval stipulations, the recommendations of the Geotechnical Report by GSH and the requirements of the South Weber Irrigation Company as previously discussed and recommended.

2. **Sewer Easement.** This set of plans does not show any sewer lateral from the building. We are assuming that the sewer lateral is still being proposed to be installed across the "T+R Ranches" property to the east. A separate easement document will be needed to allow the crossing of this property. However, this being a sewer lateral, it will be owned by the owner of the Soccer Facility. Therefore, the easement should be conveyed from "T+R Ranches" to the owner of the Soccer Facility, not the City. This easement will be needed prior to constructing the lateral or recording the plat, whichever one comes first.

3. **Plat.** No comments.

4. **Improvement Plans.** The following are items related to the improvements. a. Sheet #C3. The plans need to show the sewer lateral from the building to wherever it is being proposed (assumed to be in Raymond Drive).

Thom Wight said they will not be using the easement with T&R Ranches. He explained that the developer will pipe the sewer to South Weber Drive on the south side. Brandon said in that case, item #2 in his memo, would not be required. Brandon said from his perspective either one will work.

**Public Hearing on ORDINANCE 16-18: Rezone request for property located at approx. 7482 S. Cornia Dr. (Parcel 13-174-0001), approx. 1.313 acres, be rezoned from an Agricultural Zone (A) to Highway-Commercial Zone (C-H), by applicant John McCall**

Tom said the Planning Commission has given a favorable recommendation for approval of this rezone because it is in accordance with the General Plan.

**Public Hearing on ORDINANCE 16-19: Rezone request for property located at approx. 600 E. South Weber Dr. (Parcel 13-020-0056), approximately .85 acres, be rezoned from the Residential Low Zone (RL) to Residential Moderate Zone (RM), by applicant Grandon Brimley:**

Tom explained that this proposal is to rezone .85 acres of land in the R-LM zone to the R-M zone. The property contains an existing residence and a detached garage. Mr. Brimley would like to split the lot into two parcels, but existing zoning doesn't allow it. The property sits adjacent to two other subdivisions, the Bowman Old Farm Subdivision to the north and the Canyon Meadows Subdivision to the east. The lots in Canyon Meadows and Bowman Old Farm are approximately the same size as would these be, if subdivided.

Tom said this request does not conform to the recommendations of the General Plan, which calls for low moderate density residential in this location. The applicant makes a good point in that the lot is not large enough to pasture farm animals and would not be out of character with adjacent lots.

Tom said the Planning Commission recommended approval of the rezone because the property is unique and the rezone would meet the surrounding land use though it doesn't conform to the general plan projected land use map

**Public Hearing on ORD 16-21: Amendment to Code Sections 10.5A.2, 10.5B.2, 10.5C.3, 10.5D.2, 10.5E.2, 10.5F.2, 10.5G.4, 10.5H.4, 10.5I.4, 10.5K.4, 10.5L.4, 10.5M.4, 10.5N.4, 10.5O.4, and 10.5P.2 Permitted Uses, to allow for mobile businesses:**

Tom said in the last meeting, the Council approved an ordinance to regulate mobile businesses. This current ordinance amendment allows them to do business in the City as a permitted use so they can actually start doing business. Doug Ahlstrom said by amending the code, this will allow the new use. Tom said as far as food handler's permit, the business must be licensed with the State. Tom said there area a variety activities in the City where these types of businesses could attend.

**Public Hearing on ORDINANCE 16-22: Amendment to Code Sections 10.01.100 Definitions and 10.05C.4 Conditional Uses, to allow for assisted living facilities**

Tom said at the last Council meeting, Tim Grubb approached the Council with an idea to develop a piece of property off of 475 E. to an assisted living facility. Currently, City Code doesn't have provisions to allow them. These ordinance changes would allow for that type of business in the R-H and C-H zones. The Planning Commission recommended approval of this ordinance.

Tom said it is recommended that Subsections 10.01.100 Definitions and 10.05C.4 Conditional Uses of the South Weber City Code pertaining to assisted living facilities be amended as follows:

**10.01.100 Definitions ASSISTED LIVING FACILITY:**

An assisted living facility is a housing facility for people with disabilities or for adults who cannot or chose not to live independently, but rather live in a group living environment under the care of state licensed professionals. An assisted living facility does not house individuals under care for drug or alcohol rehabilitation, nor can one serve as transitional housing for individuals reentering society from the penal system.

**0.5C.4 Conditional Uses**

14. Assisted living facilities

Tom said the advantage of this type of facility in the City is to allow for residents to stay in South Weber City. Thom White said he owns an assisted living center in North Ogden. He said it has worked out really well in North Ogden.

**RESOLUTION 16-30 Amendment to Fee Schedule (mobile businesses)**

Tom said the amendment to the fee schedule will be to add a mobile business license fee and permit fees. He said the fee for mobile businesses is: A. License is \$50, B. Single use permit is \$30, C. Recurring operation use permit is \$50, and D. Special event permit is \$40. There was some concern with the fees being too low. Tom said the Council can wait to make a decision until the City gets the fee analysis from Zions Bank.

**RESOLUTION 16-32 Selection of Professional Financial Auditor Services**

Mark McRae said they had 9 CPA firms respond to the RFP. The firm that they are recommending to the Council as the new auditor is Keddington & Christensen. He said they are well known and respected. He feels confident with them and feels they will do an excellent job for the City. He said they will be in attendance at the meeting next week to introduce themselves.

**DISCUSSION ITEMS (possible action):**

**Review of Snow Removal Policy:** Tom said he proposed this to the Council because last year there were concerns with the policy. Council Member Casas would like to table this item to a work meeting because of the heavy agenda tonight. Tom said he can put it on next week's agenda.

**Review of Maintenance II job description including Building Inspector:** Council Member Taylor and Casas requested tabling this item until next week as well. Tom suggested the City consider otherwise because the City employees are getting further behind.

Adjourned at 6:00 p.m.

**APPROVED:** \_\_\_\_\_ Date  
Mayor: Tammy Long

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

Attest: \_\_\_\_\_  
City Recorder: Elyse Greiner