



Mayor Lawrence Flitton

UINTAH CITY COUNCIL MEETING

Planning – Tim Petty

Council Members:

TUESDAY, April 19th, 2016

Building Inspector-Jeff Monroe

Michelle Roberts

Gordon Cutler

7:00 PM

Treasurer – Mike Ulrich

Jerry Smith

Greg Johnson

MINUTES

Sheriff – Lt. Talbot

Fire Chief – William Pope

Attendees: Mayor Flitton, Gordon Cutler, Jerry Smith, Michelle Roberts, Mike Ulrich, Nate Hadley, William Pope, Lt. Talbot, Kris Stuart, Janice Bechel, Donna Bacon, Kyle Freestone, Don and Marilyn Pearson, Mike Marz, German Virgen, Kim Rindlisbacher, Hannah Ackers, Isaac Akers, Steffrie Akers and Darinda Wardell.

Excused: Greg Johnson

MEETING MINUTES:

1. **MEETING CALL TO ORDER:** Mayor Flitton called the meeting to order.

PLEDGE OF ALLEGIANCE: Led by Don Pearson

CONFLICT OF INTEREST: Council members are required by law to file a public disclosure statement with the City Recorder listing business interests and investments that could create a conflict of interest with the duties of the Council Member. When a matter in which a Council member has a business or investment interest appears on the Council agenda, the Council member must publicly disclose that interest.

Mayor Flitton asked the Council if they had any conflicts of interest with tonight's agenda; there was none.

2. **PUBLIC COMMENT (2 minutes per person):** (00:00:47)

- None

3. **APPROVAL OF CITY COUNCIL WORK SESSION & MEETING MINUTES HELD April 5th, 2016 AND CITY COUNCIL EMERGENCY MEETING MINUTES HELD April 14th, 2016:** (00:01:00)

Presenter: Mayor Flitton

- Mayor Flitton asked if there were any questions on the minutes.
- Gordon Cutler made a correction on April 14th, 2016 minutes; the second page fourth bullet; ensured not insured.
- Michelle Roberts motioned to approve the City Council meeting minutes from April 5th and April 14th, 2016 with the correction.
- Seconded by Jerry Smith
- All in favor; the motion passed.

4. **TREASURERS REPORT:** (00:04:27)

Presenter: Mike Ulrich

- a. Invoice Register:

The invoice register is a listing of bills that were paid during the month.

The invoice register is reviewed and approved each month per guidelines from the state and our auditors in order to stay in compliance with the laws of the state financial code.

The invoice register for March was reviewed.

Michelle Roberts asked about the work med invoice. That is who does our drug screens for us.

Gordon Cutler motioned to approve the invoice register for March 1st – March 31st, 2016.

Seconded by Michelle Roberts

All in favor; Jerry Smith – yes; Michelle Roberts – yes; Mayor Flitton – yes; Gordon Cutler – yes.

The motion passed.

- b. Transaction Register:

The transaction register is a listing of any changes that are made during the month to customer accounts in the ENTERPRISE ACCOUNTS, water, storm water, or garbage. The changes are credits given, over changes reduced or added, late fees removed. These changes to accounts are reviewed and approved by the council as directed by the state and our auditor to stay in compliance with the laws of the state financial code.

The transaction register for the period of March 11th – April 14th, 2016 was reviewed.

Jerry Smith motioned to approve the transaction register for the period of March 11th – April 14th, 2016.

Michelle Roberts seconded the motion.

All in favor; Jerry Smith – yes; Michelle Roberts – yes; Mayor Flitton – yes; Gordon Cutler – yes.

The motion passed.

- c. Transaction Reversal Report:

The transaction reversal report is a listing of any changes that are made during the month to customer accounts for the court. The changes are credits given, over changes reduced or added, late fees removed. These changes to accounts are reviewed and approved by the council as directed

by the state and our auditor to stay in compliance with the laws of the state financial code. The Transaction Reversal Report for March was reviewed.

Michelle Roberts motioned to approve the Transaction Reversal Report for March 1st – March 31st, 2016.

Seconded by Gordon Cutler.

All in favor; Jerry Smith – yes; Michelle Roberts – yes; Mayor Flitton – yes; Gordon Cutler – yes.

The motion passed.

d. Budget: Mike Ulrich

Mayor Flitton stated that the budget looks good.

Mike Ulrich remarked that when we open the budget during the budget hearing we will need to allocate the \$10,000 FEMA grant that was awarded to the Fire Department; that is why their budget is at 102%.

Jerry Smith inquired about 51-40-460 being at 86%; he asked if we are going to go over. Mike Ulrich explained that it was the timing of when we receive the invoices; we receive them twice a year.

Mike Ulrich asked the Council for a time frame for the budget meetings. Mayor Flitton explained that he has sent the actuals for 13/14 and 14/15 to the Council for them to start working on; we will schedule a work session soon.

5. **PUBLIC WORKS REPORT:** (00:10:39)

Presenter: Nate Hadley

- Nate Hadley asked the Council if they had any questions regarding his reports in their packet.
- Mayor Flitton thanked Nate for his report and stated this is great information.
- Mayor Flitton asked how many bids we have back on the road work; how many more are you expecting and when. Nate replied we have one bid back and they should be in later in the month.
- Mayor Flitton asked Nate if he has seen anyone from Weber County in the area about the retention pond above Don Pearson's house. Nate replied no.
- Michelle Roberts asked Nate if he was happy with the new concept plan for the Fire Station remodel. Nate replied yes he was happy and had no concerns.
- Gordon Cutler remarked that a lot of what was on the list for the park we have applied for EZ RAMP grant funds.
- Jerry Smith asked about how the sand used this year on the roads compared to last year's use. Nate replied that it doesn't even compare; we only had one storm last year.
- Mayor Flitton thanked Nate for his report to the Council.

6. **FIRE DEPARTMENT REPORT:** (00:16:30)

Presenter: Chief Bill Pope

- Swearing in Firefighter Kyle Firestone – Chief Pope administered the oath of office and swore in the newest firefighter.
- Chief Pope reviewed his monthly report with the Council. He pointed out on page 16 that we have been awarded from the CDBG Grant \$59,984. There were no other questions on the report.
- Approval of bids for the Fire Station remodel – Chief Pope stated that he has received two bids for this new concept. One from Canyon Ridge Construction, LLC for \$403,479.69 and the other from Elk Valley Construction, Inc for \$348,900.
- Mayor Flitton asked what the \$55,000 difference between the two is. The Mayor took a minute to compare the two bids; line item by line item.
- Jerry Smith asked if we have plans for the electrical and structural. Chief Pope stated that we don't have the plans drawn up yet. Jerry asked how did you get two bids, how did they know what to bid for. Chief Pope stated that he just asked for single phase, 220 volt, 400 amp electric service and re-engineered replacement of the structural supports.
- Gordon Cutler asked based on the earlier conversation in the other room about the contract being between the Friends of the Volunteer Fire Fighters and the contractor; why are we reviewing the bids.
- Chief Pope stated that it is our building; we approved the concept and need to approve the bids to build to standard.
- Gordon Cutler stated that he felt that if we are taking over the building after the remodel; the 24 x50 slab of concrete is just a glorified RV pad and when it cracks in two years are we stuck with the repairs.
- Mayor Flitton stated that it is a 5" 24x50 concrete pad on top of 6" road base which is adequate.
- Gordon replied it feels like a glorified RV pad; is it earthquake resistant; where are the plans and the engineering; will it meet with code and building inspections standards; I feel that we need to look at these things.
- Mayor Flitton stated that it appears that they are the same bid; comparing Elk Valley and Canyon Ridge. He asked Chief Pope if he had any idea why SEI didn't bid and if he had any other follow up from any other contractors. Chief Pope replied no.
- Mayor Flitton asked Chief Pope if he was confident with Canyon Ridge and what other work have they

done. Chief Pope replied that they build single family dwellings for the most part.

- Gordon Cutler asked why there is a difference of \$53,000 dollars in the bids. Chief Pope stated that he couldn't answer that question. Gordon stated that he is concerned that our State Legislator who has a history with and is pushing for Elk Valley.
- Mayor Flitton asked Gordon if his concern was that the cheapest bid is the least valued product.
- Gordon replied my concern is pressure from the Legislator pushing for Elk Valley.
- Mayor Flitton stated that the Legislator didn't know how far we had gone; he backed off after he heard we had a contractor and we went forward with SEI.
- Gordon Cutler stated that he was also concerned that we cancelled the contract with the contractor on Friday and needed the bid back to us by today. It's just like Michelle talked about we are going about this backwards; we need plans to get a bid.
- Chief Pope stated that he gave SEI notice on April 12th to submit a bid.
- Michelle Roberts stated that she has not made it a secret that she thought we were doing this backwards. Now we are between a rock and a hard place. It's awkward and rushed; we are doing this backwards and we don't like it. It's not a good option to be pushed in a corner to make a decision and I don't have a good feeling about this. I talked to Scott Dixon and asked him why he didn't submit a bid and he said the information was too vague for them to bid. I have to echo what Gordon said. The fact that you are getting more for cheaper is a doubled edge sword. I am glad you can get it.
- Chief Pope replied that he gave the contractors more information and more direction this time than he had to give them the first time.
- Jerry Smith said I think we are at a junction; we need to make a decision as what we do with the fire station; does it feel right; no; still we need to move forward. I am concerned that SEI didn't bid; Scott said something isn't right; we need to get that something sorted out.
- Mayor Flitton stated that sometimes great things happen with challenges. The City was hit across the head with \$65,000 in plans on the table to pay back and some appropriations with the only tie being time. Then conversations with the neighbor to the east stating that we can't build as planned because of the property line. So we had to cancel the contract because we had to change directions completely. Currently we are in jeopardy of losing \$250,000. We need to make a decision and it's tough and when we do make this decision people are going to be effected, either yourself, SEI, Elk Valley, Canyon Ridge or ultimately the Fire Department who we support dearly. It's difficult for a City Council to be presented two ideas; so I have to admit that I am just as frustrated but the other thing is; to tag on to your comment; even if we go with the highest bid; that is less money than originally planned. Scott and SEI are dear friends; we have this building because of SEI so we feel that we are betraying a friend; that hurts; but the thing is we are here as a City Council and we have to make a decision of what is right here in front of us; not what can happen or what could happen or what should happen but what is in front of us. So we are forced to make a vote and it has no reflection on who did not place a bid or who wanted to work with the City; it is a reflection of what is in front of us.
- Jerry Smith stated that he had just one question; was Scott contacted and could we let him bid.
- Chief Pope stated that he had contacted John Kearn with SEI via an email dated April 12th, 2016 advising that we would like them to give us a bid if they so desired with their best product prices.
- Michelle Roberts asked how the meeting went when Chief Pope met with them. Chief Pope responded that they were not happy; they could understand that we need to move forward under the circumstances with what is best for the City and the Fire Department. Chief Pope stated that we are receiving invoices from SEI subcontractors; one for \$3,000 that we are taking care of.
- Chief Pope reported that in addition to the \$250,000 we received we were given another \$112,500 for a total award of \$362,500.
- Michelle Roberts commented that it was nice to know that Elk Valley has the experience of building the West Point Fire Station and agrees that we are going to have to make a decision and move forward.
- Mayor Flitton stated by order of the agenda asking for a vote; we need a motion.
- Michelle Roberts motioned to go forward with the bid from Elk Valley.
- Mayor Flitton asked for any discussion on the motion; there was none.
- There was no second on the motion.
- Chief Pope stated that we need to keep in mind that we have twenty four firefighters here that volunteer over seven thousand hours a year to this community; that need to keep their job.
- Michelle Roberts stated that she has an uneasy feeling and feels like they are being pushed.
- Jerry Smith stated that we need a station but he is having a hard time with the fact that SEI didn't bid; we need to go back to him.
- Mayor Flitton remarked that this is a big decision and asked Scott Dixon if he would like to make any comments.
- Scott Dixon stated that they felt like they didn't have enough specifications to bid on the new concept. He

stated that he appreciates the firefighters as well. He stated that Elk Valley is capable; they will do a good job. He suggested that we have Elk Valley produce the drawings so that you know what you are getting and move forward with the condition that all the engineering is done. Scott stated that he would support this if Elk Valley does everything the firefighters and the City wants. Let's be sure that we don't have any other problems going forward.

- Mayor Flitton thanked Scott Dixon for his comments and apologized for putting him on the spot.
- Michelle Roberts made a new motion to go with Elk Valley Construction with the condition that they do all the engineering and drawings as in the bid.
- Mayor Flitton added that we would like to see the engineering and plans prior to signing a contract; making two contracts if necessary.
- Chief Pope stated that he didn't feel like we would need two contracts, one after the drawings would be adequate.
- Jerry Smith seconded the motion.
- All in favor; Jerry Smith – yes; Michelle Roberts – yes; Mayor Flitton – yes.
- Any opposed; Gordon Cutler – opposed.
- Motion carries with a three to one vote.

7. *******PUBLIC HEARING*******

Michelle Roberts motioned to close the regular City Council meeting and open the public hearing.

Seconded by Gordon Cutler

All in favor the motion passed.

DISCUSSION ON AMENDING TITLE 6 CHAPTER 2 OF THE UINTAH CITY CODE; PROHIBITING PARKING ON BOTH SIDES OF THE STREET ON 6550 S EAST OF HWY 89: (00:59:11)

Presenter: Gordon Cutler

- Mayor Flitton opened the public hearing to public comments about the parking on 6550 S only.
- Jan Bechel – former first lady of Uintah. Jan asked for the City to allow a special provision for one neighbor who has a large family and occasionally has barbeques. Parking has been an issue for the thirty six years she has lived there.
- Issac Ackers – asked if the 1023 feet the entire street. Yes. He has a big driveway so it is not a problem for him. He would like to see parking allowed on one side of the street. There are times when he is removing snow from his driveway that he parks on the street. He feels that a provision to park on one side of the street wouldn't impede traffic.
- Nate Hadley – the snow plow is 11 feet and the narrowest part of the street is only 15 feet. As it is he has to get out and move garbage cans to plow the road in the winter. With parking on the street the mail, garbage trucks and emergency vehicles can't get up the street.
- Streffie Ackers - suggested maybe select hours when parking on the street is allowed and maybe on weekends.
- Michelle Roberts motioned to close the public hearing and reopen the City Council meeting.
- Seconded by Gordon Cutler
- All in favor; the motion passed.

*******CLOSE PUBLIC HEARING*******

8. **DISCUSSION/ACTION ON ORDINANCE NO. 233-16; AN ORDINANCE AMENDING TITLE 6; ADDING CHAPTER 2; PROHIBITING PARKING ON BOTH SIDES OF THE STREET ON 6550 S EAST OF HWY 89:** (01:07:18)

Presenter: Gordon Cutler

- Gordon Cutler commented that he had received a complaint from a resident who complained that because of the parking on the street her mail and newspapers were not being delivered. He and Nate drove up and assessed the road. Because of the situation with plowing and services we decided to hold this public hearing.
- Gordon stated that he is prepared to work with the citizens and appreciates their suggestions. He gave them one week to submit their solutions and suggestions to the office and he will try to accommodate the concerns.
- Mayor Flitton listening to both families and Nate the road is tough. Fifteen feet at the narrow point is tight; the City has to plan for the worst case scenario; if the last house catches fire and we can't get to the fire we have a problem. If we say no parking; that will mean NO PARKING.
- Nate commented that we already have an ordinance for no parking on the street during the winter months.
- Gordon suggested that we table this until we can hear back from the citizens.
- Gordon Cutler motioned to table item #8 for further input from the citizens.
- Seconded by Jerry Smith
- All in favor; the motion passed.

9. DISCUSSION/APPROVAL ON ORDINANCE NO. 231-16 ; AN ORDINANCE AMENDING TITLE 9; CHAPTER 17; SECTION 3 OF THE UINTAH CITY CODE; RELATING TO CLASSIFICATION OF SIGNS: (01:14:06)

Presenter: Greg Johnson

- Mayor Flitton commented that it is unfortunate that Greg could not be here tonight. This was discussed at our last meeting and Greg was tasked with the rewrite for class 6 signs.
- The ordinance was reviewed. Class 5 signs are a correction for the online code. Class 6 fourth column over states no more than 800 feet from the centerline of the freeway and no less than 200 feet from RE20 zone.
- Mayor Flitton stated that we will allow the height to be 65 feet from the centerline of the highway.
- Michelle Roberts questioned why it stated that it would be a conditional use; if we are allowing it why is it a conditional use. Michelle also stated that class 4 signs will be allowed up to 35 feet. It was discussed to take conditional use out of the ordinance.
- Michelle Roberts motioned to approve ordinance No. 231-16; an ordinance amending Title 9; chapter 17; section 3 of the Uintah City Code; relating to classification of signs with the changes discussed.
- Gordon Cutler seconded the motion.
- All in favor; the motion passed.

10. DISCUSSION/APPROVAL ON NUISANCE ORDINANCE CODE ENFORCEMENT: (01:24:33)

Presenter: Michelle Roberts

- Michelle Roberts stated that she asked for this topic to be on the agenda tonight to seek guidance from the Council. She stated that Todd Burton the Planning Commission member assigned to nuisances and Michelle is the City Council member assigned also to nuisances and they both have very differing opinions regarding the complaint driven code.
- Michelle read the following emails from Todd on the subject: I brought up the subject with the Planning Commission of having a joint Planning Commission/City Council team assess properties within the city and identify situations where there appear to be gross violations of the Nuisance Ordinance. My "back envelop" estimate is there are currently about a half dozen within the city. From there, I suggested the city send these offenders a letter addressing what appears to be a violation of the nuisance ordinance (and attached elements of the ordinance they appear to be violating). At this stage, I would not recommend any threat of a fine – just a friendly reminder there appears to be an issue. The letter would request that if there is no issue, feedback be provided to the city explaining why the property is not in violation of the ordinance. When I discussed this with the Planning Commission, they agreed with this approach – but suggested we have a standardized list of major issues that would be inspected for – to ensure consistency in how this is applied with the citizens.
- The Planning Commission also agreed that a complaint driven policy is not working. Neighbors don't want to complain about their neighbors and create feelings – and I can fully understand that. My position is that at some stage a government agency has a fiduciary responsibility to enforce its ordinances and should not rely on the citizens to perform this function.
- Going forward, I will generate a suggested check-list that would be applied for use with an "initial drive-by inspection." My thoughts are that only those issues that are apparent from the street should be a concern. If someone has a discrete junk-pile that's not visible from the street, I'm not sure I'd want to pursue those types of situations (unless there was a citizen complaint). Finally a "team approach" in applying this standard would also help ensure further consistency in how the standard is applied.
- It was interesting – last night I did a quick drive-through of most of Uintah to assess what I would consider "gross offenders" of the nuisance ordinance, which would be the primary objective of this campaign. In general, my assessment is there's probably only about a half dozen or so homes that would fall into this category. As I think about this further, the primary target item I would consider is instances of multiple vehicles that are not registered.
- Many people (which I fall into this category too), might have some limited quantities of scrap lumber, firewood or other miscellaneous items tucked away in "the back 40." My thoughts are that these types of items should generally be allowed – unless they get out of control.
- A Nuisance Ordinance that is only enforced through citizen complaints has the following drawbacks –
- Citizens are hesitant to turn their neighbors in, which can result in hard feelings between neighbors.
- If neighbors are unwilling to file a complaint, the nuisance situation persists (i.e., the city currently does not act on an issue if there is no citizen complaint).
- Although this is purely speculation on my part but in some cases it appears when there's one "bad apple" on a street, other neighbors can become complacent about the appearance of their residences.
- Finally, it seems unorthodox for a city to solely rely on its citizens to trigger enforcement of its ordinances – especially where there are several egregious violations of the Nuisance Ordinance within the town.

- In summary, my recommendation is there has to be some means where the city proactively enforces the Nuisance Ordinance – without relying solely on citizen complaints. I would foresee there being a number of ways for the city to do this, any of which should work. Any action taken, even if on a limited basis addressing the more significant violations should yield positive results towards compliance within the city.
- Michelle stated with being a working Council with no budget and time it would be difficult to drive around the city and pick and choose who to cite. She asked the Council for their thoughts.
- Gordon Cutler stated that we went through this exercise a few years back where we drove through the city and sent letters to the citizens; we didn't hear one good thing. I understand it is hard for a neighbor to complain about each other; although; the system is not broke; unless it is a gross violation where it is a health; safety or welfare problem we should leave it be.
- Michelle reported on the nuisance on the west side of town; the court fines are not working, the next thing is for the city to clean it up and charge the owner for the cleanup and if not paid put a lien on the property. Michelle is not in favor for adding those expenses to the yearly budget.
- Mayor Flitton stated that he understands Todd's feelings; with challenges the first step is easy it is the other steps to completing the challenge that is not. We live in a rural area; it would be difficult to administer a program like this; it would require a full time person and I don't know if we are adequately ready for that.
- Jerry Smith commented that we have a community in flux; as our larger parcels are developed into 30 to 40 home subdivisions our ordinance might have to change. We do have some problems and we are not adequately prepared to take care of this.
- Michelle stated that she would visit with Todd about our discussion tonight.
- Michelle stated that we have had a complaint about a nuisance on the property at the end of 6850 S. People are camping and having fires and not packing out their garbage. It was suggested that we post signs. The property is owned by three different agencies; Pathways, UDOT and Edward Kelly.
- Mayor Flitton will contact Pam Kramer with DWR, Michelle will talk with Pathways to see if they will post some signs.
- Michelle discussed the vehicle restoration permit with the Council. The code states that the Council will review them for approval at their next regular scheduled meeting. We have a request for a permit from Melvin Romo on 6565 S 2275 E for restoration of two vehicles.
- Michelle Roberts motioned to approve the vehicle restoration permit for Melvin Romo for six months with the condition that he keeps things within reason and from being harmful.
- Gordon Cutler seconded the motion.
- All in favor the motion passed.

11. SHERIFF'S REPORT: (01:55:12)

Presenter: Lt. Talbot

- Lt. Talbot stated that he recommends that we make 6550 S east of Highway 89 no parking on the entire street. It is hard enough getting emergency vehicles up the street.
- Lt. Talbot offered his assistance with code enforcements and nuisances; it is a nightmare and the ordinance has to be so refined and coming to court doesn't seem to help. He is willing to assist with this in any way.
- No report tonight; we have moved to a new system and we are still having difficulties with the program.
- The Sheriff's office has promoted the following:
 - Mark Hortin to Sergeant
 - Doug Nye to Corporal
- Mayor Flitton asked if they could do extra patrol on the property at the end of 6850 S.
- Lt. Talbot stated that it is private property and the land owners would have to post signs; then we would have some teeth to site for trespassing.
- The Council thanked Lt. Talbot for staying so late and for all his service to our community.

12. COUNCIL COMMENTS: (02:01:00)

- None

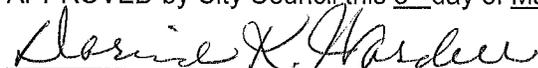
13. MEETING ADJOURNMENT: (02:01:49)

Gordon Cutler motioned to adjourn the meeting.

Seconded by Jerry Smith

All in favor; the motion passed. The meeting was adjourned.

APPROVED by City Council this 3rd day of May, 2016.



DARINDA K. WARDELL, City Recorder