

Mayor Sue Bybee

## UINTAH CITY COUNCIL MEETING

Planning – Jerry Smith

Council Members:

TUESDAY, July 2<sup>nd</sup>, 2013

Building Inspector-Jeff Monroe

Don Pearson

Heidi Flitton

7:00 PM

Treasurer – Mike Ulrich

David Boothe

Gordon Cutler

MINUTES

Sheriff – Lt. Burns

Fire Chief – Mike Marz

Attendees: Don Pearson, Heidi Flitton, Mayor Bybee, Marilyn Pearson, Brennan, Scott Kendell, Diane Johnson, Dave & Sharon Hutchinson, Lawrence Flitton, Elaine Kendell, Dane Larsen, Brandon Kroeger and Darinda Wardell.

### MEETING MINUTES:

1. **MEETING CALL TO ORDER:** By Mayor Bybee; Dave Boothe and Gordon Cutler were excused.

**PLEDGE OF ALLEGIANCE:** Lead by Sharon Hutchinson

**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 Bybee asked the Council if they had any conflicts of interest; there were none.

2. **PUBLIC COMMENT (2 minutes per person):** (00:01:26)

- Scott Kendell – “Just have a couple comments here, we had a good candidate meeting the other night at Jay and Elaine Kendell’s house and quite a few people stood up and were in support of our local Fire Department. To start off with; Faye Higgins, Gloria and Rubert Funk, Scott and Kisten Knudson they all gave their two cents worth as well as the old Fire Chief, Neil and Sandy Bybee, myself as well as others. We know that you guys are against the Fire Department, secret meeting with Weber County and whatever. All the while we are trying to get new recruits, we had one last week, but your negativity does not help the Fire Department at all. If you want this department to grow and succeed at all you’ve got to give us all your support. The candidates as well as the Mayor candidate back here (Lawrence Flitton) support the Fire Department. I just need you guys to get on board with us and support the Fire Department, quit treating us like second class citizens and give us your support. The other thing is the storm water issue, I got a couple e-mails this week that one of your agenda items, the council members did not even know what was going on. You don’t advertise on the Uintah City Website the council packets like you did one week so we can have a clue of what is going on. A couple other individuals contacted me and were looking for additional information on certain agenda items and it seems like the council didn’t have a clue other than having to get with the Mayor to see what is put on the agenda, it’s her doing. It is not a good policy to have these people come here and not have a clue on what they are going to be voting on. As a citizen, this is our City to and you guys work for us, so we need your guy’s input to get communication out of the people. Don put this in the newsletter last month that communication is a big problem in our City and that was brought up by one the candidates at the forum at Jay and Elaine Kendell’s house Monday night. Communication is a problem in the City and you guys need to help us.”

3. **APPROVAL OF CITY COUNCIL MEETING MINUTES HELD JUNE 18<sup>TH</sup>, 2013:** (00:04:36)

Presenter: Mayor Bybee

- Mayor Bybee asked if there were any questions on the minutes.
- Heidi Flitton motioned to approve the City Council meeting minutes from June 18<sup>th</sup>, 2013.
- Seconded by Don Pearson
- Mayor Bybee asked if there was any discussion on the motion; there was none.
- All in favor; motion passes.

4. **DISCUSSION/ACTION ON ORDINANCE NO. 218-13; AN ORDINANCE OF UINTAH CITY APPROVING AND ADOPTING CITY CODE:** (00:05:19)

Presenter: Mayor Bybee

- Mayor Bybee advised that we have been working with Sterling Codifiers to codify our ordinances so that we can have them online. With the approval of this ordinance we will be able to give them the permission to publish them online.
- Heidi Flitton motioned to approve Ordinance No. 218-13; an ordinance of Uintah City approving and adopting City Code.
- Seconded by Don Pearson
- Mayor Bybee asked for any discussion on the motion.
- Don Pearson stated this has been long in coming; it will be nice to have them online.
- Mayor Bybee stated that this was something that she wanted to see happen for a very long time.
- All in favor; the motion passes.

5. **DISCUSSION/ACTION ON RESOLUTION NO. 13-0702-FIRE; A RESOLUTION, ISSUING FIRE RESTRICTION ORDER 2013:** (00:07:15)

Presenter: Mayor Bybee

- Mayor Bybee stated that this resolution has been reviewed and approved by our Fire Chief; Mike Marz.
- Weber County has already passed these restrictions for unincorporated Weber County; City restrictions come from the Cities.
- This resolution restricts aerial fireworks within the City; and no fireworks at all on any City property.
- Don Pearson motioned to approve Resolution No. 13-0702-FIRE; A resolution issuing fire restriction order for 2013.
- Heidi Flitton Seconded the motion

- Mayor Bybee asked if there was any discussion on the motion; there was none.
- All in favor; motion passes.

**6. DISCUSSION/ACTION ON JONES & ASSOCIATES CAPITAL FACILITY PLAN & IMPACT FEE FACILITIES PLAN AND ZION'S BANK IMPACT FEE ANALYSIS: (00:09:25)**

Presenter: Mayor Bybee

- Mayor Bybee explained why we are doing this:
  - When the city divided the Enterprise Accounts, the assets were not divided between the accounts. The auditor has requested the last 2 years for the city to fix the assets. Last year he listed it as a finding. The city stated that they would fix the problem.
  - In looking for the information, an insurance listing was found that contained a parcel listing but raised more issues since some of the major infrastructure was not insured.
  - Another parcel list was obtained from the auditors which didn't even list any storm water infrastructures. More issues.
  - The city has never prepared a capital facilities report, doesn't have a listing of its facilities, and can't comply with the request until a capital facility report was prepared.
  - Mayor Bybee had to start from the beginning. We had a couple of work meetings on capital facilities and discussions in City Council. Everyone was assigned areas to get their capital facilities information so that we could put a report together.
  - Dave Boothe has been working on the project as well as doing the documentation to show what and where our infrastructures are.
  - It has taken a lot of work, but we are not there yet. We still have to fill out the documentation for the report. Mayor Bybee is trying to get it done before the audit this year.
  - From our audit 2012 other Audit Findings or Issues:
  - "We generally discuss a variety of matters, including the application of accounting principles and auditing standards, with management each year. These discussions occurred in the normal course of our professional relationship and our responses were not a condition to our retention. In addition to the finding outlined in the schedule of findings, we have identified the following items to bring to your attention. Currently, no infrastructure is recorded in the Storm Water fund. This fund is new and the infrastructure acquired in the past had been accumulated in the Water fund. We recommend the City estimate the amount of that infrastructure that should be transferred to the Storm Water fund. This will assist the users of the statements to determine if sufficient cash is being accumulated for the repair and replacement of such infrastructure".
  - Discussion with our auditor took place regarding that the city needed to fix their impact fees, and especially public safety. We are not in compliance with the laws on any of the impact fees at the current time. Our auditor stated that public safety has to be fixed before the audit this year.
  - From our Auditor 2012:
  - "I will pull the finding from the letter regarding impact fees, but I will still verbally recommend that you and the council consult with Jones & Associates, who prepared the analysis, or another firm that works with impact fee analyses to determine what needs to be done with the change in usage for impact fee facilities. The current plan from which the impact fee calculation is based says the public safety will use "several rooms that can clearly be allocated to public safety. These rooms include: one office, a break room, and a restroom and associated corridor." This is a total square footage of 406 at a cost of \$125 per square foot. We would suggest you consult with the firm that prepared the analysis regarding any changes that may need to be made".
  - New regulations were passed in 2012 that changed how they were computed. See UCA Section 11-36a-501.
  - In order to update our impact fees we now have to have a capital facility plan.
  - A meeting took place with the City, the City Engineer, and Zion's Bank to discuss the requirements and process.
  - As a note, Matt Hartvigsen talked to several entities to find us one of the cheaper financial institutes to help us with the project.
  - Both, our Engineer and Zion's Bank have submitted a proposal for updating our impact fees.
  - In an effort to help you understand what you are looking at, below is a summary of the proposal from the two entities.
  - Mayor Bybee and Matt Hartvigsen have worked closely to cut costs.
  - To cut the costs, Matt Hartvigsen has proposed the following:
  - "Per your request, our office has completed a cost estimate to create the capital facilities plans and impact fee facilities plans for the culinary water system, storm drain system, and roadways. The proposal is summarized below:
- |                  | Engineer Hours | Designer Hours | Estimated Cost | Budgetary Cost |
|------------------|----------------|----------------|----------------|----------------|
| • Culinary Water | 49             | 64             | \$7,867        | \$8,000        |
| • Storm Drain    | 80             | 52             | \$9,851        | \$10,000       |
| • Roadway        | 67             | 69             | \$9,845        | \$10,000       |
- These show the estimated costs which are listed on the summary chart. Matt Hartvigsen set budget that he would not go over which was the rounding up of the number of the estimated cost. From that number we will try to cut the cost.
  - We proposed to complete the plans at or below the budgetary cost estimated above. Billing would be at the current hourly rate schedule. If fewer hours are needed to complete the work, the cost savings would be passed along to the City. Any additional work would be pre-approved and paid for under the current hourly rate schedule.
  - Before we start working on each impact fee report, we are going to have a meeting to discuss other ways that we can cut costs, like the city doing some of the work, etc.
  - Mayor Bybee explained how we are going to pay for the reports: The law now allows the cities to use collected impact fees to pay for the reports. This will work for Storm water, Transportation and Parks and Recreation.

- For Culinary Water there are additional requirements that are needed. One benefit to completing the culinary water capital facilities plan is that you will also be able to fix a non-compliance issue with your water system. The state rules now require you to have a water system model that can be used to verify the systems service capacity, including fire flows. Our proposal on the culinary water system includes a complete system model as required by the state rules.
- The current impact fee for Culinary Water is being diverted to pay off on the water bond. Those funds will be moved to pay for the report and then put back on the bond.
- The current impact fee for Public Safety is being diverted to pay off the portion of the costs that were evaluated on City Hall for use of the building. Those funds will be moved to pay for the report and then put back on the building. The problem with this is that currently the fee is not very high so it will take a while to pay back. When the new fee is calculated, it will increase since the use of the building has increased. However, until the fee is collected it will impact the General Fund. Payback will occur until it is paid for. As a suggestion, the funding in the General Fund that would be appropriate to pay for the report could be 10-42-310 Professional and Technical.
- There is not a current impact fee for the Perpetual Care at the cemetery. Until the fee is collected, it will impact the General Fund. Payback will occur until it is paid for. As a suggestion, the funding in the General Fund that would be appropriate to pay for the report would be 10-77-310 Professional and Technical. However, we have not added this line item to the Cemetery General Fund. That line item could be added, the funding could be moved from 10-77-250 into 10-77-310.
- Mayor Bybee explained that we can choose to do all the reports at once, one at a time, or a few at a time.
- She suggested that we need to do the Public Safety to take care of the issues we currently have with the auditor.
- There is a strong need for additional funding in the cemetery and that Perpetual Care fee will help us with the development.
- From there, pick the reports as funds are available in each section until they are all done.
- After that, she suggests that we annually do a report each year to keep current with the laws and don't have all of them to do at one time.
- Don Pearson asked who pays the impact fees; Mayor Bybee answered new development pays the fees.
- Don Pearson asked is there any way to avoid this; Mayor Bybee advised that we do not have to do them all at this time. Mayor Bybee advised that she is following the Legislature things are changing every year.
- Mayor Bybee proposed that we just do the Public Safety and not do the others until we have the funds available.
- Heidi Flitton asked when we have to do the others. Mayor Bybee responded as we gather the funds.
- Heidi Flitton asked what Zion's role was. Mayor Bybee responded to do the financial calculations.
- Don Pearson asked why the reports cost so much. Mayor Bybee responded because of the depth and hours required to do the reports.
- Don Pearson commented that we are between a rock and a hard place.
- Heidi Flitton asked how many others bids were submitted to Matt for the financial calculations. Mayor Bybee answered that there were four.
- Mayor Bybee stated that the fee for Zion's is set and the fees for the engineer might be negotiable; we have already completed the Capital Facilities Plan; that might save us some money.
- Heidi Flitton asked what the consequences would be if we didn't do anything. Mayor Bybee responded that was unknown and that we didn't have to do them all at once.
- Heidi Flitton motioned to proceed with the Public Safety Impact Fees analysis and report and complete the others as we get the funds.
- Mayor Bybee stated that the motion is to proceed with the funds coming out of the general fund.
- Heidi Flitton amended her motion to wait to proceed with the Public Safety Impact Fees analysis and report after we have gathered all the funds.
- Seconded by Don Pearson
- Mayor Bybee asked if there was any discussion on the motion; there was none.
- All in favor the motion passed.

## 7. DISCUSSION/ACTION ON FIRE STATION STORM WATER DETENTION BASIN: (00:34:43)

Presenter: Mayor Bybee

- Mayor Bybee explained why we are doing this.
- On 6-8-2009, Uintah City received a Certified Letter from DEQ which required the City to comply with the requirements for coverage under the UPDES Multi Sector General Permit for SW discharges from Industrial Activities.
- The city fire station and shop fell within the guidelines of a Sector P classification. The city had 30 days in which to comply.
- Our NOI was submitted and the permit UTR000945 was issued to the city.
- Our Permit expires this year. We are required to renew our permit. We need to complete the project before we renew.
- Mayor Bybee explained the requirements:
- As part of the permit, we are required to maintain the SW discharge pond on the property at the city fire station and shop.
- As you know, when the new road was constructed the pond was damaged. I have talked about this in previous city council meetings before so this should not be new to any of you.
- Mayor Bybee explained what needs to be done:

- I have been working with our City Engineer to repair the pond. The state provided the city with some of the yellow chambers to repair our system. StormTech is the company that has the yellow chambers.
- Matt went to StormTech to get the information on how to use the yellow chambers and how to use them.
- Mayor Bybee explained the email from Matt Hartvigsen regarding rebuilding the site.
- Matt discusses 2 different ways to accomplish the task:
- To build an underground detention using the yellow chambers at a cost of \$15,000 to \$24,000 or rebuild an open basin much the same as we have now at a cost of \$5,000.
- In further discussions; to rebuild the open basin looks like it would be the least expensive, however, these are the concerns. The shop area has now become our front yard. As you know, we are receiving complaints about how it looks now.
- The open basin attracts the children. Mayor Bybee has already seen them over there playing in the pond. This adds more liability to the city.
- The open pond will have to be fenced with a high enough fence to prevent those that are determined to play in the pond and allow no access.
- The open pond was a maintenance issue requiring cleanout.
- We need that space to facilitate the salt and sand trucks an area to turn around.
- Adding the fence to the equation has now increased the cost to make both options equal.
- In further discussion with Matt, we can still cut the costs. Built into the costs are construct of the facility. The city can do the work cutting those costs out. Also, depending on what we do with the Fire Dept. we might not need the piping and manholes. However, we will need to provide an outlet under the canal to the states SW ditch.
- Funding for the project will be from the storm water enterprises funds.
- After much discussion the Council decided to table this until we could get a price from our City Engineer for purchasing the chambers and doing all the labor ourselves.

**8. DISCUSSION/APPROVAL ON A BOUNDARY LINE ADJUSTMENT IN ASPYN ACRES LOCATED IN UINTAH CITY UTAH; OWNERS; DAVID E. & SHARON C. HUTCHINSON AND LANCE H. & VICKIE REDD: (00:42:55)**

Presenter: Mayor Bybee

- Mayor Bybee advised that when the subdivision plat went to the County for approval; they found that three pieces of properties had title issues; the Thorsted, Swander's and Pasch property. So basically they are conveying the land to the landowners.
- Dave Hutchinson explained the survey with the existing boundaries was done years ago. Swander's have a cement wall that is 12 feet on my property, Pasch has a rock wall that is 2 to 3 feet on my property and Thorsted has about 2 to 3 feet on the back of the land.
- To satisfy the County Recorder we are doing this boundary line adjustment and giving the land to the landowners.
- We had to do this to meet all the rules and had to ask Council for a meeting to approve this.
- Heidi Flitton motioned to approve the boundary line adjustment in Aspyn Acres located in Uintah City Utah; owners David E. & Sharon C. Hutchinson and Lance H. and Vickie Redd.
- Mayor Bybee asked if there was any discussion on the motion; there was none.
- Seconded by Don Pearson
- All in favor the motion passed.

**9. OTHER BUSINESS: (00:50:37)**

- Don Pearson – Does the Cottonwood Trailer court pay the storm water fees? Mayor Bybee stated that she would research that question.
- Heidi Flitton – attended the animal shelter meeting last week. They reviewed the kennel comparisons; we had one stray cat that was sick and euthanized; one owner surrendered dog and one adopted dog. When looking at their budget; the bond payment will remain the same. Our animal service might decrease because of the low number of calls. They have new service vehicles that are silver with a blue stripe.
- Mayor Bybee –The DUP are reopening their museum and are having a ribbon cutting on July 24<sup>th</sup> at 11 am with lots of other activities as well.
- Mayor Bybee announced that we have received a donation from Scott and Julie Dixon for finishing the remodel at the Scout House.
- Mayor Bybee announced that the Huntsville Court will be coming to Uintah in September.

**10. MEETING ADJOURNMENT: (00:55:10)**

Don Pearson motioned to adjourn the meeting.

Seconded by Heidi Flitton

All in favor; the motion passed.

The meeting was adjourned.

APPROVED by City Council this 16<sup>th</sup> day of July, 2013.



DARINDA K. WARDELL, City Recorder