

Mayor Sue Bybee

UINTAH CITY COUNCIL MEETING

Planning – Jerry Smith

Council Members:

TUESDAY, May 7th, 2013

Building Inspector-Jeff Monroe

Don Pearson

Heidi Flitton

Treasurer – Mike Ulrich

David Boothe

Gordon Cutler

7:00 PM

Sheriff – Lt. Burns

MINUTES

Fire Chief – Mike Marz

Attendees: Dave Boothe, Don Pearson, Heidi Flitton, Mayor Bybee, Gordon Cutler, Marilyn Pearson, Diane Johnson, John Allen, Kevin Wilson, Karen Burton, Jerry Smith, Elaine Kendell, Michelle Roberts, Cheryl White, Brent Stuart, Gloria Funk and Darinda Wardell.

MEETING MINUTES:**1. MEETING CALL TO ORDER:** By Mayor Bybee.**PLEDGE OF ALLEGIANCE:** Lead 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 Bybee asked the Council if they had any conflicts of interest; both the Mayor and Gordon Cutler declared a conflict on item #9.

2. APPROVAL OF CITY COUNCIL MEETING MINUTES HELD APRIL 16TH, 2013: (00:01:00)

Presenter: Mayor Bybee

- Heidi Flitton motioned to approve the minutes for April 16th, 2013.
- Seconded by Don Pearson
- Mayor Bybee asked if there was any discussion on the motion; there was none.
- All in favor; the motion passed.

3. SPECIAL RECOGNITION AND THANKS TO BRENT STUART; BUILDING OFFICIAL: (00:15:15)

Presenter: Mayor Bybee

- Mayor Bybee's Tribute To Brent Stuart
- Brent started working for the City on October 29, 2002, as the Building Inspector. He has worked for three Mayors, Craig Kendell, Mike Keyes, and myself. Brent started when building was going strong doing 33 building permits his first year and ending when building was at its lowest with eight permits. All in all he handled 186 building permits, reviewed many plans, and worked hard to help homeowners interpret and comply with Uintah's zoning and code ordinances. He did all of this in the 12 years that he has worked for the City.
- He also attend Planning Commission meetings and City Council meetings in which he offered suggestions to help out with different issues that were going on. When the mandate came down that the cities had to comply with the storm water regulations Brent helped by doing those nasty storm water inspections along with his visits and inspections.
- During his time with the City, Brent has shown that he has great care and concern for the protection of the property in our local community and for the citizens in Uintah.
- Brent has contributed valuable insights and new perspectives to discussions with the City and has shared his time and knowledge with his co-workers and the citizens of Uintah.
- I know Brent has loved working for the City, he will miss the people and the job, and we will miss him.
- We want to sincerely thank Brent for being there for the City and wish him the best in all his endeavors.

4. INTRODUCTION AND QUESTIONS TO APPLICANTS FOR PLANNING COMMISSION: (00:02:52)

Presenter: Mayor Bybee

- The candidates were given a sheet with questions that we would like them to address.
- We have asked them to talk for 10 to 15 minutes each.
- Gregory Johnson is not going to be able to be here tonight, he was called out of town, we asked him to respond to the questions before he left. When his name is called to respond his wife Diane will read his answers.
- The candidates were called up in no particular order to respond to the questions.
- Mayor Bybee thanked them for responding to the questions and for their willingness to serve.
- Mayor Bybee stated that they are all very well qualified and anyone of them would do an excellent job if chosen.
- Mayor Bybee stated; as required by law, the voting will be done in the open
- The Council will vote for one of the individuals running.
- When their name is called, you will raise your hand if you are voting for that person.
- The names were called in no particular order.
- At the end of the voting, we will tally up the votes to see who has the most votes.
- If no one has the most votes or there is a tie of votes, then we will follow the rules from Utah Code 20A-1-510(1)(c).
- The vacancy is filled by lot in the presence of the council. "By Lot" can mean cutting the deck, throwing dice, drawing straws, or any other game of chance.
- The person who wins will be the next PC person.
- The Council then voted on the candidates.
- Michelle Roberts – one vote from Don Pearson
- Gregory Johnson – Four votes; one from Gordon Cutler, Heidi Flitton, Mayor Bybee and Dave Boothe

- Suzanne Canning – no votes.

5. APPOINTMENT OF PLANNING COMMISSION MEMBER : (00:14:00)

Presenter: Mayor Bybee

- Heidi Flitton motioned to appoint Gregory Johnson to the Planning Commission.
- Seconded by Don Pearson
- Mayor Bybee asked if there was any discussion on the motion; there was none.
- All in favor; the motion passed.
- Roll call vote; Dave – yes; Don – yes; Mayor – yes; Heidi – yes; Gordon – yes.

6. APPOINTMENT OF APPEALS AUTHORITY: (00:19:39)

Presenter: Mayor Bybee

- Mayor Bybee recommended the appointment of Cheryl White as the Appeals Authority
- Cheryl was on the Board of Adjustments for several years, has received the training that is necessary to fulfill the position, and has indicated that she will be willing fill the position.
- Heidi Flitton asked for clarification; will our attorney still be the authority as well. Mayor Bybee stated no, Cheryl White will be the Appeals Authority.
- Dave Boothe motioned to appoint Cheryl White as the Uintah City Appeals Authority.
- Seconded by Don Pearson
- Mayor Bybee asked if there was any discussion on the motion; there was none.
- All in favor; the motion passed.
- Roll call vote; Dave – yes; Don – yes; Mayor – yes; Heidi – yes; Gordon – yes.

7. APPOINTMENT OF PLANNING COMMISSION COUNCIL REPRESENTATIVE: (00:22:07)

Presenter: Mayor Bybee

- Mayor Bybee recommended the appointment of Gordon Cutler as the Planning Commission Representative for City Council.
- Gordon has many years of experience with the PC that will be a great asset to the members of the PC.
- Don Pearson motioned to appoint Gordon Cutler as the Planning Commission Council Representative.
- Dave Boothe seconded the motion.
- Mayor Bybee asked if there was any discussion on the motion; there was none.
- All in favor; the motion passed.

8. PLANNING COMMISSION REPORT TO COUNCIL: (00:23:11)

Presenter: Jerry Smith

- Jerry thanked Gordon for his service to the Planning Commission and stated that he had big shoes to fill.
- Jerry reported to Council on the April 23rd Planning Commission meeting.
- They held a Public Hearing to zone the recently annexed land in Uintah City. They had no comments during the Public Hearing. The Planning Commission recommended zoning to the Council.
- They had a work meeting prior to their meeting to work on Aspyn Acres. It looks like they will be ready for their final next month and then the Planning Commission will make a recommendation to the Council.
- Heidi Flitton thanked Jerry for his service on the Planning Commission and stated that she had enjoyed working as the City Council representative.
- Gordon Cutler also thanked Jerry and stated as the new City Council representative he was looking forward to still being involved with the Planning Commission.

9. DISCUSSION/ACTION ON ZONING OF THE RECENTLY ANNEXED LAND INTO UINTAH CITY: (00:30:40)

Presenter: Don Pearson

- Don Pearson asked the Council if they had any questions about the zoning recommendations from the Planning Commission. There were none.
- Dave Boothe motioned to approve the zoning of the recently annexed land into Uintah City.
- Heidi Flitton seconded the motion.
- Don Pearson asked if there was any discussion on the motion. Don stated that this zoning won't change the makeup of the City and that it is a benefit to the owners and to the City.
- All in favor; the motion passed. Roll call vote: Heidi – yes; Don – yes; Dave – yes.

10. DISCUSSION/ACTION ON ORDINANCE NO. 217-13; AN ORDINANCE OF UINTAH CITY PROVIDING REGULATIONS FOR A SEXUALLY ORIENTED BUSINESSES; PROVIDING FOR PENALTIES FOR THE VIOLATION OF THE ORDINANCE; AND REPEALING ORDINANCE NO. 170-04 AND ORDINANCE NO. 119-97: (01:06:31)

Presenter: Mayor Bybee

- Mayor Bybee explained that this was a very old ordinance that needed to be updated to present times. It is a very long ordinance that covers about everything.
- Don Pearson asked if this would protect the city; Mayor Bybee stated that there are always the loop holes; this will give the guideline and we can't disallow any.
- Gordon Cutler motioned to approve Ordinance No. 217-13; an ordinance of Uintah City providing regulations for a sexually oriented businesses; providing for penalties for the violation of the ordinance; and repealing ordinance No. 170-04 and ordinance No. 119-97.
- Seconded by Don Pearson
- Mayor Bybee asked if there was any discussion on the motion; there was none.
- All in favor; the motion passed.
- Roll call vote: Dave – yes; Don – yes; Mayor – yes; Heidi – yes; Gordon – yes.

11. DISCUSSION/ACTION ON RESOLUTION NO. 13-0507-SOB; A RESOLUTION OF UTAH CITY COUNCIL AMENDING, ADOPTING, AND SETTING FEES FOR THE SEXUALLY ORIENTED BUSINESSES: (01:10:07)

Presenter: Mayor Bybee

- Dave Boothe motioned to approve resolution No. 13-0507-SOB; a resolution of Utah City amending, adopting, and setting fees for the sexually oriented businesses.
- Gordon Cutler seconded the motion.
- Mayor Bybee asked if there was any discussion on the motion; there was none.
- All in favor; the motion passed.
- Roll call vote: Dave – yes; Don – yes; Mayor – yes; Heidi – yes; Gordon – yes.

12. DISCUSSION/ACTION ON RESOLUTION NO. 13-0507-CEM; A RESOLUTION AMENDING, ADOPTING, AND SETTING CEMETERY FEES FOR UTAH CITY: (01:11:09)

Presenter: Mayor Bybee

- Mayor Bybee explained that we have a lot of issues with the cemetery right now. We only have 115 lots left to sell so if we don't do a moratorium we need to raise our prices for nonresidents to be more competitive.
- Gordon Cutler motioned to approve resolution No. 13-0507-CEM; a resolution amending, adopting and setting cemetery fees for Utah City.
- Dave Boothe seconded the motion.
- Mayor Bybee asked if there was any discussion on the motion; there was none.
- All in favor; the motion passed.
- Roll call vote: Dave – yes; Don – yes; Mayor – yes; Heidi – yes; Gordon – yes.

13. DISCUSSION/ACTION ON RESOLUTION NO. 13-0507-BI; A RESOLUTION OF UTAH CITY COUNCIL AMENDING, ADOPTING AND SETTING FEES FOR UTAH CITY: (01:16:30)

Presenter: Mayor Bybee

- Mayor Bybee asked if the Council had any questions; there were none.
- Heidi Flitton motioned to approve resolution No. 13-0507-BI; a resolution of Utah City Council amending, adopting and setting fees for Utah City.
- Seconded by Don Pearson
- Mayor Bybee asked if there was any discussion on the motion; there was none.
- All in favor; the motion passed.
- Roll call vote: Dave – yes; Don – yes; Mayor – yes; Heidi – yes; Gordon – yes.

14. DISCUSSION/ACTION ON RESOLUTION NO. 13-0507-IA-BI; A RESOLUTION APPROVING AN INTERLOCAL AGREEMENT BETWEEN WASHINGTON TERRACE FOR BUILDING PERMIT FEES FOR UTAH CITY: (01:17:30)

Presenter: Mayor Bybee

- Don Pearson motioned to approve resolution No. 13-0507-IA-BI; a resolution approving an Interlocal agreement between Washington Terrace for building permits fees for Utah City.
- Heidi Flitton seconded the motion.
- Mayor Bybee asked if there was any discussion on the motion; there was none.
- All in favor; the motion passed.
- Roll call vote: Dave – yes; Don – yes; Mayor – yes; Heidi – yes; Gordon – yes.

15. DISCUSSION/ACTION ON INTERLOCAL COOPERATION AGREEMENT BETWEEN WASHINGTON TERRACE AND THE CITY OF UTAH FOR BUILDING PERMIT, PLAN REVIEW, AND INSPECTION SERVICES: (01:13:59)

Presenter: Mayor Bybee

- Mayor Bybee explained that with Brent Stuart moving on to other things we have decided to enter into an Interlocal agreement with Washington Terrace to use their building inspector.
- Jeff Monroe does both commercial and residential inspections; he is close working between Washington Terrace and South Weber as their Mayor.
- Entering into this Interlocal will take care of a lot of the issues the City has been experiencing.
- There were no other questions.

16. DISCUSSION/APPROVAL ON FIRE STATION DESIGN: (01:37:36)

Presenter: Shane Sanders

- Mayor Bybee explained that Mike and Shane Sanders are here to present the Fire Station Design Proposal.
- The Fire Station Design was done under a grant that was applied for when Craig Kendell was Mayor.
- Mike and Shane Sanders have worked with the Fire Chief and others to come up with a design that was funded under the grant.
- When the project under the Grant was started, there were several steps along the way which required approval. All of those steps have been completed.
- Tonight is the presentation of the work that was done under that grant.
- That means that this is a presentation, not a vote.
- Let me say, this is not a presentation to build; it is a presentation to present a proposed design.
- There is no funding to construct a fire station.
- Shane Sanders reviewed and presented the site plans to the Council. He explained that it is ready to go to bid.
- The floor plan and elevation plans were reviewed.
- Shane explained that this design would bring us up to code for an essential facility.
- He explained that the survey found some problems. The road needs to be dedicated to the City and the zoning is residential.

- Dave and Don both thanked Mike and Shane for all their efforts on this project.
- Gordon Cutler stated that he had sticker shock and asked if this was just a cost estimate. Shane explained that a lot of the estimate was for a metal building and bringing the existing building up to code. Gordon stated that this is a lot of money for our town.
- Shane explained that as you are building you can always take out some of the upgrades.
- Mayor Bybee explained the next step is to form a committee and assess what we want to do and work on the funding.
- Heidi Flitton asked if this was the final design and if the grant is finished; Mayor Bybee that this is the final design and the grant is done.
- Shane stated that they did what was best for the City. This satisfies the wants of the Fire Chief and the expansion plans.
- Mayor Bybee stated that this is an essential building and that we need to bring it up to code.
- Mayor Bybee thanked Mike and Shane for their time and work on this project.

17. DISCUSSION/ACTION ON WEBER COUNTY LIBRARY 5 YEAR CAPITAL IMPROVEMENT PLAN: (00:33:37)

Presenter: Kevin Wilson and Karen Burton

- Kevin Wilson explained the facts behind the special Weber County Bond Election.
- Why:
 - Library us as at an all-time high and increasing every year.
 - The Main Library, built in 1968, has significant structural and mechanical problems.
 - Southwest Branch is too small and is inadequate to meet the demands of a growing population.
 - Land has been provided by Roy City for a new Southwest Branch.
 - North Branch is too small to serve northern Weber County, and has unfinished space that can double the size available to the public.
 - With expanding parking, Ogden Valley Branch can accommodate large groups and serve as a community center.
 - The cost of borrowing money for construction is historically low, but will increase in the future.
 - Library funds are increasing being used to repair buildings instead of enhancing library facilities or programs.
- What:
 - Replace the Southwest Branch with a larger, modern library constructed on donated land.
 - Renovate and upgrade the historic Main Library.
 - Modernize and double the space of the North Branch.
 - Add safe, street parking at Ogden Valley Branch.
- How:
 - Bonds will finance the renovation and upgrade of the Main Library, a new Southwest Branch, doubling the space for the North Branch, and expanding parking for Ogden Valley Branch.
 - All for the average cost of \$2.63 per month for a \$161,000 residence or \$4.06 per month on a business property with the same value.
 - For more information visit the website at www.weberpl.lib.ut.us/bond or call 801-337-2617.
- Mayor Bybee thanked them for the information and for their time explaining the issue.

18. DISCUSSION/ACTION ON RESOLUTION NO. 13-0507-SW; A RESOLUTION APPROVING AN INTERLOCAL AGREEMENT BETWEEN WEBER COUNTY CITIES AND WEBER COUNTY FOR THE STORMWATER UPDES GENERAL PERMIT: (01:36:13)

Presenter: Mayor Bybee

- Don Pearson motioned to approve resolution No. 13-0507-SW; a resolution approving an Interlocal agreement between Weber County Cities and Weber County for the Stormwater UPDES General Permit.
- Dave Boothe seconded the motion.
- Mayor Bybee asked if there was any discussion on the motion; there was none.
- All in favor; the motion passed.
- Roll call vote: Dave – yes; Don – yes; Mayor – yes; Heidi – yes; Gordon – yes.

19. DISCUSSION/ACTION ON 2013 INTERLOCAL COOPERATION AGREEMENT BETWEEN WEBER COUNTY CITIES AND WEBER COUNTY FOR UPDES GENERAL PERMIT: (01:18:49)

Presenter: Mayor Bybee

- The City is proposing to enter into an Interlocal Cooperation Agreement between Weber County Cities and Weber County for Stormwater UPDES (Utah Pollutant Discharge Elimination System)
- Which covers:
 - The issuance, denial, modification, revocation and enforcement of UPDES permits, including general permits, Federal facilities permits, and sludge permits; and approval and enforcement authority for the pretreatment program.
 - The Interlocal cooperation agreement is with the Weber County Coalition. The Coalition works together to pool resources so the cities and county can accomplish some of the requirements that are reported each year under our MS4 permit (municipal separate storm sewer systems).
- For 2013-2014 Coalition will be doing
 - a. Water Fair
 - b. Training
 - c. Website
 - d. Flyers or brochures
 - e. Training - Contractor, Industrial, or Public
 - f. ComplianceGo Software

- Voting Member - Sue Bybee
- Alternative Voting Member - Nate Hadley

20. DISCUSSION/ACTION ON RESOLUTION NO. 13-0507-ELECTIONS; A RESOLUTION FOR APPOINTMENT OF MUNICIPAL ELECTION JUDGES, SETTING COMPENSATION, AND APPROVAL OF POLLING LOCATION: (01:38:25)

Presenter: Mayor Bybee

- Mayor Bybee explained to Council that this resolution has the alternates included; the ones in their packet did not.
- Heidi Flitton motioned to approve resolution No. 13-0507-Elections; a resolution for appointment of Municipal election judges, setting compensation, and approval of polling location.
- Seconded by Don Pearson
- Mayor Bybee asked if there was any discussion on the motion; there was none.
- All in favor; the motion passed.
- Roll call vote: Dave – yes; Don – yes; Mayor – yes; Heidi – yes; Gordon – yes.

21. OTHER BUSINESS: (02:00:00)

- Dave Boothe – Nothing to report.
- Don Pearson – We completed the 6600 Cemetery Road crossing and should have the crossing arms for 2275 E in June.
- Heidi Flitton – This Thursday is our U-Day meeting, we have lots of work to get done. The Fire Station design is beautiful; we still have a lot of work to do before we build.
- Gordon Cutler – Thanked Don for all his work and relations with the railroad. He thanked Jerry for all his efforts with the U-Day salmon bake and echoed what Heidi said about the Fire Station and all the work that still needs to get done.
- Mayor Bybee - Public Comments - The City Council has been discussing the suggestion to move the Public Comment to the beginning of the meeting.
- The public comment period is generally not a time for dialogue between the council and the public.
- The type of meeting governs the type of public comment a citizen may make.
 - Regular Session, like tonight, Citizens are permitted to address the Council concerning any matter over which the Council has jurisdiction, including comments concerning an item on the agenda. Comments needing or requesting follow-up will be assigned to staff for further action as appropriate after the meeting
 - The other type is Public Hearings. Public Hearings are more structured and comments are taken on specific topics. Some public hearings are subject to special rules imposed by state law or a particular ordinance.
- As a reminder, the council is available after City Council meetings to discuss concerns or questions with individuals or you can always contact them.
- We will move the public comments to the beginning of the meeting.
- Don Pearson commented that he would like the public to contact him prior to the meetings to discuss any of the agenda items; either by email, phone or in person.
- Mayor Bybee explained that's when we need the comments while we are working on the issues not just prior to the meeting; it's not effective that way.

22. PUBLIC COMMENT (2 minutes per person): (02:10:42)

- John Allen – "The comment period, it's a great thing, to help us facilitate asking the questions. Can we have this council packet available when you guys get it because I look at the agenda items and I have no idea what this means. I know a couple of the agreements; I don't know what all this is without more information. I was just following up with what you were just talking about having the comments sooner because you get the packets on the weekends. If we had the same information at the same time we would have the appropriate questions for you at that time. Because at the beginning or the end of the meeting people are clueless on the agenda items unless we have contacted you personally. It is great, it's just that if I contact Don about the railroad and ask him I know but nobody else knows. One on one is great but it doesn't get the information out to everybody. Because, you know, there are a lot of people who are not here and should be at this meeting. I shouldn't have to do this, the people should be here to make comments but those people are not here for whatever reasons could not be here, they could have more information if we have the council packet. Thank you."
- Michelle Roberts- "This is obviously my first council meeting so I don't know how this works, this is not a question and answer time? I just want to say that on the topics page you posted about the kitchen, I really appreciate that. I didn't know about all the people that have donated time and efforts until Heidi explained that to me last week and I just think it is great that we have so many volunteers that will donate their time to the city. And so I read that and I appreciate that. The fire station, he kept pointing out and comparing to Ogden City, and I just feel like you can't compare us to Ogden City because they have full time employees and we don't. I know that there needs to be things done to the fire station and what not, that was my only comment and also I didn't realize how much work you guys put in. You talk about the storm drains and the railroad crossings and all the things you guys do. I am really enlightened tonight and appreciate you guys."

23. MEETING ADJOURNMENT: (02:14:15)

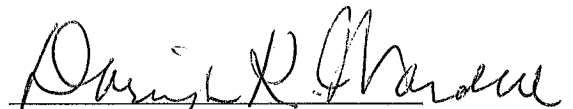
Dave Boothe motioned to adjourn the meeting.

Seconded by Don Pearson

All in favor; the motion passed.

The meeting was adjourned.

APPROVED by City Council this 21st day of May, 2013.



DARINDA K. WARDELL, City Recorder

