

Mayor Sue Bybee

UINTAH CITY COUNCIL MEETING

Planning – Gordon Cutler

Council Members:

TUESDAY, June 4th, 2013

Building Inspector-Jeff Monroe

Don Pearson

Heidi Flitton

5:00 PM

Treasurer – Mike Ulrich

David Boothe

Gordon Cutler

MINUTES

Sheriff – Lt. Burns

Fire Chief – Mike Marz

Attendees: Dave Boothe, Don Pearson, Heidi Flitton, Mayor Bybee, Gordon Cutler, John Allen, Ricky Hatch, Wendy Kendell, Sandy Bybee, Elaine Kendell, Nate Hutchinson, Matt Jensen, Dave & Sharon Hutchinson and Darinda Wardell.

MEETING MINUTES:

1. MEETING CALL TO ORDER: By Mayor Bybee.

PLEDGE OF ALLEGIANCE: Lead by John Allen

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; Don Pearson will abstain on item #7; there were no other conflicts.

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

- Sandy Bybee- "I don't know what the board's intention's is on the water. I am concerned that we are picking up water fees and expenses are added to the residents of Uintah for more fees on the water. I've had so many people tell me recently that their employers are cutting them 10 hours in order to accommodate Obama care, so people are losing 10 hours of their pay and I just think with this current situation people aren't getting raises and everything is going up. To put more burden on people by raising the water rates, especially when we pay so much to water our lawn, we have no other options, no cheaper way. We pay to water the lawn at the same expense so I am just a little concerned about that and I hope the board will take that under consideration. Thank you.

3. DISCUSSION/PRESENTATION ON WEBER COUNTY'S JUNE SPECIAL ELECTION – VOTE BY MAIL

PROCESS & CONTROLS: (00:01:54)

Presenter: Ricky Hatch

- Ricky Hatch stated that he was the Election Official and wanted to visit with the Council about the upcoming bond election later this month that will be done entirely by mail.
- The ballots have all been mailed out and he wanted to help answer any questions.
- Citizens can return their ballots by mail prior to June 24th. They can vote at the vote centers now through June 25th if they want to vote on the machines.
- Ricky Hatch explained the controls in place. Ballots received are under lock and key. They are only touched and viewed by election officials and there are two officials at all times when they are being handled.
- Each signature is verified and if they don't match the voter is notified.
- The ballot stays secret; they are in a special sealed envelope. After the signature is verified the ballot is removed and placed in a ballot box.
- Ricky Hatch brought flyers and poster to help explain this process.
- Gordon Cutler stated that the Council neither supports nor opposes this bond election.
- Mayor Bybee asked why it was by mail and not like any other election. Ricky Hatch stated that we get better turnout by mail. Last election 10% was done by mail; it seems to be the most popular.
- Don Pearson stated that by mail voting has to cost money. Ricky Hatch stated that the funds for promotion were by a private donor and that the cost of the election would be paid with Weber County and the library funds.
- Don Pearson asked who the donors were. Ricky Hatch stated Friends of the Library and that they were being very careful to separate the promotion and cost of voting.
- Mayor Bybee thanked Ricky hatch for his time and information.

4. APPROVAL OF CITY COUNCIL WORK SESSION MINUTES AND CITY COUNCIL MEETING MINUTES HELD MAY 21ST, 2013: (00:10:32)

Presenter: Mayor Bybee

- Heidi Flitton motioned to approve the work session minutes from May 21st, 2013.
- Seconded by Don Pearson
- Mayor Bybee asked if there was any discussion on the motion; there was none.
- All in favor; motion passes.
- Heidi Flitton motioned to approve the City Council meeting minutes from May 21st, 2013.
- Seconded by Don Pearson
- Mayor Bybee asked if there was any discussion on the motion; there was none.
- All in favor; motion passes.

5. PLANNING COMMISSION REPORT TO COUNCIL: (00:11:29)

Presenter: Gordon Cutler

- Gordon Cutler reported for Jerry Smith.
- The Planning Commission approved the preliminary plat for Aspyn Acres.
- They re-zoned the five parcels already in the City to better fit the use of the property; each of the owners were

contacted and they agreed to the rezone.

- Gordon asked for any questions; there were none.

6. **DISCUSSION/APPROVAL ON A BUSINESS LICENSE FOR WENDY KENDELL; PWR ENTERPRISES; LOCATED AT 6797 S 1540 E IN UINTAH; (00:13:00)**

Presenter: Wendy Kendell

- Wendy Kendell reported that her business was cleaning houses after they have had a fire.
- Don Pearson asked if Randy was involved in the business. Wendy stated that he was the general contractor who went in and did the repair work.
- Heidi Flitton motioned to approve the business license for PWR Enterprises; located at 6797 S 1540 E in Uintah.
- Seconded by Dave Boothe
- Mayor Bybee asked if there was any discussion on the motion; there was none.
- All in favor; motion passes.

7. **DISCUSSION/APPROVAL ON THE PLANNING COMMISSION'S RECOMMENDATIONS REGARDING REZONING OF THE VARIOUS PARCELS OF LAND IN UINTAH CITY; (00:15:26)**

Presenter: Mayor Bybee

- Mayor Bybee explained that we had to rezone five parcels that were zoned wrong from the beginning.
 1. The Fire Station from residential to commercial.
 2. UDOT property behind the Fenn house from residential to commercial.
 3. The new roadway commercial.
 4. Don Pearson's from residential to agriculture.
 5. Jeff Stuart's from residential to agriculture.
- Heidi Flitton asked if when Jeff Stuart's land is rezoned can he have his business he wants; Mayor Bybee explained that we would have to redo the zoning ordinance to allow it.
- Gordon Cutler motioned to rezone the fire station to commercial; the UDOT property behind the Fenn home to commercial; the new roadway to commercial; Don Pearson's and Jeff Stuarts land to agriculture.
- Seconded by Dave Boothe
- Mayor Bybee asked if there was any discussion on the motion; there was none.
- All in favor; motion passes. Roll call vote: Dave Boothe – yes; Don Pearson – yes; Mayor Bybee – yes; Heidi Flitton – yes; Gordon Cutler – yes.

8. **DISCUSSION/APPROVAL ON FINAL SUBDIVISION PLAT APPLICATION FOR DAVE HUTCHINSON, ASPYN ACRES; INCLUDING: (00:19:06)**

Presenter: Mayor Bybee

- Mayor Bybee asked the Council if they had any questions on the general subdivision; there are nine lots; three facing 6850 S.
- Heidi Flitton asked if they could build on lots 4; 5 and 6 with the ditch running through their lot. Mayor Bybee advise yes; they have included and easement.
- Don Pearson stated he was glad to see the easement.
 1. **Discussion/Action on City Engineers Final Plan Review**
 - #1. This is good; no action required
 - #2. He is asking for a grading plan for each lot.
 - #3. Needs a sewer lateral for lots on 6850 S.
 - #4. The fire hydrant needs to be approved and flow checked.
 - #5. Change the pavement section to match the geotechnical report.
 - Heidi Flitton motioned to approve the final plan review with the assuredly that numbers 2 – 5 are completed and they don't need a variance.
 - Seconded by Don Pearson
 - All in favor motion passes.
 2. **Easement Deed**

All the owners need to sign and have recorded before recording of the subdivision for lots 4; 5 & 6. Approved by our engineer and attorney on May 19th.
 - Heidi Flitton motioned to approve the easement deed.
 - Seconded by Don Pearson
 - All in favor motion passes.
 3. **Water Share Agreement**

The ditch company has deeded nine and a half shares of water to Aspy Acres.

Dave Hutchinson stated that he will put a head gate to all nine lots.

Don Pearson wanted to be sure we don't have the same problem as we have in Buena Vista.
 - Gordon Cutler motioned to approve the water share agreement.
 - Don Pearson seconded the motion.
 - All in favor motion passes.
 4. **Cost estimate and bond amount**

According to the plan both of our engineers need to approve this performance bond.

Bonds and bond requirements were discussed.
 5. **Discussion/Action on type of bond**

Mayor Bybee stated that their assuredly bond has no warranty or guarantees; according to our ordinance we have to have that; we need to have that verified.

Dave Hutchinson stated that they have given all the requirements of the bond to the bond company.

- Heidi Flitton motioned to approve the performance bond subject to the verification of warranty and guarantees.
- Seconded by Dave Boothe.
- All in favor motion passes.

6. Subdivision Improvement Agreement

This document requires construction of the subdivision; required bonds; escrow to complete improvements; release of bond and guarantee and everything developed.

Mayor Bybee corrected the following on the document:

Page 2 Section 2 d ii guaranteed; iii add years after two; remove v and v1 completely.

- Dave Boothe motioned to approve the subdivision improvement agreement.
- Seconded by Don Pearson.
- All in favor motion passes.

7. Variance

Mayor Bybee stated that this is a two part subdivision; the top and the bottom. They would like to start building sooner than the subdivision is approved.

Mayor Bybee stated that she has a list of requirements from the subdivision ordinance that Nate will have to meet; which will be sufficient; no variance will be needed.

Don Pearson stated that he is satisfied that the subdivision ordinance covers everything and no variance is needed.

Gordon Cutler stated that if Nate meets all the requirements there will be no need to have him on the Planning Commission agenda.

Dave Hutchinson asked when he will be able to record the subdivision.

Mayor Bybee stated after Weber County approves the plat; JUB needs to approve the plat; bond needs to be verified; CC&R's need to be done; the easement deed signed and notarized and the roll back taxes need to be paid.

- Gordon Cutler thanked Sharon Hutchinson for all her hard work on this project.

9. DISCUSSION/ACTION ON RESOLUTION NO. 13-0604-WTR; A RESOLUTION AMENDING, ADOPTING, AND SETTING WATER FEES FOR UTAH CITY: (00:54:52)

Presenter: Mayor Bybee

- Mayor Bybee explained that she had Curtis Ludvigson from Rural Water conduct a water study for us.
- His reports and scenarios were discussed.
- Mayor Bybee asked the Council where they wanted to start the discussion.
- Gordon Cutler stated that he didn't know about or hadn't heard that water rates were increasing; and from the reports it looks like they need to be increased 50%. He didn't feel like we have done a good enough job educating the community about this. The charts are alarming the amounts of water we are using. He has serious concerns for the retired folk and the young families.
- Heidi Flitton asked a question about the average bill now being \$48.36; we are looking at \$64.20 and we need \$84.69. Mayor Bybee explained that we are just paying for the water not putting away for improvements to the infrastructure and maintenance.
- Mayor Bybee stated that if we changed to scenario #5 with a base pay of zero; those who use less will pay less; and those who use more will pay more; because they would be charged for the water used.
- Mayor Bybee reviewed the chart of usage by the gallons.
- Heidi Flitton stated that the enterprise fund makes \$187,000 in revenue and its expenditures are \$310,000; can't we sharpen our pencils and cut expenses. She stated we need to educate the citizens and cut the budget.
- Gordon Cutler stated if you use it you should pay for it; should everyone pay the same rates?
- Heidi Flitton stated that small business owners are in the same bad shape; I recommend that educate and help the citizens understand and sharpen our pencils and cut the budget.
- Don Pearson stated that he liked the idea of people paying for what they use and giving the opportunity to spend less with conservation. The infrastructure needs to be maintained and the old needs to be fixed. If we use less we pay less. Let's help those who use less.
- Dave Boothe had the same impression that Gordon had and doesn't know what is best. We need to educate and survey and we need to be fair. We need to get the information out to the community and come back later to vote.
- Mayor Bybee stated that this is not a new thing; every time we have had to buy water we have discussed that we are going to have to raise rates; we have bought more water two times and have not increased the rates. We have to pay the additional increase annually; our rates don't go down. I am the one over water, I am the one who has to do this and I am the one who has to present it to you. I think that we can change and add commercial rates and I think that we can come up with whatever scenario we want; we are going to have to raise rates; we have to pay for the water.
- Gordon Cutler asked how we educate the citizens. Mayor Bybee stated with newsletters; charts and usage.
- Heidi Flitton motioned that we table this; form a committee with the Mayor a councilmember and maybe five citizens to come up with some creative solutions.

- Don Pearson seconded the motion and added that we recognize that things are tight; we need to give the opportunity to those who use less water. We need to pay for the water we bought; for those using less water we need to discuss ways to decrease what they pay and encourage less water usage.
- All in favor the motion passes.

10. OTHER BUSINESS: (01:22:34)

- Dave Boothe – nothing to report.
- Heidi Flitton – nothing to report.
- Don Pearson – The crossing arms for 2275 E will be done in the fall; we now have a work order for the project.
- Gordon Cutler – Wanted to address the topic page on Facebook. I am opposed to anything where one citizen can say bad things about another citizen in the City. I am not in favor of supporting it any longer.
- Mayor Bybee – it is not our intent for anything negative. We have taken down the page and it will stay down.

11. MEETING ADJOURNMENT: (01:25:14)

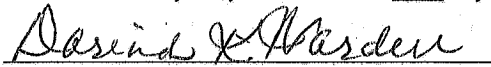
Mayor Bybee motioned to adjourn the meeting.

Seconded by Don Pearson

All in favor; the motion passed.

The meeting was adjourned.

APPROVED by City Council this 18th day of June, 2013.



DARINDA K. WARDELL, City Recorder