

Mayor Sue Bybee

UINTAH CITY COUNCIL MEETING

Planning – Jerry Smith

Council Members:

TUESDAY, August 20th, 2013

Building Inspector-Jeff Monroe

Don Pearson
David BootheHeidi Flitton
Gordon Cutler7:00 PM
MINUTESTreasurer – Mike Ulrich
Sheriff – Lt. Burns
Fire Chief – Mike Marz

Attendees: Mayor Bybee, Dave Boothe, Don Pearson, Heidi Flitton, Gordon Cutler, Mike Ulrich, Marilyn Pearson, Lawrence Flitton, Greg Johnson, Diane Johnson, Dave Hutchinson, Jerry Smith, Patsy Arnold, Lance Arnold, Dane Larsen, Allyson Tanner, Jonathan Tanner, Kathleen Bloomer, Robyn Cutler, S & C Daniels, Brandon Kroeger, Elaine Kendell, Mike Marz, LT. Kevin Burns, Crystal Western, and Darinda Wardell.

MEETING MINUTES:**1. MEETING CALL TO ORDER:** By Mayor Bybee**PLEDGE OF ALLEGIANCE:** Lead by Greg Johnson

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 with tonight's agenda; Dave – No; Heidi – No; Mayor Bybee – No; Don – stated he may participate in the discussion, but he will not be voting on item #12; Gordon – disclosed that he was on the City Planning Commission when the CUP was issued for item #12.

2. PUBLIC COMMENT (2 minutes per person): (00:01:04)

- No comments were made.

3. APPROVAL OF CITY COUNCIL MEETING MINUTES HELD August 6th, 2013: (00:02:10)

Presenter: Mayor Bybee

- Mayor Bybee asked if there were any questions on the minutes. Gordon pointed out that the minutes listed a Jim Morgan, and his name is actually Jim Morkin. Darinda Wardell changed the name in the official minutes. The council thanked Crystal Western for doing a nice job preparing the minutes.
- Heidi motioned to approve the City Council meeting minutes for August 6th, 2013 with the changes mentioned.
- Seconded by Don Pearson.
- All in favor; the motion passed.

4. DISCUSSION/ACTION ON AN EAGLE SCOUT PROJECT FOR JONATHAN TANNER: (00:03:30)

Presenter: Jonathan Tanner

- Jonathan explained to the Mayor and council that for his Eagle Project, he would like to fix-up, repair, and move the "Welcome to Uintah" sign so it is by the new road.
- Mayor Bybee said that she had spoken to the Tesch's, who own the property, at the head of the road, and the City had not gotten approval to place the sign where they had originally planned. Don and Heidi asked the Mayor to clarify where the location would be. She answered that UDOT had recommended it be placed on the hill by Bell's. She said that Tesch's did not give permission for the City to place a sign on their land. Don asked if the Tesch's had given a definite "no", and Mayor Bybee said yes.
- Don explained that the City and UDOT had chosen the location by Bell's because they felt it was the most visible spot to mark the entrance into the City. He stated that it would make the most sense to place it there. Mayor Bybee asked how far out they can place it, and Don responded that if they get permission to place it on the private property, he will work with UDOT and try to get it placed as far out as possible.
- Heidi asked if Rick Shock had been informed about this plan since he had been the one to show initial interest in this project. Jonathan said that he is in his troop and will be working with him on this project.
- Mayor Bybee told Jonathan that Councilman Dave Boothe is over eagle projects, and that is who he will need to contact and work with from here on out.
- Don asked when Jonathan would need to know the exact location. Jonathan said that it would probably take him a few weeks.
- Gordon asked if there was any need of City involvement in this project. Mayor Bybee stated that if it goes on the higher property, some of the trees will have to be cut down and cleared. Don asked how they would do that, and Jonathan said they have a backhoe they will be using. Jonathan also asked the City if they would help with money for paint and stain. Mayor Bybee said they would get back to him on that after they'd been given a chance to look over the budget.
- Dave thanked Jonathan for doing this project, and Heidi told him to let him know if the City can help with anything.

5. TREASURERS REPORT: (00:08:28)

Presenter: Mike Ulrich

- 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 July was reviewed.

Don Pearson asked about the sheriff amounts on pages 4 & 21. Mike explained that on page 4 is the remainder of the sheriff's contract for June, and page 21 is the money for the DUI shifts. Don also asked what the amounts for Thomas Transmission were on page 12. Mike responded that they had allocated funds from each department that uses that truck. Don then asked what the pest control charges were on page 13. Mayor Bybee answered that it was for when the building was sprayed. Heidi Flitton asked if the U-Day charges would show up in this fiscal year. Mike responded that they would not, they would be in last fiscal year's budget because that's when the charges were incurred. Heidi Flitton motioned to approve the invoice register for the month of July. Seconded by Don Pearson.

Mayor Bybee asked if there was any discussion on the motion; there was none. All in favor; Gordon Cutler – yes; Heidi Flitton – yes; Mayor Bybee – yes; Don Pearson – yes; Dave Boothe – yes motion passes.

- **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 was reviewed for the period of 07/13/2013 – 08/13/2013. Dave Boothe motioned to approve the transaction register for the period of 07/13/2013 – 08/13/2013. Seconded by Don Pearson. Mayor Bybee asked if there was any discussion on the motion; there was none. All in favor; Dave Boothe – yes; Don Pearson – yes; Mayor Bybee – yes; Heidi Flitton – yes; Gordon Cutler – yes; motion passes.
- **Budget:**
Mike Ulrich explained that he had not yet completed the actual budget due to the fact that he was on vacation. He said that he had the expenditures, but it doesn't yet compare to the budget. He said that at the next month's meeting he can have it show for the months of September and August. The Mayor and Council Members said that they were alright with reviewing it next month combined with the September budget report.
- **Transaction Reversal Report for July**
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. Mayor Bybee asked if there were any questions; there were none. Heidi Flitton motioned to approve the Transaction Reversal report for the month of July. Seconded by Dave Boothe. All in favor; Dave Boothe – yes; Don Pearson – yes; Mayor Bybee – yes; Heidi Flitton – yes; Gordon Cutler – yes; motion passes.

6. OFFICIAL CANVASS OF THE AUGUST 13TH, 2013 UINTAH CITY MUNICIPAL PRIMARY ELECTION: (00:16:00)

Presenter: Darinda Wardell

- Darinda displayed the Ballot Disposition Report which showed results from the August 13, 2013 election. She went over the Ballot Disposition Report with the Mayor and City Council, who serve as the Board of Canvassers. Darinda explained the differences between ballots which are returned, returned undelivered, or ballots counted. Heidi Flitton clarified that those ballots that came back as unregistered voters, are now registered and may vote in the general election. Darinda replied that was correct.
- Darinda then went over the official Primary Election results and the Weber County Election Summary Report. These documents showed the votes as follows:

○ Lawrence Flitton	Mayor Four Year Term	135 votes	49.09%
○ Brandon D. Kroeger	Mayor Four Year Term	66 votes	24.00%
○ Sue Bybee	Mayor Four Year Term	74 votes	26.91%
○	276 votes out of 736 voters, equaling 37.5%		
- Don Pearson mentioned that in this Primary election Uintah City had the highest voter turnout in the county. Darinda confirmed that information is correct. She said that there were cities with turnout as low as 5%, and Uintah was the highest at 37.5%. Mayor Bybee said that last time Uintah had a Primary there were 33 voters, so the City did very well this time.
- Darinda said that she needs a vote from the council and their signatures to make these results official. Don Pearson motioned to approve the Official 2013 Municipal Primary Canvass results. Seconded by Dave Boothe. Mayor Bybee asked for any discussion on the motion; there was none. All in favor; Dave Boothe – yes; Don Pearson – yes; Mayor Bybee – yes; Heidi Flitton – yes; Gordon Cutler – yes; motion passes.
- Darinda said that she will distribute the official results to the candidates.

7. YOUTH CITY COUNCIL REPORT: (00:22:50)

Presenter: Heidi Flitton

- Heidi Flitton said that she had a meeting with Carolyn Laird who is the youth city council advisor. She said that they felt like they should continue doing similar activities as they have done in years past. Heidi stated that the youth

council activities focus on education, service, and social. She said that they do a few fund raisers to help with their trip for their day at the legislature in January, and a 3 day conference at Utah State. Heidi said that all the money used for the youth council is gathered from fund raisers, they do not use any money from the general fund. She also said that they are looking to recruit anyone from 9th to 12th grade. She stated that the youth council is a great opportunity to learn how government works and serve in the community.

- Mayor Bybee asked the council if they had any questions. Dave asked if they'd gotten any applications for new recruits. Heidi responded that she had gotten 3. Gordon said thanks to Heidi and Carolyn Laird for all her work with the youth council. Sue and Heidi said this is Carolyn's 3rd year. Don asked if they had any returning members, and Heidi answered that there were 3 returning.
- Heidi said she'd also like to say thank-you to Jessica Garlick, even though she's moved out of the City she was a huge help as an advisor last year. She then stated that they are always happy for adult volunteers to help out or serve as advisors.

8. FIRE DEPARTMENT REPORT: (00:26:18)

Presenter: Mike Marz

- Mike Marz reported on the fire calls received since his last report. He said there were 3 small brush fires that were put out before they arrived at the scene.
- Mike then spoke about some of the training opportunities that the fire department is preparing for. He said they will train with South Weber starting in January. He said it will be Fire Fighter One training every Thursday for a few months. He stated this should be a more convenient option for most of the fire fighters.
- He also mentioned that they are working on a grant to try to get new tanks. He said it is a federal grant and it is due by the end of July. He said they should hear back on that grant by October. He said that the bottles are fairly expensive, ranging from \$2,500 - \$6,000. He said if they do not receive the grant, they will just try to keep the bottles they have on a rotation so that none of them expire.
- Don Pearson asked about the training that is scheduled with Weber County. Mike answered that it will be this Thursday, and should continue with the 4th Thursday of every month. He said that the location for this training hasn't been determined yet.
- Heidi asked him how often the South Weber trainings will take place. Mike answered that it would be every Thursday until everyone is certified. He said that if South Weber is certifying fire fighters, their trainings will take precedence over the county trainings. He reiterated that the county training is still being worked out.
- Mayor Bybee asked how many fire fighters still need to be certified, and Mike responded that there are 3.
- Heidi asked about the minimum age for junior firefighters. Mike answered typically 16. Mayor Bybee said that they were not going to do the junior firefighters anymore upon recommendation from the City's insurance company. Mike said that if that is the case they shouldn't do the explorer program with the scouts anymore either. Mayor Bybee said they can still ask the insurance about the scout program.

9. SHERIFF'S REPORT: (00:33:03)

Presenter: Lt. Burns

- Lt. Burns referred to the July 2013 sheriff's statistic report for Uintah City. He said there were 32 reports.
- He explained that the recent drug raid in Uintah City was not included on this report because it was actually reported through the Ogden City narcotics strike force. He then said he'd like to share some of the background information about the drug raid he'd gotten from the strike force sergeant. He shared the following information:
 - This case has been under investigation for about a year.
 - The group on this case was made up of law enforcement personnel from the Ogden narcotics strike force, FBI, Ogden Police Department, Weber County Sherriff's Office, West Jordan Police Department, and the FBI safe streets task force tactical operations group.
 - On July 30, 2013 the group executed search warrants as follows: 1 in Taylorsville, 1 in West Jordan City, 1 in Layton City, and 1 in Uintah City.
 - A large enterprise of distribution of methamphetamine across the Wasatch Front was discovered.
 - \$400,000 in cash and assets were seized, 3 pounds of methamphetamine were obtained, 14 individuals were arrested on felony charges, and 8 suspects are still on the run.
 - He explained that Uintah was a prime location for distribution to Wyoming due to its close location to Highways 89 and 84.
 - He said that it was a pretty big case, and a career case for many of those involved. He said that many hours were put in on the surveillance in this case.
- Mayor Bybee asked if the house had been seized. He said it had not yet been and that it is a lengthy process and the homeowner will still be living there in the meantime.
- Lt. Burns said that citations are up from last year to this, from 26 to 32. He said the crime stats were low with only one burglary and that it had been a pretty good month.
- Mayor Bybee asked for any questions. Don Pearson asked if there were any reportable traffic accidents. He said that he likes to keep track and see if the traffic light on 89 is doing any good. Lt. Burns said that any accidents that have happened have been very minor, under \$1,500 in damage.
- Don also informed Lt. Burns about the new traffic signs the City had installed. He mentioned the Uintah arrow that is visible when heading south bound. He also mentioned a do not enter sign, a no left hand turn sign, and the future addition of one more Uintah arrow sign. He asked if the Judge had reported back if these signs are sufficient. Lt. Burns said that he would speak to the Judge tomorrow and get back to him with that answer. Lt. Burns stated that he recalled from a past meeting with UDOT that one of the problems was with the exit signs on I84 Westbound. He explained that there is a problem with the labeling of the Salt Lake and Ogden exits with an A or a B. He explained that this has caused problems with truckers getting off on the wrong exit. Don said that he would like to speak to Lt.

Burns after this meeting and then he would take their findings and concerns back to UDOT.

- Heidi said that she wanted to thank the sheriff's office for the pass along emails and the strike force updates
- Mayor Bybee thanked them for the drug raid and all the hard work put in on that. She said that many citizens were very happy to see that resolved.

10. DISCUSSION/ACTION ON RESOLUTION NO. 13-0820-BLD & PARK; A RESOLUTION OF THE COUNCIL OF UINTAH CITY ADOPTING AND AMENDING FEES AND ESTABLISHING RULES AND REGULATIONS FOR THE USE OF VARIOUS CITY FACILITIES: (00:42:20)

Presenter: Mayor Bybee

- Mayor Bybee stated that the barbeques have been removed, and everything else should be about the same.
- Mayor Bybee asked for questions. Heidi asked if Patty had been informed of the U-Day booth changes. Mayor Bybee responded that Patty had requested the changes. Gordon asked if bounce houses had been listed in the old resolution. Sue said they were not.
- Heidi Flitton motioned to approve Resolution No. 13-0820-Bld & Park;
- Seconded by Don Pearson.
- Mayor Bybee asked for any discussion on the motion; there was none.
- All in favor; Dave Boothe – yes; Don Pearson – yes; Mayor Bybee – yes; Heidi Flitton – yes; Gordon Cutler – yes; motion passes.

11. DISCUSSION/ACTION ON UTILITY ACCOUNT BAD DEBT FOR SHANTELL DALLEY: (00:43:57)

Presenter: Mayor Bybee

- Mayor Bybee explained that this was a bill for \$240 from a homeowner who has moved out and the City cannot locate her.
- Heidi asked how many months this bill accounted for. Mayor Bybee said it could be one month. Heidi said Amanda is good at keeping up on accounts and it probably isn't any more than 2 months. Mayor Bybee said that when a house is sold the City tries to settle the account, but if the payments aren't picked up at that time the City is usually stuck with the bill balance.
- Don asked if there are any unexplored avenues to try and collect the money. He suggested a collection agency. Mayor Bybee said they can if they want to pay for it. She said the last time they tried to send someone to collections, it was 3 years ago and they have never yet been able to locate them. Don asked if the City knew an address, and Mayor Bybee said they did not. Heidi pointed out that these charges are from April.
- Dave asked if the City can report on credit to stop future problems. Mayor Bybee said that she has spoken to the City Attorney about options for things like these. She said that he has said there aren't many options because it's very hard to locate them, and the costs of filing are very high.
- Gordon asked if it were a rental could they collect from the landlord. Mayor Bybee answered that they do have paperwork in place for that on rentals. Gordon asked if there is anything like that in place for a homeowner and Mayor Bybee said no, not once they've moved.
- Heidi Flitton made a motion to close Ms. Dalley's utility account as it stands without requiring payment in full of \$240 as Amanda Shipley, City Utility Clerk, recommended.
- Seconded by Dave Boothe.
- Mayor Bybee asked for any discussion on the motion; there was none.
- All in favor; Dave Boothe – yes; Don Pearson – yes; Mayor Bybee – yes; Heidi Flitton – yes; Gordon Cutler – yes; motion passes

12. DISCUSSION/ACTION ON THE CONDITIONAL USE PERMIT FOR LANCE & PATSY ARNOLD; DBA FULL MOON MARINE LOCATED AT 6702 S 1775 E IN UINTAH: (00:47:26)

Presenter: Mayor Bybee

- Mayor Bybee explained the reasons the Arnolds have been asked to attend today. She said in 2009 the Arnold's were granted a CUP for motor and boat tune ups and minor repairs.
- Mayor Bybee cited the original home occupation conditions as found in the City's CUP ordinance
9-13C-4: REQUIRED CONDITIONS:
 - A. The occupation is limited to persons who actually reside on the premises.
 - B. The occupation shall not require exterior alterations and shall retain the general character and appearance of a residential dwelling.
 - C. The home occupation shall not include more than four hundred (400) square feet or twenty five percent (25%), whichever is less, of the ground floor area of the home. This does not apply for child daycare.
 - D. The occupation shall not include the storage on or sale from the premises of goods or commodities which are not produced on the premises. This does not apply to phone order or mail order sales with delivery direct to an off premises buyer.
 - E. The occupation must obtain a conditional use permit, fire inspection and an annual business license.
 - F. The occupation shall not be open to the public at times earlier than eight o'clock (8:00) A.M., nor later than nine o'clock (9:00) P.M. Hours of operation shall be set by the planning commission upon granting of a conditional use permit.
 - G. No more than one visiting client or merchandise oriented home occupation shall be permitted within any single dwelling.
 - H. An occupation that attracts customers, clients or students to the premises for sales or services shall not be allowed in multi-family dwellings.
 - I. Selling parties shall be limited to not more than ten (10) buying customers at any one time and not more than one party every three (3) months.
 - J. An occupation that attracts customers, clients or students to the premises shall provide adequate off

- street parking as determined by the planning commission or by the building inspector in the case of the permitted use.
- K. There shall be no storage or parking on the premises or on the streets in the vicinity of the premises of tractor trailers, semi-trucks or other heavy equipment used in an off premises business for which the dwelling is being used as a home occupation office, except that not more than one truck of one ton capacity or less may be parked on premises during off work hours at night.
 - L. In order to guarantee that the home occupation, once authorized, will not become a nuisance to the neighbors, the planning commission may impose other reasonable conditions initially and also subsequently to protect the public health, safety, peace and welfare of the residents of the surrounding residential, mobile home park or agricultural area. (Ord. 176-04, 6-15-2004)
- Mayor Bybee said that there were other reasonable conditions added by the planning commission at the time of this CUPs issuance cited the original home occupation conditions as found in the City's CUP ordinance
- ADDITIONAL CONDITIONS:**
- Any changes to the business, including expansion of the approved occupation must be submitted in writing and approved by the planning commission.
 - Applicant must maintain a current business license with the City.
 - Signs or lighting shall comply with all regulations.
 - Heavy traffic or overload to streets must be controlled.
 - Off-street parking or arrangements for off-street parking must be adhered to.
 - Proper steps must be taken in regards to storage of combustibles.
 - No stripping of vehicles, junk yard storage, or plain view demolition.
 - All vehicles in view must be licensed.
 - Only 6 boats are allowed on the property at one time.
 - All vehicles must be on a solid surface, including those in the back yard.
- Mayor Bybee said that they originally stated that this was going to be a hobby business for motors, boats and minor repairs. She stated that since then in a recent April meeting the Arnolds said that their business was growing and they were going to start upholstering. She also said that they stated that their clients are only parking there for 5-10 minutes; they had friends visiting, and a son living with them who owned 3 vehicles. Lance responded that their son no longer lives with them. Mayor Bybee continued saying that they stated they have not stripped any boats, and that boats are usually dropped off when the Arnolds are not at home.
 - Mayor Bybee then said that the issue with all this stems from an incident that took place on June 6, 2013. She explained that the sheriff had responded to a complaint from a Justice Kane who said that Lance Arnold had hired him to clean and detail a truck. In the police report, Justice said that after he cleaned the truck Lance withheld payment from him. Mayor Bybee then read aloud some of the police report in which Lance told the sheriff that he sometimes hired Justice to detail vehicles. Mayor Bybee asked the Arnolds if this information is correct.
 - Lance Arnold responded that it was incorrect. He said he has paid Justice to do odd jobs over the years, but he has never hired him as an employee of his business. Patsy and Lance then relayed their story in which a man named Bob hired Justice to clean his vehicle and Lance loaned him half of the money before the job was completed. He said that when Bob was unhappy with the job and didn't pay Justice the remaining half of the money Justice became angry with Lance and this incident occurred.
 - Mayor Bybee asked them why Lance told the sheriff that Justice works for him. The Arnolds responded that they have mentored him since he was 9 years old. They said that they have done a lot to try to help him and teach him things and they have paid him occasionally for odd jobs that have nothing to do with their business. They said that he's hung out at their home a lot, but they've never hired him for their business.
 - Don said that he feels like this incident doesn't have anything to do with his CUP. Mayor Bybee said the problem would be if they had hired an employee. The Arnolds said they understood this and that they hadn't hired him.
 - The Arnolds also said that they've been trying to clear their yard and clean up the mess. Mayor Bybee said they aren't always in compliance with the 6 boats, but the City has noticed their efforts and it is looking very nice.
 - Heidi asked for clarification on why this item is on the agenda. Sue explained that it is not the altercation in question, but whether or not they have hired an employee. She said the City's attorney has advised that if the Arnolds have hired an employee then the City should cancel their CUP.
 - Gordon Cutler explained that he was on the planning commission when this was issued. He said that looking back in retrospect he feels that the planning commission should have never approved this CUP, especially with the condition that they would park boats on the Eggli's property. He said that after talking to legal counsel he feels like the planning commission may have screwed up in the past, but now it's time for the City to fix it. He reminded everyone that the last thing the planning commission had done was voted to forward the recommendation to the city council that this CUP be rescinded. He said that he appreciated the improvements they've made to the property, but he still feels this business is too big for a residential area.
 - Gordon Cutler made a motion to rescind the conditional use permit for Full Moon Racing, located at 6702 S. 1775 E. in Uintah.
 - No one seconded the motion; motion did not pass.
 - There was then much discussion about the property and how large the business has gotten. Heidi reiterated that it is a residential area and it is not supposed to be obvious from the outside that there is a business there. The Arnolds acknowledged that there is more cleaning up they need to do.
 - The Arnolds then mentioned that Justice has since made additional accusations against them. Mayor Bybee said that those issues are not anything that the City will get involved with and they will have to go through law enforcement and the legal system to resolve that.

13. OTHER BUSINESS: (01:06:13)

- Mayor Bybee – disclosed that a party has contacted the City about annexing 12 acres into the City to use for commercial business. She said the City is looking at that proposal, but she does not have any detail regarding these issues at this time.
- Don Pearson – said that for 3 years the City has been trying to get crossing arms on 2275. He said that on Monday of next week, the road will be closed during daylight hours in preparation for the installation of the crossing arms. He said they are expecting it to only take one day.
- Dave Boothe – said the cemetery has been very busy with 7 burials in 7 weeks. He said that a few days ago they had to cut down two trees in order to dig a grave. He expressed a public thanks to Don Pearson, Nate Hadley, Lee Wohlgemuth, and Lee Wohlgemuth's son-in-law for helping him in that endeavor. Don Pearson wanted it mentioned that there are only about 70 grave plots left. He said if the City could get those sold, they would have money to expand at the cemetery.
- Heidi Flitton – said that she is looking into making the City's website cleaner and user friendly as per request of the Mayor. She said in the future look for changes to the City website.

14. MEETING ADJOURNMENT: (01:09:50)

Don Pearson motioned to adjourn the meeting.

Seconded by Dave Boothe.

All in favor; the motion passed.

The meeting was adjourned.

APPROVED by City Council this 17th day of September, 2013.



DARINDA K. WARDELL, City Recorder