



COALVILLE CITY COUNCIL MEETING NOTICE AND AGENDA

Notice is hereby given that the Coalville City Council will hold its regular meeting on **Monday, April 9, 2018** at the Coalville City Hall, 10 North Main, Coalville, Utah. This meeting will begin at **6:00 P.M.** The agenda will be as follows:

1. Roll Call
2. Pledge Of Allegiance
3. City Council Agenda Items:
 - A. **Public Hearing:** Consideration And Possible Approval Of The Conditional Use Permit Application For Beekeeping, Lotta Clark, located 37 North 100 East or 282 East 50 North
 - B. Consideration And Possible Approval Of Reimbursement For Shane Robertson's Water Relocation Project
 - C. Update Of The Keyes Family Litigation
 - D. Public Works Updates
 - E. Community Development Updates
 - a. Business Licenses
 - F. Legal Updates
 - G. Council Updates
 - H. Mayor Updates
 - I. Executive Session
4. Review And Possible Approval Of Accounts Payable
5. Review And Possible Approval of Minutes
6. Adjournment

** Coalville City reserves the right to Change the order of the meeting agenda as needed.*

Dated this 6th day of April, 2018.

A blue ink signature of Nachele D. Sargent, City Recorder, written over a horizontal line.

Nachele D. Sargent, City Recorder

Mayor
Trever Johnson

Council
Adrianne Anson
Cody Blonquist
Arlin Judd
Rodney Robbins
Tyler Rowser

****In compliance with the Americans with Disabilities Act, individuals needing special accommodations during this meeting should notify the City Hall (435-336-5981) at least three days prior the meeting.**

Posted: April 6, 2018 City Hall, Coalville City Website, Utah Public Notice Website

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Coalville City Council
Regular Meeting
HELD ON
April 9, 2018
IN THE
CITY HALL

Mayor Trever Johnson called the meeting to order at 6:00 P.M.

MAYOR AND COUNCILMEMBERS PRESENT: Mayor Trever Johnson
Councilmembers: Cody Blonquist,
Adrianne Anson, Tyler Rowser,
Arlin Judd, Rodney Robbins

CITY STAFF PRESENT:

Sheldon Smith, City Attorney
Shane McFarland, City Engineer
Derek Moss, Planner
Zane DeWeese, Public Works Director
Nachele Sargent, City Recorder

PUBLIC IN ATTENDANCE:

Lotta Clark, Donald Fulton, Debbie
Robinson, Jim Robinson, Dusty France

Item 1 – Roll Call:

A quorum was present.

Item 2 – Pledge of Allegiance:

Mayor Trever Johnson led the Council, Staff, and Public in the Pledge of Allegiance.

Item A – Public Hearing: Consideration And Possible Approval Of The Conditional Use Permit Application For Beekeeping, Lotta Clark, located at 37 North 100 East or 282 East 50 North:

Lotta Clark stated she wanted to have two hives on her property at 37 North 100 East. She stated when she applied for the permit; she was told she couldn't have bees because she lived in a Commercial Zone. Sheldon Smith stated the Code only allowed beekeeping in Residential Zones and stated he didn't know how to bridge the gap of Commercial and Residential because of how the ordinance was listed. Sheldon referred to the Staff report (Exhibit A) and stated Ms. Clark was interested in having the bees at the Betty Crittenden

property, 282 East 50 North. Lotta Clark stated she had been informed that Betty's neighbor was very allergic to bees and they were concerned with her putting them on Betty's property. She stated she didn't want to pursue that location anymore because she didn't want to cause any issues there. Derek Moss stated there was some ambiguity in the Code because it stated they were allowed on residential lots and it was questioned why they couldn't be on a lot that was a residential lot, so the Council needed to make the decision. Sheldon Smith stated he felt the Code was very specific to the Residential Zone even though residences were allowed in the Commercial Zone; it was dealing with the Zone and not the Use. Lotta Clark stated they could meet all of the requirements of the Code. Council Member Cody Blonquist stated he didn't have any objection to the bees, but felt they had to follow the Code. Council Member Rodney Robbins questioned where the Code said all residential lots, if that could cover the requirement. Sheldon Smith stated it went back to where it stated it had to be a Residential Zone.

Mayor Trevor Johnson opened the public hearing at 6:11 P.M.

Donald Fulton – City Property Owner

Donald Fulton stated his family owned a number of hives in Central California and they would take them and drop them off at the orange orchards. He stated his favorite honey was Hibiscus which was a dark amber colored honey with a unique medicinal taste. He stated he had learned a lot about bees and their importance. Mr. Fulton stated if there was any way to interpret the Code with a broad enough interpretation to allow bees, they would be doing a solid service to the community and City. Any time they said no to bees, it was a disservice because we need them.

Mayor Trevor Johnson closed the public hearing at 6:13 P.M.

The Mayor and Council discussed the options to allow Ms. Clark to have bees. Lotta Clark questioned if she could apply for a variance or something that would allow her to have the bees at her home. Sheldon Smith stated a variance couldn't override Zoning. He stated they would have to change the Code or change the Zoning. Council Member Cody Blonquist suggested changing the Code to allow beekeeping on a residential lot in the Commercial Zone if there wasn't any Commercial practice adjacent to the property. Lotta Clark questioned what she would need to do to make this possible. She stated she would love to have them at her house, but right now she would be placing them up Chalk Creek. Niki Sargent stated there was a process for either a Zone change or a Code change or the City was doing a Code revision if the Council wanted, they could include it with the Code revisions. The Council discussed adding a change to the Code revisions to address this issue.

A motion was made by Council Member Tyler Roswer to table the Conditional Use Permit application for Beekeeping, Lotta Clark. Council Member Cody Blonquist seconded the motion. All Ayes. Motion Carried.

Item B – Consideration And Possible Approval Of Reimbursement For Shane Robertson's Water Relocation Project:

Mayor Trevor Johnson stated this item had been discussed at a previous meeting. The Robertson's had paid all the fees to get their building permit issued and wanted to get reimbursed for lowering the secondary water line. Council Member Cody Blonquist stated he had a problem with the City paying for this. He gave the example of wanting to use the front portion of his yard, but it was part of the street easement and if he wanted to be able to use it he had to pay for the improvements. If he wanted the ditch covered, he had to pay to do it as the property owner. Council Member Blonquist stated if he bought a piece of property, it was as it was and any cost to improve the property would be his responsibility and it was part of his due diligence when he purchased the property. He stated if Mr. Robertson had a legitimate issue where the City did something incorrectly and he had to rectify it, that was one thing, but if it was compensating him for work any other developer would have to do, then it would be development costs. Council Member Blonquist questioned if the line was installed to standards. Zane DeWeese stated the secondary water system was installed back in 2001 and this line was consistent with all the other secondary lines throughout the City. Council Member Cody Blonquist gave the example of buying a lot with a power line pole where you wanted your driveway. He stated you would have to pay to have the power pole moved. Sheldon Smith questioned if this had come up in other parts of town where a property owner had to move a secondary water line in order to improve or develop the property and if so, who paid for it. Zane DeWeese stated there had been instances where they had to make adjustments to the infrastructure and the property owner paid for it. Mayor Trevor Johnson stated there was a situation a few years ago where a house needed to go in, but the City couldn't supply enough water to meet the fire flow and the City split the costs with them. Council Member Tyler Rowser stated that situation benefited the entire community as a whole. It didn't just benefit one particular place. Mayor Trevor Johnson stated he thought this could be argued that it benefited the community as a whole by having a commercial building there. The Mayor and Council continued to discuss the issue and if it benefited the City by being upgraded or better than before or if new materials were used and reviewed the costs being asked for reimbursement. Sheldon Smith stated it had been discussed with Mr. Robertson before that if it was beneficial to Coalville City, other than his development, the City would have more of a basis to be able to reimburse him, but if it was just something that he had to do to facilitate his development then it would be hard for the City to reimburse him. Mayor Johnson read from the minutes (Exhibit B) from the initial meeting. The Mayor and Council discussed compensating Mr. Robertson for the new materials. Council Member Tyler Rowser stated he had issues with bearing the cost for the equipment transport as he would have used

the equipment on his property. He thought Mr. Robertson should also submit receipts for the new materials. Council Member Cody Blonquist stated they could consider reimbursement if Mr. Robertson could provide a letter specifying how exactly this benefited the City.

A motion was made by Council Member Arlin Judd to deny the request for reimbursement and to ask for Shane Robertson to supply a letter defining the benefit to the City and more detail on the cost structure. Council Member Adrienne Anson seconded the motion. All Ayes. Motion Carried.

Mayor Trevor Johnson stated he would let Shane Robertson know the decision.

Item C – Update Of The Keyes Family Litigation:

Sheldon Smith stated he needed to go into an Executive Session to discuss this item.

Item D – Public Works Updates:

Zane DeWeese stated he wanted to make the Council aware it was time for the Cemetery clean-up. He stated they had posted the signs in the Cemetery and would be doing the clean-up from April 15th – April 30th. Zane stated he had already seen some negative things on social media about the City and the clean-up and wanted the Council to know they would be removing any items left on the graves and disposing of them. He stated he was asking for Council support and referred them to the Cemetery rules (Exhibit C). Zane stated this was something they did every year. Mayor Trevor Johnson requested for a notice to be posted on Facebook.

Mayor Trevor Johnson stated it was time to consider seasonal help, but he had also been thinking of adding another full-time person to Public Works and had discussed it with Zane. He stated with additional parks and infrastructure coming on-line he felt it was time to consider this. Mayor Johnson stated they were considering what the job description, the pay scale, and benefits should be and if the Council had any input or ideas to please let him or Zane know in the next couple of weeks. Zane DeWeese stated he was very interested in adding another person to the Public Works Department. He stated there were times when not having enough workers on site was a safety concern and the additional help would alleviate that. Mayor Trevor Johnson stated this would help make the Public Works Department safer with the number of workers on a job and more productive.

Item G – Community Development Updates:

Derek Moss stated there were three business licenses for approval. Marissa Louder,

FFFABUCKNITS, was a home based faux fur products business. She didn't have any employees and wouldn't have any customers coming to her home. Albert Richins, AR Leather and Woodworks, was a home based business of leather goods and wood projects. He didn't have any employees and wouldn't have any customers coming to his home. Russell Bird, Russ' Handyman, would be going out to customer's places as needed as a handyman and locksmith. Council Member Cody Blonquist questioned if a handyman was a State licensed profession and if it was, Russell Bird needed to provide his license. Derek Moss stated he thought it was.

A motion was made by Councilmember Tyler Rowser to approve the business licenses for Marissa Louder, Albert Richins, and Russell Bird with the condition that Russell Bird provides his State professional license as a handyman. Council Member Rodney Robbins seconded the motion. All Ayes. Motion Carried.

Item H – Legal Updates – Sheldon Smith:

Sheldon Smith stated he had informed the owner of the yellow building that the City was going to take action to require him to comply with the Code. He stated the Owner would like to do a fence around the property to allow items to be stored there. Sheldon stated the Code allowed for that if it was a solid fence. He stated he wasn't sure how it would work as it had to be able to shield from the street and the neighboring properties including the homes on the hill. He stated he explained that to them and they were trying to come up with something that would work. Sheldon stated if they didn't comply, he would issue a citation for the property. He stated if the City started doing that, we would need a Hearing Officer for appeals. He stated there were some other properties that would also be getting a notice.

Item I – Council Updates:

Council Member Adrienne Anson stated Orlene Ovard-Snyder had brought to her attention there was a mass of kids crossing Main Street by her pre-school every afternoon. She stated the kids from school were crossing there and there wasn't a crosswalk and she was concerned about it. Council Member Anson questioned if the City wanted to put a crosswalk there or get the School District involved and have them announce to the kids they needed to cross at the crosswalks. She stated she didn't know if that area was feasible for a cross walk or not. She stated a lot of kids walked down the hill in between her house and Sheldon Smith's house and then cross the road. The Mayor and Council discussed the options. Council Member Arlin Judd stated the City had provided sidewalks and crosswalks for the kids to use and there wasn't anything else they could do. He stated he would mention it to Superintendent Jerre Holmes.

Councilmember Adrienne Anson stated the tree planting day was tomorrow, April 10th, at 5:00 P.M. and invited everyone to attend. She stated they had removed some trees

and removed the stumps and were planting new trees along 100 South across from the High School. She stated Denise's, Collie's, and Neena's had agreed to sponsor a few things and they would have a demonstration by Tree Utah.

Council Member Adrienne Anson stated the City had been invited to the Tree City USA awards ceremony tomorrow, April 10th in Herriman.

Council Member Adrienne Anson stated someone had mentioned to her the trees and rocks along Brave Way needed some attention. The rocks needed to be filled in, weeds pulled, and trees trimmed. Mayor Trever Johnson stated the Public Works Department would put it on their list.

Council Member Arlin Judd questioned if the trail area clean-up NaVee Vernon had come in for had been completed. Zane DeWeese stated the City provided the rock she needed and donated two picnic tables. He stated she was going to have the SC Inmates do a little more work there. Council Member Judd stated they had been invited to walk the trail and discuss the project on April 17th. Council Member Cody Blonquist questioned if the Historical Society was going to remove the graffiti there. Council Member Tyler Rowser stated he thought they were coming to see it to decide what to do about the graffiti and how to preserve the ledge.

Council Member Tyler Rowser questioned who ran the City Facebook account. He stated most of it was just re-posts from Summit County and he thought it should be more organic with posts of our own. He stated it would look better if the City did the work. Mayor Trever Johnson stated we could stop posting items from the County. Council Member Arlin Judd stated maybe they would get the County information from our Facebook.

Item K – Executive Session:

Sheldon Smith stated he needed to go in to an executive session to discuss pending and existing litigation.

A motion was made by Council Member Arlin Judd to move to an executive session for discussion of litigation. Council Member Tyler Rowser seconded the motion. All Ayes. Motion Carried.

Roll Call:

**Council Member Judd – Aye
Council Member Anson – Aye
Council Member Robbins – Aye
Council Member Rowser – Aye**

Council Member Blonquist - Aye

Item J – Mayor’s Updates:

Mayor Trever Johnson stated with all of the interest of development in Coalville City he had been considering a moratorium on development. He stated the current Code represented the standards for when it was done and the City was looking different now and in the future. A lot of things being brought for approval may not fit the current idea and direction for the City. He stated he thought a moratorium should be placed until the Code revisions were completed. They would be addressing the Entryways, Sensitive Lands, and how new development would fit with the current idea for Coalville. Mayor Johnson stated he didn’t want the City to get too extended with approvals before the new revision was in place. Council Member Tyler Rowser questioned if the moratorium would be on items already in process. Mayor Trever Johnson stated no, it would be on anything not yet applied for. Sheldon Smith stated if they had already applied and paid a filing fee they had certain entitlements. Mayor Trever Johnson stated if they had applied for Variances, Conditional Use Permits, or Zoning changes they would be part of the moratorium. Council Member Rodney Robbins stated the project across the freeway had already applied so a moratorium couldn’t stop it. Sheldon Smith stated it wouldn’t stop them from moving forward, but they would still have to jump through the hoops of the Conditional Use Permit. He stated the project was permitted with conditions. Sheldon Smith stated the Mayor had discussed infrastructure issues and dealing with the Entryway as the main reasons for the moratorium. The Mayor and Council discussed the options for dealing with the moratorium and the new Code. Council Member Arlin Judd questioned if it had to be an action item for the next agenda. Mayor Trever Johnson stated yes, it would be on the next agenda. Council Member Rodney Robbins questioned if it had to be a public hearing. Sheldon Smith stated he would check and see what was required.

Item #4 – Review, Discussion, and Possible Approval of Accounts Payable:

The Council reviewed the Accounts Payable for April 2018.

A motion was made by Councilmember Cody Blonquist to approve the Accounts Payable for April 2018. Councilmember Tyler Rowser seconded the motion. All Ayes. Motion Carried.

Item #5 – Review, Discussion, and Possible Approval of Minutes:

The Council reviewed the minutes of the March 26, 2018 meeting.

A motion was made by Councilmember Arlin Judd to approve the minutes of March 26, 2018 as corrected. Councilmember Tyler Rowser seconded the motion. All Ayes. Motion Carried.

Item #6 – Adjournment:

A motion was made by Councilmember Tyler Rowser to adjourn the meeting. Councilmember Rodney Robbins seconded the motion. All ayes. Motion Carried.

The meeting adjourned at 7:43 P.M.

Mayor Trever Johnson

Attest:

Nachele D. Sargent, City Recorder



J·U·B ENGINEERS, INC.

"Exhibit A"
City Council April 9, 2018
J·U·B COMPANIES



THE
LANGDON
GROUP



GATEWAY
MAPPING
INC.

DATE: April 9, 2018
TO: Coalville City Council
CC: Mayor Trevor Johnson; Zane DeWeese, Public Works Director;
Sheldon Smith, City Attorney;
FROM: Shane McFarland P.E., City Engineer
Derek Moss, AICP, City Planner
SUBJECT: Conditional Use Permit Application for Beekeeping

Application Information:

Applicant: Lotta Clark **Applicant Address, Parcel Number:** 37 N 100 E

Applicable Ordinances: Title 10 Chapter 19: Beekeeping

Background: The applicant submitted an application for a conditional use permit to place 2 beehives on a residential lot in the community commercial zone.

Staff Comments: The beekeeping ordinance states in 10.19.030, under the title "Hives on Residential Lots": "an apiary, consisting of up to three (3) hives on any size lot, may be maintained in a side yard or the rear yard based on the size of the lot in the residential zone." Based on the following criteria, staff recommended that the Applicant make accommodation for placing the hives on a residential lot in a residential zone in the case the City Council denies the application for locating the beehives at 37 N 100 E:

- The ordinance uses the terms "residential lots" and "residential zone" interchangeably;
- The intent of the ordinance regarding beekeeping in commercial zones is unclear;
- The Applicant already purchased the bees and hives; and,
- The Applicant's residential lot is in a commercial zone.

In the case the City Council applies the code to prohibit beekeeping in commercial zones, and therefore denies the application, the Applicant has written permission (per 10.19.030.D) to keep the bees at 282 E 50 N, a residential lot in a residential zone. The Applicant would prefer to keep them at her home (37 N 100 E).

In either case, the following apply:

- A permit is for three years;
- The Applicant shall register with the Utah Department of Agriculture and Food;
- The hives shall have removable frames; and,
- The hives shall be at least ten (10) feet from any property line and six inches (6") above the ground.

Staff also recommends that the City Council give staff clear guidance on an update to the ordinance for future reference in order to clearly capture the intent and permitted zones for beekeeping.

If you have any questions feel free to contact us.

"Exhibit B"
City Council April 9, 2018

Item F – Shane Robertson Impact Fee Discussion:

Shane Robertson stated his wife, Taryn, had been in business for 13 years and needed a place with a higher roof for her gymnastics. He stated they were just trying to make an improvement for her business. He stated if the Council added up the connection fees, impact fees, and the things that had happened with that lot over the years, there was \$20,000 going toward nothing and it was very frustrating. Mr. Robertson stated on the West side of the property, the building was allowed to be built on the property line and on the South side, the School was allowed to push dirt and create a cliff where he had to spend \$5,000 to haul off dirt and build a retaining wall and to the East side which was the only way in to the property, he had to lower a secondary water line at a cost of \$4,000 to be able to get into his property. He stated they had no idea that a secondary water line had been laid about 18 inches under the ground and they had even come to the City early to see if building was doable and this was never mentioned to him. Shane Robertson stated he felt the City was culpable because these previous actions had basically condemned the lot and it was useless. He stated if it weren't for the fees he would have to pay the City, he would have probably just lowered the water line and not said anything about it, but he was running out of money and felt the City should pay for the water line. He stated the City showed no foresight when the secondary water line was put in and he would like to be compensated. Shane Robertson stated he had hoped he could take it off of the impact fee that he would owe, but the feedback he received was that wasn't legally possible. He stated now he was looking at it as the City hired him as a contractor that did a job for the City and was sending a bill. Sheldon Smith referred to the impact fee issue and stated there was some flexibility in offsetting impact fees as long as he could show some kind of beneficial interest for the City. He gave the example of a Developer that had put in a lift station and had asked for an impact fee offset and they had to look at it to see if it actually benefited the City or just the Developer. Shane Robertson stated the road ended at his property so there was no way to spin it to show it was beneficial for the City. Sheldon Smith stated he could look at it from the standpoint of by lowering the line it would help some neighboring area. Mayor Trever Johnson questioned if it could be because it brought economic development. Sheldon stated he had to be able to show there was something in it for the City. Councilmember Arlin Judd stated he felt there was a different way to approach this. The City had already made a decision they didn't feel they couldn't legally offset the impact fee, but could they compensate him for changing the water line to the benefit of the City in some way. Councilmember Judd gave the example of compensating him for half of his bill for his time. Shane McFarland stated he understood his concern, but the City didn't actually hire him or ask for him to lower the line. He stated he agreed with Sheldon and thought if he could present something that showed a benefit to the City it could be discussed. Shane Robertson stated he was very frustrated by the impact fee as they were only open 14 hours a week and would probably only flush the toilet 3 times while it was open. He stated he felt it was double dipping as he had to pay connection fees and then he had to put it in and then an impact fee on top of

that didn't seem right. Shane Robertson stated he would draft a letter to the City requesting compensation.

"Exhibit C"
City Council April 9, 2018

DECORATION OF GRAVES

Decorations placed on graves shall be removed from the grave sites on or before the following deadlines:

1. SPRING CLEAN UP:
All decorations will be removed from all grave sites on or before the first week of May each year including but not limited to all decorations located on a Shepherd Hook.
2. HOLIDAYS: One week following the Holiday. (Mother's Day, Memorial Day, Father's Day, etc.)
3. BURIALS: One week after interment.

Coalville City shall have the right to remove decorations in cases of emergency or as it is deemed necessary to facilitate maintenance and other work at the Cemetery. The City may remove any decoration, at any time, if decorations do not meet cemetery regulations, are inappropriate, become unsightly, blow off monuments, interfere with routine mowing, maintenance or become a safety hazard.

Each grave shall be allowed to have no more than one (1) Shepherd Hook with one hook/hanger only.

Decorations may be placed on graves at any time if they meet the following regulations:

1. Only live flowers/plants, or artificial flowers/plants, baskets, sprays or wreaths are allowed.
(Live flowers/plants may be removed when dead at the discretion of the City.)
2. Decorations must be located inside of the mow strip (concrete base) that surrounds the headstone and must be within an area four (4") inches from all sides of the edge of the mow strip (concrete base) and shall not hang outside or in any way extend beyond that area.