



Mayor Lawrence Flitton

UINTAH CITY COUNCIL MEETING

Planning – Tim Petty

Council Members:

TUESDAY, March 6, 2018

Building Inspector - Jeff Monroe

Michelle Roberts

Gordon Cutler

7:00 PM

Treasurer – Mike Ulrich

Jerry Smith

Kristi Bell

MINUTES

Sheriff – Lt. Pledger

Fire Chief – Marc A. Sacco

Attendees: Mayor Flitton, Gordon Cutler, Kristi Bell, Michelle Roberts, Jerry Smith, Tim Petty, Kenneth Barnes, Kenna Westbroek, Jeff Holden, Marc Sacco, Lt. Pledger and Darinda Wallis.

MEETING MINUTES:

1. **MEETING CALL TO ORDER:** Mayor Flitton called the meeting to order.

PLEDGE OF ALLEGIANCE: Led by Jeff Holden

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 Flitton asked the Council if they had any conflicts of interest with tonight's agenda; there was none.

2. **PUBLIC COMMENT (2 minutes per person):** (00:00:56)

- There was none.

3. **APPROVAL OF CITY COUNCIL MEETING MINUTES HELD FEBRUARY 20TH, 2018:** (00:00:57)

Presenter: Mayor Flitton

- Michelle Roberts motioned to approve the City Council meeting minutes held February 20th, 2018 as written.
- Jerry Smith seconded the motion.
- All in favor; the motion passed.

4. **PLANNING COMMISSION REPORT TO COUNCIL:** (00:01:26)

Presenter: Tim Petty

- Tim Petty reported to the Council on the work session and the Planning Commission meeting held February 27th, 2018.
- Tim reported that most of the Council was at the meeting and asked the Council if they wanted him to go over the report or would it be better just to ask if they had any questions with the report.
- Michelle Roberts stated that she appreciated the Commission inviting the Council to the work session and she appreciates all the hard work the Planning Commission does.
- Mayor Flitton asked Tim if he has heard back from the couple who wanted to inquire about the City owned property since the meeting. Tim replied that he had not.
- Mayor Flitton commended Tim on the very well ran meeting.
- Tim asked the Mayor about recommending counsel to review a topic; he felt because of the cost the request should come from the Council. The Planning Commission would like to hear what our City Attorney has to offer about the Uintah Man caves request to not be charged a business license because they have formed a LLC and sold each of their units to private owners. Tim stated that he felt that they function as a business and must have a fire inspection annually. Tim reported that the Commission was divided and decided to request input from the City Attorney.
- Michelle Roberts clarified with Tim that they recommend that businesses in an agricultural zone do not need a business license. Tim replied yes, that is correct.
- Gordon Cutler told Tim that Don Pearson was very impressed with the way the Planning Commission conducted their meeting and complimented their professionalism.

5. **DISCUSSION/APPROVAL ON ORDINANCE 244-18; AN ORDINANCE OF THE UINTAH CITY COUNCIL; AMENDING THE CITY CODE IN TITLE NINE CHAPTER 9-8A-(2-4); RELATING TO BUSINESS LICENSE PROVISIONS AND CONDITIONAL USES IN AGRICUTURAL ZONES:** (00:14:07)

Presenter: Mayor Flitton

- Mayor Flitton asked Tim Petty to present this agenda item to the Council because he authored this.
- Tim reported that this was to bring the agricultural zone in line with the business license ordinance amendment.
- Tim explained to the Council the difference between a major and minor business. A minor does not require a business license where as a major would require a business license.

- So basically the only change is that we allow agricultural home based businesses the same as residential home based businesses; if minor; no business license required. Major business; business license required.
- Jerry Smith asked about the agricultural business between the tracks needing a business license. Tim replied not required.
- Darinda remarked that the use is what the zone intends; so no license would be required.
- Michelle stated that she really appreciates that the Planning Commission is doing a great job and doing good stuff for the community.
- Michelle Roberts motioned to approve Ordinance 244-18; an ordinance of the Uintah City Council; amending the City Code in Title Nine Chapter 9-8A-(2-4); relating to business license provisions and conditional uses in Agricultural Zones.
- Kristi Bell seconded the motion.
- All in favor the motion passed.

6. DISCUSSION ON ORDINANCE NO. 243-18: AN ORDINANCE OF THE UINTAH CITY COUNCIL RELATING TO NUISANCES: (00:23:15)

Presenter: Kristi Bell

- Kristi explained that she was unable to attend the Planning Commission joint work session with the Council because she was at water school. She remarked that her comments and the Planning Commission's recommendations were in the Council packets for review.
- Tim Petty went over and explained the following Planning Commission's recommendations:
 - Responses to Councilmember Bell's Questions:
 - Q1- We don't have many sidewalks other than the church and city park, was this left over from a template they used, or are we including it for future developments?
 - Recommend keeping the references to sidewalks due to the few that already exist in the City and possibility in future developments
 - Q2- Section 3, Item L – when it references “titles 10 (zoning) and 11 (subdivisions) of this code”. Was this left from a template or do they need to be updated to the correct titles?
 - This appears to be incorrect and should be updated to “titles 9 (land use regulation) and 10 (subdivisions)
 - Q3 – Section 9, Number 3 – letter D is empty.**
 - This appears to be a typo and letter D should be removed
 - Q4- Section 6, Item B, number 6 – Does “approved parking” need to be defined?
 - Recommend not defining “approved parking” in the ordinance, instead suggest adding a box on the City's Vehicle Restoration Permit titled “Approved Parking Surface Areas” where the Code Enforcement Officer can list approved parking areas that are specific to the property listed on the permit
- **Section One**
 - Add “whole vehicle” or similar to the list under the REFUSE, DEBRIS, GARBAGE, JUNK section
 - Remove the word “OBSOLETE” from the WRECKED, INOPERABLE OR OBSOLETE VEHICLES AND/OR VESSELS section
- **Section Three**
 - Item B – remove the word “obsolete”
 - Item B - add wording that clarifies that these types of vehicles are only allowed in enclosed garages and are in violation if they are visible to the public
 - * Item L – “titles 10 (zoning) and 11 (subdivisions)”, should be updated to “titles 9 (land use regulation) and 10 (subdivisions)
 - Item N – after “by the state environmental department” include “or the City”
 - Item O – there was discussion about possibly making an exception for agricultural zones, but it was determined to leave it as is and it will be up to the Code Enforcement Officer to determine what is “excessive”
- **Section Four**
 - Consider clarifying the definition of the “Enforcement Department”. Is it the intent of the ordinance that the enforcement department will include more than one inspector (“code enforcement officer” does not appear to be used in the text)? Would the department include a member of the City Council and the Planning Commission, etc.? It is assumed that all of the members of the department would be appointed by the City Council; does that need to be stated?
 - A-1- In the “established procedures” the City should be required to give the complainant feedback, the Planning Commission recommends within 30-45 days. The feedback would not

need to be specific and could be as simple as a letter from the Code Enforcement Officer stating “this complaint has been found to be legitimate and is being addressed” or “this complaint has not been found to be legitimate and has been closed”; complainant should also be additionally notified if the situation escalates, i.e. second warning, or a citation.

- **Section Six**
 - Item B – in the description after “Vehicles/Vessels” add wording that puts a time cap on vehicle restoration permit renewals, the Planning Commission recommends 2 years
- **Section Nine**
 - 1-2 warnings should be issued through the Code Enforcement Officer before a citation is necessary, especially in cases where there have been no previous issues. Does this need to be stated here or will that be covered in the established procedures mentioned in Section 4-A-1?
 - ** Number 3, letter d), is empty and should be removed
 - Item C – does not seem applicable and should be removed
 - There were many questions about the wording of the entire Section 9. The Planning Commissioners did not feel this section was easy to understand and felt that much of it did not apply to our City. They said that the City Attorney should be contacted for clarification especially on Section 9-A-5 and 9-B. They suggest that the wording be completely revised, either by the City Council or the City Attorney, so that it is much more clear and understandable. Items which the Planning Commission recommend clarifying include:
 - The definition of first, second, and subsequent citations, and the associated penalties.
 - Item B appears to be in conflict with the definitions under A.4. It was unclear if the intent of item B was to limit the number of citations that are issued for weed growth, or if it was meant to say that a citation at the end of the season would be considered a second citation, even if a first citation issued earlier in the year had been adequately addressed.
 - Also, it is not clear how item C is meant to work in connection with item A.4 and 5.1. Is it the intent of the ordinance that an initial penalty of \$100 will be applied for the first 14 days of violation, \$200 for the next 14 days, and then \$500 per day from that point forward?
- Michelle Roberts stated that she is very pro complaint driven. Tim Petty stated that we need more and better definition of the Department and what they do.
- Mayor Flitton stated that the reason we are redoing this ordinance is to help the Judge with clarity of what is a nuisance and what isn't.
- Tim Petty remarked that we need to add language about the Department as appointed by the Council. Mayor Flitton stated that we want to give flexibility to assist future Councils with this Ordinance.
- Michelle Roberts stated again that the citizens want a rural feel and it will stay that way if it remains complaint driven.
- Tim Petty stated that section nine is too confusing; we need to better define the penalties, time frame and Tim suggested that we add a warning first.
- Michelle asked about section three – P; having or permitting on any premises any fly or mosquito producing condition; does this include ponds? Tim responded that this is where he would combine section one and section three, use the definition as the declared nuisance.
- Mayor Flitton suggested that Kristi Bell take the recommendations from the Planning Commission and implement them in the ordinance then email the ordinance to the Council for their suggestions and plan to get together for a work session to discuss the outcome prior to the public hearing scheduled for March 20th.
- It was discussed to have a work session March 20th on the nuisance ordinance.

7. **DISCUSSION/APPROVAL ON RESOLUTION NO. 18-0306-COURT; A RESOLUTION PROVIDING FOR TEMPORARY JUDGES FOR THE UINTAH CITY JUSTICE COURT:** (00:49:42)

Presenter: Mayor Flitton

- Mayor Flitton explained that Judge Lambert recommended that we approve this resolution in the event that he is absent.
- Mayor Flitton explained that it names Judge James L. Beesley, Judge W. Brent West, Judge Reuben J. Renstrom, or any other Justice Court Judge currently holding office within the Second Judicial District or in an adjacent county; or that meets the Utah Supreme Court's requirements to be a senior court judge, is hereby appointed as the “Uintah City Temporary Justice Court Judge” to serve in the event of the absence or disqualification of the Uintah City Justice Court Judge.
- Jerry Smith motioned to approve Resolution No. 18-0306-Court; a Resolution for Temporary Judges for the Uintah City Justice Court.
- Kristi Bell seconded the motion.
- All in favor the motion passed.

8. **COUNCIL COMMENTS TO PUBLIC COMMENTS:** (00:53:14)

- There was none.

9. **CITY COUNCIL DEPARTMENT REPORTS:** (00:53:06)

PARKS & RECREATION; BUILDINGS; ROADS – GORDON CUTLER

- Gordon reported that he had nothing to report.

WATER; GARBAGE; EMERGENCY PREPAREDNESS; CTC – KRISTI BELL

- Kristi reported that she and Jeff Holden attended water school this past week and learned a lot.

ANIMAL CONTROL; PLANNING COMMISSION; NUISANCES; TRAILS – MICHELLE ROBERTS

- Michelle reported that Weber Pathways have successfully concluded their business with Scenic Development and acquired the property south of the river. Michelle stated that they have their meeting scheduled for next week and that Pam Kramer has RSVP'd so we might get an update on that project.
- Michelle also reported that South Weber is coming to the meeting with news.

CEMETERY; EAGLE PROJECTS; U-DAY; RAILROAD RELATIONS – JERRY SMITH

- Jerry reported that they have a U-Day meeting this week and they requested that Jeff Holden attend.

STORM WATER & FLOODPLAIN; GRANTS; FIRE DEPARTMENT– MAYOR FLITTON

- Mayor Flitton stated that with regards to 6600 S conversations he will meet with our City Engineers to see about the next step; he wants to meet with Weber Pathways first prior to meeting with the engineers.
- Mayor Flitton reported that he and Chief Sacco met with South Weber to discuss the Fire Departments. They mentioned right away about merging the departments. Mayor Flitton remarked that he had two impressions; the first was partly for money and the second was they need more people. They struggle for people at night and are good during the day; where as we struggle during the day and have people at nights. Mayor Flitton remarked that our costs would increase substantially. They did ask them to give us a bid for AEMS services which will help us with our conversations with Weber Fire District.

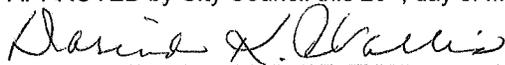
10. **MEETING ADJOURNMENT:** (01:01:20)

Jerry Smith motioned to adjourn the meeting.

Seconded by Michelle Roberts

All in favor; the motion passed. The meeting was adjourned.

APPROVED by City Council this 20th, day of March, 2018.



DARINDA K. WALLIS, City Recorder