

Mayor Lawrence Flitton

UINTAH CITY COUNCIL MEETING

Planning – Tim Petty

Council Members:

TUESDAY, October 3rd, 2017

Building Inspector - Jeff Monroe

Michelle Roberts

Gordon Cutler

7:00 PM

Treasurer – Mike Ulrich

Jerry Smith

Greg Johnson

MINUTES

Sheriff – Lt. Talbot

Fire Chief – William Pope

Attendees: Mayor Flitton, Gordon Cutler, Michelle Roberts, Jerry Smith, Greg Johnson, Tim Petty, Sgt. Dave MacInnes and Darinda Wardell.

MEETING MINUTES:

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

PLEDGE OF ALLEGIANCE: Led by Gordon Cutler

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):** (00:00:40)

- There were no comments.

3. **APPROVAL OF THE CITY COUNCIL MEETING MINUTES HELD SEPTEMBER 19TH, 2017:** (00:01:35)

Presenter: Mayor Flitton

- Mayor Flitton asked if there were any questions on the minutes.
- Jerry Smith motioned to approve the City Council meeting minutes from September 19th, 2017.
- Seconded by Greg Johnson
- All in favor; the motion passed.

4. **PLANNING COMMISSION REPORT TO COUNCIL:** (00:02:07)

Presenter: Tim Petty

- Tim Petty reported on the Planning Commission meeting held September 22nd, 2017. Tim remarked that it was a full agenda.
- They held a public hearing for the preliminary plat for the Tad Krause subdivision which consists of 2 lots. The first lot has the existing house and the second lot Tad and Julie Krause plan to build their house on. They were given a list of items required by our engineers and will be ready for final at our next meeting.
- The Planning Commission approved a boundary lot line adjustment for Ryan Smith; located at 6640 S 1400 E next to Lance Redd. This was to clean up the property line going through his driveway.
- A public hearing was held on the amendments to the business license ordinance to comply with SB81. Tim advised the Council that he will review this in the next agenda items.
- Tim reported that they closed a bunch of conditional use permits that were either no longer in business or no longer required due to the changes in our requirements for conditional use permits.
- Gordon Cutler remarked that he continues to be impressed with Tim and how he runs his Commission. Thank you Tim and to your Planning Commissioners for all your hard work for the City.

5. **DISCUSSION/ACTION ON UINAH CITY ORDINANCE NO. 240-17; AN ORDINANCE AMENDING TITLE 3; CHAPTER 1 OF THE UINAH CITY CODE; RELATING TO BUSINESS LICENSE PROVISIONS:** (00:04:05)

Presenter: Tim Petty

- Tim Petty advised that these modifications to the business license ordinance and fee schedule are so that we are in compliance with the State Bill 81; which restricts the Municipality to charge fees for revenue; the fees should be based on regulations.
- Tim advised that when making the changes the Planning Commission discussed, they inadvertently created a discrepancy that the Council will have to clear up. We can either change the ordinance or fix the resolution.
- Tim reviewed the ordinance with the Planning Commission's proposed changes with the Council.
- 3-1-3(B) added:
 1. Businesses which are operated only occasionally and by individuals under 18 years of age.
 2. Home occupied businesses which do not require a Conditional Use Permit.
- 3-1-3(D) The business license official may refer any business license application to the Planning Commission where a question of classification exists.
- 3-1-7 (C) Multiple Licenses for Single Commercial Space:

1. Where two (2) or more businesses are conducted in a single commercial space by two (2) or more persons, a primary business license shall be obtained to regulate all intended uses of the space.
 2. Where such business requires a Conditional Use Permit (CUP), the applicant for the primary license shall be responsible for obtaining and maintaining the conditions of the CUP.
 3. The primary license shall be regulated in accordance with the most stringent requirements for any of the uses for the space.
 4. The annual fee for the primary license shall be based on the full regular fee for the type of business which carries the highest rate.
 5. A secondary business license must be obtained for each other business which is conducted under the regulation of the primary license.
- Greg Johnson motioned to approve Ordinance No. 240-17; An Ordinance Amending Title 3; Chapter 1 of the Uintah City Code; relating to Business License Provision as constituted.
 - Mayor Flitton asked if there was any discussion on the motion; there was none.
 - Michelle Roberts seconded the motion.
 - All in favor; the motion passed.

6. DISCUSSION/ACTION ON RESOLUTION NO. 17-1003-BL; A RESOLUTION SETTING BUSINESS LICENCE FEES WITHIN THE CITY OF UINTAH; REPLACING NO. 14-1216-BL:

Presenter: Tim Petty

- Tim reported that he created classes of businesses to define the fee's:

Class	Combined offsite impact	Description	Annual Fire Inspection Required	Examples	Business License	Fee
NA	Not greater than residential only	Businesses operated occasionally and by an individual who is under 18 years of age.	Not required	Lemonade stand	Not required	NA
H1	Not greater than residential only	Home based businesses which do not require a conditional use permit.	Not required	Home office	NOT Required	\$50 initial, \$20 renewal
H2	Greater than residential only	Home based businesses which require a conditional use permit.	Not Required	Retail or professional services with more than 4 customer visits per day.	Required	\$75
H3			Required	Daycare, preschool, auto repair.	Required	\$100

- Tim explained that H1 is where the discrepancy occurred. There was a long discussion as to if we require a business license we are not in compliance with the ordinance and if we don't require we can't regulate the businesses in our City. The Council concluded that they would change the resolution to state Business License "not" required for H1. The fee would be for if a business license was requested.
- Tim reported to the Council that he also has rewritten the applications to be more in line with our ordinance and more simplified. This will also make it easier for the License Official to refer to the Planning Commission; Building Official or Fire Marshall if required.
- Tim reviewed the resolution for the commercial businesses; C1 and C2 stayed the same C3 and C4 was changed from number of employees to square foot with maximums added.

Class	Description	Onsite Fire Inspection	Fee
C1	Mobile Home Park	At the discretion of the Fire Marshall	\$75+\$6 per available space
C2	Storage Units	At the discretion of the Fire Marshall	\$75 + \$4 per available space or unit

C3	All other businesses	Less than annual	\$150 + \$0.10 for each SF over 1,000 SF (\$350 maximum)
C4	All other businesses	Annual	\$250 + \$0.15 for each SF over 1,000 SF (\$350 maximum)
C5	Secondary business (business license issued for commercial space where primary business license governs the use of the space).	NA	\$25
C6	Temporary or seasonal (such as Christmas tree sales)	Varies	\$75

- The Council discussed listing on the resolution from the Ordinance 3-1-7(B2) The annual fee for such combination licenses shall be based on the full regular fee for the type of business which carries the highest rate, plus one-half ($\frac{1}{2}$) of the regular rate for each other business involved.
- The Council also changed the deadline to in the resolution to January 1st: Yearly licensing deadline is **January 1st** after which the Business Owner is subject to citation for operating an unlicensed business. If the business license renewal is not paid by February 28th, a penalty of 100% of the total cost of the license fee will be charged.
- The Council added "and City Ordinance": All businesses may be subject to an audit to verify that the business operations are in compliance with the conditions and parameters indicated in the business license application **and City Ordinance**.
- Greg Johnson motioned to approve Resolution No. 17-1003-BL; A resolution setting business license fees within the City of Uintah; Replacing No. 14-1216-BL; with the changes per discussion.
- Mayor Flitton asked if there was any discussion on the motion; there was none.
- Michelle Roberts seconded the motion.
- All in favor; the motion passed.

7. **COUNCIL COMMENTS TO PUBLIC COMMENTS:** (00:52:00)

- No comments.

8. **CITY COUNCIL DEPARTMENT REPORTS:** (00:52:10)

- **PARKS & RECREATION; BUILDINGS; ROADS – GORDON CUTLER**
Gordon asked the Council to review the letter that he wrote to the Standard Examiner thanking all the Firefighters and Officers for all their efforts with the Uintah fire. Gordon reported that the hammer head was scheduled to be completed this fall, construction should begin the middle of this month. Gordon asked the Council if they had any ideas about the salt shed and reducing the cost of the original plan. Jeff Holden suggested that something like a carport might work.
- **WATER; GARBAGE; EMERGENCY PREPAREDNESS; PLANNING COMMISSION – GREG JOHNSON**
Greg stated that there had been some calls to the office asking what the City could do to assist the citizens with their water costs associated with the fire. Water is a commodity that the City has to purchase and he feels this is not an issue the City can handle; it was their cost to protect their homes. Greg stated that he is going to put a letter in the next newsletter about our emergency preparedness book that was given to each home in 2009 as an Eagle Project; asking if they didn't get one and want one to call the office and we will put them on a list and get them printed up and distributed again.
- **ANIMAL CONTROL; CTC; NUISANCES; WEBER COUNTY TRAILS – MICHELLE ROBERTS**
Michelle reported to the Council that her departments have been pretty quiet and she didn't have anything to report.
- **CEMETERY; EAGLE PROJECTS; U-DAY; RAILROAD RELATIONS – JERRY SMITH**
Jerry reported that Scott and Jeff have taken out the road between section 1 and 2 in the cemetery; it looks great and it has already been seeded. They also took out the NW corner and leveled that section. Jerry reported that the Ditch Companies had a meeting with UDOT and their Stormwater project and are working with them on their plans for the pond.
- **STORM WATER & FLOODPLAIN; GRANTS; FIRE DEPARTMENT – MAYOR FLITTON**
Mayor Flitton reported that Chief Pope had successfully submitted his invoice to the State for roughly \$17,000 for our

costs associated with the fire. Mayor Flitton stated that he has spoken with Lance Peterson about his disappointment in the level of communication with our Department during the event and the fact that there wasn't much communication between the Sheriff's Office and the Fire Departments and he has been invited to a meeting October 11th on how we can be better in the future.

Mayor Flitton advised he will follow up with Eddy at UTA about our Plans for Uintah.

9. MEETING ADJOURNMENT: (01:12:17)

Greg Johnson motioned to adjourn the meeting.

Seconded by Gordon Cutler

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

APPROVED by City Council this 17th, day of October, 2017.



DARINDA K. WARDELL, City Recorder