



## COALVILLE CITY COUNCIL MEETING NOTICE AND AGENDA

Notice is hereby given that the Coalville City Council will hold a Special scheduled City Council Meeting on **Tuesday, the 16th day of February, 2016** at the Coalville City Hall located at 10 North Main Street. The meeting will start 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:** Review, Discussion, and Possible Approval of Ordinance 2016-2 Temporary Land Use Ordinance
  - B. Public Works Updates – Zane DeWeese
  - C. Community Development Updates – Shane McFarland
    1. Business Licenses
  - D. Legal Updates – Sheldon Smith
  - E. Mayor's Updates
  - F. Executive Session
4. Review And Possible Approval Of Minutes
5. Review And Possible Approval Of Accounts Payable
6. Adjournment

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

Nachele D. Sargent, City Recorder

In compliance with the Americans with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during these hearings should notify the City Hall at least three days prior to the hearing to be attended.

Posted: February 12, 2016 City Hall, Utah State Website

### Mayor

Trever Johnson

### Council

Adrienne Anson  
Cody Blonquist  
Arlin Judd  
Rodney Robbins  
Tyler Rowser

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Coalville City Council  
Regular Meeting  
HELD ON  
February 16, 2016  
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: Adrienne Anson,  
Cody Blonquist, Rodney Robbins,  
Tyler Rowser  
Arlin Judd (excused)

**CITY STAFF PRESENT:**

Sheldon Smith, City Attorney  
Zane DeWeese, Public Works Director  
Shane McFarland, Development Director  
Nachele Sargent, City Recorder

**PUBLIC IN ATTENDANCE:**

Steve Bennett, Colton Bennett, Ben Keyes,  
Ed Keyes, Mike Willoughby, Douglas D  
Wilde, Justin E Hobson, Lance Bosworth,  
Cory Hull, Cordell D Hull, Courtney  
McQueen, Camellia Robbins, Mike  
Peterson, Al Clark, Dan Blonquist, Glen  
Black

**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: Review, Discussion, And Possible Approval Of Ordinance  
2016-2 Temporary Land Use Ordinance:**

Mayor Trever Johnson stated the City had some areas in the Zoning and permitting process that left the City vulnerable if taken the wrong way and also wanted to look at the direction the City wanted to go in terms of growth. He stated this would be a hearing for a temporary moratorium for building for any agriculture and accessory buildings. He stated the moratorium could only be in place for six months or it could be a shorter time if wanted. Councilmember Rodney Robbins questioned why we needed to place a

moratorium on building. He stated he felt the items could be fixed without it. Mayor Johnson stated we needed to cover our bases and make sure we were on the right footing. Sheldon Smith stated this would give the City the time needed to analyze their options and the issues that needed to be addressed. Councilmember Rodney Robbins stated he thought we could look at things on a case by case basis. He stated he didn't understand why a moratorium was necessary. Councilmember Adrienne Anson explained it was so we didn't have a problem with asking people to take anything down after we decided on a direction to go. She stated it would be easier to move forward now than backward later. Councilmember Rodney Robbins questioned what problems we had with the Code that needed to be fixed. Mayor Trever Johnson stated this was just one component of what needed to be addressed. He stated the other was the direction of the City. He stated we needed to decide the vision of the City. He questioned if it was going to keep going like it was or were we going to move in a direction of economic growth, residential growth, or agricultural growth and asked if Councilmember Robbins had the answers. Councilmember Rodney Robbins stated that freedom was the best road to take and not regulating people even further and taking away their freedom. He stated as regulations grow, freedom dies. He stated we would be taking freedom away for six months during the main building season when there really hadn't been a problem up to now except for one case which would be the Keyes Mink Ranch. Councilmember Cody Blonquist questioned specifically what buildings would be covered by the ordinance. He questioned if it would be all new construction including for a home. Sheldon Smith stated it would be for accessory buildings and buildings on agricultural property. He stated we have had some issues with both types of buildings. He stated over the last few years we have had issues with buildings next to homes, carports that impaired drivers view, and issues in right-of-ways that needed to be addressed. The Keyes brought up a point in the issues the City has had with them that we really needed a permitting process or checklist to deal with buildings that didn't need a building permit. We wanted to look at these issues so we didn't have any problems in the future. Councilmember Rodney Robbins questioned again why a moratorium was needed and what were they afraid would happen in the City that they felt a need to stop all building to address this. Sheldon Smith stated there was a possibility of doing it either way. If you wanted to look at it as fixing things before any further problems develop then you do the ordinance, if you didn't and wanted to look at a case by case basis then don't vote for the ordinance. Councilmember Adrienne Anson stated she felt we would be looking at items every week and it would be more of a hassle. She stated she felt it would be better to look at it all at once. Councilmember Robbins questioned why they couldn't do their homework at home and bring it every other week and discuss it then. He hadn't heard of any other complaints. Mayor Trever Johnson questioned if Councilmember Robbins was of the opinion that everything was fine as it was. Councilmember Robbins stated he felt they could go through everything without regulating everybody from building during their building season. He stated it was taking their freedom away from being able to build.

Mayor Trever Johnson opened the public hearing at 6:10 P.M.

Courtney McQueen – 160 East 100 North

Courtney McQueen questioned if the reason for the temporary land use ordinance was to get around the “Mel Brown Law”, the State law. Mayor Trever Johnson stated it had nothing to do with the State law or Mel Brown. Courtney McQueen stated it seemed that way to him.

Al Clark – 46 E Center Street

Al Clark stated he had been on the Planning Commission and they looked at those situations regularly, thoroughly, and took the law into consideration. He stated this struck him as being run just a little bit too fast and it needed to go back and do the groundwork on it. He stated the Planning Commission had only heard on complaint, the Keyes case, and if there needed to be a change they should go back and go through the ordinance carefully and systematically and see that everything dovetailed together rather than rushing things too much. We were going to wind up with mud on our face and have to go back and correct some things later on. He stated he felt right now we hadn’t done our homework. He stated he was not opposed to it, but felt we needed to go back and do some checking.

Justin Hobson – property owner 636 South Main

Justin Hobson questioned if they could be reminded or clarified on what the ordinance said and exactly why we thought we needed to expand on the control of said ordinance. He stated he was not clear on what ordinance was being discussed and what everyone was feeling in violation of and what needed to be changed.

Lance Bosworth – 139 East 50 North

Lance Bosworth stated he had purchased an older home and he would like to do a few things to improve its value for the future. He stated he had some concrete steps on the front that were sinking, some water drainage issues, and wanted to build a shed on the side of his property. He questioned if this ordinance would prevent him from making these improvements, basic improvements to his home.

Doug Wilde – 310 South Main

Doug Wilde stated he felt the Mayor hit the nail on the head by deciding in this community which direction we were going to go. He stated it needed to be decided if were we going to stay ag or be a suburb of Park City. He stated it was the Mayor and

Council's job to determine that. He stated he was in agreement for a permitting process, but once you get the Government involved it becomes cumbersome. Just a shed to cover your hay turned into a \$1,000 Engineering fee to meet the snow load, etc. He stated we needed to decide how we were going to go as a community first and then move on to work through the details. He stated the Government made things real cumbersome.

Dan Blonquist – 87 North Main

Dan Blonquist stated he didn't know this was going on and wasn't clear on the reasoning or what the regulations were going to be. He stated some time ago there was a survey asking what people felt was the direction to go and they leaned heavily in favor of agriculture for this area. He stated he hadn't seen a lot of that promoted here and felt it was really going the other way. If there's an agricultural area, it should be heavily considered before any other Building or Zoning took effect that would later be a problem with agriculture. He stated he felt it had been missed along the way. He stated if the City wanted to annex or enlarge the City in the future they should consider the fact of having an ordinance in place like this would be a tough sell to somebody in the outer lying area. He stated he thought the rights of the local farmers needed to be considered. He stated he understood there were some things that could go overboard, but felt there were things that could be done about it. He stated he liked this rural area and a lot of other people did too and would hate to see it go the other way too far.

Cory Hull – 716 S Main Street

Cory Hull stated he didn't depend on agriculture to feed his family. He stated he made a living another way, but he tried to make agriculture a big part of his family. It was a good way to raise kids. It was a lifestyle that was getting lost. He stated the way he read this, he felt it was a direct blow toward the farmer and what this Town and County was all about and the reason he lived here. He stated he did not like it.

Justin Hobson – property owner 636 South Main

Justin Hobson stated Cory Hull brought up the point about the way he read it. He stated he wanted to read a couple of lines and would like to make note of one word. Mr. Hobson read from the notice "possibly enact an ordinance establishing a temporary land use regulation that would preclude the construction of any agricultural buildings and/or accessory buildings" and stated in his mind he already knew what the word preclude meant but he looked it up again and clarified the meaning. He stated it meant to make not possible, make impossible. He stated this ordinance would make it impossible for Mr. Bosworth to replace his steps or put any dirt around his house to lift the water around it. It would make it impossible for anyone or anything to basically even construct a dog house. To say that any accessory building or agricultural building was precluded, would

mean that they couldn't build anything that does not fall underneath the Code of needing a building permit requirement. He questioned if he was correct in his assumption or if he was misguided by the wording. Mayor Trever Johnson stated he thought the wording was correct and would address what he thought he was misunderstanding.

Cordell Hull – 720 S Main Street

Cordell Hull stated he could see the good on both sides of this. He stated he thought Farmers wanted to be able to do things that would enhance their production and their efficiency. He could also see what Sheldon Smith was saying where there might be little things where if the City were to know and not go through a \$1,000 Engineered step like a regular building permit, but where there was a toned down approval, but if you did this much with it, it would make it so people going around that corner could see better, etc. He could see there was good intent from both sides. Maybe instead of saying all or nothing, maybe there could be something where the language was somewhat of the attitude of compromise, but really all the City would be doing and the Farmers would be wanting would be where they could do things with an awareness of the kinds of things that the City could help them get what they wanted, but so it would be good for both.

Steve Bennett – Wanship (Not A City Resident)

Steve Bennett stated his concern as he was listening to this discussion was the incredible amount of vagueness around what the underlying reason for this was. He stated someone, possibly the Mayor, stated a decision needed to be made of whether the City was going to go in the direction of Park City or stay agriculture. He stated as he visited various local store owners in this community like the Feed Store, gas station, hardware store up the street, he hadn't run into one person who he believed would support going in the direction of Park City. He stated the City was on some dangerous ground if there was anything they were being less than forthcoming and totally transparent as to the reason for this. He stated he didn't see this community as anything but straight agricultural and that was why they moved here. He stated he had concerns with the discussion with the intentional vagueness and what the real reason was for this. He stated it was touched on a little bit with questioning the direction to go. He questioned who was driving the desire to go away from an agriculture based City. He stated he didn't know of anybody that lived here that had that want or desire and was confused at where that concept even came from and concerned about the vagueness and the real reason for it.

Al Clark – 46 E Center Street

Al Clark stated the City had a General Plan which was the vision, not a legal document, of where we wanted to go in Coalville. He stated they work on this about every five years

and update it. He stated the primary mission in that statement, or primary goal, was agriculture with no question about it. Coalville was agriculture, but by the same content, when this was up for a public review, nobody showed up. There was an open house, it was advertised, they hung banners in the street to tell everyone about it and no one came. If anybody didn't know about it, it was their own damn fault.

Ben Keyes – property owner 551 South Main

Ben Keyes stated he wanted to touch on what Al Clark said about the General Plan and referred to and read from page 9 of plan. "Expansion and enhancement of facilities and services is a top priority for the City". Continuing on page 10, "Preserve a farming friendly community that encourages long term agricultural success". Page 11 goes on to say "Work with existing businesses to enhance economic sustainability and growth opportunities". Page 13 "To have a well-planned rural community with land uses that enhance its unique characteristics by providing; Productive agricultural areas". On page 13 again, "Government and agriculture are the focus of the economic activity". Mr. Keyes stated everything in that was agriculture and now you were trying to shut it down. Going on under the Coalville Land Use Ordinance there was a Right-To-Farm provision. This land use ordinance goes completely against the Right-to-Farm. He stated he was going to bring up the Utah Code 10-9A-504 and stated the State Code says if the City was going to enact a Land Use Ordinance such as what the City was trying to do, it had to find a compelling and countervailing public interest in order to do it. There was a Case that went to the Supreme Court where people said they didn't want a Condo or building going up because they didn't like it and they lost. He stated he wanted to bring up some property rights. The Land Use Ordinance affected everyone in the City because it called out accessory structures. All the property owners in the agriculture area have relied on being able to use their buildings and construct their buildings. By doing this, it would devalue everyone's value and any potential buyer that would want to move to Coalville would find someplace else to go because they would not be able to live here if they couldn't do what they wanted in agriculture inside the Coalville City limits, therefore he would say, that what the City was trying to do tonight would fall under the legal taking and would go against the 5<sup>th</sup> Amendment Right of the Constitution.

Camellia Robbins – 46 West 150 South

Camellia Robbins stated she felt the temporary ordinance seemed to her to be the City trying to change the rules in the middle of the game for some people. She stated she felt we really needed to think about what Coalville was built on. Mink ranches were one of the very first things that came to Coalville and were basically the economic base Coalville was built on. She felt along with all of these other Farmers, they had their rights and we needed to think about respecting that. She stated even though she didn't own a farm or had any farm animals, she liked to live in a community that had those things. She liked

her kids to have the opportunity to go work in those types of areas and thought we needed to be careful because she didn't want to live in a place like Park City. She lived here because Coalville was the way it was and she would like to try and keep it that way.

Mayor Trever Johnson closed the public hearing at 6:30 P.M.

Mayor Trever Johnson stated he needed to apologize for the way he explained this. He stated this was not an anti-agriculture ordinance. He stated he wanted to be very clear this ordinance was a moratorium. He addressed Justin Hobson and stated the City was not voting to just eliminate ag buildings, accessory buildings, sloping or steps. He stated they could build their steps and change their slopes. This had nothing to do with that. Mayor Johnson addressed Dan Blonquist and referred to his annexation comment by stating the County Planning Commission was currently in the process of re-Zoning this whole corridor. Right now our Zoning and Annexation Declaration up to our City limits had a big discrepancy between what the County has now let alone what they plan to do in terms of density verses what we have. Changing or looking at changing was a discussion the City needed to have. It was not necessarily required to match what they were doing, but it would be wise to at least have that discussion. This was more of a Zoning issue than agriculture or stamping out agriculture issue. He stated he personally, he would not speak for the Council but felt most of them, was not against agriculture. He grew up in a town just like this on feed lot dairy in Eastern Oregon. Mayor Johnson stated back to Justin Hobson that he read the notice right, but that reading was under the umbrella of a moratorium. It was not a proposal to eventually, or anytime, nuke not building anything on agriculture. He doesn't have the appetite, and didn't think the Council had the appetite, to stifle agricultural growth. It may seem like that, but that was not the intention. There was not an intentional vagueness. If it was vague, it was unintentional and never did he say that one choice was agriculture and the other choice was Park City. In his mind, that was not what was on the menu here. Mayor Johnson stated we do need to figure out the direction because if you do any research, all indications have shown that growth was coming. Kamas and the South side of the County was growing like crazy and people were coming on this side of the mountain range and as a City we were trying to make sure we had our infrastructure in place. We have the new sewer plant and we're working on a water treatment facility so we could handle the current demand on our water system and any growth that came this way. There were other things in the works right now with Summit County with other land around here that he couldn't go into right now, but the City needed to make sure they would be fine. If this was voted down, Coalville City would be fine either way, but we needed to make sure we were ready to figure out the direction we wanted to go. If it was agriculture, that was fine, but he felt there was a broader master plan that needed to be looked at. He stated he was aware of some property owners that wanted to be able to subdivide their property and have more density. He questioned if that would be what we wanted or would we want keep it like it was. He questioned if we would want to make it easier to farm or expand a use, like

mink. That question mark was the nucleus for this proposal. Mayor Johnson agreed with the comments of Al Clark, of let's not rush it, let's make sure we have done our homework. This proposal would be the tool to stop and take a step back and look at where we wanted to go as a City. We would be able to decide how we wanted to get there and have the public input. He stated we could do that without a moratorium, but this would give a dialogue about the easiest way to get there without having to go backwards. This was not to single out the Keyes Family, but that incident was the trigger. We recognized we had an issue and wanted to try and fix it. Mayor Johnson stated under the State Law there were certain rights whether it was Grandfathered in, that were presented through the agriculture property to not have to have a building permit to build certain buildings. There was a line between the Building and the Zoning. The Zoning was set by the City. The City could not be less restrictive than the Utah State Code, but there was an allowance in the Zoning for the City to be able to address those issues. Would we want to lessen those or make them more restrictive was the question of this proposal. Mayor Johnson addressed Lance Bosworth and stated he could fix his steps, but the shop would not be allowed at this time. He stated he was in the same position of wanting to build a shop, but the moratorium would only be for six months maximum or maybe only a couple of weeks. That decision was up for discussion with the Council. Sheldon Smith addressed Courtney McQueen and stated this had nothing to do with the "Mel Brown's Law", which wasn't Mel Brown's law. It was his understanding that someone else drafted it and he didn't adopt it. It permitted anyone to build a building without a building permit. Courtney McQueen questioned if someone was in the Ag Zone and if this ordinance was adopted would they be able to build a building. Sheldon Smith stated nothing could be built during the temporary period. Courtney McQueen stated then this was a way around "Mel Brown's Law". Sheldon Smith stated no, it was not and it would never go around "Mel Brown's Law" because anyone could still build a building without a building permit. We were not saying they would have to have a building permit which would go against what the Law says. He stated this whole thing may end up expanding agriculture. It was not to constrict it or take away anybody's rights. It was for a temporary period of time for everyone here and everyone in Coalville to have a public hearing to discuss what they wanted to do and if any changes needed to be made. Mayor Johnson stated "Mel Brown's Law" doesn't say you can just build whatever you want regardless of Zoning or regardless of a moratorium. This was certainly not to get around anything. The motivation wasn't to circumvent the "Mel Brown's Law". It had nothing to do with it. There is delineation between Zoning and the Building permit process. The law being referred to referenced solely the permitting process.

Councilmember Rodney Robbins questioned and asked the public for a show of hands of how many thought the issues could be fixed without the ordinance. He questioned the public again for how many thought there was a compelling reason to justify the ordinance. He questioned if there was a major public health issue that was requiring them to enact the ordinance. Mayor Trever Johnson verified if he said health issue.

Councilmember Robbins stated under State law there was no justification to pass this ordinance because the public didn't feel there was a compelling reason and stated it was against the law. Councilmember Adrienne Anson stated she didn't think this would be an appropriate demographic to ask. Councilmember Rodney Robbins stated the rest of the public didn't come and they could have come, but they chose not to. Mayor Trever Johnson stated he didn't think it wasn't the appropriate demographic, they made the effort to be here, but there were others to consider. Councilmember Rodney Robbins stated there was no compelling reason and therefore according to the law they couldn't enact the ordinance. Mayor Johnson stated he disagreed with that. Councilmember Rodney Robbins stated that was what the law said and if the Council wished, it would go against the law. Sheldon Smith stated he didn't care if the Council adopted the ordinance or not. He stated this was not his ordinance. It was proposed so the Council would have the chance to address some of the issues. The public would be all of Coalville whether they were here or not, the public the law referred to was the entire City of Coalville and if everyone agreed with Councilmember Robbins that was fine. But, the public was larger and this was not against the law to be adopted. We have looked at this extensively and it was not against the law to adopt a temporary land ordinance. Coalville City had done this in the past and did it against him personally on some things that he was doing and the moratorium was on for three or four months before it was lifted. It was not against the law. It was whether or not the Council wanted to do it. If the Council wanted to look at everything on a case by case basis, they could do that. If they wanted to look at it and take care of all of the issues before others arose, then you voted for the moratorium. It was not a matter of whether it was legal or not legal. Courtney McQueen questioned if once the six months was up for this temporary ordinance if the City could come right back with another one. Sheldon Smith stated no, six months was the maximum. They would have to fix the problems within six months or deal with whatever the problem was. Shane McFarland stated he hadn't read the ordinance, but if the Council chose not to enact the temporary ordinance so the City could figure out how to handle certain procedures, he felt he would receive a rush of phone calls from the fear and concern of everyone that had thoughts of building something. He questioned what the Council would want him to do if that happened. He stated he didn't have a procedure to follow. If someone came in and asked to build an accessory structure in a certain Zone, what would the Council have him do. He questioned if they would want him to call each one of them to see how to proceed. His option would be to be referred back to the Code. If they had a period of time to sit down and do their homework and actually think this through, then the City would have a process to follow and there would be less issues to arise. If it was handled case by case, he would have to call each person to figure out what to for each case. As it stood now, he didn't feel from the Community Development side of the process, that the City had made enough effort to get a good procedure in place. Mayor Trever Johnson stated he didn't think it could be handled on a case by case basis. We can't pick and choose and he didn't want to do that. If they were within the law, then they could go ahead. Sheldon Smith stated that was part of the problem.

Councilmember Cody Blonquist questioned what the protocol was right now when someone called. Shane McFarland stated they sit down and meet and discuss and have conversations about how they get approval. He questioned if he had to bring each one to the Council every time. If they had a process in place, he could automatically give the approval needed. He stated he didn't feel like he had that guidance in place and felt whether the moratorium was in place or not they needed to have these conversations. The moratorium would help to give the time whether it was a week or six months to have the conversations. If things came up and we knew that we had the period of time, the questions could be answered without having to flounder in the meantime. Mayor Trever Johnson stated this was discussed at the last Council meeting a little and it was his impression this was what needed to be done. Let's not rush. Let's slow down and make sure we have our processes in place to go where we want to go.

Mayor Trever Johnson re-opened the public hearing at 6:48 P.M.

Glen Black – 3 North 200 East

Glen Black questioned where the City wanted to go and what they wanted to do. He questioned what even brought this up to have this discussion.

Dan Blonquist – 87 North Main

Dan Blonquist stated the timing for this was kind of bad because we were coming up on the building season. He stated the moratorium might have been better back in November to be able to take the time to think about it before people thought about building in the season. The market often dictated when a person in agriculture would build a building. It would be when they had their money available and that would be when they needed to do it. It would be hard to work around a moratorium.

Mayor Trever Johnson closed the public hearing at 6:49 P.M.

Mayor Trever Johnson stated he had given the reason for the ordinance, but he would like to give his personal opinion on the subject. He stated it was sometimes difficult because he would get caught on a personal level between the ordinances he had sworn to uphold and his own personal opinion. His personal opinion was a person should be able to do what they wanted with his land and he had said that before. He was caught on this issue between how to rectify what in his opinion were some problems with processes and how to do them in a common sense way. Maybe this ordinance wasn't it, but maybe it was. Regardless of what happened, the City really needed to be serious about details and specifics in the Zoning and in the permitting process. He would say to be ready for that because it would be looked at pretty hard. How to get there between here and there was the question. If this was a tool that made sense then great, but if not

they still needed to be prepared to have these conversations and make the decisions on both the Zoning and permitting process and the Economic Development side because that was coming as well. The City needed to make sure they had all their ducks in a row. Mayor Trevor Johnson stated he had no appetite or desire to stifle anyone's growth, but there were Zoning requirements that we needed to make sure we were okay with and would meld with the desires for the future of Coalville. Councilmember Rodney Robbins stated he would one more time refer to Utah Code 10-9a-504 and read "A municipal legislative body may, without prior consideration of or recommendation from the planning commission, enact an ordinance establishing a temporary land use regulation for any part or all of the area within the municipality if: i) the legislative body makes a finding of compelling, countervailing public interest; or ii) the area is unregulated." He stated the public had said there was not compelling public interest to enact this. To vote in favor of this would be to break your oath you took to uphold the United States Constitution. Mayor Trevor Johnson stated he disagreed with that. Councilmember Rodney Robbins stated that was the law. He stated they could do the changes in the Code without enacting this. Councilmember Cody Blonquist stated he thought Shane McFarland had a good point. There was the possibility of being inundated with requests and there wasn't an answer for them. He needed a protocol to follow. There were buildings that fell through the cracks of needing a permit or not needing a permit. He was in favor of them being built, but when someone puts up a building that blocks the view of an intersection that was a public safety hazard. The tools needed to be put together to give a protocol. He questioned if the length of time could be reduced so it didn't interfere with anyone's construction season. He stated even another month. Councilmember Cody Blonquist stated Shane had requested guidance and questioned what he should tell someone that came in for a building that didn't need a permit. Sheldon Smith stated that was one of the purposes of having the time to look at it and adopt what was needed. Councilmember Blonquist questioned what protocol was already in place for Shane to use. Shane McFarland stated we didn't have anything at this time. We needed to at least have a piece of paper for them to list their name, where they lived, and what they were doing. Councilmember Rodney Robbins stated we could map that at the next meeting a week or two weeks from now. He stated the Codes were already in place with the setbacks for accessory buildings. Councilmember Adrienne Anson stated she felt it was more fair for everyone for all of us to step back, give some guidelines, and of course through the planning process public input would be considered and of course they would try and be as accommodating as they could to what the people here wanted and what the other public wanted to happen too. Limiting a little bit and holding back a little on building would not stifle everyone's freedoms. It would be for the greater good and would be better for everybody by considering more people opinions and not just what was wanted here and what was wanted right now. You decided what you wanted to have happen in your business and family and tried to have a master plan and you took into consideration everyone's input and everybody's needs and then fairly adopted it. She stated she didn't think anyone was trying to hurt anyone's business here. Their input and

needs would be assessed in whatever they did. She referred to Steve Bennett being from out of town and that he would need to be given his own guidelines of what he could do with what comes before him. Shane McFarland stated he had been hired by the City to fill the role of the Community Development Director. He stated he was not a City employee, but was a consultant for the City. He stated this information was not for him personally, but as a third party consultant for the City. He stated he did not live in Coalville and it was not personal for him. If he wasn't here tomorrow, the City would still need to be able to handle each scenario. He would be happy to serve the City with or without the moratorium and the City would succeed either way. Whether there was a period of non-building or not, those protocols still needed to be put in place.

Councilmember Tyler Rowser stated he wanted to thank everyone for their questions and comments. He felt they were well thought out and very good. He stated he did think the City needed a solid procedure in place and taking a case by case basis was an unfair thing for everyone. If everyone knew the rules when they came into the game, it made life a lot easier than having different people on two separate rule books. We needed to get one set of rules. If the ordinance was enacted, he highly recommended going through the procedure as quickly as possible to cover everything and hopefully not have to take the full six months. They would hopefully be retracting the ordinance and allowing everyone to go forward. Mayor Trever Johnson stated if they voted for the ordinance he would propose an aggressive timeline instead of setting the six months and taking the full time. Councilmember Cody Blonquist agreed and stated a deadline breeds procrastination. Councilmember Adrienne Anson stated they could maybe adopt more public hearings and other third party consults. Mayor Trever Johnson stated any changes would require a public hearing. Sheldon Smith stated that would be what would take time. Councilmember Tyler Rowser questioned if this would be kicked back to the Planning Commission and if they would start the process. Sheldon Smith stated it could go back to the Planning Commission for some of it. Councilmember Tyler Rowser stated he felt they needed to have a very aggressive timeline on it. It needed to be done right, but as quickly as possible. He stated if there needed to be extra meetings to accommodate it he was willing to do that. Councilmember Rodney Robbins stated he put this ordinance on his personal Facebook page so more people could possibly see it and come here. Some people came and some people chose not to. He asked once again to the public in attendance how many of them thought there was a compelling reason for this. Mayor Trever Johnson reminded Councilmember Robbins the public hearing portion of the meeting was over. Councilmember Robbins stated he wanted them to raise their hands. Sheldon Smith stated he couldn't ask for that after the public hearing was closed. Councilmember Rodney Robbins stated he wanted to say to all of the Councilmembers they were breaking the law if they voted for the ordinance. Mayor Trever Johnson stated he agreed with Councilmember Robbins on a lot of things, but that was not one of them. He disagreed it was breaking the law. Mayor Johnson stated if he was voting he wasn't sure what he would do. He didn't know if he would vote for it. Councilmember Rodney Robbins stated there was only one way to vote on this.

**Councilmember Tyler Rowser made a motion to accept and approve Ordinance 2016-2. Councilmember Adrienne Anson seconded the motion. The Nays won the vote. Motion Denied.**

**Roll Call Vote:**

**Councilmember Anson – Aye  
Councilmember Robbins – Nay  
Councilmember Rowser – Aye  
Councilmember Blonquist – Nay**

**Tie Vote to the Mayor:**

**Mayor Trever Johnson – Nay**

Mayor Trever Johnson stated that was emotional and that was why he voted Nay. He stated it came back to a compelling reason and he thought we could do some of the things without the ordinance, but we needed to get after it and we would deal with any calls that came through.

Mayor Trever Johnson excused himself to go to the COG meeting. Councilmember Adrienne Anson took over as Mayor Pro Tem.

**Item B – Public Works Updates – Zane DeWeese:**

Zane DeWeese stated they were headed into the Spring season with day to day issues with drainage. He stated they had a few issues at the Waste Water Treatment Plant. Sheldon Smith questioned if they were having a lot of flood issues. Zane DeWeese stated so far they haven't had any major issues. He stated the ground wasn't frozen this year so it was able to take on more water. Councilmember Adrienne Anson questioned if the storm drainage was adequate for the storms and the warm weather. She questioned if the City should think of ways to manage the drainage in the future. Zane stated there were always things that could be improved. He stated the Council had targeted a certain area of town and sent out letters to the property owners to remind them they were responsible for keeping the ditches open as the historic drainage water ways and if they had filled in the ditch it needed to be re-opened. He stated right now the ditches were the storm drain system for the City. He stated that was the direction the Council had gone in the past. Sheldon Smith stated before the secondary water system, the ditches all over town served as the flood water drainage. He stated people had started filling them in and then there wasn't a place for the water to go. The City had made an effort to have people re-open the ditches and allow the water to flow where needed. Councilmember Rodney Robbins questioned if they could culvert the ditch. Zane DeWeese stated they could culvert the ditch as long as the culvert was big enough to handle the peak flow. It would be their responsibility to keep the culvert cleaned out just like a ditch.

**Item C – Community Development Updates – Shane McFarland:**

Shane McFarland stated there was one business license for approval. He stated Bill Battersby had applied for a license for his rental house and building at 23 South Main.

**A motion was made by Councilmember Adrienne Anson to approve the business license for Bill Battersby Rentals. Councilmember Rodney Robbins seconded the motion. All Ayes. Motion Carried.**

Shane McFarland stated Terra Engineering and Construction had also applied for a business license renewal. He stated they had some conditions for temporary approval at their new location and he needed to get in touch with them to review their options.

Shane McFarland stated the USDA had sent comments from the Water Project application for review. He stated they hoped to have a response soon on the funding.

Shane McFarland stated the City had done a City wide survey for the CDBG grant and the results came back favorably. He stated unfortunately the State decided that they wanted a site specific survey for this project. He stated he would get with Niki Sargent to get this taken care of.

**Item D – Legal Updates – Sheldon Smith:**

Sheldon Smith stated he did not have anything.

**Item E – Mayor’s Updates:**

Mayor Johnson was excused from the meeting.

Councilmember Tyler Rowser stated the Recreation District was planning a special event for May for a relay race from East Canyon to Wanship. He stated they had also been working for over a year with UDOT to put in pedestrian indicator lights on 100 South at the Rail-to-Trails location. UDOT had requested for local partner buy-ins to help with the funding. He stated the City may want to look at helping with it.

**Item F – Executive Session:**

There was not an Executive Session.

**Item #4 – Review, Discussion, and Possible Approval of Minutes:**

The Council reviewed the minutes of the January 25, 2016 meeting.

**A motion was made by Councilmember Adrienne Anson to approve the minutes of January 25, 2016 as corrected. Councilmember Tyler Rowser seconded the motion. All Ayes. Motion Carried.**

**Item #5 – Review and Possible Approval Of Accounts Payable:**

The Council reviewed the Accounts Payable for February 2016.

**A motion was made by Councilmember Adrienne Anson to approve the Accounts Payable for February 2016. Councilmember Cody Blonquist seconded the motion. All Ayes. Motion Carried.**

**Item # 6 – Adjournment:**

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

The meeting adjourned at 7:30 P.M.

Attest:

\_\_\_\_\_  
Nachele D. Sargent, City Recorder

\_\_\_\_\_  
Trevor Johnson, Mayor

\_\_\_\_\_  
Adrienne Anson, Mayor Pro Tem

**COALVILLE CITY  
ORDINANCE NO. 2016-2**

**TEMPORARY LAND USE ORDINANCE**

**THIS ORDINANCE TEMPORARILY PRECLUDES THE CONSTRUCTION OF AGRICULTURAL BUILDINGS AND/OR ACCESSORY BUILDINGS IN COALVILLE CITY.**

THE CITY COUNCIL OF THE CITY OF COALVILLE, UTAH HEREBY ORDAINS AS FOLLOWS:

- I. **PURPOSE OF THIS ORDINANCE.** The provisions hereinafter contained and enacted are in pursuance of and for the purpose of securing and promoting the public health and general welfare of persons in Coalville City in temporarily prohibiting the construction of agricultural buildings and/or accessory buildings so as to :
  - A. Allow Coalville City staff the necessary time to analyze the need for application procedures to ensure all City ordinances are complied with and/or to provide a checklist to enable citizens to follow for constructing agricultural buildings and accessory buildings, especially in cases where no building permit is required;
  - B. Allow for public comment on procedures and zoning developments that may be adopted in connection with construction of agricultural buildings and accessory buildings;
  - C. Allow for public comment and staff analysis in connection with zoning changes that may be deemed appropriate and/or necessary;
  
- II. **TEMPORARY ORDINANCE.** Ordinance No. 2016-2 shall remain in effect for as long as necessary in order to accomplish the purposes and objectives of the Ordinance, but not beyond 6 months from the date of adoption.

III. **EFFECTIVE DATE.** This Ordinance shall take effect on the 16th day of February 2016.

**PASSED, APPROVED AND ADOPTED** by the City Council of Coalville City, Utah this 16<sup>th</sup> day of February 2016.

ATTEST:

COALVILLE CITY;

\_\_\_\_\_  
City Recorder

\_\_\_\_\_  
Mayor

Councilmember Blonquist

Voted \_\_\_\_\_

Councilmember Rowser

Voted \_\_\_\_\_

Councilmember Anson

Voted \_\_\_\_\_

Councilmember Robbins

Voted \_\_\_\_\_

Councilmember Judd

Voted \_\_\_\_\_

