

Coalville City Council
Regular Meeting
HELD ON
August 9, 2021
IN THE
Coalville City Council Chambers and Virtual

Mayor Trevor Johnson opened the meeting at 6:00 P.M.

MAYOR And COUNCIL PRESENT:

Mayor Trevor Johnson
Council: Philip Geary, Don Winters,
Tyler Rowser, Rodney Robbins
Cody Blonquist

CITY STAFF PRESENT:

Sheldon Smith, City Attorney
Paul Taylor, City Engineer
Zane DeWeese, Public Works Director (Virtual)
Nachele Sargent, City Recorder

PUBLIC IN ATTENDANCE:

Linda Vernon, Denise Smith, Elwin Rees,
Brenda Rees, Sheryl Godfrey, Stefanie Bowen,
Hudson Bowen, Margarita Richins, Louise
Willoughby, Brandon Brady, Mark Marsh
Virtual Attendance: KPCW, Tom Rees, Sheryl
Rees, Camellia Robbins, Lynn Wood, Deb
Rowland, Wohali Partners, DB

Item 1 – Roll Call:

A quorum was present.

Item 2 – Pledge Of Allegiance:

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

**Item A – Continued Work Session: Review And Discussion Of The Planning Commission
Recommendation For The Parks, Trails, And Open Space Development Code And Master Plan
Update Amendments:**

Mayor Trevor Johnson stated this was a continued work session for the Parks, Trails, and Open Space Code amendments. Don Sargent referred to the Staff report (Exhibit A) and stated the primary purpose was to make the language and requirements more understandable. He stated the primary guide for the revisions was the General Plan. He stated the Open Space provision was updated with the MPD and was very specific on the percentage of open space required within each zone district. Don stated a lot of the parks and trails language was subjective with a lot of discretion at the Planning Commission level and that was changed to have the Council have the final decision in that context. He pointed out the current Master Plan had been adopted in 2009 and the General Plan was updated in 2012 with the Trails Master Plan included so this wasn't new

1 language for the Code. Don referred to the General Plan shown in the Staff report and stated trails
2 were considered a valuable amenity for the City. He stated the new plan was being updated with
3 the trails being interconnected establishing a land planning process to follow development before
4 available corridors were lost. He stated the current trail requirements were a 20 ft right-of-way
5 with a 6 ft trail or a 20 ft right-of-way with an 8 ft trail. The Planning Commission felt this was too
6 excessive and had made the requirements less restrictive with the proposed classifications for a 12
7 ft, 16 ft, and 20 ft right-of-way with a 4 ft, 8 ft, and a multi-purpose class with an 8 ft equestrian
8 trail. Council Member Phil Geary questioned if there was an additional 10 ft right-of-way. Don
9 Sargent stated no, this was the actual right-of-way and in essence you could build to that right-of-
10 way. Council Member Phil Geary verified it would be a 40 ft wide setback with these classifications.
11 Don Sargent stated yes, he could make that application, but you would be able to build right next to
12 the easement line. He stated he had discussed with Sheldon Smith about not specifying each trail
13 classification on the map like it was now and only address that when reviewing a development
14 application. He stated the Planning Commission had applied proposed classifications on the Master
15 Plan, but they could remove them from the map and only have them as part of the ordinance. He
16 stated it would all be part of the review process through the Planning Commission and City Council.
17 Sheldon Smith stated the conceptual trails would be located on the Master Plan map, but the
18 classification would be determined at the time of the development review. Mayor Trevor Johnson
19 clarified both the alignment and the classification would be determined during the review process.
20 Don Sargent stated yes, that was correct. Mayor Trevor Johnson stated he liked that idea better
21 than having the classification determined on the map. Don Sargent explained the trail
22 classifications and stated there was basic criteria to help make the determinations. Council
23 Member Phil Geary questioned if a developer would be able to request to put the trail on someone
24 else's property. Sheldon Smith stated they wouldn't be able to do that. Don Sargent stated the
25 Planning Commission was very sensitive to the fact that property owners wanted to maintain their
26 open land and not develop it and agreed they should be able to do that without the burden of
27 trails. He stated if the property came in to be developed, then the use of the property would
28 change, and the trails requirement would be addressed at that time. Don reviewed some of the
29 existing language and stated the proposed language wasn't that different. The language referring
30 to trails and parks would all be in one place and easier to understand with the proposed
31 amendments. Council Member Phil Geary referred to 8-4-080, Item A, and questioned what the
32 payment in lieu of would represent. Don Sargent stated this item referred to parks and a developer
33 could pay a fee in lieu of instead of installing a park in the development. He stated if it was
34 determined by the City the development wasn't cohesive for a park then the fee in lieu of would be
35 paid to the City to be used at a different location. He stated the developer could do a private park
36 at their discretion. Council Member Rodney Robbins questioned if the language "all developments"
37 could be changed to reference actual developments of like a five or more lots. He stated if they
38 looked at the definition of development in the Code, someone putting in a sign could be forced to
39 put in a park. Don stated the language could be clarified to refer to subdivisions and MPDs only. It
40 was not intended for someone for a sign permit to have to put in a park or trail. Sheldon Smith
41 stated there were State laws that would have to be satisfied for any park or trail. He stated the law

1 had tests that had to be met and one of them was the roughly proportionality test that would have
2 to be met before the City could require a park or trail. He stated basically someone putting up a
3 sign would not meet the requirement of the proportionate share test and so they would not have
4 to put in a trail. He stated the project would need to be roughly proportionate to what was being
5 required. Don Sargent stated a benefit analysis would be done for the development. He referred
6 to Item 1 and stated someone could apply for a single-family dwelling building permit on an existing
7 parcel without being subject to putting in a trail. They would still need to provide an easement, but
8 they would not be required to put the trail in. Council Member Don Winters questioned if the trail
9 requirement would be triggered if a person used one-acre out of an 80-acre parcel. Don Sargent
10 stated it would be triggered for the parcel the house was being built on. Council Member Winters
11 verified if the lot was 100 ft wide, they would be required to put in 100 ft of sidewalk or trail. Don
12 Sargent stated that was correct, it would be based on the frontage of a street, public street,
13 common driveway, or trail alignment associated with the parcel the house would be built on.
14 Council Member Cody Blonquist verified you wouldn't be able to show rational nexus to justify
15 thousands of acres of trail for one home on an 80-acre parcel. Council Member Rodney Robbins
16 verified that one home on an 80-acre parcel wouldn't require a trail. Don Sargent stated that was
17 correct, just an easement for the one building lot until the parcel was developed. Council Member
18 Rodney Robbins questioned if they would have to do the trail if they divided the lot into 15 building
19 lots and didn't build on them. Don Sargent stated dividing the parcel into 15 lots would be a
20 subdivision and it would trigger the trail system. Sheldon Smith gave the example of a three-lot
21 subdivision that was going through the review process right now and it was being required to put in
22 a sidewalk along the roadway. He stated if people were dividing their lot for just inheritance
23 purposes they generally do something like a lot line adjustment to divide it between the kids which
24 wouldn't be a development process and wouldn't trigger the easement or trails. Don Sargent
25 showed the proposed Master Plan with the expanded, added, or changed trails. He stated it was
26 mostly adding trails where needed for new development and connecting or looping existing trails.
27 Council Member Don Winters stated he didn't think they could build trails in the flood plain. Don
28 Sargent stated there were exceptions for trails. Council Member Tyler Rowser verified an
29 easement was already part of the Chalk Creek Estates Phase II. Niki Sargent stated that was
30 correct, it would be recorded with the Phase II plat. Mayor Trevor Johnson read from the General
31 Plan about the reason for trails and a master plan and questioned what had changed that
32 necessitated an expanded Master Plan. Don Sargent stated it was from the layout of potential
33 development areas and areas that might warrant trail connections or links. He stated it was also to
34 tidy up the language and combine the portions of the Code that referred to parks, trails, and open
35 space. He stated with the development pressure the City was facing right now, they were trying to
36 anticipate where added links were needed for the connectivity of the City and the development
37 area for pedestrians. Mayor Trevor Johnson questioned if the City had required or implemented
38 these in other developments. Don Sargent stated some of the developments had been required to
39 do this. He stated the City hadn't been applying the current trail provisions at the level it should
40 have been. Council Member Cody Blonquist stated he thought that was the big driving force
41 behind this discussion. Council Member Don Winters stated they were required to put in a

1 sidewalk when he did his subdivision in 2001. Mayor Trever Johnson questioned if the UDOT
2 project for the North and South end of Main Street had triggered a sidewalk or bike path. Sheldon
3 Smith stated no, that wasn't a development. Mayor Trever Johnson questioned if the City had
4 identified all the potential areas through property alignment throughout the City, so an area wasn't
5 missed. Don Sargent stated this hadn't been vetted to that degree. Mayor Johnson questioned
6 how the City was going to make sure these requirements were implemented in reality. Don
7 Sargent stated that was another main goal of restructuring this Code. He stated before it was in
8 two sections of the Code and was very subjective and difficult to implement, but the new language
9 was structured so this wouldn't be missed in the future as part of the review process. Council
10 Member Tyler Rowser stated before it was at the discretion of the Planning Commission and the
11 issue of a "sidewalk to nowhere" would get brought up and so it wouldn't be implemented. Mayor
12 Johnson stated it may be a "sidewalk to nowhere" initially, but eventually it would connect to
13 another portion to continue the trail system throughout the City. Council Member Cody Blonquist
14 stated the Deer View Subdivision wasn't required to have a sidewalk, but within four years it would
15 have connected to the Chalk Creek Estates. Council Member Rodney Robbins stated it was in the
16 Code to have sidewalks before and questioned what the difference would be now. He stated the
17 language was in there before, but not enforced. Mayor Trever Johnson stated now it would be
18 part of the review process and located in one area of the Code. Mayor Trever Johnson stated it was
19 discussed at the last meeting to remove the trail that went across the ridge to the Allen Hollow
20 property and questioned if anyone had concerns about taking it out. Don Sargent stated some of
21 the property may not develop, but in the future, the City may have the opportunity to funding and
22 putting in some of the trails. Council Member Phil Geary stated he would like the trail removed
23 from the middle of the NS School property too. Council Member Don Winters stated he thought
24 they should remove the trail across the ridge and read from the General Plan where it talked about
25 "minimizing the impact of major development with any critical wildlife, winter ranges, bird
26 migration, etc." and stated the deer live on that hill year-round and it would ruin that area. Don
27 Sargent reviewed the proposed trail classifications again. Council Member Don Winters questioned
28 if the City could legally require one developer to put in one class of trail and another developer a
29 different class of trail. Sheldon Smith stated it was legal and done all the time and it went back to
30 the rational nexus or rough proportionality for requiring the different type of trail. He stated a 10-
31 lot subdivision may require something different than a 100-lot subdivision. He stated that was one
32 reason he thought allowing the decision to be made with the review process was a good idea. Don
33 Sargent stated it was the same for a developer connecting to a utility line. If the line wasn't big
34 enough to handle the development they would be required to upgrade the line. Mayor Trever
35 Johnson stated he would also recommend following Zane DeWeese's recommendation of if it was
36 connecting to a City sidewalk, it needed to be at least five feet wide. Council Member Cody
37 Blonquist stated he envisioned something in town would need to be a paved surface, but a trail in
38 the outer lying parts of town would be like a one-foot hiking trail for a basic walking trail. He
39 suggested adding another class of trail for something like that. Don Sargent stated they could add
40 something for a natural trail, or they could change the proposed trail to show " 2 ft – 4 ft" or
41 something like that. Don Sargent reviewed the six questions and answers listed in the Staff report

1 from the work session at the last meeting. He stated the trail maintenance costs were estimated
2 ranges per lineal foot and stated he wasn't representing this was what it would cost, it was just to
3 give an idea of what they could be looking at. Council Member Rodney Robbins referred to the trail
4 head parking and questioned what would happen when everybody showed up to use the trails and
5 all the parking on Main Street was taken up. Don Sargent stated there may be a need for parking in
6 the future.

7 Mayor Trever Johnson stated he wanted to recognize the hard work and time the Planning
8 Commission had put into this proposal and he thought they had done a good job. He opened the
9 public hearing at 7:12 P.M.

10 Brenda Rees – family owns part of Cedar Crest Farm

11 Brenda Rees stated I don't live in the Coalville City limits, but I do own property here along with my
12 family. We're all owners of the Cedar Crest Farm property, which Allen Hollow is the property you
13 were talking about. Obviously I'm here mainly to support Aunt JoAnn Rees and my cousins, but
14 we've talked to the State, Sheryl and I, have talked to the State numerous times and I have some
15 serious concerns about your proposal. Thank you for saying proportional, because in the last
16 meeting I attended, it was said that a kitchen remodel would qualify for the demand of an
17 easement. That has zero impact on the community and so therefore is irrelevant. It should be
18 proportional to the build and also the impact on the community. We all understand sidewalks. We
19 get the need for sidewalks. But what is proposed down through our property is approximately
20 3,000 feet, 20 feet wide going up over Allen Hollow and across the front. When you say horse trail,
21 I think in reality in our day and age, what we're really talking about is a horsepower trail. If you
22 take the number of ATVs and motorcycles and divide it by the number of horses you get about five,
23 10 to one. And so, it will not be a horse trail, it'll be an ATV trail. I asked in the meeting in May, in
24 the Planning meeting, what they would do for vandalism and the responses were trivialized and it
25 was negated as it wouldn't be a problem. Well, we have had a problem. The County put a... has
26 the County road going up through our property in Hoytsville and we have suffered quite a bit of
27 property damage and littering because the County made it a free for all for everybody to go up to
28 the peak. So, we have some concerns with that. Mayor Trever Johnson verified the alignment
29 going across her property up to Allen Hollow was part of the original 2012 Master Plan and nothing
30 had changed since then except for how it would be implemented. He questioned if motorized
31 vehicles would be allowed on the trails. Don Sargent stated it would be a non-motorized trail and
32 he would add that to the language. Brenda Rees stated if you ever go up in the cemetery you see a
33 lot of motorized vehicles. Anyway, that was my concern. I appreciate, like I said, the impact of
34 proportional because if my cousins built a house, if two of them built a house, they shouldn't have
35 to turn over 3,000 feet by 20 feet and do the improvements. That is not proportional for two
36 houses. Subdivision, major subdivision, great, sounds fine. But if you'll look at the big subdivision
37 that is going in on the Parley Brown piece, they're not requiring that many trails through that area.
38 So, we had some serious concerns about what would be demanded of us. I appreciate the fact that
39 it's now gone to the City Council, as opposed to the Planning Commission, and that you can address

1 those. And I appreciate the fact that it can be done in a more equitable way as opposed to, "well,
2 now we like where your property is, let's just put a big fat trail through your property". I don't think
3 that's right especially when it's way out on the north end of town. And thank you Don (Winters),
4 for mentioning the deer because motorcycles through deer is not a good thing. And so also we
5 wanted to know who is going to maintain these trails. You had some budget numbers listed up
6 there. If it's a soft trail, I assume that means no winter access probably, but I don't know and so
7 that needs to be in there. But as we talked to the State of Utah about our concerns and told them
8 what we had heard in the April, May, and June meetings, they expressed that this was not within
9 State regulations and that perhaps there needs to be some training on what the State regulations
10 are of the entire Council, so that they understand what the State regulations states on this so that
11 you can do that equitably and not get Coalville City in some legal issues. Mayor Trever Johnson
12 questioned what sort of things specifically are in your mind. Brenda Rees stated the
13 disproportionate amount, like I said, the last time I attended... a kitchen meant we had to turn over
14 6,000 feet by 20 feet. Mayor Trever Johnson stated right, I understand your example. Are there
15 other examples or has that point been satisfied? Brenda Rees stated the other thing was, it was
16 expressed in one of the last meetings that they would do eminent domain across the top of the
17 cliff, you can't do eminent domain for a trail. And so, you can for something else. Mayor Trever
18 Johnson stated yeah, there's nowhere in here, in the proposal that it says anything about eminent
19 domain. Council Member Tyler Rowser stated I explicitly asked that in the last meeting. We're not
20 planning for that. Mayor Trever Johnson stated so it sounds like there's been a lot of work done
21 since the last meeting that you've been to. And to my point, the Planning Commission's done a
22 good job, I think, of buttoning up those ambiguities, I guess. Brenda Rees stated like I said, I came
23 at this from what the last I heard, and I appreciate the fact that work has been done and that you
24 have listened to us. That we shouldn't bear the burden of a gigantic trail for two houses. Mayor
25 Trever Johnson stated how do you feel in general about the proposal as it was given today? Brenda
26 Rees stated I still have some concerns along the Chalk Creek and along the Weber river. I think
27 those are... you're just asking for trouble, but that's just me. Anytime you get into a wild area, from
28 personal experience, anytime you get away from a community and away from anything, things
29 happen. Kids do stupid things. And so, you're just asking for some trouble. If the entire area
30 becomes developed, then there isn't any out of the way.

31 Margarita Richins – property owner

32 Margarita Richins stated so, I like the sidewalks. I think sidewalks are great. Some trails are great. I
33 love the Rail Trail. But my vision of Coalville is probably a little different than the Planning
34 Commission's. I don't want to see Coalville as a resort area or as a Park City or someone like we've
35 been comparing the trails to. I like Coalville to be a bedroom community that people come home
36 to after they had a long day at work in the city. But having said that, I guess a couple of questions.
37 In the Code it says... maybe, the other thing is, you've talked about some changes and so will there
38 be some public comment again after you make those changes? So that we can go through it?
39 Okay, so one of the things I'm asking about right now, it says, "the future trails and sidewalks

1 shown on the Master Plan are conceptual and are not required to be constructed until such time
2 the property is considered for development". So, the definition of development is not limited to
3 grubbing, grading, an alteration, or revision to an approved MPD, conditional use approvals, zoning,
4 or rezoning, subdivisions, or annexations. Okay, so I've been to enough of these meetings now that
5 I realized that once this is voted on and becomes an ordinance, then it has to be enforced. And
6 Escapod, for example, we made sure that Escapod got asphalt instead of just Roto-Mill. And so, I
7 guess where the trails are, is not as troublesome to me as the wording. So, if you take this, "Until
8 such time the property is considered for development" and I want to focus on David Rees' property
9 that's owned by Joanne now, 88-acre parcel, right? It was a parcel that was... It is Cedar Crest
10 subdivision, which is a three-parcel subdivision. It has one parcel where the O'Donnell's live, the
11 old mayor lived there, it's the one that Don started, developed, that one acre parcel. There's
12 another parcel that's a half-acre David Vernon lives on. And then there's an 88-acre parcel that is
13 the rest of it that they farm and it's a little bit of everything on there. That parcel, as Brenda said,
14 has 3,000 feet of trails, I measured 2,300. It has part of the ridge line trail and comes down and
15 goes into the road and connects over to Allen Hollow. And it also goes down the road on the
16 private driveway that goes up to O'Donnell's and by Joanne's house, right? So, there's 3,200 feet
17 on there. So, when I read this, then it says, "Any time it's considered for development". And
18 although this has been said that this is conceptual, if this was passed, wouldn't it be if Joanne
19 decided that she wanted to divide that parcel into three parts for her daughters, they would have
20 to develop that trail? And they would have to give the easement over? Council Member Cody
21 Blonquist stated currently it would be just an easement. Council Member Rodney Robbins stated
22 not if they subdivided into five lots. Margarita Richins stated into three lots. Don Sargent stated
23 right now, the language used is if they did a subdivision, two lots, three lots, one hundred lots, it
24 would require an easement and construction. Council Member Cody Blonquist stated but we were
25 discussing revising that. Don Sargent stated you are discussing changing the language so it
26 wouldn't be that. Margarita Richins stated so that's why I'm asking if we'll have another public
27 hearing when that language is put into the new ordinance or whatever, whenever you rewrite that.
28 Because, I've heard in several Planning Commission meetings, Tim Bristow, Jeff White, all expressed
29 a need to let people who have land, let their family inherited it. That they shouldn't have to build
30 trails in order to do that. So, that's one of my questions. I'm hoping that you can fix that so that it
31 doesn't just stand, if you're considered, for development. That's basically holding hostage, Joanne
32 hostage. She can't do anything with her land because she would have to build the trails. She can't
33 afford to build the trails unless she sells it to a subdivision. Sorry, unless she sells it to a developer.
34 Mayor Trevor Johnson stated if those 80 acres, if it gets divided into three lots, roughly 28 acres a
35 piece for their kids and they put one house on each lot, then they'd have to put a sidewalk north to
36 south. And then the one person on the northern lot would have to go east to west. Council
37 Member Tyler Rowser stated well I think that lends itself to the example you used earlier, of doing
38 a Lot Line adjustments versus a subdivision. And this is the case that was being alluded to. Mayor
39 Trevor Johnson stated I understand that, but I don't know that we want to set something up to
40 where the only option for someone is to do a lot line adjustment. Margarita Richins stated you
41 can't do a lot line adjustment on a subdivision. Sheldon Smith stated if one parcel hasn't been

1 subdivided, then you can. Paul Taylor stated if you have multiple parcels then you can adjust it. I
2 don't think there has been a subdivision, has there? Margarita Richins stated I'm talking about,
3 yeah, there is a subdivision it's Cedar Crest subdivision. It's all around David and Joanne's house.
4 It's on both sides in their field right now and up over into Allen Hollow, into the part that Flare
5 owns. So, that's one trouble, is something. The next line, it says, "Only an easement for the
6 associated trail classification shall be required for property being considered for a building permit
7 application". To me that reads, if you want to get a building permit, you need to put the trails in
8 that are in your area. So, for example, Joanne's house is right next to Cedar Crest subdivision. It's
9 hard to tell if that trail goes through Joanne's lot or if it is on Cedar Crest subdivision. This says,
10 "Required for property being considered for a building permit application". Wouldn't you need to
11 get a building permit application for a water heater, or to re-roof your house, or to redo your
12 bathroom? And so, will you need to put... would she need to develop that part of the trail? I guess
13 you'd only have to give an easement, a 20-foot easement. Mayor Trevor Johnson stated so on that
14 point, that was addressed in Don's presentation, as well as Ms. Rees, who came up and voiced the
15 exact same concern, and she recognized that it was addressed. What do you call that? Roughly
16 proportionate. There are State laws that do address that. And so, for example, she gave example,
17 you're giving an example of a kitchen remodel, or I think, Don you gave the example of sign being
18 erected, would not trigger signing over an easement. Don Sargent the exception language right
19 now currently, has to do with a single-family dwelling. Margarita Richins stated but where does it
20 say that? I don't see anywhere where it says a single-family development. Don Sargent read the
21 portion, right here, "an easement in construction and associated trail classification shall be required
22 with all development application" which I think I had that changed, "except for an application,
23 except for a building permit application, not associated with the development application. And we
24 will add only a single-family dwelling. Margarita Richins stated I don't see anywhere where it says
25 single family dwelling. And, and I don't see... I think it's great if you put in a house and you're right
26 by the sidewalk, I think you should have to put a sidewalk in. I like sidewalks. But not for Joanne,
27 or anyone in that case, to have to dedicate the easement over just because they're getting a
28 building permit. And that's what it says, correct? Paul Taylor stated the building permit is the
29 trigger there. Margarita Richins stated yeah. And so, then the next question I have is, we've been
30 talking about the review process. It says that let's see, number three, as determined at the very
31 end, it talks about the developer. I don't know, at the end, it says, "as determined through the
32 project review process". What does project review process mean? In my experience there's a lot
33 of things that is just decided by Staff, that doesn't come before the City Council. So, when you're
34 talking about the review process and the City will decide that, not the Planning Commission, where
35 does it say that it's the City Council that will be deciding that? And that it's up to their discretion?
36 Council Member Rodney Robbins stated on single family homes I think it just goes through the
37 checklist on it. Mayor Trevor Johnson stated it goes through the permit process. Council Member
38 Rodney Robbins stated that's never came to the Council on a single permit. It's if it gets into a
39 subdivision. Mayor Trevor Johnson stated all subdivisions go before the Council. Council Member
40 Rodney Robbins stated so that was a question I have. Is the Planning Commission still going to
41 review it all before it comes? So, they'll put their trails wherever, and then will come to us?

1 Margarita Richins stated for subdivisions and building permits? Sheldon Smith stated just
2 subdivisions. Margarita Richins stated so, in reality, if Joanne, the way this Code is written, if
3 Joanne decided to remodel her bathroom and came in for a building permit, Staff could say those
4 trails go through there. Don Sargent stated no, it would only be for a development review. You
5 have an application that is filed at the City that goes to the Planning Commission and is then
6 reviewed and approved by the City Council. He stated that was the only time trails would be
7 addressed. Margarita Richins stated but where does it say that? Don Sargent read the portion of
8 required trails "considered at the same time the property that's constructed is considered for
9 development" and stated they were going to clarify "development" to say what kind of
10 development and the process. He stated he thought the Council was thinking along the lines of
11 major subdivisions and master planned developments that would be an obvious trigger to the
12 Planning Commission and City Council. He stated the building permit language was put in here to
13 provide an exception for a single-family dwelling permit, not a water heater, remodel, or anything
14 like that. Margarita Richins stated but it doesn't say that. I guess that's what I'm questioning. Don
15 Sargent stated it says it, but it could be clearer. It does say an application not related to a
16 development. Margarita Richins stated it just says building permit application. Mayor Trevor
17 Johnson stated we're going to clarify development. Margarita Richins stated okay. Thank you. So,
18 let's see. Those are probably my main concerns. The best thing that you could do, if you could do, I
19 mean, I don't like where ... the Code is kind of very restrictive. If you could just take the trails off of
20 that Rees 88 parcel. They don't connect. They're not connecting anyone to the City, to the Main
21 Street. There's already a connection there. There's the Rail Trail on one side, there's Allen Hollow
22 on the other side. So, they can still be connected to the City. There was one other question.
23 Council Member Phil Geary stated about the 60-foot easement. Margarita Richins stated yeah, so
24 there is ... when David sold land to Allen Hollow, wherever that's at ... when he sold land to Allen
25 Hollow, it's a new subdivision called the Cedar Crest Allen Hollow Subdivision. There's a 60 foot
26 right of way from there all the way up over down to Main Street, past David's house. In the Code, it
27 says that, "in most cases trails separated from the road right of way are preferable". So, does that
28 mean that they would have to give the 20-foot easement for the horse trails plus the 60-foot
29 easement that goes down through their property, too? That's another question that we're
30 wondering about. Council Member Don Winters stated probably the question is, Flare has existing
31 right of way through that property, right where the trail is going. So, they probably can't put an
32 easement on top of that existing right of way where Joanne owns the property. Flare has the right
33 of way. Can you put a trail easement on top of that or would it have to be over here? Sheldon
34 Smith stated you would have to look at the right of way. You have to look at what the easement
35 says, see what restrictions are on it. I think it's possible to do that, but it may have other language.
36 Mayor Trevor Johnson stated it would make more sense to put it right there. Council Member Cody
37 Blonquist stated what you are saying is it would make more sense to have it along the roadway,
38 right? That's what she's asking for? Mayor Trevor Johnson stated it sounds like it. Council
39 Member Rodney Robbins stated no, she's wondering if there's that 60 foot right of way and if you
40 add the 20 then does she have to have an 80-foot easement. Council Member Cody Blonquist
41 stated oh, she's worried its going to have two separate things. (Crosstalk with Council to each

1 other and Margarita Richins to the public) Council Member Rodney Robbins stated she's worried
2 they are going to have to give 80 feet. Mayor Trevor Johnson requested for Margarita Richins to
3 address the Council. Margarita Richins stated okay. So, the area is the 88-acre parcel, is right in
4 this area. This is where David and Joanne's house is, and it's a separate piece. It's not in the
5 subdivision. The subdivision goes over to here, up here, kind of around this way, I'm not sure how
6 far up. Over here, and then down here somewhere, and then it kind of goes all over, and it comes
7 down here close to the road. So, I'm talking about this ridge line trail, and this trail going down
8 here. Council Member Cody Blonquist stated the one you're pointing at now is the one that already
9 has a 60 foot right of way, right? Margarita Richins stated yes, there's a 60 foot right of way that
10 comes from here down to here. Council Member Cody Blonquist stated so your question is do
11 they need to have that plus a 20 foot right of way for a trail easement? Margarita Richins stated
12 Yes. Would that be required? Council Member Cody Blonquist stated I think the answer is we'd
13 have to have Sheldon answer that. It depends on what the existing 60-foot easement is. Sheldon
14 Smith stated yeah, we'd have to look at the language. I mean, you can't get down to specifics in
15 this kind of a scenario. You really need to have everything, all the language of whatever the right of
16 way says, what might be on the notes on the subdivision plat, in order to make a determination as
17 to whether that could be on the 60-foot easement. It would make sense. I mean, a rational mind, I
18 think, would say it should go on that 60 foot right of way that's already there. Council Member
19 Cody Blonquist stated I mean, I can speak for myself, and probably most people that would be in
20 this position, it obviously makes more sense to follow the existing right of way than to create a new
21 one. Less maintenance, it's just less everything. Margarita Richins stated yep. And then, again, my
22 question is that, once you pass this, do you have the freedom to do that? Or is it in law and you
23 have to do it because you did it with everyone else and that's what the law is? And that's the same
24 with the trail classifications. You talked about getting some other ones, but once you pass that, the
25 trail classifications that are there show trees on the trail. Is that going to be required because that
26 went through and that is now law? Council Member Cody Blonquist stated is there any language
27 that show trees? Don Sargent stated there's pictures. Mayor Trevor Johnson stated there's a cross
28 section. Don Sargent stated he had a note listed on the document that the trail classifications
29 construction specifications, whatever they end up being, would need to be added to the
30 Engineering Standards. Margarita Richins stated what is that? Where is that? Don Sargent stated
31 the comment was about the construction standards. It would be added to the Engineering and
32 Construction Standards. The pictures are for illustrative purposes. Margarita Richins stated yeah, it
33 also says in there that trails require a minimum site disturbance permit, efficient drainage, and
34 provide safe access. So, is that something that, if Joanne decided to subdivide her parcel, that she
35 would have to do? Does she have to make sure that it's drained correctly? Does she have to make
36 sure that it's safe? There's utilities up there, WIFI Cow is up there. Who's liable if WIFI Cow gets
37 vandalized? Does Joanne have to watch everyone? Yeah, and as far as ATVs, they're not allowed
38 on the Rail Trail, either, but I can guarantee you they're there all the time. Cars aren't allowed
39 there. They go on it anyway. Finally, sorry for taking so long, one of the goals Don talked about was
40 goal number three. On goal number one, policy seven, in parks, open space, and environment
41 section of the Coalville City General Plan, it states, "promote and solicit the donation of land,

1 recreation and park equipment by private and corporate organizations, and recognize their
2 support." How does this compare with the new Code that's basically taking off land if the property
3 owners ever want to use their land for anything other than its current use? Thank you.

4 Brandon Brady – 111 N Industrial Park Road

5 Brandon Brady stated I walk a lot around here. I have a bunch of kids that like to use the sidewalks
6 and trails and stuff. I walk to work every day, I walked here today to this. My oldest daughter is
7 starting to get into running, so she takes the different trails and stuff around here. So, she mainly
8 goes up here to this, turns around and comes back. And, this trail, did the City just put in that trail
9 or who put in that? (Referred to the trail across the back of the North Summit School property)
10 Mayor Trever Johnson stated yeah, it's been there about 18 months. Brandon Brady stated yeah,
11 so when that was put in, I mean, we started using that one. It's easier to go down around this way
12 than it is going back, so we usually make the loop. I mean, trails, when they get put in, they get
13 used. So, I'm for this plan and going forward with trails and stuff. I do think it's a benefit to the
14 community and to everyone that lives here. Therefore, I do think, through the discussion that we
15 had, some things can be buttoned up, like the development and different things like that, but I do
16 think it's a really good idea and they will get used once they get in, wherever they're put in. Thank
17 you.

18 Council Member Rodney Robbins stated goal number three of the General Plan, Policy 2 says, "all
19 future major developments shall be planned with trails", so is there any way to just put in the
20 language that after the fifth house in a subdivision, then it triggers the trails. Don Sargent stated
21 the Planning Commission actually talked about that too. Council Member Rodney Robbins stated
22 that way if it's just somebody wanting to take care of their family, they can do it. But if they decide
23 to sell the land to a developer, then the trail is still protected that way too. Council Member Cody
24 Blonquist stated so you would be dedicating the easement, but you're not paying any cost of
25 installing a trail, right? So, it's kind of like a major versus a minor subdivision that triggers actually
26 putting in the trail. So, either way, if you develop it at any time or subdivide it, you're dedicating
27 the easement and you can decide at that time what the easement is right? Council Member
28 Rodney Robbins stated but you don't have to put it in. Council Member Cody Blonquist stated
29 right. Whether it's 10 feet, 20 feet, whatever classification of trail that's going to be there. A major
30 subdivision, that's the trigger when you actually bear the cost of installing a trail. Council Member
31 Rodney Robbins stated yes, by then you may have a major developer that might have the kind of
32 money to do that. Council Member Cody Blonquist stated right. That isn't in there currently.
33 That's what we are talking about proposing. Don Sargent stated the Planning Commission did
34 consider that option. Mayor Trever Johnson stated we need to figure out some way ... because I
35 think this is a great example of Joann Rees' place, where if you put three lots in, all of a sudden,
36 three people are bearing the cost of a little over 3,000 foot of trail. Versus about anywhere else in
37 this City, that cost is borne throughout multiple ... or even just base requirements of sidewalks, for
38 example, meets that requirement. And if three people, in this case, are being asked to bear the cost
39 of that much, and it's an amenity used by any citizen that wants to, or anybody that wants to, I

1 don't know how we ... again, back to my comment last time about how we make it equitable across
2 multiple demographics and situations. Council Member Tyler Rowser stated that is when
3 Sheldon's analysis would come into play. Mayor Trevor Johnson stated it helps in a sense. I think
4 that's my point. I think this is a good way to get to that discussion, and to get to that a little bit
5 more equitable, because if you have, in that case, five, well, a major subdivision is anything over
6 five, five and over ... then it's probably more likely a case where a developer's coming in and
7 putting it in. Sheldon Smith stated but you still have to go back through the roughly proportionate
8 test. Mayor Trevor Johnson stated okay. Great point. So, here's my question. If you've got those
9 88 acres, or 80, whatever it is, divided by three, and you're at 27, 28 acres with one house, what's
10 the definition of proportionate? Sheldon Smith stated what impact is that house having on trails,
11 and sidewalks, and everything else in this City? Mayor Trevor Johnson stated in his opinion, none.
12 But could the opinion be that it is, and that argument can be made, and then how is that ambiguity
13 solved? Sheldon Smith stated that's where you have to follow the State law very closely and look at
14 it. In my opinion, there would be very little ... it would be very little roughly proportionate because
15 the house basically has five people in, or ten people in it, that would use maybe a sidewalk or a
16 trail. Should they have to bear it for everybody else? No. It's not roughly proportionate. You're not
17 required to do it. Mayor Trevor Johnson stated I agree, completely. But do we set up our Code, in
18 this ordinance proposal, to leave it up to an interpretation of a State law? Or can we, or should we,
19 be a little bit more specific in a case like this? Sheldon Smith stated I think if you can be specific, it
20 makes sense to be. Mayor Trevor Johnson stated I don't know what the answer is. I mean, I don't
21 know how you do it, but does a major subdivision help a little bit with that, that major subdivision?
22 Don Sargent stated it could help set the trigger point, at least, where the impact is substantial. Not
23 only the trail and the sidewalk, but all infrastructure, and all services. Council Member Cody
24 Blonquist stated well, even if it was a major subdivision, and say it was six lots on 80 acres, they still
25 have the ability to argue the State law and say, "our impact isn't what you're asking of us." We
26 have to prove that they're doing that. Sheldon Smith stated the City has the responsibility to say,
27 "this is what it is." And, yeah, there's some discretion there. But I can tell you, there's enough
28 guidance that we would be pretty safe. Mayor Trevor Johnson asked Linda Vernon when you were
29 discussing the major subdivision trigger component to it, how that conversation went? Why that,
30 ultimately, was not a recommendation to Council? Linda Vernon stated part of it was because we
31 have a lot of small, very small subdivisions going in and you could have a developer say I'm only
32 going to put in five homes and then five more in the next field, so they're trying to skirt around this
33 by lessening their impact. Same thing with this discussion where it doesn't connect to anywhere,
34 so we shouldn't have to put it in. We could have developers that are starting at the far end of a big
35 property and working their way to town so they can just avoid doing anything. Council Member
36 Cody Blonquist stated so was that an all or nothing? Because you're talking about a completed trail
37 when you're done. We're talking about, at minimum, at least a dedicated easement and, at best, a
38 completed trail depending on the size. Linda Vernon stated and that's currently in the Code, right?
39 Except there's no way to support that, so we're trying to find a way, a happy medium, so everything
40 gets looked at. If you exclude people in a single-family dwelling and you're trying to create this
41 river walk, or whatever you want to call it up Chalk Creek, you could have one person stop it. If you

1 don't require that person at least do an easement, then your trail is done. You're stopped at that
2 point. She stated we talked and talked trying to find a way around it, and maybe there needs to be
3 something added to the Code, as Sheldon said, as per State Statutes, whatever language to say, yes.
4 The intent is not to make Rees' put in 3,000 feet of trail. That's not the intent of this. If they come
5 in and they want to put 4,000 homes like they do in Hoytsville, you know, then the developers
6 responsible. We're walking a fine line, it's like Sheldon said, there are State Statutes, but maybe we
7 need to refer to them in the finished product. After listening to this, it's like Margarita said, it
8 becomes law and then you're stuck even though that wasn't the intent. Mayor Trevor Johnson
9 stated to Sheldon Smith, you made that example in St. George. Sheldon Smith stated it's incredible
10 what one person did to that trail. Destroyed it. It's a nice trail.

11 Denise Smith – 150 South 50 East

12 Denise Smith stated I think, when you're talking about this ... and I'm not an attorney, but I live with
13 one, and my father was an attorney, the people here seem to want something concrete, five and a
14 half houses equal a medium development, or whatever. And you may not come to that. It may be
15 you have to interpret the law. You have to use attorneys that know, or the court system. If the law
16 was not ambiguous at all, we would not have trials and courts and all the things that we have. So
17 somewhere along the line, we've got to trust, with the Statute, and trust that it will be interpreted
18 correctly. If it's not, if you don't think it is, then you always have the option of taking it to court.
19 But I just think it's unrealistic to say, "we are going to specify a certain number," or, "we're going to
20 specify a certain ...", that is not realistic. That's not the way the law works. And I know there are
21 groups of people in this town who think they know how it works, but they don't. And you cannot
22 always be that specific. It is up to interpretation. And I want to say that I think we have an
23 awesome City Council. I think we have an awesome City Staff. And I know for a fact that all of you
24 are concerned with the welfare of this town, because you all have a heritage in this town, you have
25 kids, you have grandkids, you want to do what's best for the town and the people in it. And I kind
26 of ... underlying some of the comments, not here tonight, necessarily, but some of the comments
27 I've heard, is a resentment towards the Staff and the City Council because people don't understand
28 your love for this community. And that you want what's best for this community. You're not out to
29 make money yourself. You're not out to even make money for the town. You want what's best for
30 the community because you have kids and grandkids and a heritage here. So, I kind of resent,
31 sometimes, the underlying implication that you are out to screw the people in this town, because
32 that is so, so not true. And, of all the towns in this country, I can say that you guys love this town.
33 It's not like being on a City Council in an area of Chicago where you don't care. You guys all care,
34 and I appreciate that, and thank you for it.

35 Sheldon Smith – City Attorney

36 Sheldon Smith stated I just want to read one thing out of one of the cases. And this is a very
37 famous case on this particular subject. It's called Dolan if you want to look it up. But it says the
38 court concluded that a local government, "must make some sort of individualized determination

1 that the required dedication is related both in nature and extent to the impact of the proposed
2 development." That is your requirement to make that determination based on advice from Staff,
3 Council, wherever it comes from, but every government entity has to make that determination on
4 every single development that comes before here. And it has to be ... I mean, the language,
5 "individualized determination." Does that mean you can make it right now for every one that
6 comes before you? Probably not, because you have to look at the impact that each development
7 has on trails, parks, infrastructure, everything else. And it's hard to cover everything in the Statute
8 for those particular areas. And you have to hope you have good people to help you, and I think we
9 have had good people.

10 Mayor Trevor Johnson stated its tricky balance between ... because you have such a vast array of
11 scenarios, topographies, sizes of land, and landowners, and a number of landowners, and it's hard
12 ... I think it's probably impossible to make it equitable. So, is the suggestion that we leave it a little
13 bit more ... or I should say, a little bit less ... defined, and then on a case-by-case basis, through
14 State case law and their examples, try to define the, I guess, requirements within each application?
15 Is that what you're saying? Sheldon Smith stated I guess I'm saying, given the Rees situation, if they
16 came in with four houses and somebody said, "you've got to put in 80 feet of trails," I could tell you
17 without even looking at State law, that doesn't meet the roughly proportionate test. And I would
18 say to the Council, "You can't do that. It's against the law. You can't do it." Would you still do it?
19 You could. And, at least in my time here, and the previous attorney that I saw work when I was in
20 your position, the Council wouldn't do that. They'd say, "Yeah, that's what the law is. That's what
21 we're going to do." Don Sargent stated you could potentially say that you would ask for an
22 easement so a future trail could continue when a major development occurred on that property.
23 Sheldon Smith stated I think you'd almost have to do that. Council Member Rodney Robbins
24 stated so maybe you put the language that the Council would have to look at the rough
25 proportionality, because in 20 years, you may get the Council saying an easement and construction
26 of the associated trail shall be required with all development, and they say, "no, you're putting it in
27 no matter what." And then they're spending thousands of dollars on an attorney to fight. Sheldon
28 Smith stated I think it could make sense to put that in there. It is State law. We have to follow it.
29 Any competent attorney is going to tell you that. Council Member Cody Blonquist stated the
30 discussion, here, is about the cost of actually building the trail, though. The discussion isn't about
31 the dedication of the easement. Sheldon Smith stated that was correct.

32 Linda Vernon – 224 East 100 South

33 Linda Vernon stated I have two things, here. Adrienne Anson came and gave me this and said she
34 can't say, can I give this to you to read? Okay, so this has been a really good discission, and I'm glad
35 I came tonight. I hear what everybody's saying, and we have talked about it at length and what we
36 should have done as the Planning Commission. I'm not necessarily speaking as the Planning
37 Commission tonight, right? I'm just speaking as a citizen here, but I have the added insight of
38 having been on the Planning Commission for five years and seeing what's happened over this time,
39 and why we felt so strongly that something needed to be put in writing. We've had two

1 annexations in the City, and no trails have been added to the City. The Fairground is about the only
2 thing we have ... well, this new one that Brandon was talking about, but nothing really has
3 happened, I would say, since they implemented our vision for the City. So, like Don said, it's in
4 disparate parts of the Code, and part of it's in the Master Plan, part of it's the vision for Coalville, so
5 one of our goals was to consolidate it all in one place and make it mandatory to go through, the
6 process itself, because I know from being on the Planning Commission, that things got missed. And
7 some of it was before I was there, like Deer View, right? It should have had a sidewalk in there.
8 There was no question. It should have, but somehow it just ... you know, it's not in the process, so
9 it does get missed, and there's other things that get missed. I've seen the developers come in, and I
10 know it's expensive to do a trail. It really is. But it's expensive to do roads, and it's expensive to do
11 sidewalks, it's expensive to put in sewer infrastructure, and all of those costs get passed along to
12 the homeowners in one way or another. We have required an easement up along Chalk Creek with
13 the subdivisions that have gone in there, but because they didn't connect to anywhere, there was
14 no teeth to make them put in anything. They're starting at the far end, and now they're working
15 their way this way, and eventually they'll connect over to the Fairgrounds. And those kids living in
16 the new subdivisions out there, they need somewhere to walk to school. They can't walk down
17 Chalk Creek Road. It's way too dangerous. They need to have some sort of trail that they can take
18 through the subdivision, and maybe there'll be a bridge built someday, there. It's in some
19 requirement. Maybe there'll be a trail put in there some day, that hopefully is going to be a
20 requirement with this ordinance. So, we're just trying to make things better for all the citizens, and
21 safer for all the citizens by requiring some trails. Not even just safety, but when I take a walk ... you
22 can walk ... everyone says, "oh, I love sidewalks." Great, I love sidewalks, too. They're a necessary
23 thing to have in the town. But I don't necessarily want to just walk along a concrete sidewalk when
24 I take a walk. It's so nice to be able to take a walk, even just along that river where the County
25 Fairgrounds is. It's 10 degrees cooler under those trees. You can listen to the water. You can look
26 at the birds. It's a respite. It's a retreat from your everyday concrete and ... you know, if you want
27 concrete, you can go to Salt Lake every day and live in a concrete jungle, but that's not really what
28 we want here for our way of life. And because things were getting missed, as you guys have
29 already discussed, that's the reason we tried to make it as ... so that nothing would get missed.
30 Restrictive so that nothing would get missed. But, like Sheldon said, there's recourse for people to
31 take when they're in a situation like the Rees' are. But we can't consider the whole Code change
32 based on one person and their one need. We have to consider the needs of every citizen in
33 Coalville. So that's part of our thought process just to keep it from being stopped by one property,
34 like Sheldon said. The other that we're building across the freeway now on that side. There's
35 development going over there. Some apartments going in over there. The people that are there
36 with Holiday Hills and Echo Island, I think it's called, they walk across to town. And that's a scary
37 place to walk across that with the barrier this high, and not a lot of space, and no designated
38 sidewalk, and the freeway below you. Mayor Trevor Johnson stated I remember when Courtney
39 Richins was wanting to put that in that he made the argument that sidewalk in front of that
40 development right there has no end or beginning. And I think we stuck with our guns and made
41 him require that anyway, because eventually... Linda Vernon stated right. We just heard that at

1 our last meeting with the small subdivision. It doesn't go anywhere; it doesn't connect anything.
2 Well, we have to start somewhere. Like you said, we have to start small. We have to start
3 somewhere. You can't just require it, or they will just develop as far out as they can so they can
4 avoid every cost that's associated with that. Sorry, I'm just going to have to read through my notes
5 just a little bit, bear with me, because you've covered so much of what I was going to say already.
6 And you have done a super job, as you guys always do. And I'm so glad it goes through a Planning
7 Commission process and then comes to the Council too, because we vet it and hopefully you guys
8 do too. And then hopefully the public hearing at the planning stage creates some discussion and
9 citizens can see kind of the direction it's going and then they can come back to the Council where
10 the decision can really be made and come with some arguments and some support on their views.
11 So that two public hearing process is actually a very good thing. What else was I going to say? Oh, I
12 was going to tell you that I had some pictures I sent. Is there any way to put up any of those
13 pictures that I sent? (Exhibit C) Part of it, I just went through and just took some pictures of the
14 benches over there at the County. How nice it is, even though it's just a piece of gravel, there's
15 weeds all over the place, there's even dog poop all over the place. As a concerned citizen,
16 sometimes I'll take my little plastic bag and I go along and I pick up stuff that's along there, pick up
17 some garbage because I like to walk along there. And you can't solve everything. But everyone's
18 says, "oh because it's out of the way it's going to get vandalized." It could happen. It can happen.
19 And it does happen. I agree, but you can't take away an amenity just because you're afraid it's
20 going to get vandalized or something's going to happen. I was just talking to somebody at the Fair
21 and he was telling me how some kids that had left their camp that they were in, came down and
22 they were on the run from the authorities and their counselors and everything else. And they
23 spent three days sleeping at the County Fairgrounds in the tent that was there during one of the
24 events and no one caught them for three days. So, stuff happens. It does happen, but you can't
25 prevent it out everywhere. They could come to my backyard and smash all the windows and I'm
26 just right smack in town. So anyway, this is just one picture. I just sent a bunch of stuff just to show
27 you. Here's one, look how nice that is. You're walking through the shade; you're walking along a
28 path. It doesn't have to be fancy. It's just pleasant to go down there. If you want to take your
29 shoes off and sit there on a rock and put your feet in the river, you can. But if you don't protect
30 these resources... Here's another one. This is now what's along the bridge, across Railroad Road,
31 across there. And this one's on the other side of that bridge. So, you've got barbed wire and
32 you've got a sign right here that says private property, keep out. And that particular place used to
33 be a place where my kids used to love to go. There's a big, deep hole in there and you can just dive
34 in there and jump in there and have a great time. My kids use that place every summer because
35 there's so much to do in Coalville, right? And so, my kids used to play down there all the time with
36 their friends and it was somewhere that didn't cost them anything, but they had access. Now we
37 don't have any access. And this is what we're trying to avoid with the part of the discussions with
38 the Planning Commission, is these people have property rights too, but why should that resource
39 be only available to the people that are lucky enough or elite enough to own along the river? Why
40 can't that be available to everybody? Why can't everybody have the right to walk through a
41 meadow and enjoy watching the deer grazing on the hillside? And I agree that we should put a

1 thing in there saying no motorized vehicles, because that becomes problematic in itself. But it's
2 just so pleasant to walk down there, wouldn't it be nice if that was an amenity available all the way
3 up Chalk Creek? I know that the County even has considered properties that are out of our
4 jurisdiction, but maybe in an annexation boundary, or possibly even beyond, that's being developed
5 up Chalk Creek that they have required easements along that trail because we have it in our Code
6 and our Master Plan, the vision that this is what we want for Coalville, so they have supported us in
7 that. And so, it's important that we plan for it ourselves, right? This is our vision. This is everyone's
8 vision for everyone. Last year I picked up kids for somebody that were playing in the river in the
9 summer in that very same spot that's now boarded off that they can't get to anymore. People like
10 to fish along that river. Wouldn't it be nice if they could just walk along and go fishing instead of
11 having to bring their waders and walk up through the river because there's no access? And so
12 that's been kind of a thought process too, but it's not just rivers. There are people that like to bike
13 or hike or walk along a ridge and take a view of this beautiful City that we live in and the beautiful
14 reservoirs that we have. And it's an amenity that we have to preserve. If we don't preserve it, it's
15 only going to take one property to make these things so that they aren't accessible. And I think our
16 vision for Coalville has to be 20 years, 50 years, and our children will thank us if we do this. I think
17 it's just extremely important and I would urge you to make changes as necessary, reference State
18 guidelines as necessary, but to please put this all as part of the process, not just on the Planning
19 Commissions whim, whether this gets considered or not. Thank you. Mayor Trevor Johnson stated
20 you make a good point I want to highlight... well, you made a lot of good points, but the public
21 hearing process, I think sometimes it's almost felt as though when the public has their say at the
22 Planning Commission meetings, and whatever happens if they adjust or not, then there's this sense
23 of concern that it gets to the City Council and it's not going to go their way. But if you're here, just
24 because you're being a part of that process, you were at one point a part of the process and the
25 Planning Commission and now you're a part of that process in the City Council meeting and in this
26 hearing, and from what I'm hearing or the vibe that I'm getting from everybody, is that what was
27 the concern a few months ago is starting to change a little bit. You may still have the concern here
28 or there, but my point is in that process, it does help shape what the Planning Commission does. It
29 shapes the opinions of the City Council, myself. And I think that it's important to highlight at this
30 time right now, just that process. That we're all part of the process and it's working, and we should
31 have a little bit of faith in it. So anyway, you touched on it a little bit, so thank you.

32 Sheryl Godfrey – JoAnn Rees daughter

33 Sheryl Godfrey stated I'm JoAnn Rees' daughter and the property they've been referencing quite a
34 bit. A couple of things with what she just mentioned, like having a trail as a retreat. Try having it in
35 your backyard, that's not a retreat when there's people that can constantly just walk through there
36 because the City allowed it to. That's not happy for us. Why can't everyone have the same rights?
37 Well, the property owners that own the pieces of property that those are in, pay the property taxes
38 accordingly for those benefits. So just make that available to the public, just because someone
39 down the street wants it? That doesn't seem fair. My dad has owned this property. He owned it

1 with his brother, Pink, who's over there. Their dad owned it, and their dad owned it. It's been in
2 our family for generations, and we would really just like to be able to build on it as we choose. We
3 understand with developments, if we did a huge 50 house development, then that's different. But
4 just us as our family means... my dad recently passed away if any of you don't know, that is going to
5 come to fruition more sooner than it probably would have if he'd still been alive, inheritance and
6 issues. So, we just want to make sure that it actually states in the Code the things that we're
7 speaking about today, where there are things that you're saying are exempt. We want to actually
8 make sure that that happens. Not wait and see. I don't want any wait and sees. I want to know
9 something for sure. Anyway, thank you.

10 Louise Willoughby – 38 West 150 South

11 Louise Willoughby stated thank you for the opportunity to give my input. I've listened to many of
12 the meetings. I listened to the work session that was held on this topic two weeks ago. My
13 personal feeling after listening to the work session is there are many issues still to be addressed
14 before a vote can be taken. And of course, after listening tonight, it's obvious that there still are
15 more that need to be addressed, and language that needs to be changed, and plan there's... it's not
16 ready for a vote at all. So, I'm asking you to take time and do research so you can answer each of
17 these questions that I have here that were asked. They were asked by you, the City Council, and
18 the Mayor two weeks ago. I'm not going to talk about some of them because they've been
19 addressed tonight. And I'm sure that that's going to be taken care of in Code language and things
20 like that. I would like to bring up some of them though. Let's see, it was discussed that to make it
21 fair, the City would assess a flat fee per home or lot on current City residents to pay for the building
22 of trails on the easements of single-family homes. So, they're dedicating the easements, but you're
23 going to need money to build that. I haven't heard much discussion on that. What's that going
24 look like? What's that going to feel like? What kind of trail? Granted it sounds like it'll come to you
25 guys. But that's not going to have the same kind of limitations as JoAnn's maybe that's just putting
26 in three. And obviously we're not going to ask, but we do need to think about that if you're really
27 going to assess every citizen in this town, which that should only be fair. If everyone's going to
28 benefit from trails and parks, it shouldn't be born only by the people who happen to be lucky
29 enough to live along those places. Mayor Johnson mentioned looking into how our community
30 feels about the trail system and not relying on a Wisconsin survey. In my opinion, this is a great
31 idea. Why go to all of this work and time and expense on focusing on trails and parks if it's not
32 something that's of the utmost importance to our citizens right now. Someone asked who would
33 maintain, pickup garbage, and what types of lighting, which is important and police these remote
34 trails for safety and correct trail usage. I mean, before we do something, I think there really needs
35 to be some thought and planning put into these consequences. I know Linda mentioned we can't
36 police all of it. But if you have major trails all over... I head down to the one down on the Rail Trail
37 that goes down around the river, and I have to be really careful with my grandkids. There's drug
38 needles, there're all kinds of things that you run into down there. And that needs to be taken care
39 of and kept cleaning if we're really going to get into something like this. It was mentioned that

1 sidewalks are what have been required in other recent subdivisions. How do subdivisions and
2 sidewalks compare to some of these required trails cost wise and usage wise. During the work
3 session, our attorney mentioned that the bicyclists that come into our City won't even buy a soda
4 pop to further our local economy. What regulations will be attached, if any, who can use our
5 expensive trails? If others, besides residents use these trails and increase maintenance, repair,
6 legal costs, how do you propose to mitigate this? I think those things need to be talked about and
7 have some kind of plan in place. Someone asks where the trail heads or parking would be for these
8 extensive trails. I know you talked a little tiny bit about that, but the reality is if you have very
9 many trails here, people are going to come in, where are they going to park? But I think we need to
10 think about that. That's going to be somebody's land and property. Both the Mayor and some City
11 Council members were concerned about balancing landowner rights. I've heard about that a lot
12 tonight. How do you propose to do that fairly? Well, what Sheldon talked about? I can't remember
13 what it's called, next something. Sheldon Smith stated roughly proportionate. Louise Willoughby
14 stated that will help, but that's only for the people who live along those trails. But there's still a lot
15 of people in Coalville who will not be paying their share of the trails, unless... how are we going to
16 balance that? Another Council Member mentioned lawsuits. If someone gets hurt, it was stated
17 that the City would be responsible. I remember hearing that last week. Where will the money
18 come from to fight a legal battle? With proposed trails, such as these, with horses, bicycles,
19 walkers, wild animals, there will be injuries. I mean, you put something along the cliff, at
20 Jordanelle, I was up there one time on my horses and a bicyclist and walkers and they all came
21 around the corner and the horses backed over the edge. So how are we going to take care of that
22 and plan for that? Another question I did not hear an answer to, but I believe a lot of research
23 needs to be done before putting this plan into place is, how much will a trail system like this
24 increase the price value of an average home or lot? Not just the ones being built there because
25 whatever happens to developers, homes, and lots, that makes a difference to even the little homes
26 down here in Coalville. It all increases. It was mentioned that in one survey, don't know which
27 State it came from, can't remember, that the number one thing families are looking at when buying
28 a home is trails and parks. Would that be the number one item on the list of locals if they were
29 hoping their children could build here? If a trail system increased the price of a building lot or a
30 finished home substantially, which it could, if that turns us into more of a resort feel. St. George,
31 love to go down there, hike those trails, go to that rock one up on the top there. But I mean, that
32 increases the price of all of those homes. Would families prefer to have these major trail systems
33 or would they prefer to have another amenity? We want to make sure that we are not out pricing
34 ourselves out of a place to live. So, I asked you as City Council members that bear the responsibility
35 of legislation, to find the answers to these questions and others that were asked before putting this
36 burden or a blessing, depending on your point of view, onto the plates of local citizens. As I was
37 looking at the word trail, if you reverse just the two vowels in there, it can become a trial. And I for
38 one love trails. I love the outdoors. I love going to the Uinta's. I am for trails, but I really have a
39 problem putting the burden on just a few people in our community. And I think we all need to
40 really look at that and go, is this really fair? And if you do that, I also don't want to see trails put
41 everywhere that no one uses because there's broken access all along the way. If someone is forced

1 to choose to develop and put trails in, or keep your property undeveloped, that's a bad choice to
2 have to put people in, in a situation. And if these major landowners decide they're just going to
3 keep it remote, then what happens to the trail systems? So, I think there's a lot of problems. Oh, I
4 did have a proposal. This is just a thought I had. Finally, I'd like to propose this idea. What if we
5 focus first on getting a reliable and user-friendly sidewalk system in place throughout the City? And
6 I know sidewalks are not trails. It's not the same as a nice peaceful walk, but I can drive not too far
7 and I can have a nice peaceful walk somewhere. But there's a lot of our kids who, where do the
8 bikes go? You go down the Rail Trail very far, you have a flat tire at \$20 a pop because of the
9 (inaudible) Where do the bikes go? Where do the moms with strollers go? You know, there are so
10 many places in Coalville that don't have good sidewalks. Maybe we need to put together a
11 committee or write a grant. And if those ideas won't work, assess a small fee and let's get some
12 really good sidewalks in place before we start doing something that's much bigger and fancier for
13 our City. But of course, find out what the citizens want. So, thank you. I appreciate your time.

14 Mayor Trever Johnson read Adrianne Anson's letter (Exhibit D).

15 Mayor Trever Johnson read a letter from Dena Simister (Exhibit E).

16 Mayor Trever Johnson stated personally, I don't think we're in any hurry right now to pass an
17 ordinance, to get it going. I would feel a little more comfortable with the changes that you've
18 heard be implemented and then represented to some capacity. This is my personal opinion. And
19 we can continue to have some more input on this. For example, there's a few things I learned
20 tonight that was not brought up last meeting that I think are important. Your guys' suggestion, I
21 think was great. I wonder if we redefined some of those terms that we talked about. We tighten
22 up the motorized vehicle portion of it. What were some of the other changes that you have listed
23 there? Don Sargent stated just give me any direction you'd like me to take. He questioned if they
24 wanted to remove the trail along the ridge and the trail through the middle of the School property.
25 The Council decided they would like to have both of these trails removed from the plan. He verified
26 the lower portion of the trail along the ridge was already in place and would be left on the plan.
27 Don Sargent stated he had noted to add the non-motorized aspect and to be specific on
28 development types. He would add the reference of the State Statutes for the roughly
29 proportionate aspect and the two cases as some guidance. He questioned what they wanted to
30 change the word "development" to or replace it with. He stated when the Planning Commission
31 discussed this, only having major developments, Master Planned Developments, then the question
32 came up about the developers that will come in, which they do, and incrementally develop
33 property and just do the easements and no construction. It takes forever and that burden now
34 becomes the City burden to actually construct trails. That was why they forwarded the proposed
35 language to cover that. But the discussion has been good that maybe that's not going to work.
36 Mayor Trever Johnson stated if roughly proportionate covers these other examples, then the
37 Planning Commission had a really good point and reasoning there. Sheldon Smith stated he didn't
38 think they should change that. Council Member Cody Blonquist stated the whole point of the
39 discussion about clarifying development was to exclude anything other than new construction. It

1 was to exclude a random building permit for replacing shingles or whatever. Don Sargent stated
2 the exclusion was for single family dwellings permit only, was the only thing it pertained to and that
3 needed to be clarified. Council Member Cody Blonquist stated they needed to add the trail
4 classification would be reviewed at the time of application and add a single foot path classification.
5 Don Sargent stated a trail was typically 18 inches to four feet and he could change it to show two
6 feet to four feet. The Council agreed to having that added. Council Member Tyler Rowser stated
7 with trying to avoid having developers putting in small developments to avoid putting in trails,
8 could something be added to say if a developer had already put in two other subdivisions they
9 couldn't do another one without trails. Sheldon Smith stated he wasn't sure if there was something
10 to stop that. Don Sargent stated the only way that would work is if a developer comes in and has a
11 five-lot subdivision on a piece of property but they're all huge lots, and they retain ownership or
12 four of those lots if they come back in to re-subdivide it, we already have a provision in the Code
13 that it kicks it into a major subdivision, and at that point that would trigger the trails. But if the
14 developer comes in and develops three lots this year, and then right next to it on a different parcel,
15 three lots, they could do that and not have to do the trails. He stated it would be really hard to get
16 it addressed and requiring at least an easement was a good step.

17 Mayor Trever Johnson stated he would continue the public hearing to the next meeting.
18

19 **A motion was made by Council Member Don Winters to keep the public hearing open to the next**
20 **meeting. Council Member Rodney Robbins seconded the motion. All Ayes. Motion Carried.**
21

22 **Item C – Consultant Updates:**
23

24 Don Sargent stated he didn't have anything else tonight.
25

26 **Item D – Public Works Updates:**
27

28 Zane DeWeese stated he didn't have anything tonight.
29

30 **Item E – Community Development Updates:**
31

32 Paul Taylor informed the Mayor and Council the notice to proceed for the Force Main for
33 Counterpoint Construction was issued and they were ready to proceed.
34

35 **Item F – Legal Updates:**
36

37 Sheldon Smith stated he had received complaints from the person that owned the Laundromat
38 about the water that accumulates on the sidewalk in the Winter. He stated if you go look at it, you
39 can see the sidewalk is down a lot lower than the street, but what really is happening, that's caused
40 the problem or contributed significantly, is somebody filled in the ditch down in front of the
41 Laundromat and down the street where the water used to drain. We've had this discussion before,
42 and we will have it again. If those ditches were in place, that water would drain. Sheldon stated
43 they could go back to the owner and say that you've created at least part of the problem by filling

1 in the ditch. He stated but if she dug out the ditch, there wouldn't be anywhere for the water to go
2 because all the rest of the ditches are filled in. Zane DeWeese stated the water really doesn't have
3 anywhere to go. The natural drainage from the Laundromat went to 100 South and it's like Sheldon
4 said, most of the ditches have been filled in or they've been covered and the culverts are full of
5 debris and there's nowhere for the water to go. He stated there was an outlet going down 150
6 South, down toward the slew, but the problem there was the Laundromat was lower than the
7 storm drain installed on 150 South. There's no way to basically pump the water back over to get it
8 to go there. Zane stated they had applied for CDBG funds to put the storm drain in from 150 South
9 to 100 South to help the drainage, but the City wasn't awarded the funding. Mayor Trevor Johnson
10 stated the concern, at least as I see it, is there's a liability that the City has for what could
11 potentially happen to where that water pools up ,etc. and it probably has to be at least to some
12 degree addressed by us. But also, that problem was caused by a number of... and it's not just
13 there, it happens all over where people are filling in the ditch against the City ordinance. So, as
14 you're explaining it, I'm thinking to myself then who bears the liability there? Do we? Do they
15 because they filled it in?" Sheldon Smith stated what I'm going to say, I'm going to say very
16 carefully. I don't know that Coalville City has any liability there, but it is a worry. He stated a case
17 could probably be made and probably others that have some liability. Mayor Trevor Johnson
18 stated in terms of direction, we could send a notice to them reminding them of the ordinance and
19 they're in violation of it, but then just so that if it ever does end up at court, we've done our due
20 diligence in noticing them that they're in violation by filling that in but then we've got to maybe
21 figure out if there's anything we can do with the alignment of that sidewalk, with some sort of
22 drainage somewhere, and then we'll know, if we bear any responsibility for that effort. Sheldon
23 Smith stated that would be fine. He stated maybe we even send the notice to others along that
24 stretch to get them noticed because they may have some responsibility also. I'm hoping that at
25 least all of you would do a look at it. Council Member Don Winters questioned if the ditches were
26 in the City right-of-way because if they were then they shouldn't have the right to fill them in.
27 Council Member Cody Blonquist questioned if the City opened the ditches back up if it would fix the
28 problem. Paul Taylor stated they had it surveyed and it sloped in both directions and they had
29 planned to slope it toward 100 South. Zane DeWeese stated they had looked at quick ways to try
30 and mitigate the issue, but with erosion and people parking it hasn't lasted. Council Member Tyler
31 Rowser questioned if they should record the notice against the property. Sheldon Smith stated
32 they could. He suggested looking at the information from the CDBG application for the survey and
33 the cost estimate to see what the options were.

34
35 **Item G – Mayor Updates:**

36
37 Mayor Trevor Johnson stated he didn't have any other items tonight.

38
39 **Item H – Council Updates:**

40
41 Council Member Phil Geary questioned if the issue of water being sold to individuals outside of the
42 City had been taken care of. Zane DeWeese stated he hadn't notice anything lately and had also
43 asked his guys to keep an eye on it.

44
45 **Item I – Executive Session:**

46
47 There wasn't an executive session tonight.

Item 5 – Review And Possible Approval Of Minutes:

The Mayor and Council reviewed the minutes of the July 26, 2021, meeting.

A motion was made by Council Member Rodney Robbins to approve the minutes of July 26, 2021, as amended. Council Member Don Winters seconded the motion. All Ayes. Motion Carried.

Item 4 – Review And Possible Approval Of Accounts Payable:

The Mayor and Council reviewed the accounts payable for August 2021.

A motion was made by Council Member Cody Blonquist to approve the accounts payable for August 2021. Council Member Phil Geary seconded the motion. All Ayes. Motion Carried.

Item 6 – Adjournment:

A motion was made by Council Member Tyler Rowser to adjourn the meeting. Council Member Cody Blonquist seconded the motion. All ayes. Motion Carried.

The meeting adjourned at 9:00 P.M.

Mayor Trevor Johnson

Attest:

Nachele D. Sargent, City Recorder