Coalville City Council
Regular Meeting
HELD ON
August 23, 2021
IN THE
Coalville City Council Chambers and Virtual

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

MAYOR And COUNCIL PRESENT:

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

CITY STAFF PRESENT:

Don Sargent, Consultant
Chris Thomsen, City Engineer
Nachele Sargent, City Recorder

PUBLIC IN ATTENDANCE:

Walter Brock, Stefanie Bowen, Mark Marsh, Lynn Wood, Margarita Richins, Sheryl Godfrey, Cathy Stratham, Kathy Lewis, Louise Willoughby, Camellia Robbins
Virtual Attendance: Due to technical difficulties, virtual attendance was not available.

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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 – Presentation Of The Resources Available In The Region For The CDBG-CV Program And The Regular CDBG Program – Jess Bedingfield:

Mayor Trever Johnson welcomed Jess Bedingfield, MAG, to the meeting and stated she was here to update them on some of the programs available for the City. Jess Bedingfield handed out some information (Exhibit A) to the Mayor and Council and explained the programs. She stated every year the State received funds to do projects for mainly the low to moderate income residents. She stated the Utah Rent Relief program had money available for rental assistance and encouraged anyone struggling with rent demands to apply. She stated and any unused funds would be returned to the Federal Government. Ms. Bedingfield referred to the CDBG Grant opportunities stated Summit and Wasatch Counties received funds from the State for the COVID-19 funding. She reviewed how the funds were spent in the Counties which included small business grants to 155 businesses, additional funding for Henefer City and Echo Town for previously approved CDBG projects, grocery, and gift cards for students to purchase food during the quarantine, backpacks and school supplies, a mobile food pantry, and hygiene kits and nutrition packs put together by the

Community Action service. Jess Bedingfield referred to the CIP plan for Coalville City. She stated there was around $5 Million in funds from the Community Impact Board that Summit and Wasatch Counties had never applied for in the last 25 years. She stated part of that application process included having an up-to-date CIP plan. She stated an up-to-date plan was also required to apply for CDBG fund as well as other Federal and State funding sources. Ms. Bedingfield stated she would be happy to work with the City to get the list updated and submitted to the State. She stated it would need to be to her by September 15, 2021. Ms. Bedingfield referred to the CDBG grant and informed the Mayor and Council that two bonus points were applied to their application if an Elected Official attended the "How to Apply Workshop" which was mandatory to apply for CDBG funds. She stated this meeting would be held in person on October 13, 2021, at 6:00 P.M. at the Wasatch County Building in Heber City. She referred to the Grant timeline and stated the application was due in January with the reviews in February and March and then the awarding of the Grant. She stated it was important to realize the CDBG funds would not be available until July 1, 2022. Ms. Bedingfield referred to the projects funded in the past by the CDBG grant which included part of the 50 West waterline in 2016 for Coalville City. She stated $3.5 Million had been spent on water and sewer projects since 2015 which had historically been the priority, but that may change in 2023 and so if the City had a water or sewer project they should get their application in. She stated MAG was also pursuing alternative funding sources for water and sewer that wouldn't involve the low to moderate income qualification and she would update the City as that program progressed. Jess Bedingfield referred to the non-water/sewer projects that had been funded which included ADA and Senior Citizen projects. She stated she would continue to keep the City updated of funding opportunities that became available. Mayor Trever Johnson thanked Ms. Bedingfield for her time and effort in presenting this useful information to the City.

Item B – Continued Work Session and Continued Public Hearing: Receive Comment, Discuss, And Possibly Take Action On The Proposed Ordinance No. 2021-3 Parks, Trails, And Open Space Development Code And Master Plan Update Amendments:

Don Sargent referred to the Staff report (Exhibit B) and stated he had made the modifications requested at the last Council meeting. He summarized the changes made which included:

- removing the trail along the ridgeline
- removing the trail through the NS School property
- adding non-motorized language
- defining the word development to a specific type of major or minor subdivision
- adding the rough proportionality language
- clarifying a sidewalk or trail requirement and the classification to be considered for rough proportionality and reviewed at the time of application
- clarifying exemptions for when a trail or sidewalk construction was not required

Don read the paragraph on page six that referred to sidewalks and trails. He stated there were two suggested notes to help clarify the trail language.

- Note #1 – Sidewalks and trails shown across private property were conceptual only and were not required until such time the property was considered for subdivision development as part of the City review and approval process.

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- Note #2 – The final alignment, easement dedication level of improvement, classification, and construction of all sidewalks and trails shall be determined with the subdivision review process.

Mayor Trever Johnson stated he would turn the time to the continued public hearing.

Kathy Lewis – 175 S Antelope Drive

Kathy Lewis stated I appreciate; I truly do appreciate your time and service. Well, there's the saying I'm going to do it for love or money. You guys love the City. It's got to be your motivation. I know you don't get paid a lot of money to do this. And I want to point out Niki, she has a really tough job and I relate to what she does. She is an unsung hero. I really like hiking. My husband and I have hiked ever since we've lived here for 32 years. We use the Rail Trail a lot. We go up on the ledges and we go behind the cemetery and I'm pretty familiar with all the trails in this area. And today, this morning before this, I wanted to do this before I came, I went behind the cemetery and walked the trail that's being proposed. And I have to say, I wish I'd done that before I wrote my letter, because I think that would be a really nice trail. And I'm not going to throw the Rees' under the bus though, even though I think it's the nice trail, it just seems like still that there are alternatives where you may have to impede on their property. And I'm going to mention Wohali, they're probably a dirty name here, but it applies, when Wohali first came up I was shocked and I thought, oh man, this doesn't fit our community. And so, I signed the petition. And then I heard more about it and realized they have the lot record they have the right to build. So, I took my name off the petition because I thought as long as we're going to have it, let's have the trails, all that good stuff for this City. My point is, I really do like trails and sometimes I wonder if this trail was a knee jerk reaction to losing those trails, but maybe not. I don't know. That's just my, just something I wondered. Coalville is a historical town, and it is an agricultural town. This property, and this house is one of the oldest in the community. And I know, at least I think I understand that Coalville City doesn't have a protection of historic structures, but I still think that should be acknowledged and thought about as you make this consideration. So, for a plat amendment, from what I've been told, there is no development proposal. So, I don't see how you can, require plat amendment, if there's not and if you do require it, Sheldon's not here, but is that the case? When a government entity takes private property, I don't know what the legal verbiage is, but to me in my mind it seems like that is a taking. And in the 12 years that I did the minutes for Summit County, I never saw taking, I never saw anybody even talk about it. Mayor Trever Johnson stated can I, can we talk on this a little bit because I don't think that's anywhere in what we're proposing here. There's no, there's no taking of any property eminent domain or otherwise proposed in any of the ordinance changes. Kathy Lewis stated but are you not going to be taking some of the Rees' property? Mayor Trever Johnson stated no, and this is what I should have asked you before we started, this was the right-of-way discussion on that particular piece of property. I know we talked about it last time about maybe that alignment going up what might be already a road easement or right-of-way anyway. But let's say and correct me if I'm wrong Don, my understanding is, let's say you go into a major subdivision, which says, does trigger some sort of trail conversation and the alignment could shift depending on

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whatever the development proposal is. The short answer is that there would be a dedicated easement of some sort to, to get from one property line to the other. Is that, am I representing that proposal correctly? Don Sargent stated that's correct. Mayor Trever Johnson stated it's not an actual dedication of property to the City. Kathy Lewis stated okay, so it doesn't get that legal definition of a taking. Mayor Johnson stated correct. Kathy Lewis stated okay. Don Sargent stated and back to the easement, most roads, existing roadways in the City, they can be private which there are many of those, but they're also serving development or homes. They also include a public utility right which is where the trail would be located in most cases anyway. We try to, the language speaks to those areas that it would be within the public utility easement area. So again, that avoids the whole taking concern. Kathy Lewis stated so yeah, and I don't know what the protocol is. If we can do a question and answer or do you save it all up for the end of when I talk or at the end of all the public. Mayor Trever Johnson stated generally we try to maintain the standard decorum and you speak, we listen and then we respond at the end. However, on a case-by-case basis, we've kind of tried to go to the back and forth a little bit so you feel like your questions are answered. Kathy Lewis sure. Mayor Trever Johnson stated there's not a lot of people here and also this is the second, the second sort of meeting with the hearing. So, I kind of feel like there's a good place for some flexibility. Kathy Lewis sure, and then I throw out the word taking, and then I understand this was probably something you felt like you needed to explain. Mayor Trever Johnson stated yeah. We want to make sure we touch on that because that's a pretty bold accusation, I guess. Kathy Lewis okay. I knew that it probably doesn't fit that legal definition. And I know that there's right-of-ways, but what I don't understand is still, because of the Flare right-of-way, you may have to go into their property to their pasture property to get this. I don't know. I don't know. So, I'll stick with what I do know. Let me start back, you've the added the non-motorized, which I think is really cool. I'm glad that you said that, however, there is that motorcycle track right there on the other side from the cemetery. I don't know that you can enforce them, not riding their motorcycles over and that's noisy. And that's their issue. I have a question is where, where would it go? Is it going to follow the existing driveway? If it is, then they wouldn't have a lot of grading than a lot of expense. If it isn't, and that didn't look like that was 30% grades to me, and I'm not an engineer, but if you don't follow that existing driveway, then it looks like you are going to have to go on some 30% grades. And then as I was hiking it today, I kind of wonder if you could make a left hand turn or a right-hand turn and continue it along behind their property. And I know the ridge line. Anyway, that was just an idea that I had. My neighbor, I live in the old subdivision and I live in a pie shaped lot. I've been here for well, my son was two he's 34, so I've been here 32 years. And this is my second home in Coalville. I liked it so much that we moved, and we stayed here. And anyway, but I live in a pie shape lot close to my neighbor because it's narrow in the front. My next-door neighbor went out of town and there was a party going on in their house. And their access to their backyard is like 10 or 15 feet away from my bedroom. And so there were, and I didn't know it, but there was one family member there and they were up late, so I went over and talked to him and, as I did that, there were all these people walking right next, right on the property line right next to my house. And I was home alone. And that made me feel really unsafe. And so then I talked to the neighbor after they came back and they explained that there had been a family

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member there. But this home is going to be two single women. And there's going to be people that we don't know that's going to go use that trail and I think that's, I know because it happened to me, I didn't feel safe. And you know, Joanne's older, she's about my age so I can say that. Anyway, and just one last thing. And then I'll end. I don't think, because I know so many members of this Planning Commission that, where this began, I think they're great people. They're really our friends on ... that I have friends, close friends, that I've been friends with for 32 years. And I just think they're good people. And I don't think if they realized the emotional stress they were going to put on this family that just lost their husband, just lost their father, I think they would have waited, so at least to get over that shock. And I wish and I hope that you guys will at least table it, if not deny it outright ... but at least table it so that this family can heal from the grieving process. So, thank you. Any other comments or questions from my letter? Or ... And I know I got a couple things wrong in the letter. As I walked up and I saw, okay, this is different than I thought.

Council Member Phil Geary asked Don Sargent to explain if the Rees Family wanted to subdivide for a couple of lots for their daughters or whatever what would be required as far as trails or anything that they would have to put in. Don Sargent stated right now with the revised language, if there was a division of the property from two ... up to five lots, it would be a minor subdivision. And in that case, an easement only would be required, unless the trail ... unless the property abutted an existing improved public street and the City determined that a trail would be or sidewalk would be required for safety. Council Member Geary stated so if they were built down along from Joanne's house heading south in that field that would just be up to the City to require a sidewalk, correct? Don Sargent stated do you mean if they were along the public street? Council Member Geary stated yes. Don Sargent stated yes, the City would have that option to require a sidewalk if they felt that would be needed. Mayor Trever Johnson stated that was the case prior to this. Don Sargent stated that's the case regardless. Council Member Geary stated the right-of-way is a 60-foot right-of-way as that was put into place. You're not required any more property. Nothing other than the trail would go through that 60 foot if it went over into ... to- Don Sargent stated it could. Right-of-ways... typically a trail is outside the right-of-way for utilities. But on an extra wide right-of-way that can be a determination the City makes that it would stay within the right-of-way. Chris Thomsen questioned if they separate off three parcels ... there's the remainder and then there's the three parcels, they only have to do the trail easement on the three lots, or would the remainder need an easement? Don Sargent stated it would just be on the two development lots. If there were three and the other one was a development parcel then, yeah, the trail ... it would be considered. And again, it's a determination with the Council with rough proportionality to determine what's necessary and how and so forth based on the revised language. But typically, a minor subdivision, if it's not on or facing a public street, it's back off of the street, it wouldn't ... the option now is that the City wouldn't require an actual trail construction, just an easement if it was associated with the alignment of the Master Plan. Council Member Phil Geary stated so the easement then would ... if they decided to subdivide everything else then that easement would be in place so they would have to put a trail if they put in more than six homes, correct? Don Sargent stated correct. If a major subdivision came in or in the future if the City, under this current

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language, the City would have to pick up the construction tab at some point in the future or on some of these minor subdivision situations where only the easement was required. And now if you say there's two points that need to be connected, the City will have to then construct that sidewalk at some point in the future to make the connection with this exemption, which is ... that's normal though. Another thing I think is important to point out is the trails that are shown through the Rees property have not changed at all with the current amendments. The only thing they changed was being reduced when they went over the hill. The Planning Commission didn't like the zigzag and the motor cross trails. So, they just connected it to the cul-de-sac. But those trails reflected on the Master Plan, the Planning Commission didn't even consider because they were on the master plan since 2009. Council Member Cody Blonquist stated well, I think her concern with safety and maybe this helps, there is no danger of anyone walking up a trail at all until there's a major development. A minor development, all it has to do is to grant an easement. No construction happens until there's a major development in place. Kathy Lewis stated but can people use the trail? So, I have two questions. One is before that happens can people still use the trail? Are they entitled to use the trail? Council Member Blonquist stated until there's some sort of development nothing ... It's private property. There's no trail easement period. Kathy Lewis stated so that kind of goes along with though what's the hurry? Why can't you wait a year or two to give the Rees' some time to grieve and get over their ... But my other question is to Don. So, help me understand, so is there an easement right now, an actual public easement? Don Sargent stated no. Kathy Lewis stated so the City's wanting to put one in. Don Sargent stated there is a private easement. I know a portion of that is a private easement. But it's also a public utility. Flare and the other side that goes up to the log home. Kathy Lewis stated can the City use those private easements? Don Sargent stated no. Kathy Lewis stated so you would still have another easement, right? Don Sargent stated until a major development is proposed. Kathy Lewis stated so with a major development, there are already the two homes there and then the three... and then their existing home. So, a minor development is five or less. Does that include what's already there? Don Sargent stated yeah. If it's a new subdivision, the City would have to look at the grandfathered lot situation. But if it's a brand-new subdivision and they take into account the existing development of the property, if it was part of a subdivision, which I know there is one subdivision that's been approved in the area ... so now if that is a re-subdivision of that subdivision or additional lots added to get above six then that would classify it as a major subdivision. Kathy Lewis stated above six. Don Sargent stated six or more. Kathy Lewis stated so five or less. And does it follow the driveway? Don Sargent stated generally it follows the existing easement. Kathy Lewis stated okay. Well, thank you. You've helped me become a little more clear. Council Member Cody Blonquist stated what might help in understanding ... their situation ... I mean I think everyone sympathizes for them, that isn't what kind of drove the original discussion. It's based on some other developments where a trail was actually necessary for safety because there is no existing City sidewalk that meets those developments. So, we didn't have the language in our Code or really even prepared in that particular area to require a trail. It was just kind of a handshake agreement. This is the solidification of that trail system in town, so we have the means to provide safe transportation for mainly ... I mean mostly for children in this particular case. This is just the broader spectrum. Kathy

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Lewis stated okay. From what I understand from the Rees' is that they don't plan on building on that, the flat lands that are there. If the daughters do build, they're going to build up on the hill because they still want to farm that flat land. They said that's their best pasture. So that's where the best agriculture is. Mayor Trever Johnson stated one of the things that I think is good that the City Council ... and Don explained this in his update of the revisions based on the last meeting, was this idea of rough proportionality and having it kind of on a case-by-case basis. Because there's such a diverse range of not only topography but situations like this ... the situation and circumstance with the Rees' is much different than up Border Station or Chalk Creek for example. And so, I think that gives a little bit of flexibility to landowners to come in and kind of make the case not only in rough proportionality, which basically says, in the Rees' case, "Hey, four houses to put in 3,000 feet of trail is not really roughly proportionate." And I think that case can be made. If I was sitting here I would vote, "Okay. No, I agree. I don't think you ought to be able to ... or should have to put it in." But maybe a place where there's nine homes and a 500-foot sidewalk, I think that's more closely resembles a rough proportionality. Kathy Lewis stated I agree. Mayor Trever Johnson stated so my point is on those two extremes we'll call it or two examples, is the language that we put in and adjusted from the last meeting that we talked about this ... bringing it essentially on a case-by-case basis, fitting the definition or putting the burden of proof on this rough proportionality concept, I think that really helps landowners and be a little bit more flexible rather than just outright defining everything. And then, yeah, you put in three houses you have to go 3,000 feet of trail. I don't think that's right. I think we're on a better path. Kathy Lewis stated and I hope that's the case. Not all you guys are going to be here all the time. Don Sargent stated there is State law and even in our own Code with the exaction language some clear direction on that determination of how rough proportionality relates to development impact. Mayor Johnson stated I agree on principle. But at the end of the day, when it's just simplified, I think what was kind of being asked or ... I think the Rees' had a really good reason to be nervous. Because there was a lot of question marks, a lot of question marks. I've voiced that before, this idea of landowner's rights and ... that's a tight rope, kind of a balancing act. I hope that this is somewhat of a ... I won't even say compromise. I hope this is a lot more leaning a little bit heavily towards landowner's rights and protecting them to the extent that we can while also having a trail master plan and trying to find on a case-by-case basis what's best for the community. Kathy Lewis state like I said, when I hiked that today I thought, "Oh wow, I can see why they want this." But I just wanted… Mayor Johnson stated that was already there just so you know. That trail proposal's been there since '09. Don mentioned that earlier. That master plan, none of that changed except for like Don said we reviewed some of the winding around on the east side of that ledge. Kathy Lewis stated yeah but can it turn before you get ... I don't know how far back their property goes but when you get to that really neat cabin, it looks like you could turn and go around behind the houses. It would take a little more grading because the driveways already there. But it looks like that could be something that we can consider. And if they come out, then they can come out by that dirt parking lot that's by Echo and then you'd have parking. So that's the last question. And then I'll promise I'll sit down. Parking. I've heard so many people complaining over there about people parking on the trailhead. And there's cigarette smoke that's coming into their property and the lights shining at night into their

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home and the garbage and parking. Are they going to park on the main highway? I mean do you… Mayor Trever Johnson stated can I give you a really quick answer on that? And this is my interpretation of some comments from last meeting and a little bit of experience on the radio the other day. So, my experience or interpretation from last meeting is there was not as much of an emphasis placed from the Planning Commission on parking in trailheads because we wanted it more tailored towards residential use, current residents and not necessarily bringing a bunch of people. Fast forward a few days and I was on the radio with Leslie, and she brought that up, that specific point about she thought it was kind of a mistake because they had made some mistakes. They did the same thing in Snyderville Basin and it was a big debacle. And I said, "Well, I think it was the intent that we wanted it kind of more focus on locals and not bringing ..." And then she kind of pushed the issue. And my kind response, I hope it was kind, was, "Well, we're not necessarily looking at patterning ourselves after Park City". So, my point in saying that was, yeah, the trailheads have been of, in my view and how I interpret the Staff report from the Planning Commission, their recommendation is that there's less of a desire to accommodate out of City or out of area residents or people that participate in the trail system. Kathy Lewis stated and really I don't want to be a mini Park City. That's not why I live here. But we know there's a lot of bikers. And we can't stop people if the word spreads and they like that. Mayor Johnson stated but if you had a parking lot for 3,000 cars out here for bikers you'd have 3,000 bikers. Kathy Lewis stated yes, if you build it , they will come. That's true. But if it does get popular and people are parking along the street or on other's property then you got a problem that you could have solved beforehand by going around those private properties. Mayor Johnson stated thank you for your comments. I'm going to get in trouble by some of these other people that in the past public hearing on different subjects I've limited to three minutes. But it's been productive. And I think it's been productive for everybody. You had some great questions. There are some misconceptions out there and I hope this clears some of it up.

Walter Brock – 256 South Main

Walter Brock stated just a little bit about my experience and educational background. I have a bachelor's degree in urban planning, a master's degree in real estate development, a graduate certificate in urban planning and I'm full-time in real estate development. I think that a quality trail network has some possibility to be a quality amenity to the community. I do have a handful of questions and concerns associated with those plan and methodology of creating the plan and how it will roll forward and be maintained. The first thought or question or subset that I had was the arbitrary selection of who is and who is not impacted based off of planning and zoning. So, I think that there could be reasonable efforts to engage the landowners of the community to see who wants to have the trail go through their land. A trail can meander. It doesn't necessarily have to follow the shortest line distance. I know some ridge line trails and stuff have to follow certain azimuth. But I think there's an opportunity to find those that want to have it go through their property. An additional item of concern for me especially is forcing through ... I didn't make the last meeting, but impact fees or requiring your subdivision developer of a major subdivision to

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place in the amenity. That's forcing few to create an amenity of our recreation for the many. I believe that if this is truly an amenity that we as Coalville citizens want, we should have a vote and create a line in the general fund that we have a milligrade associated on our property taxes as well as an increase in sales tax. Because if we truly want this as a community, we would pay for this as a community and not force developers coming in or people that are local community people wanting to subdivide to pay for our public amenities. It's only right that we pay for it ourselves. I'm more than willing to pay that milligrade on my piece. I think it would be a great amenity. But I don't want someone else paying for something me and my family use. I am concerned about the City maintaining all of these trails. Walk down all the sidewalks in Coalville, we have a number of sidewalk things that need to be addressed and have been that way for many years. So, I think that there is significant concern in my mind. Are we going to be able to maintain it at a high level of quality for the amenity given that our past record for sidewalk maintenance is less than adequate from my perspective? So, at the end of the day, I think that there's an opportunity to have the community fund this if it's desired by the community, an opportunity to allow people that want to have it go through their land have it go through their land. But I also don't necessarily agree with the requirement of an easement on private ground for recreational purposes. I disagree with impact fees being utilized for recreational purposes. If it was expanding the sewer because these units are going to require an increase in sewer, I got that, but it's rec. So, I think that there's a differentiation that needs to be made. But, at the end of the day, I think that we as a community should be willing to shoulder our costs of the impact if this is an amenity that we want. Not arbitrarily defining the path where which plus or minus it will go and forcing other people, the few, to pay for a public amenity. That's my thoughts. Thank you.

Louise Willoughby – 38 West 150 South

Louise Willoughby stated my very first question has to do with the first page on the Staff report, add rough proportionality determination in. I see where that was added in on page 6-1, in the very first section that Don talked about with all the changes. I guess my question is when is the first time that that conversation came into this planning, the idea of rough proportionality? As I looked, I found it was ... I couldn't find anything prior to two weeks ago. And I'm concerned about why something as huge as that didn't show up before two weeks ago. That should have been something that was part of all the planning that's gone on. I mean that's a legal thing. Mayor Trever Johnson stated that is actually verbiage sited by the State in some of their requirements. Louise Willoughby stated but that should have been talked about as we put our City Council and our Planning Commission to work. Mayor Johnson questioned what is your beef with rough proportionality? Louise Willoughby stated I don't have one. But it never came in before two weeks ago. I feel like that was something that should have been considered as the Planning Commission spent all their time looking at this because that's going to make a difference in what those trails look like, it seems to me. Okay? So that's my first thing right there. My second one is I have a concern with some of the language in here because I see City, the word city, mentioned numerous times which I'll point out. I see City Council twice and I see Planning Commission with City Council once. So, I'm

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wondering what is the definition of these words and who really makes these determinations. So, if you look on page 4 under A second paragraph ... Well, let's start at the very top. It says, "All required parks, trail sites and open space are subject to approval of the “City”." So, there we got "of the City". Then you go down to A, second paragraph. "It's unique circumstances as determined by the “City." Then you go to the next page five, three at the top, "And other factors the City determines to be applicable." And four, in that one, "The City may require the recreation area to be located in a suitable place on the edge of a development." At the bottom of that, "When the City determines the reduced size will result in functionality." Five, developed to City standards. But at the end of five, "Shall be approved by the City Council." So, who is the City versus the City Council? Because I know that as you’ve talked ... a lot of these things you've said have to go through a process. It goes to the Planning Commission and the City Council, but that's not clear in here. If you continue going down, you go to page six, at the bottom of all the corrected things on one, "The City determines if a sidewalk or a trail is necessary for safety." Two, on that same page, "Specifically approved by the City is the alternate location." If you go to seven, under four, "Unless the City determines otherwise through the development or review process." So, there you go. A little bit of hint, there's going to be a development review process. And let's see, if you continue back into attachments ... C, on page 11 of 11, number four, you have “must be presented before the Planning Commission and City Council for approval." So that's very clear where that's going to go. And I think that language needs to be put in here, so we know who really is going to be dealing with these things. And if you go down to exactions, down in 10.3.200, "The City may impose an exaction or exactions on proposed land use development if ..." So, there's another one. And then sensitive land reviews, "Containing lands designated as sensitive by the City ...". So, there's a lot of things going on in there. And I would like that language to be clarified before this is passed. So that's something I'm asking. I do have a concern on ... still I don't feel like it's very clear in here. I’ve always been concerned kind of like Walter is. I heard that some developers could just choose to make their trails private. I'm not seeing that clearly stated in here. But it's suggested. And I'm wondering is that something they could still do? Can anybody say I want my trail system to be private? And if they do make it private are they still held to putting in some kind of easement or some kind of funds out there to help with trail system in fairness? If a big developer just wants a big old private trail in there, I don't see how that helps the City in any way. And I'm not clear. Because if you look on page ... there is the dedication of recreation areas and that is on page 4-2. So, it kind of talks about that a little bit. And then on page 5-6 additional recreation areas or open space. So, it tells they can actually give more if they want to. And then another concern I have is ... we kind of talked and the idea was kind of thrown around in order to make it fair, is there going to be a tax on any developer that goes into funds to make these trails should you decide you want them all through the City. Is everybody who builds a home going to have proportionality of funds that have to be put into an account to maintain these trails or to build on the easements that are left for Coalville City to take care of? Let's see. There was something else. I don’t know. I can’t find the other one, but that’s pretty good though. But anyway, those are just my concerns. Thank you. I appreciate your time.

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Cathy Stratham – 670 North Main – daughter of JoAnn Rees

Cathy Stratham I'm the daughter of Dave and JoAnn Rees and I just had a few questions. I am struggling with that ... okay, on page six, the paragraph one that Don was talking about. In one part it's say "existing public street, right by the existing public street is the construction of the sidewalk. And another part says, "sidewalks should be located within the dedicated non-pavement right-of-way roads." I'm a little confused on ... so speaking of our driveway, is that ... that's considered like a drive ... what am I trying to say? Wouldn't it make sense with this verbiage that we are saying that the sidewalk would have to extend into our field? That where I'm a little bit confused. Mayor Trever Johnson stated Don, can you help with that? I'm not sure I understand the scenario. Don Sargent stated yeah, I'm not sure I understand this question but let me try. Mayor Trever Johnson stated so, well, here's an example with Black Willow just up the road. So, you've got the public sidewalk that ... or easement or I guess proposal that goes along the road. But then there's a little bit of a horseshoe that goes up into the subdivision, right? And then so would that be then where you continue the sidewalk around the major development? Don Sargent stated yes, if it's along an existing public street I mean then there's the question of should there be a sidewalk, in that case probably a sidewalk, to continue the sidewalk that's down the street for safety reasons. If the development is back off the street like Black Willow and there's a public road that's going to be dedicated to the City ... even in the language before any of these amendments came in place, the developers had to install a sidewalk around those roads so we didn't end up with Indian Hills again with kids walking down in the street. So, the sidewalks would be required in every application in those situations with a major subdivision. Cathy Stratham stated ok, but I'm… Council Member Cody Blonquist stated were you concerned that if you built a house along the Main Street down there that the sidewalk would now be in your field as opposed to in the road easement? I think that was the question wasn't it? Cathy Stratham stated yeah because the existing road that's there right now, if we ... say that there's a trail, because right now there's an easement for Flare Construction, where construction vehicles could go or other ... for the subdivision. So, what I'm wondering is, okay, that could potentially be a public road, right? So then doesn't that mean sidewalk would need to go into the field. That's what I'm wondering. Council Member Don Winters stated generally if there's room in the right-of-way, the public right-of-way, that's where the sidewalk would go. Council Member Tyler Rowser stated so if you build up on Main Street it's going to be in the City right-of-way right along Main Street. Council Member Cody Blonquist stated I don't know where the survey is, but it wouldn't make sense to be on the other side fence. It would be on the street side of the fence I would assume. Cathy Stratham stated okay, that was my question because the 60 feet and then the 20 feet ... I'm sorry, I just get a little confused with the verbiage on what we're actually talking about. From my perspective, what we really want is to farm our land. We feel like if there's a sidewalk or a trail there that if we want to … well obviously we will need to bring tractors over that, we'll probably damage the roads. And we could possibly ... just having the public there at all could potentially be dangerous, a liability. And if we choose to open

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Dad's video store or just something like that, then we're going to run into the problem with possibly hitting people that are trying to hike on trails. So that's why I'm wondering like if it's going to be over into our really good field…for some reason that part of our field seems to grow the best. So, we'd hate to lose that. Council Member Rodney Robbins stated are you talking about building up over the hill? The trail that's not along Main Street but up over? Cathy Stratham stated yeah, going down our driveway and up the hill. Council Member Rodney Robbins stated so you're worried with that easement we'd have to take 20 feet of your field going up there, is what I think she's talking about, not on Main Street. Cathy Stratham stated yes. Sorry I'm not very good with saying my words. Don Sargent stated that would just be within that existing easement, is where right now for the trail. In 2009, I'm not sure what the discussion rationale was in showing that. But the idea is along a lot of these trails that have been proposed since 2009, they follow existing dirt roads and easements and so forth. That's the logical place to construct a trail within that public utility or right-of-way. But that trail would not even be required until again, a major development came in for review, and then the City ... and when I say City, we need to address that. That is a combination. It's Staff, Planning Commission, City Council ultimately has the final land use authority on these trails, because they're associated with the subdivision, particularly now which is very clear, but the Planning Commission recommends, the City Engineers would have some input, the City Attorney, and the City Council would ultimately be the land use authority on it. But the City would determine that use of that right away at the time of that development application to make sure, number one, does this make sense to even consider a trail at this point with this proposed development and then work with the developer on trying to get the alignment, the type of trail, again, the whole rough proportionality aspect of the trail associated with the impact of the development. Mayor Trever Johnson stated could I say something maybe unpopular? I understand and appreciate the strategy in linking trails and everything. I think it's important. I also, I'm trying not to be biased here, but I also think that with this particular section here that goes east to west from City Street over to that cul-de-sac up Allen Hollow, on a personal level, I don't have any heartburn if that went away, off of our Master Plan, personally. There seems to be a lot of concern with those property owners right there. Yeah, it links, and it makes sense. You just throw it on paper and take away emotion of the property owners and everything, that's a really good line. But I wouldn't have any heartburn if that went away, personally. That's all I'll say about that. Council Member Phil Geary stated that's the trail that you're talking about that would go on the east and over to Allen Hollow? Mayor Johnson stated yeah. Council Member Cody Blonquist stated I think the benefit from that ... and I don't know if I can speak for everyone up here, but no one wants to see you guys' farm that and not have a major subdivision more than me. So, we're trying to tailor this in a way that helps everyone. Mayor Trever Johnson stated I want to just say this, yeah, we are tailoring it. But anyway, go ahead. Council Member Cody Blonquist stated in a way that helps everyone. We want you to continue doing what you're doing, and we want to try and tailor this, because you're here now, and nobody else is ... to best suit your needs and ours. I think the basis for that particular interconnection trail is because there's already a pretty high density use area that's zoned in that section on the other side, where the Flare road is. If there were another high density use zoned area ... say that you sold your property, and a developer came in. There needs to

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be some mixing there with the transportation, which we don't have because it's so far around. I think that's the basis for that trail. I don't know if that make sense to you. Mayor Trever Johnson stated was there, at one time, a road proposed to go over there, with that development going in? Was there a road? Don Sargent stated yeah, there was a connection. Mayor Johnson stated well, if there was a road, just put a sidewalk there. Council Member Don Winters stated if there was a road going through there would be a sidewalk without this. That would be the trail, and so I don't know if it has to be on this Planning map. It may just happen naturally. Council Member Cody Blonquist stated well, there's also the option ... I mean, where these easements go through private property, it's conceptual. It doesn't have to be right there where the driveway goes to your Dad's video shop. I agree. That is kind of a stupid place to have people walking. They're going in and out of there with farm equipment. Nobody wants a bunch of strangers walking through their front yard. If you were to develop even whatever, you can always reroute that trail and say, "Hey, look, this makes way more sense for the sidewalk of this trail to go over here than it does, right up the middle of the driveway". But then that's just approved by who's ever sitting where we are. From my experience, if what you're saying makes sense, your proposal makes more sense than where it is originally, which probably wouldn't take a lot, it's going to be approved that way. Cathy Stratham stated what I was understanding before though, was even if we just develop two…three homes, there's already three there, that would ... I'm not saying that that's what we're going to do, but I think us, as a Rees family, don't want to be limited on what we want to do. Mayor Trever Johnson stated that's something I learned ... if they're adding onto a subdivision they already have, they added three homes to a subdivision that already had three existing ones, then that bumps them ... when they make those three homes, then they have to fall into that major category. Don Sargent stated that's correct because now there are six homes. Council Member Cody Blonquist stated but also, you still have to prove the rough proportionality and the rational nexus. So, if you're building three houses, that doesn't ... now, all of a sudden, even if it meets a major subdivision requirement, the rational nexus cancels out the construction of the trail? Don Sargent stated it could. Council Member Don Winters stated but then, they still have to give the right-of-way or easement. Council Member Cody Blonquist stated so there's still the dedication and an easement, which you could pick. It doesn't have to be that. You could negotiate where the easement actually is. Don Sargent stated the alignment itself. Chris Thomsen stated it would only have to be on those six lots. It wouldn't have to be on the whole parcel. Don Sargent stated it would just be associated with that development. Council Member Rodney Robbins stated but who determines that rough proportionality? Would that be the City Council? Would that be who? Don Sargent stated it would be part of the process. Council Member Rodney Robbins stated all of a sudden, I want that up there, we're going to say they have to put the trail in and hopefully don't go to court with us. Don Sargent stated the rough proportionality is in the Code. It has been in the code since 2004, I think. Maybe it was 2005. And so, the City exercises this on almost every subdivision that they review. When you require developers to extend water service, sewer service, build storage tanks, stormwater drainage, that's rough proportionality for the impact that's being created by development and the developer pays for that. It's not a new term, and it's not a term that hasn't been utilized, even though it hasn't been voiced like it has been on the trail topic since it came up

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specifically. It's in the Code, and it's applied on every single major subdivision and even minor subdivision that comes through the City. So, that's the determination that the City Council will make, similar to any other action, for what it is, on any development that's proposed. There's some guidance in that one section, and then, of course, the State Case Law. Walter Brock stated all those examples were utility based though, right? Don Sargent stated it could be roads, infrastructure, storm drain, etc. Sidewalks are particularly addressed. Cathy Stratham stated the last part I want to say is, if there is any possibility of just taking our piece out of the loop or if there's a way to have the trail not there, that's what we would like. Thank you.

Sheryl Godfrey – 670 North Main – JoAnn Rees' daughter

Sheryl Godfrey stated so, we keep referring to the 2009 Master Plan, which, as far as I know, my Dad never even knew that there was trails being considered on his property, so I don't know if that's the normal protocol where you actually let people know. I'm grateful that Margarita brought it to our attention, otherwise we wouldn't even know to be able to be speaking to you now. But I know Dad never wanted trails on it, and yet, supposedly it was in place since 2009 but to nobody's knowledge. Anyway, as far as the driveway, that's where a proposed trail is, and it was just listed no motor vehicles. So, how does that work for actual cars in the driveway and our farm equipment, which is motorized? I know the actual trail, we don't want motorized vehicles, of course, but when it's in a driveway, and the trail goes up and over to where Don Sargent had built his house, all of that is an access point and a driveway, which would have a motor vehicle. We use four-wheelers. We use tractors. We use everything for our farming so there will be motorized vehicles, and to be able to access our farm, regardless of if there was a subdivision that was there, which we're not planning, but say it is, and that trail was generated, how are we crossing so that we can farm the rest of our farm? There is no other access to it. We can't go up and over with a tractor. That's dangerous. So, I think that needs to be taken into account. Also, it's not good for a trail to have heavy equipment like that going over it. That's why the road is dirt right now because it just is. We also, we have the Rail Trail directly in front of our house, which I don't know that anywhere else on the trail plan has to deal with the people that are camping there, that are staying there, that are noisy all night, on the front of their house and then a proposed one on the side of their house. It is frustrating. It is loud. We have Echo Reservoir, it is loud. It just is. There is a lot of people that just wander around now without permission. We've had problems with people shooting through our sprinkler pipe. We've had holes there. We've had them disrupt our cows. That's without permission, and now we want to grant them permission? I don't think that's going to improve our situation. I feel like the trail in front of our house, that's plenty access, and we can't do anything about that one, but we would really love if we could just remove the trail proposal. And like it has been brought up, there is an easement up there for Flare. There will be a road there eventually. Can't that just be and take out the 2009 drawings? Anyway, thank you.

Mayor Trever Johnson stated he wanted to stress in the continued public hearing we would appreciate it be new information, new questions brought up by the changes that were proposed.

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Margarita Richins – property owner in Coalville City

Margarita Richins stated starting in the fall of 2019, I decided to answer an invitation from the Mayor to attend all City public meetings, so I understand and appreciate the time that's been put into this ordinance. I said last time, again, it's not the trails. I realize the trails have been there. It's the verbiage on the ordinance that I think is concerning. I've heard Planning Commission members, City Council members, the Mayor, and they have voiced concerns for the property owner, and one Commissioner stating that they needed to protect the property owners that just want to be able to give their kids a chance to build a house on the property and not to have it open to the public. While the language has been added to the Code in attempt to make these distinctions, has anything really changed? Mayor Trever Johnson stated do you think it hasn't? Margarita Richins stated it still states, one of the new changes to the Code states, "Only an easement for the sidewalk for associated trail classification shall be required for property being considered for a minor subdivision application." That is something different. The trail that's designated, as I talked about before, is through a subdivision that has already been created, and it's in an 80-acre parcel. At last Monday night's Planning Commission meeting, Teri Adkins applied for a three-lot subdivision. It was pointed out that this qualifies as a major subdivision, even though it was less than five lots, because that property had been subdivided before. And so, for me, that would apply to the Rees' property. And if it's true, wouldn't that same issue apply to Joanne Rees's property, since it has been previously subdivided? I mean, that's a legitimate question. Mayor Trever Johnson stated that was brought up a couple times earlier and answered. Yes, if you're adding onto a subdivision that has three houses with an additional three houses then that trips it into a major subdivision. Margarita Richins stated so, in that case, I would say the language has changed, but the end result has not changed. Mayor Trever Johnson stated in that specific case, yes. Well, the language, yeah. Margarita Richins stated and I'm always speaking ... this whole time, I have been concerned about the Rees' property, because I feel like they are the ones that would be impacted most, they want to keep their lands in Ag and this proposal takes 900 feet of trails, 20-foot trails, which is over ¾ of an acre. So, if Joanne wants to ... I mean, no one ... sorry. When this was first proposed, no one knew that David wouldn't be here. Sorry. It was really hard for me to tell Joann that this was going on. She felt that this was something that started after David passed away. I know it didn't, but it's been a real stress on their family. So, at this time, if she would like to divide her property ... sorry ... so that she can have her three girls inherit it, she can't do that unless she… if she did do that, she would have to dedicate that property over to the City and leave it in the hands of whoever is here at that time to decide what the fate is according to this new wording. If she uses… the extraction case… will she be required to dedicate an easement for the entire trail system on her property? It's not clear in the wording of this proposed Code. If she is, the extraction of that many feet of trails would not be roughly proportionate in nature or extent to the impact of the proposed family development, especially if she's giving a couple of lots to her daughter. It also doesn't solve the concerns brought up to the Planning Commission members of the public who don't feel someone should have to open a family land to the general public. I appreciated what Walter said, if the City wants the trails, they should vote on it, and people pay for them. If you feel like that you need to

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proceed with this, what would the process of determining an extraction ... we kind of talked about this. What does the process of determining if an extraction is roughly proportionate look like if Joann were to divide her land into three pieces for her children, who would be here to determine that? Since I've been coming to meetings, we've had three different Planners. Who would be involved in the decision making? What specifically could Joann do with her land without having to deed a large trail easement over to the City? Is there anything that she can do? I don't feel like there is because it's already been a parcel of a subdivision. I've sat through all of this and heard these concerns were expressed multiple times. Do you, as a Council, feel like these problems have been adequately addressed without leaving a lot of room for interpretation? As a Council, you have the ability and the obligation to change the direction of this Code and make it fair for the property owners and families involved. I've been focusing on trails, and that's been the focus. And I focus specifically those designated through Joann's property, however, have you reviewed the requirements for parks? It uses the language "all developments, too," which is where we started. If Joann wants to divide her property for her girls, will they have to reserve part of their land for a park? Again, it would be really nice if you could just take the trail off of there. Thank you.

Mayor Trever Johnson stated I want to address a couple things. What the Council was given in terms of a proposal and a recommendation from Planning ... again, it goes back to balancing landowners' rights, and it's good a number of you are sticking up for them. It goes back to balancing that between some public amenities, and that's, I think, always a challenge. When it came to Council and what was proposed at the beginning of the last meeting versus what's being proposed now, I think is probably a really good, if not the best attempt at figuring out how to do that. It does, rather than defining everything right now and saying, "You do this, this, this, and this, and you have to do this, this, and this," we have left it up to ... or the proposal is to leave it up to future Council or Planning Commission at the time, to determine rough proportionality. Does this fit in this area at this time? That was the balance that tried to put more power, I guess you can ... back into the hands of the landowner to come in on a case-by-case basis to do this. So, in the words of what is fair, and have we done enough, I think it's a great big step, and I think it probably applies across the board to most landowners. I think the Rees' land is quite a bit different. So, while I support the changes versus what we had, I think they're a good step, maybe there's some more discussion that can be made or ideas in how to make it more equitable. I kind of go back to my unpopular ... maybe, maybe not ... opinion on, "Does that line need to be there?" And here's why. Or here's a little bit more of a case to be made, is that if it is a private access or private easement going over there for a road, in our Code, that would require a sidewalk anyways. I think if it got to the level of density to where it required a road, or where we felt that the road was necessary, I think that would probably mean your scenario, Cody, where you've got a lot going on in that side, maybe there's a little bit more going on in the west side, and it made sense to link it and in that scenario, would a sidewalk take care of that link there? Council Member Cody Blonquist stated well, in my opinion, the sidewalk kind of negates a trail, right? Mayor Trever Johnson stated but there would be one anyway. Council Member Blonquist stated that's what I'm saying. If you already have a sidewalk, there's no need for a trail. Then, maybe you can clear this up for ... fill me

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in a little bit. Where the driveway comes up to the log house, and where Flare has a street that dead ends over there is what used to be, I believe, your field, is that a plotted street to interlink at some point if density ever reaches... you know, if critical density happens on one side or the other. Council Member Tyler Rowser stated so, I actually pulled up the plat. All it says is there's a 60-foot right-of-way easement to be located at a future date. Mayor Trever Johnson stated so it's the same kind of thing where they choose the location when they are ready. Council Member Blonquist stated so, if there's a development on either side, eventually that street, that Flare built to nothing will end up going through that little path and connecting at, basically, their driveway? Council Member Tyler Rowser stated yeah. Council Member Cody Blonquist stated and at that point, there would be a sidewalk anyway, like Don said. Council Member Tyler Rowser stated it's just a future easement to be placed there, a 60-foot right of way easement to be located at a future date, called Old Farm Road. Mayor Trever Johnson stated here's my recommendation. We take that line off of there. Either two things can happen. Well, three, nothing, one of them. The road comes over with the sidewalk, or, at a later time, the Trail Master Plan can be amended to where it gets put in, depending on whatever growth pressures or impacts are in that area. Council Member Blonquist stated in my mind, the purpose of that being there isn't to have trail there right now. It's to have a trail there in the future if you guys sell that and then 100 houses come in. Mayor Trever Johnson stated but I think, in this case, it's just as productive to have a trail redefined there in the future some way versus the case made for rough proportionality made there some time in the future based on ... does that make sense? I think it's probably a little more landowner equitable to have the option to maybe put a trail in later versus to have them come up and defend rough proportionality. Council Member Phil Geary stated that trail goes on the backside of that and then it comes down the driveway, correct? Don Sargent stated that's correct. Council Member Geary stated okay, so, where does it connect to the Rail Trail? It doesn't. You can't connect it because you've got a fence there. You can't connect it. So, what good does it do to bring it down off the hill if you can't go anywhere with it? Don Sargent stated what's proposed at the bottom is a future sidewalk along Main Street that would be a connection. Mayor Trever Johnson stated it would connect to their sidewalk. Council Member Tyler Rowser stated and then they could cross Main Street into that big dirt parking lot for access. Mayor Trever Johnson stated I mean, it's a strategic link. I get it. But maybe that portion of things can be defined later. Here's what put it on my radar. You said earlier today, "I wasn't part of the discussion back in 2009." And I thought, "Who here was?" Council Member Tyler Rowser stated I remember it. Nobody came to the public hearings. Mayor Trever Johnson stated to your point, though, it goes through a process to be put on there, so it did go through the proper procedure to do it, I'm assuming. I wasn't here, but I know by law it has to. Sheryl Godfrey stated but do they notify the private property owners involved? Because we still got no notices saying that this was happening. Mayor Trever Johnson stated I don't know if that's one of the requirements that are given. Anyway, I remember you asked that question earlier. Let's try this. Let's shift gears a little bit. In terms of the verbiage amendments, do we have any heartburn with that? Council Member Cody Blonquist stated not really. I don't know if I wouldn't mind some clarification on whether ... is there any way that someone can dedicate that easement and then keep it private, the way that it's written now? For the trail? Can we exempt ... I mean,

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the purpose of this is to be public access and to provide public transportation. It's not just a recreational amenity, in many cases. It's a transportation requirement in some cases. Don Sargent stated a developer can construct private trails throughout the property if they want, but these trails are designed to be public. Council Member Blonquist stated but can we clarify that they cannot dedicate them as private. Mayor Trever Johnson stated but are they required to be public? Don Sargent stated yes they are required to be public. But some clarification would probably be good. Mayor Trever Johnson stated okay. The other clarification I think Louise made was the definition of City. I look at that and go, "Okay, the regular City process, Planning, City Council." Does that need to be better defined? The Council agreed they thought it needed to be better defined. Don Sargent stated that was totally up to them. He stated he could definitely elaborate on that. I mean, it's in the Code right now. It's something I'd have to look at when we bring it all together, because it's all over, you know. In fact, this language, one of the main changes was taking Planning Commission out of most of the verbiage and changing it to the City. It's not just the Planning Commission, it's City Council, etc. So really, the definition of City is Coalville City. Mayor Trever Johnson stated the question I have in that then is that an Administrative decision or a Legislative decision? I hear Legislative decision with this Body. Don Sargent stated these are Legislative decisions. Mayor Johnson stated but we have to find some way to define that process. Otherwise, you're going to run to Chris at JUB and say, "Well, Chris told me X, Y, Z." Don Sargent stated in this case where now it's tied to a subdivision process, which is Legislative, that's City Council and that language now was changed to City Council. Mayor Trever Johnson stated verbiage wise, let's give him some direction, if any. He stated then we're going to talk about this alignment, but I want to get through the verbiage. Council Member Rodney Robbins stated so is there any way somebody, like we have a trail from here to here and then this developer builds a trail 200 feet down the road. Well, the one in the middle comes and says, "Well, this is going to be a private community, so you can't come through here with your trail." Don Sargent stated not if it is reflected on the Master Plan. They are public trails. Council Member Robbins so if we put this in, we could run a trail right through Wohali if we needed to even though it's private? Don Sargent stated if it is approved on the Master Plan, then yes. Council Member Cody Blonquist stated that hadn’t been implemented at that time. Don Sargent stated now at one time, remember the City did approve a trail through Wohali, seven miles was to be public on the first application. Council Member Tyler Rowser stated so say it is a development and we use that as an example, with Wohali, there's no trail Master Plan so they can be private unless there was something going up there. Don Sargent stated at that time it was a negotiated application and was discretionary and that’s why that came in. Mayor Trever Johnson stated your example, Rodney, that piece in the middle could still have private trails, but the one in the Master Plan would have to be public. Council Member Rodney Robbins stated because it says under parks on the dedication of recreation areas that if they want to keep it private, they don't have to dedicate it to the City for city use. It says for recreational areas, which they could argue this is a recreational area of this private development and so we're closing this trail down, we don't have to build it and maintain it for public use. Chris Thomsen stated the language in this document is for a public trail system and network. And like Don said, it probably wouldn't hurt to add “public” in there a couple of times." But I think the intent of the document is

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for a public trails network. Don Sargent stated the park area is a little more discretionary because in some cases, the City may not want to have a park dedicated to the City. It may make sense. That's why that language give the flexibility, but on the trails, where there are connections or alignment they are public. Council Member Cody Blonquist stated I agree. There's a distinction between the park and the trail for sure. The trail is more like a sidewalk. Council Member Rodney Robbins stated it just says recreation. There's not a definition of it, but it could be interpreted one way or another. Don Sargent stated I can take a look at that. But I agree. I think emphasizing the public access requirement of these trails would help. Council Member Rodney Robbins stated are we getting rid of the class 1, 2, and 3 markers now? Don Sargent stated we were keeping them there for general reference, but then at the time the application came in, depending on the intensity and density and impact, again that rough proportionality would determine what classification would be needed. Council Member Rodney Robbins stated so I didn't remember reading it. Does it say anything to that effect in the language? Don Sargent stated yeah, it does in the notes. In the notes, on the new notes I say it specifically, but I would like to suggest that we add those. He read "trail classification, only the easement or sidewalk for the trail classification would be required. And then what else? I can find it. Trail requirements. Trail requirements should be based on the road proportionally of the trail. Right here. The easement and construction of the associated trail, classification shall be required. And then it gets into the road proportionality. I could flesh it out more specifically if you like. Council Member Tyler Rowser stated maybe say something like classification of trails will be determined at the time of application. Don Sargent stated right. I'll pull in that new note I read that Sheldon and I drafted after, right into this language as well. Council Member Phil Geary stated so the way they're proposed now on the map, that really isn't the way they would be done? We would address each one if there was major subdivision in that area, then we would, as a Council, would we be able to decide whether it's a 1, 2, 3, or 4? Don Sargent stated yes, you'd have some discretion. The Master Plan just provides the concept. If there was nothing on the Master Plan, the City couldn't require anything. You've got to have something on the Master Plan in order for the City to even entertain it, but then there can be flexibility built into the plan with the language that supports it. And that's where you get into this trail classification to be determined at the time of development review. Here are the options and here is what was looked at, at one time, where it made sense or may make sense. And then the City would have that final determination. Mayor Trever Johnson stated it'd be in the Staff report, the Planning Commission's recommendation and then the City Council for final approval. Don Sargent stated I see this being updated almost every two or three years. As new developments come in and kind of see how things are starting to materialize, maybe the classifications get a little clearer and start to refine the map. Council Member Cody Blonquist stated I think it's good to have the versatility. It gives them the option depending on how dense it is in the future. If you have somebody that puts in 5,000 units, it doesn't make sense to have a single-track trail. It might make more sense to have a six-foot-wide paved footpath to give someone else that flexibility, in my opinion. Council Member Phil Geary stated so at this time that easement that you're talking about that would be proposed if they did build, it still remains into effect where that trail would go over the hill to the other side. Mayor Trever Johnson stated I'm going to propose that we take that out.

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I wanted to get through the verbiage first and then talk about alignment adjustments, but if we want to go there, that's my suggestion is we just take that out. There's a greater likelihood of that ever being developed would be a road, which then would have a sidewalk anyway. Any objection to that? Council Member Don Winters stated are we taking off the future class to each trail then and just leaving it open to decide what happens when? Council Member Cody Blonquist stated well, it stays there conceptually, but you have the flexibility of changing that classification at a later date if you want to. Council Member Winters stated but if it says it's a class two the Council would be able to make changes then? Mayor Trever Johnson stated yes it stays on there for a baseline. Don Sargent stated here is the new language. "The final alignment, easement dedication, level of improvement "classification" and construction of all sidewalks and trails shall be determined at the time of subdivision review." I'll insert that note, that language right into the Code. Council Member Cody Blonquist stated the sidewalk along Main Street is just there no matter what happens. If there's a major development, there's a sidewalk, no matter what happens. And then if there's a major development, you're going to end up with an interconnecting street. Mayor Trever Johnson suggested removing the "Y" from the Rees property. The Mayor and Council continued discussing the options of removing the trails or a portion of the trails from the Rees property. Margarita Richins asked Mayor Trever Johnson a question that couldn't be heard. Mayor Trever Johnson stated remind me of the question again. Is there going to be requirement to dedicate a park over in a major subdivision on the Rees property? Margarita Richins stated on anything. It would have to be a major subdivision because it's already a subdivision and so anything else would be a major subdivision. I don't know what the park requirements are. I haven't even looked through that part. Don Sargent stated it was 861 square feet per residential dwelling. He stated that language didn't change from the 2010 Code. Council Member Cody Blonquist stated it could be a private park. So, you're basically just dedicating the 30 square foot of your own property to have your own park on, to consist of whatever you want it to consist of. Niki Sargent stated for parks there is also the monetary provision instead of dedicating a park.

Camellia Robbins – 46 West 150 South

Camellia Robbins stated I'd just like to see if you guys would entertain any discussion over Walter's idea. I really like that idea and I haven't heard many people say much about that. Having the public vote on do we want these trails. And if so, can we finance them through our taxes? I think that's a great idea. Mayor Trever Johnson stated the funding is like anything else. And I know there's grants and opportunities there. There was a great funding source not only for sidewalks and stuff with the development going in. I think that there's still going to be some impact or some revenue from Wohali coming in with the second home market that can go to those kinds of things. But as far as funding it, you can raise taxes specific to it, impact fees, grants. It's like anything else, there's options that for sure. Council Member Cody Blonquist stated I have an opinion about that also. He (Walter) basically stated that it was a recreational amenity. And in almost all the cases leading up to this discussion today, we're sighting reasons why... it has nothing to do with the recreational amenities. It's a transportation amenity. There are cases where that is necessary for children to

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walk to school because there aren't sidewalks. That kind of facilitated some of this discussion or a good bit of this discussion. It isn't just a recreational amenity and that isn't really how I see it being used, even though there will probably be some. There are multiple modes of transportation. It isn't just in the car down the street. We have a lot of kids that walk and ride bikes in this community, and I think that's a great alternative. That's just my opinion. Mayor Trever Johnson stated no, you're right. Council Member Don Winters stated there's some trails put on there that was just strictly for recreation, like the trail going along the river and I'm still against that. At the last meeting someone stood up and said they kind of determined they have a right to do that and I'm actually a landowner and I do property where the river runs through a good part of it, and I pay the taxes. I bought the property, and I don't think people have the right to just do it. That's kind of where… on some of those trails I just don't see it. I'm not thrilled about them. The one down the Weber there's not going to be much construction ever down there, so it'll probably never happen. I don't know if it's in the wetlands or what and part of it is Federal ground which I don't know if you can even go on. Council Member Cody Blonquist stated I know the one in Chalk Creek is an extension of the trail that comes out of Chalk Creek Estates. So, the discussion, that's what spurred the whole thing, there's no sidewalk on Chalk Creek Road. There's none, period. There's no way for all those kids to get to town without getting run over by a car. So, the discussion was, what made the most sense to the landowners there, is that the trail would follow an easement along the river because it's basically in a flood plain there. Council Member Don Winters stated but there is a lot of destruction along the river with trails and people. Council Member Blonquist stated I don't doubt it, but there was no better alternative in that particular case, and I think that was the reasoning behind that trail. The reasoning behind the other trails, I'm sure the Planning Commission had several reasons, and recreation, I'm not saying isn't part of it, but that isn't the only source. That shouldn't be the only funding source. It's transportation to me more than it is recreation, from my perspective. Like in their case, the sidewalk negates the trail. Once there's a sidewalk there, there's no need for another trail. The sidewalk takes care of that purpose, for me. Council Member Rodney Robbins stated and I think most of that will be taken care of. Like if you go over to Parley Browns where that trail is, when they put in the subdivision, it has the sidewalks. Some sidewalks will go all the way to the main street. So, I don't know why we need a trail there. I've been thinking about it a lot as I've been driving because I go to Ketchum and Sun Valley and I go to Vale and I've been to Uria and Telluride and all these. In Uria, they have a trail that went along the river, and I did use that and I parked my truck for 10 hours there and I walk along and they had exercise equipment. But that's where the trail ended. It didn't go into other people's property. It was just along the riverbank. And maybe they worked with the property owners along the riverbank. I don't know. In Ketchum they follow the railroad track through the valley. Through Vale, it's mostly railroad track. But if not, it's National Forest ground, but they put them between the Freeways. And so, trails like at Parley Browns, I can understand going up Chalk Creek and back because there's more than likely going to be a lot of development along there and working with landowners just for that piece of property. I could see going up Allen Hollow, that's going to be industrial, that's not really going to affect anybody for a trail. And so, a lot of these trails, I don't see the use for even having them. Council Member Cody Blonquist stated well, if there's one along

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the Weber, we have Camper World. There's already that development. Council Member Don Winters stated but they're not going to want people going through there. Council Member Rodney Robbins stated I can understand along the rivers, but Parley Browns, they're going to put in they're going to put in 300 houses there. They're going to have sidewalks coming down to the main street and then it's going to be our job to put in the sidewalk along there to get it into the City. So, I don't see why we even need trails.

Louise Willoughby - second comment

Louise Willoughby stated I just have a question on page 5 of 11 and it probably just needs some clarification on number four. You're talking about minimum size park areas and recreational facilities, but down near the bottom it says, let's see right here, it says "the City may require that the recreation area be located in a suitable place along the edge of the development so additional land may be added at the time adjacent land is developed. In no case shall an area of less than one quarter acre be reserved for recreational purposes. So, I'm a little concerned because it looks like we've got a couple of numbers going on there. Don Sargent stated so "when the proposed area would create less than one acre", so again there's some flexibility, the City may require that the recreational area be located in a suitable place at the edge of the development so that additional land may be added at the time, and in no case, no less than a quarter acre could be reserved for recreational purposes. And the smaller amount would only be acceptable when it is on the edge of the subdivision or when the City determines that the reduced size would resolve in a functional and useful recreational site. So, this is land for a minimum size park area for a recreational facility. For a major subdivision. Don stated this language didn't change. Council Member Cody Blonquist stated so it's saying that you need an acre, but in certain circumstances you can have less, but it shall never be less than one quarter of an acre. Don Sargent stated in that case where it doesn't make sense to have an acre in the development, but at the edge of that subdivision where there may be another subdivision that would develop adjoining it, then at least a quarter acre would be reserved and then when the other subdivision comes on, then that could be added onto it at that point, jointly provide recreational space for the developments. It's a flexibility provision. Council Member Rodney Robbins so that wouldn't matter like for the Adkins subdivision that where they're not really going anywhere else, this wouldn't even apply to them then? Don Sargent stated for the park space, I say so, but that's your call. Council Member Rodney Robbins stated so a future Council could make them give a quarter acre of their land towards the park, if they want it. No less than a quarter. Don Sargent stated it would need to be based on some again, rational nexus or rough proportionality. What's the need, where's the need to demonstrate the need that it belongs in that context in that location. So, in no case can the City just arbitrarily and capriciously just require these kinds of amenities from a developer, unless there's some basis for it, whether it's on the Master Plan or it's been reviewed already by the City and it's been included in the language and there's some need or demand or purpose. And as part of these probations, the developers are responsible for preparing an impact study that the City will review to make those kinds of determinations. Council Member Tyler Rowser I think we've looked at this before at the Chalk

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Creek Estates and Fairview because I remember talking extensively about them both putting in parks. Council Member Cody Blonquist stated this language right here, if you take that out of there, you're making it more restrictive. This is giving you the option of reserving less than an acre, all the way down to a quarter of an acre if you have an alternative plan. I wouldn't recommend changing that verbiage. Sheryl Godfrey stated so does that apply to an easement development even if it's not on the Master Plan for like parks? Mayor Trever Johnson I believe it does. Any major development. It's already been applied in other areas, but like Tyler said, I remember having a conversation with that developer and changing it. I think they defined catch basin as a park. I think they put a bench in there. Maybe you even add a bench out there, but that was a park. It was basically some grass. Council Member Rodney Robbins stated so what did Black Willow do for this? Council Member Don Winters stated they built a water retention pond. Council Member Cody Blonquist stated essentially just a landscape area. It's open space that you can't build on. Chalk Creek Estates did it. Fair View Estates did it. A park doesn't have to be that stereotypical what you see in your mind, monkey bars and slides and whatever.

Mayor Trever Johnson closed the public hearing at 8:08 P.M.

The Mayor and Council requested for Don Sargent to make the recommended changes discussed and bring it to the next meeting for possible approval. Don Sargent reviewed the requested revisions.

- Clarify the City approval is the City Council in this case where a development type application is a Legislative decision.
- Emphasize the trails, sidewalks are for public use and dedicated for public users.
- Add in the note indicated in the presentation that the trail classification would be determined at the time of the development review.
- Remove the trail on the Master Plan map on the Rees property from Main Street to the "Y".

So I have four total amendments or revisions to make. The first one is to clarify the city approval and the city council in this case, where the development type is legislative. Second, emphasize the trails, sidewalks are for public use and dedicated public user. Third, bring the note that I indicated in my presentation that talks about the trail classification being determined at the time of development review. And then finally on the master plan map, move the trail on the Reese property from Main Street to the Y. The Mayor and Council agreed on the list of revisions.

<u>Item C – 2021 Municipal Primary Election Canvass Resolution No. 2021-8:</u>

Mayor Trever Johnson reviewed the Primary Election results Resolution No. 2021-8 (Exhibit C). Niki Sargent stated 7 of the 14 signature votes were resolved and shown in the results. There were 4 votes that were received after the postmark deadline and 7 signature issue votes that were not resolved. Mayor Trever Johnson stated Lynn Wood and Mark Marsh would move forward to the

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General election for Mayor and Louise Willoughby, Stefanie Bowen, Steven B. Richins, and Christopher Horne would move forward for Council.

A motion was made by Council Member Phil Geary to approve Resolution No. 2021-8 the 2021 Municipal Primary Election Canvass. Council Member Tyler Rowser seconded the motion. All Ayes. Motion Carried.

Roll Call:

Council Member Blonquist – Aye
Council Member Geary – Aye
Council Member Robbins – Aye
Council Member Rowser – Aye
Council Member Winters – Aye

Item D – Consultant Updates:

Don Sargent stated Wohali was getting ready to record their Final Plat. He stated before the plat could be recorded, Wohali still needed to have a culinary water agreement in place, a DIA, Development Improvement Agreement, pay the performance bond and inspection fees and then they would have a pre-construction meeting to be approved to begin. Don stated they were in the process of preparing Phase II of the project and would be bringing in that application. They would update the phasing plan since it was a change from the original.

Don Sargent stated Wohali Partners LLC was not associated with the new applications from the Boyden Family that was under review right now. Different Boyden Family members had applied for a 12-lot subdivision adjacent to the Black Willow Subdivision and a boat rental storage and repair facility by the treatment plant. He stated there had been some confusion on that and wanted to make sure everyone was aware they were separate projects from the Wohali group.

Item G – Legal Updates:

Mayor Trever Johnson stated Sheldon Smith was unable to attend tonight's meeting. He was down in St. George helping the Duane Schmidt Family.

Item D – Public Works Updates:

Mayor Trever Johnson stated Zane DeWeese had planned to attend the meeting with the virtual platform, but due to the technical difficulties would not be joining the meeting. Niki Sargent stated he wanted to inform the Mayor and Council there were three major projects happening in the City right now. They were working on the secondary water line from the Brown Well, paving a portion of 50 West from Center Street to 100 South, and paving a portion of 50 North from 100 East to the Dead End.

Item F – Engineer/Community Development Updates:

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Chris Thomsen stated Paul Taylor had also planned to join the meeting with the virtual platform, but he would present what they had been working on. He stated the Water Treatment Plant was still moving along. He stated they were reviewing the two projects mentioned for the Boyden Family and Parley Brown property, Red Rock Ranch, had made their Concept application and they would start that review process. Mayor Trever Johnson stated the Parley Brown property had some type of approval for development and requested for Chris and Paul to look at what was recorded and what it looked like for the City and bring it to the next meeting. Chris Thomsen stated Paul Taylor was hoping to be able to look at that contract and they would work on getting that information. He stated they had been contacted by a Developer regarding annexing the property next to the Parley Brown parcel, but didn't have any definite information yet. He stated the Force Main project was moving forward and they were looking for additional funding for that project.

Chris Thomsen stated there was a business license application for review that was for a construction yard and operation in the R-2 Zone. Don Sargent stated the property was located directly across the street from the Black Willow Subdivision South entry. He stated there was already a big accessory building that had been built there. Chris stated the property owner would like to run a business out of the accessory building. He stated Paul Taylor was concerned about it being in the R-2 Zone and had asked the Planning Commission for their input. Chris stated the construction use was not listed for the R-2 Zone and it was up to the Land Use Administrator, Paul, to determine if it was an allowed use. He stated after reviewing the location and from the input of the Planning Commission that a construction use wasn't suitable for a residential zone. Paul was recommending for the Council to deny the application and wanted the Council input. The Mayor and Council discussed if this type of business fit the land use requirements there. Chris Thomsen stated if there were other land uses in the area that matched the use they could justify the approval. The Mayor and Council discussed that they had turned down a dumpster business in an R-2 Zone, Council Member Winters stated he had a construction business that he ran out of his home which was across the street from this location for 20 years, and the Crandall building had been a conditional use for mixed use. The Mayor and Council decided they would like Sheldon Smith to address the issue.

A motion was made by Council Member Cody Blonquist to table the 4G Construction business license decision until they received legal advice from the City Attorney. Council Member Don Winters seconded the motion. All Ayes. Motion Carried.

<u>Item H – Mayor Updates:</u>

Mayor Trever Johnson stated the North Summit Recreation District was partnering with the NS School District and Summit County for a grant application to continue with the concept plan with the construction of fields at the Beacon Hill Park area (Exhibit D) and wanted Coalville City to participate. He stated they were looking for a letter of support from Coalville City for their grant application and any monetary commitment the City felt they could provide. Mayor Johnson stated he committed to do a letter of support, but informed them the Council would need to decide on the financial aspect. He stated he told them the Council may consider $3,000-$5,000, but there wasn't a lot of room in the budget especially with the commitment for the secondary water line. Council Member Cody Blonquist stated the City gave them three acres to help start the project. The Mayor and Council discussed making sure the trails and a platted street was indicated on the plans.

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Item I – Council Updates:

Council Member Tyler Rowser stated the Allen Hollow property needed to be cleaned up and wondered what the City could do to make that happen. He stated there was a lot of garbage and cigarette butts and was glad there wasn't a fire. He stated the rain had helped with that issue. The Council requested for an enforcement letter to be sent to the property owner.

Council Member Cody Blonquist stated there needed to be nomenclature in the Code to define "City" in the Code. He stated if "City" meant the City Council every decision would be deferred to the Council and that would bog down the process and waste time and effort. He stated there were things that were identified in the Code that could be a Staff decision. Council Member Rodney Robbins stated he thought major decisions should come to the Council. Council Member Cody Blonquist agreed and stated they needed to have a chart or something that defined the City meant X,Y,Z and City Council meant City Council. Council Member Tyler Rowser stated maybe City could be defined as City Staff through and up to the City Council. Mayor Trever Johnson stated or maybe it could be the City process. He requested for Don Sargent to come up with some language for approval. Don Sargent stated he would look at that and agreed it would be very beneficial to have it clarified in the Code.

Item J – Executive Session:

There wasn't an executive session tonight.

Item 4 – 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 written. Council Member Don Winters seconded the motion. All Ayes. Motion Carried.

Item 5 – Adjournment:

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

The meeting adjourned at 8:38 P.M.

_____
Mayor Trever Johnson

Attest:

_____
Nachele D. Sargent, City Recorder

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