

**The Minutes of
Honeyville City Council
September 28, 2022 Work Meeting**

Mayor Boyd Bingham called the meeting to order at 6:00 p.m.

Present were Mayor Boyd Bingham, Councilmembers Bruce Nelson, David Hougaard and Trevor Gardner. Planning Commission members Bob Kosbab, Ryan Adams, Codey Illum, Laurie Hunsaker, Staci Zilles-Nelson, Cherisse Kaminska and Kenny Funk. Councilmember Kory Wilde arrived at 6:01 p.m.

Approximately 10 members of the public were present.

Employees present were: Brittany Chlarson, Clerk/Recorder
 Wendy Lindauer, Deputy Clerk
 Blair Wardle, Prosecuting Attorney

Discussion Item:

A. Code Violation Process – Blair Wardle

David H asked why a citizen's name or signature needs to be on the complaint form.

Blair W stated that he does not need a signature, but he does need a way to prosecute and prove there is a violation. He then clarified the difference between civil vs. criminal. The code does allow for administrative corrections. Civil style of handling things would require the city to have a fee or fine in place that the city could access when ordinances are not followed. When individuals fail to comply, the city would then need to file a civil suit with the courts. When using criminal prosecution to address non-compliance to ordinances Blair would take the issue to the justice court. He also mentioned that in a civil suit individuals can claim bankruptcy, however in a criminal case they cannot. The ordinance must state that the city has the authority to prosecute.

David H expressed frustration with the run around when filing a complaint. He doesn't want Honeyville to allow people to violate the code and bring in filth. He read from the code where it states that a member of the council could be designated as the nuisance inspector for the city. David wants to hold people accountable.

Blair W stated that the challenge with going the criminal route is that the burden of proof is much higher. If the city is willing to collect independent information, then the city does not need to have a signed complaint. However, the prosecutor has the responsibility to provide the burden of proof. If the city wants to collect this information they can, but they cannot violate residents' privacy or trespass when they collect this information.

Mayor Bingham stated that although the council may not see it, the process of collecting complaints and sending out a letter has been working. Residents either comply or submit a timeframe of how and when they will come into compliance. The Mayor also reminded everyone that the purpose of having codes and ordinances to help create unity not division within the community. The city attorney has recommended that the city have an attorney sit in meetings and help go through the code to make sure it is up to date and enforceable.

Blair W specified that it is important to have legal counsel when creating new ordinances to protect the city.

The council agreed that the complaint forms do not need to be signed. However, contact information would be good so that the city can follow up and gather more information if needed. The complaints can come from a citizen or a member of the city council.

BRUCE NELSON motioned to adjourn at 6:45 p.m. **DAVID HOUGAARD** seconded the motion. **MOTION CARRIED with Bruce Nelson for, David Hougaard for, Kory Wilde for and Trevor Gardner for.**

Meeting Adjourned at 6:45 p.m.

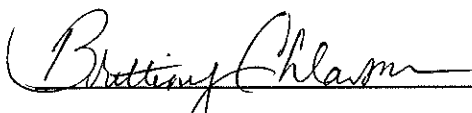
The foregoing minutes were taken and typed by Brittiny Chlarson.

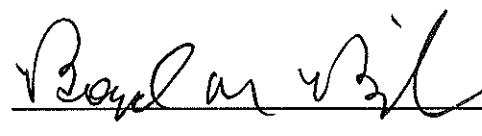
I certify these minutes to be true and accurate to the best of my knowledge.

ATTEST:

DATE APPROVED: 11/9/22




Brittiny Chlarson – Clerk/Recorder


Boyd Bingham - Mayor