



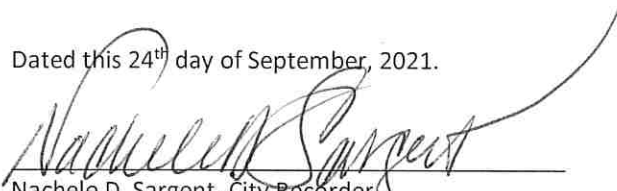
COALVILLE CITY COUNCIL MEETING NOTICE AND AGENDA

Notice is hereby given that the Coalville City Council will hold its Regular Meeting on **Monday, September 27, 2021**, at the Coalville City Hall, 10 North Main, Coalville, Utah. This meeting will begin at 6:00 P.M. Limited in person seating will be available. Others may connect to the meeting using the Zoom meeting information listed below. The agenda will be as follows:

1. Roll Call
2. Pledge Of Allegiance
3. City Council Agenda Items:
 - A. Consideration and Possible Approval Of A Donation To The North Summit Recreation District For The Beacon Hills Park Field Expansion Project
 - B. Consultant Updates
 1. Business Licenses
 - C. Public Work Updates
 - D. Engineer/Community Development Updates
 - E. Legal Updates
 - F. Mayor Updates
 - G. Council Updates
 - H. Executive Session
4. Review And Possible Approval Of Minutes
5. Adjournment

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

Dated this 24th day of September, 2021.


Nachele D. Sargent, City Recorder

In compliance with the Americans with Disabilities Act, individuals needing special accommodations during this meeting should notify the City Hall (435-336-5981) at least three days prior to the meeting.

Posted: September 24, 2021 City Hall, Coalville City Website, Utah Public Notice Website

Mayor

Trever Johnson

Council

Cody Blonquist
Philip B Geary
Rodney Robbins
Tyler Rowser
Don C Winters

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/87821525277?pwd=aGpDU1ZpRVROUG5Wa1JSajU2alFPUT09#success>

Passcode: 827567

Or One tap mobile :

US: +12532158782,,87821525277#,,,,*827567# or +13462487799,,87821525277#,,,,*827567#

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Coalville City Council
Regular Meeting
HELD ON
September 27, 2021
IN THE
Coalville City Council Chambers

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

MAYOR And COUNCIL PRESENT:

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

CITY STAFF PRESENT:

Don Sargent, Consultant
Sheldon Smith, City Attorney
Chris Thomsen, City Engineer
Zane DeWeese, Public Works Director
Nachele Sargent, City Recorder

PUBLIC IN ATTENDANCE:

Don Greenhood, Johnathon Greenhood, Jay
Stratton, Stefanie Bowen, Margarita Richins
Virtual: Camellia Robbins

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 – Consideration And Possible Approval Of A Donation To The North Summit Recreation District For The Beacon Hills Park Field Expansion Project:

Mayor Trever Johnson stated the Council had discussed at the last meeting contributing funds to the NS Recreation District Beacon Hill Park expansion. He stated this would be in conjunction with the NS School District and the Summit County RAP Tax Grant application. He stated the Council had discussed using funds from the Concert or using Transient Room Tax Funds. Mayor Johnson stated the City had received just over \$7,500 so far this year from the Transient Room Tax and suggested donating \$3,500 to the NS Recreation District. He stated he thought this would be a benefit to the community. Council Member Tyler Rowser stated having new softball fields would replenish the fund more than \$3,500. Council Member Don Winters questioned what the funds from the Transient Room Tax was scheduled for. Mayor Johnson stated originally it was to improve the entrance off of the Highway, but it could be used for anything in the General fund.

A motion was made by Council Member Tyler Rowser to approve contributing \$3,500 from the Transient Room Tax funds to the North Summit Recreation District for the Beacon Hill Park Expansion Project contingent on them receiving the grant from Summit County to cover the majority of the cost. Council Member Don Winters seconded the motion. All Ayes. Motion Carried.

Item C – Consultant Updates:

Don Sargent stated he had one business license for approval for 4G Construction, 385 N Main, for a home office. He stated this license request had been discussed at the last meeting and the business owner had reapplied as a home office business only. He stated the hours of operation would be 8:00-5:00. Don recommended adding the conditions of no outdoor parking of vehicles or storing equipment or materials and no warming up or idling vehicles outside for any extended period of time. Council Member Cody Blonquist verified they couldn't operate a business or contractor yard and it would be a home office only. Don Sargent stated that was correct. He stated equipment could be stored in the garage building.

A motion was made Council Member Tyler Rowser to approve the business license for 4G Construction Home Office with the conditions of no parking vehicles or storing equipment or materials outside and no warming up or idling vehicles outside for any extended period of time. Council Member Rodney Robbins seconded the motion. All Ayes. Motion Carried.

Don Sargent stated the Wohali Phase II MPD Preliminary application was reviewed with the Planning Commission at their last meeting. He stated this proposed plan was for the village core area. He stated there would be subphases for this phase. The Planning Commission had very few questions and recommended for them to come back to the next meeting for a combined work session and public hearing.

Don Sargent stated the Red Hills MPD Concept application was also reviewed with the Planning Commission at their last meeting. He stated this was the Parley Brown property and reminded the Mayor and Council this property had previous vesting with an annexation agreement from back in 2001. He stated the Applicant had agreed to a formal development agreement as they proceed forward. He stated they were requesting 50 units for Phase I. The Planning Commission directed them to proceed with the Preliminary plan.

Don Sargent stated the Planning Commission was continuing the Use List and Definitions review and would be finalizing the entire list soon to be ready for a public hearing.

Council Member Phil Geary questioned how many water and sewer hook ups there were currently available for Coalville City. Don Sargent stated Chris Thomsen would be reviewing that tonight. Council Member Tyler Rowser questioned how many units there were for the Wohali Phase II plan. Don Sargent stated there were 213 units and they would narrow down the request for subphase final plans.

Item D – Engineer/Community Development Updates:

Mayor Trevor Johnson stated Chris Thomsen had been looking at the capacity for water and sewer with the projected growth numbers and where the City was at in terms of needing to expand. Chris Thomsen referred to his memo (Exhibit A) and stated the Staff had reviewed the number of units being proposed and stated there were 801 potential units which would exceed the capacity of the sewer treatment plant. He stated they had planned for a 20-year growth rate when the plant was built. He stated it was difficult to stop growth with property rights and the City should have a plan in place to address the capacity needs. Chris stated Coalville City had really planned for growth, but they needed to address the future growth on the horizon. Mayor Trevor Johnson questioned how the City would divvy up the expense for the expansion needed. Don Sargent stated when the City updated the Code, they included concurrency management provisions which required the developers pay for any service upgrade their demand would make on the City systems. He stated the City may want to discuss having a reserve capacity to make sure existing residents didn't have the burden of paying for any infrastructure for growth. Mayor Trevor Johnson questioned if there was a mechanism for the developers to share the burden. Don Sargent read from the Code 8-4-060, "If existing water and sewer capacity is not available in the City systems to serve a proposed development, the developer can either wait until the capacity is available to serve the development demand, or enter into an agreement with the city to design, build and pay for the required infrastructure to provide increased capacity in the city system". Mayor Johnson questioned if a Pioneering Agreement would work. Council Member Cody Blonquist stated there was a likelihood this growth could happen within two years and it took at least that long to build the expansions. He questioned what they could do right now to avoid having the existing homeowners pay for any of the expansion needed. Chris Thomsen stated they could reevaluate the impact fees and with the new impact fees being used to pay off a loan needed for the improvements. He stated the impact fee could be collected up front from the developer instead of with each building permit. Mayor Trevor Johnson stated he thought a Pioneer Agreement would be a good solution to be able to spread the burden with those needing to participate and it could help control growth on every level of the City including staff, maintenance, etc. Chris Thomsen stated Sheldon and Don would have to weigh in on the legal aspect of using a Pioneer Agreement. Council Member Phil Geary questioned how many connections would be available after Wohali was finished. Chris Thomsen stated the City would need to calculate the connections available. He stated they could be figured by State Code or actual use. Don Sargent stated it would be important to maintain a buffer between new development and pre-existing growth. Sheldon Smith suggested having an impact analysis completed to see where the impact fees needed to be. Chris Thomsen stated there were groups that would come and talk to the City about impact fees and the possibilities for the City. He stated the State requires the fees be based upon actual numbers. He stated they may want to do an updated Master Plan and base the impact fees off of that. Mayor Trevor Johnson questioned if they could differentiate between a single home builder and a developer. Sheldon Smith stated no. Council Member Cody Blonquist questioned if there was something like a legacy clause so an original property owner would have preference. Chris Thomsen stated the City could have an ordinance that limited the number of phases or units, but it would have to be in place before a developer made application and the City currently didn't have anything like that. Don Sargent stated a developer was responsible for their proportionate share of any upgrades. Council Member Cody Blonquist questioned what triggered the need for the upgrade. He stated if a developer had 15 units, but capacity could only handle 10 units, what triggered when they would have to do an

upgrade. Chris Thomsen stated the State said it was at 85% and typically there would be time to project and be ready for the upgrades. Sheldon Smith stated he thought the City needed get some recommendations from the professionals. Niki Sargent questioned if the City would be required to pay for the studies or if it was the developers. Sheldon Smith stated in the past it had cost the City a lot of money for their impact fee study and it also took a lot of time to get it completed. Chris Thomsen stated the CIB would do a 50% matching grant for Master Plans. Mayor Trevor Johnson stated he would like to have some options for funding for a Master Plan and options for Impact Fees. He stated he wanted the Staff to be very sensitive when discussing any projects with the developers and to keep this information at the front of the conversation especially with the sewer infrastructure. Don Sargent stated the developers had been put on notice. He stated every project review would assess and determine where they stood and what additional resources would be required. Sheldon Smith stated the Wohali Development Agreement had been drafted and they spent a lot of time making sure this was covered. Council Member Rodney Robbins questioned how it would work with the new application from Wohali. Don Sargent stated it would be with the final plat. He stated they were already vested through the overall approval, but in terms of service capacity, it would be assessed for reservation in the system when they started the final plat. He stated right now the City had reserved for the 25 units. Chris Thomsen referred to the Wohali Development Agreement and stated there were some good things in there and developers would usually work with you, but once it gets to the fight, the City would lose. Sheldon Smith stated there were a lot of good things in the original proposal that Wohali would have paid for, but then they went to the permitted application and it all went away. Chris Thomsen stated one thing the City could consider would be to require the developers bring wet water instead of paying the "fee in lieu". Council Member Tyler Rowser stated the Fire District was currently working with Zions Bank for an impact analysis and there may be some cross over information there. He stated the County maintains a database for the number of buildable lots of record or units. He stated this report didn't show the 36 apartments. He stated it would be good to know what we could be looking at. Chris Thomsen stated there was room for things like that, but it would be good to know that information.

Item E – Legal Updates:

Sheldon Smith stated he had sent out a couple of enforcement letters and the Council should have received a copy of them. He stated he didn't have any other updates and excused himself from the rest of the meeting.

Item C – Public Works Updates:

Zane DeWeese stated they had been pumping the Browns Well into the secondary water system and they were seeing good signs. He stated they were able to get it to the secondary water pond and it would be a great source for the City in the middle of the Summer. He stated they were sustaining good pressure and it was the only source left in the pipe.

Zane DeWeese stated he had been preparing for the Water system Sanitary Survey for the State and was scheduled to meet with them tomorrow. He stated they go through the system with a fine-tooth comb and write up any deficiencies. He stated the City should be in good shape for the

review, but if there was something identified that would be significant he would bring it to the Mayor and Council for attention. The Mayor and Council thanked Zane for implementing this option.

Council Member Rodney Robbins questioned how much secondary water the City would need for all of the new homes. He questioned if the secondary water should be metered. Zane DeWeese stated they would require the new subdivisions to put in secondary water meters to be able to start and collect data for the system. He stated in different areas of the State they were already required to meter their system. He stated the State would be offering loans to help the City get everyone metered in the future, but the new subdivisions would be required to meter the use now. Zane stated in his opinion, water rights and the Master Plan should be analyzed every year so the City knew where they stood.

Item G – Council Updates:

Council Member Rodney Robbins stated he had brought the information (Exhibit B) he had referred to at the last meeting concerning the MPD Code. He stated the first page had the Ombudsman opinion given for the Wohali project. He referred to the second page under chapter six and stated he thought the redlined items need to be stricken. He referred to the third page under resort units and on the next page which he considered most important the support accessory units in mixed use developments. Council Member Robbins referred to his notes and stated when he called the Ombudsman, he concluded the proposed nightly rental resort units do not qualify as support facilities customarily associated with the golf course, but none the less, permitted under MPD provisions, the MPD Ordinance specifically allowed mixed use developments including resort units and support accessory uses in mixed use developments. He stated by leaving those three things in the MPD he felt it could potentially leave it wide open to where someone could pick a use and say this is our use and we need all of these accessory buildings or nightly rental buildings to support it. Council Member Cody Blonquist stated the use had to be inextricably linked to the use and questioned how likely someone would have a support facility inextricably linked to the primary use and maintained under the same ownership. Council Member Rodney Robbins gave the example of a horse ranch on the Parley Brown property where it was zoned agricultural and a Rest Home where they would want to build 30 nightly rentals for family to come stay to visit family in the Rest Home. He stated someone could expand beyond what they would be allowed under the Code and he thought it should be looked at sooner rather than later. Don Sargent stated the mixed-use language was in the original MPD language and was not a new use and accessory was inserted in for zoning consistency because they were allowed in every zone district. He stated support was new and some felt it had caused issues. Council Member Cody Blonquist stated he understood Council Member Robbins' concerns and stated that particular sentence was manipulated for something the City may not have necessarily wanted, but if they were to strike that, what would happen in the situation where you actually wanted to be able to have support units. He stated if they were to strike it they would be removing the possible advantages of having those type of uses too. Chris Thomsen stated that was why they should leave the language in there. He stated it was a new trend for developments to be able to cluster the housing and have more uses in the developments. He stated there was good data on that where they found when there were more uses in the development there was less impact to other developments and the surrounding area.

He stated there had been a lot of State Code changes because they were encouraging the mixed use and he didn't know if the City could remove that type of language because the State was pushing so hard for mixed use in all the different areas. Don Sargent stated the MPD was all about the mixed use for all of the product types and activities. He stated it had been in the MPD since 2011 and if they wanted to take that out, they really didn't have an MPD option. He stated there wouldn't be any flexibility for mixed use or other uses to be integrated within the zone districts. Chris Thomsen stated he would be careful about what they tried to remove as far as uses. He stated developers find a way to do what they want to do with their property rights. He stated the City would have to show a loss for the community by allowing them to do what they wanted to do. Council Member Tyler Rowser stated and then the developers would go to Court which would cost the City more money. Mayor Trever Johnson stated he thought it was really one group's ideology versus another groups ideology when really it was about landowners' rights. He referred to the example that had been given of a horse ranch and questioned what was wrong with a horse ranch. Council Member Robbins stated there wasn't a problem with a horse ranch, but with the possibility of the developer saying they would need 5,000 nightly rentals with it. He stated according to the Ombudsman that could happen. Mayor Trever Johnson stated the Ombudsman didn't work for the City and was giving another interpretation of the Code after the City had already received others. Council Member Robbins stated his issue was they didn't have to use density for the nightly rentals. Mayor Johnson stated he felt this issue was disguised as an ongoing issue with Wohali. He stated all the Code updates had been reviewed with a fine-tooth comb. He stated they could go through the matrix with the facts and agree to disagree. Council Member Rodney Robbins read the last paragraph from his report and continued the discussion with the Mayor Trever Johnson. The Mayor and Council decided to read Council Member Robbins information and continue the discussion at a later date when the City Attorney could be present.

Item F – Mayor Updates:

Mayor Trever Johnson stated he didn't have any other updates tonight.

Item H – 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 August 23, 2021 and September 13, 2021 meetings.

A motion was made by Council Member Don Winters to approve the minutes of August 23, 2021 as written and September 13, 2021 as amended. Council Member Tyler Rowser seconded the motion. All Ayes. Motion Carried.

Item 5 – Adjournment:

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Coalville City Council
September 27, 2021

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

The meeting adjourned at 7:38 P.M.

Mayor Trever Johnson

Attest:

Nachele D. Sargent, City Recorder