

1 **MINUTES**  
2 **COALVILLE CITY COUNCIL MEETING**  
3 **Monday, December 12, 2022, 6:00 P.M.**  
4 **COALVILLE CITY HALL, COUNCIL CHAMBERS**  
5 **10 N MAIN STREET**  
6 **COALVILLE, UT 84017**  
7

8 **In Attendance:**

9 **Mayor and Council:** Mayor Mark Marsh; Councilors: Tyler Rowser, Steven Richins, Phil  
10 Geary, Louise Willoughby **Excused:** Councilor Don Winters

11 **City Staff:** Attorney, Sheldon Smith; Community Development Director, Don Sargent; Public  
12 Works Director, Zane DeWeese; City Recorder, Jessika O'Brien; City Treasure, RaeShel  
13 Hortin

14 **Public:** TJ Coleman, Jodie Coleman, John Kaiser, John Behuke, Lonnie Gilbert, Phil Dunn,  
15 Brennen Brown, Colton Kershaw, Navie Kershaw, Jim Boyden, Marc Boyden  
16

17 **Mayor Mark Marsh** opened the CDBG public hearing meeting at 6:10 P.M.  
18

19 **COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PUBLIC HEARING:**

20 Mayor Mark Marsh opened the first public hearing for the CDBG program and stated that  
21 the purpose of the public hearing is to provide citizens with pertinent information about  
22 the Community Development Block Grant program and to allow for discussion of possible  
23 applications for primarily low and moderate-income persons. The Mountainland Region, in  
24 which Coalville City is a member, is expecting to receive approximately \$633,542 in this  
25 new program year. All eligible activities that can be accomplished under this program are  
26 identified in the CDBG Application Policies and Procedures Manual and interested persons  
27 can review it at any time. Mayor Mark Marsh read several of the eligible activities listed  
28 including examples, such as Construction of public works and facilities, e.g., water and  
29 sewer lines, fire stations, acquisition of real property, provision of public services such as  
30 food banks or homeless shelters. Mayor Mark Marsh indicated that in the past Coalville City  
31 has received several Grants including the 50 West waterline replacement project, the  
32 SCADA program for the water department, and the electronic water meter reading system.  
33 They city has handed out its capital investment plan as part of the regional "Consolidated  
34 Plan". This list shows which projects the city has identified as being needed in the  
35 community. It was asked that anyone with questions, comments or suggestions during the  
36 hearing please identify themselves by name, before they speak. The clerk will include your  
37 names in the minutes and we would like to specifically respond to your questions and  
38 suggestions during the hearing.

39 *There was no public suggested, and the hearing was adjourned at 6:11 P.M.*  
40  
41

42 **REGULAR SESSION**

43 **Mayor Mark Marsh** opened the Coalville City Council meeting at 6:11 P.M.

44  
45 **Item 1 – Roll Call**

46 A quorum was present.

47  
48 **Item 2 – Pledge of Allegiance**

49 **Mayor Mark Marsh** led the Pledge of the Allegiance

50  
51 **Item 3 – Oath of Office for City Recorder**

52 **Mayor Mark Marsh** administered the Oath of Office to Jessika O'Brien, City Recorder

53  
54 **Item 4A - Continued Discussion on Community Development Block Grant (CDBG)**

55 **Mayor Mark Marsh** opened it up for the councilors to have a discussion or ask questions  
56 about the Community Development Block Grant (CDBG).

57 **Councilor Phil Geary** stated that he has spoken with several people, and they think this is  
58 a good idea for the city to get money to help with improvements.

59  
60 *There were no further comments regarding the Community Development Block Grant (CDBG)*

61  
62 **Item 4B - Public Hearing, Review, Discussion, And Possible Approval:**

63 **Water Loan from Board of Water Resources, Resolution 2022-9 Final Bond**

64 **Resolution (Audio Time 00:07:20)**

65 **Mayor Mark Marsh** stated that in the last legislative session it was mandated that all  
66 secondary water be metered. He stated the state gave an opportunity to get funding to help.  
67 Coalville City did apply for funding in the first round and was given the full amount that  
68 would be allotted. **Mayor Mark Marsh** spoke about grant money, estimated project cost,  
69 and Coalville City's loan.

70 **Councilor Phil Geary** stated how hard Mayor Mark Marsh worked to get the full amount of  
71 money for the city. He thanked the Mayor for doing that.

72  
73 ***Mayor Mark Marsh** opened the public hearing. No public comment was made. The public*  
74 *hearing was closed.*

75  
76 **Mayor Mark Marsh** opened discussion for the Councilors. **Councilor Louise Willoughby**  
77 stated it was clear what needed to be done and how the city would go about doing it. She  
78 had no concerns. **Councilor Tyler Rowser** questioned that it will keeps us in compliance  
79 with our previous bond. **Mayor Mark Marsh** confirmed that we would still be complying.

80  
81 **MOTION**

82 ***Councilor Tyler Rowser** made motion to approve Resolution 2022-09, Final Bond Resolution*

83 ***Councilor Louise Willoughby** seconded the motion*

84 *Roll Call Vote*

85 *Councilor Tyler Rower- Aye*

86 *Councilor Steven Richins – Aye*

87 *Councilor Phil Geary – Aye*

88 *Councilor Louise Willoughby – Aye*

89 *Councilor Don Winters - Excused*

90 ***Motion carried (4-1 Excused)***

91  
92 **Item 4C - Public Hearing, Review, Discussion, And Possible Approval:**

93 **Amending water rates, Resolution 2022-10 Amended Water Rate Resolution**

94 **(Audio Time 00:15:50)**

95 **Mayor Mark Marsh** explained Resolution 2022-10(Exhibit B) is a revision of the water  
96 rates and the revision is an increase. He stated information had been sent to citizens in the  
97 community and he had received some correspondents and had people talk to him in public  
98 about the increase.

99  
100 **Mayor Mark Marsh** opened the public hearing. No public comment was made. The public  
101 hearing was closed.

102  
103 **Mayor Mark Marsh** opened discussion for the Councilors. **Councilor Louise Willoughby**  
104 questioned what concerns were received. **Mayor Mark Marsh** stated the frustration  
105 seemed to stem from property evaluation increases and the fire board tax taking place at  
106 the same time as this water rate increase, and that a large percentage are living on a fixed  
107 income.

108  
109 Further discussion took place regarding other water projects and public water usage.

110  
111 **MOTION**

112 *Councilor Tyler Rowser made motion to approve Resolution 2022-10, Amended Water Rate*

113 *Councilor Louise Willoughby seconded the motion*

114 *Roll Call Vote*

115 *Councilor Tyler Rower- Aye*

116 *Councilor Steven Richins – Aye*

117 *Councilor Phil Geary – Aye*

118 *Councilor Louise Willoughby – Aye*

119 *Councilor Don Winters - Excused*

120 ***Motion carried (4-1 Excused)***

121  
122 **Item 4D - Review, Discussion, And Possible Approval:**

123 **Wohali Public Infrastructure District (PID) Governing Documents**

124 **(Audio Time 00:29:03)**

125 **Mayor Mark Marsh** explained what a Public Infrastructure District (PID) helps pay for. He  
126 stated that Wohali would like to partner with the city and have Coalville City put the Lift

127 Station and the Force Main into a Public Infrastructure District (PID) area. He referred to  
128 Wohali's letter of intent (Exhibit C) to review costs.

129 **Mayor Mark Marsh** asked **Public Works Director Zane DeWeese** to talk about the  
130 condition of the Lift Station and the Force Main. **Zane DeWeese** explained the different  
131 issues and costs that he has had to deal with, while trying to maintain both the Lift Station  
132 and the Force Main. Questions and continued discussion took place between Councilors,  
133 Zane DeWeese, and the other City Staff.

134 **Woahli Controller Phil Dunn** referred to Woahli's letter of intent (Exhibit C) to show  
135 costs for Woahli and Coalville City. He talked about the current and future capacity of the  
136 Lift Station. Councilors asked questions in which Phil Dunn and City Staff answered.

137 **Woahli Commercial Banker Brennen Brown** explained the financial side to a Public  
138 Infrastructure District (PID). During discussion Councilors asked questions in which  
139 Brennen Brown, Phil Dunn, and City Staff answered.

140  
141 Further discussion and questions took place regarding the Governing Document (Exhibit  
142 C), Public Infrastructure Districts (PID's), project details, expediency, time frames, and  
143 finances. The Mayor, Councilors, City Staff, Brennen Brown, Phil Dunn and Woahli  
144 Managing Partner John Kaiser were part of the discussion.

145  
146 **Attorney Sheldon Smith** stated the Councilors could send comments and changes to him  
147 for the Governing Document.

148  
149 **Councilor Phil Geary** stated he wants the updated document showing the changes brought  
150 back to the council before he could make a decision. He stated it's not that he doesn't think  
151 this is a good idea, he just wanted time to digest so he understands it better. He stated it is  
152 much clearer now, he was a definite no before he had come into the meeting.

153  
154 **Councilor Louise Willoughby** stated that she would like more time to think, because of all  
155 the new information that was given. She stated she came into the meeting a solid no but is  
156 now leaning yes but would like more time. She stated she would send her comments to  
157 Sheldon Smith. She thanked them and Zane DeWeese for explaining and their comments.

158  
159 **Councilor Steven Richins** stated they need 3 weeks. He agreed with Councilor Phil Geary,  
160 that he was a no before the meeting.

161  
162 **Councilor Tyler Rowser** stated he could give direction to say he is for this, subject to the  
163 changes to the Governing Document. He stated that they could not approve a document  
164 they do not have before them, and it wasn't listed for them to approve a resolution or  
165 ordinance. But if they are looking for a direction, he would vote yes to say they are going to  
166 continue this in January.

**Brennen Brown** stated that he was glad the discussion was helpful. He stated that if it needs another 3 weeks, they will work diligently to get the documents reviewed with Sheldon Smith and get a red line document with changes for the council, so in January it will be ready for an action.

**MOTION**

*Councilor Tyler Rowser made motion to table Wohali Public Infrastructure District (PID) Governing Documents until January 10, 2023. Councilor Phil Geary seconded the motion*  
*Roll Call*

*Councilor Tyler Rower- Aye*

*Councilor Steven Richins – Aye*

*Councilor Phil Geary – Aye*

*Councilor Louise Willoughby – Aye*

*Councilor Don Winters – Excused*

***Motion carried (4-1 Excused)***

**Item 4E - Review, Discussion, And Possible Approval:**

**Courthouse Hill MPD Final Subdivision Plat and Construction Drawings, 270 North Main (CT-362-A) (Audio Time 02:08:00)**

**Community Development Director Don Sargent** briefed through Staff Report (Exhibit D) and pointed out additional information that had been added since the last time it had been presented. Additional information consisted of HB82(accessory dwelling use), water, and the draft development agreement.

Further discussion took place regarding HB82, accessory dwelling units (ADU), and nightly rentals. Councilors, City Staff, and Applicant Jim Boyden were part of the discussion.

**City Staff** reminded Councilors that the focus of this review and discussion is about a 12 lot subdivision.

**Applicant Jim Boyden** (audio time 02:34:00) stated that he would like to go on record, stating that he is tired of being dealt with and treated differently than any other applicant in the city. He has stood before this body for almost five years now and the tone that this body takes when he takes the podium changes to be adversarial and he is tired of it.

**Councilor Louise Willoughby** stated she would like to go on record stating that he is adversarial to them.

**Jim Boyden** stated that he is fed up with being dealt with differently. **Councilor Louise Willoughby** stated that he is treating them different too, like she expects all these things.

**Mayor Marsh Marsh** stated that they should stay focused on what the application is about and the work they need to do tonight.

**Don Sargent** stated that what is before them tonight is 12 lot subdivision final plat and construction drawing with recreational opportunities on the other land that is outside those lots.

Continued discussion took place regarding accessory dwelling units and nightly rentals between Councilors, City Staff, and Jim Boyden. **Councilor Tyler Rowser** stated that a plat note should be added moving forward regarding accessory dwelling units, that they are eligible if it applies with code at the time of the application. Discussion continued.

**Councilor Tyler Rowser** stated that after speaking with Fire Chief Nielson he would like the fire hydrant moved, so the hydrant can serve the other houses on Main Street. Jim Boyden stated he would be happy to do that.

**Don Sargent** gave the following recommendations to Councilors for the Courthouse Hill MPD Final Subdivision Plat and Construction Drawings and consider an approval action with the following conditions:

1. The draft Development Agreement shall be reviewed by Staff for input and submitted for review and approval by the City Council prior to recordation of the final subdivision plat.
2. An on-site resident manager or local caretaker shall be required to manage and monitor on-site operations as addressed in the development agreement.
3. The sidewalk and trail included on the approved site plans and construction drawings shall be shown on the final subdivision plat.
4. The applicant shall execute the standard city water agreement for culinary and secondary water service for the development prior to recordation of the final subdivision plat.
5. The applicant shall execute the standard city development improvement agreement and performance guarantee for all public improvements prior to recordation of the final subdivision plat.
6. Installation of meters shall be required on existing and new secondary water service connections in the development.
7. Staff shall verify the project construction details for compliance with the development code and engineering standards and specifications prior to recordation of the final subdivision plat.

#### **MOTION**

*Councilor Tyler Rowser made motion to Approve 12 lot subdivision for Courthouse Hill including 7 recommendations included in the Staff Report, as well as the plat note stating accessory dwelling units will be addressed at the time of application under that code, and the movement of the fire hydrant.*

252 *Councilor Louise Willoughby seconded the motion*

253 *Roll Call*

254 *Councilor Tyler Rower- Aye*

255 *Councilor Steven Richins – Aye*

256 *Councilor Phil Geary – Aye*

257 *Councilor Louise Willoughby – Aye*

258 *Councilor Don Winters – Excused*

259 *Motion carried (4-1 Excused)*

260

261 **Item 4F - Review, Discussion, And Possible Approval:**

262 **City Fee Schedule updates, regarding credit card fees and Conditional Use**

263 **Application fees. Resolution No. 2022-11 (Audio time 02:54:00)**

264 **Don Sargent** referred to the Staff Report (Exhibit E) and stated that it has come to the  
265 attention of that City that the fee schedule should be updated. He stated that credit card  
266 payments are becoming increasing common, although these payments are convenient for  
267 the payer, the City has been paying a sur-charge from the credit card companies to process  
268 these payments. After speaking with other jurisdictions staff proposed the following  
269 addition to fee schedule:

270 Credit Card Payment Service Charge: 3% of amount charged on debit or credit cards  
271 with monthly utility payments being exempt.

272 Further discussion took place regarding credit card fees between Councilors, The Mayor,  
273 and City Staff.

274

275 **Don Sargent** referred to the Staff Report (Exhibit E) and stated that the exiting Conditional  
276 Use Permit Fee amount is insufficient to cover the required review process with the  
277 current code requirement of a public hearing being held with both the planning  
278 commission and city council. He stated that the current fee amount is low compared to  
279 other jurisdictions. He suggested that the fee be increased. He stated that a Conditional Use  
280 Permit fee could be broken out between Residential and Non-Residential, or it could be just  
281 one fee for all Conditional Use Permits.

282

283 Further discussion took place regarding Conditional Use Permit fees between Councilors,  
284 The Mayor and City Staff. **Councilor Tyler Rowser** suggested combining Water & Sewer  
285 monthly rates into the regular fee schedule.

286

287 **MOTION**

288 *Councilor Tyler Rowser made motion to Approve Resolution No. 2022-11 with the following*  
289 *changes*

290 *Adding a flat 3% fee to all credit or debit card transactions and exploring the option of not*  
291 *accepting American Express Cards, Increase Conditional Use Application fee to \$1,500 for*  
292 *Non-Residential and \$750 for residential with an additional \$25 charge per unit.*

293 *Include Water & Sewer monthly rates into the regular fee schedule.*

294 *Councilor Louise Willoughby seconded the motion*

295 *Roll Call*

296 *Councilor Tyler Rowser- Aye*

297 *Councilor Steven Richins – Aye*

298 *Councilor Phil Geary – Aye*

299 *Councilor Louise Willoughby – Aye*

300 *Councilor Don Winters - Excused*

301 *Motion carried (4-1 Excused)*

302

303 **Item 4G - Review And Possible Approval Of Ordinance No. 2022-12**

304 **Schedule of Coalville City Council And Planning Commission Meetings for**

305 **The 2023 Calendar Year (Audio Time 03:12:00)**

306 **Councilor Tyler Rowser** questioned adding a second meeting in November. General  
307 discussion continued between Councilors, The Mayor, and City Staff.

308

309 **MOTION**

310 *Councilor Tyler Rowser made motion to Approve Ordinance No 2022-12 with the added*  
311 *date of Tuesday, November 21, 2023. Councilor Steven Richins seconded the motion.*

312 *Roll Call*

313 *Councilor Tyler Rower- Aye*

314 *Councilor Steven Richins – Aye*

315 *Councilor Phil Geary – Aye*

316 *Councilor Louise Willoughby – Aye*

317 *Councilor Don Winters – Excused*

318 *Motion Carried (4-1 Excused)*

319

320 **Item 4H – Community Development Updates**

321 **Don Sargent** stated there was one business license for approval, Underwood Rentals. They  
322 had applied for a license as a rental property.

323 **Don Sargent** stated that he would recommend if this rental will be renting more than 30  
324 days at a time they can proceed with this application, if they are wanting to do short term  
325 rentals (less than 30 days) they will need to apply for a short-term rental license.

326

327 **MOTION**

328 *Councilor Tyler Rowser made a motion to Approve Underwood Rentals with the Don's*  
329 *recommendations. Councilor Steven Richins seconded the motion. All Ayes*

330 *Motion Carried (4-1 Excused)*

331

332 **Don Sargent** reviewed the items coming up for the both the City Council and Planning  
333 Commission.

334

335 **Item 4I – Public Works Update**



There were no Public Works updates.

**Item 4J – Engineer Updates**

There were no Engineering updates tonight.

**Item 4K – Legal Updates**

There were no Legal updates

**Item 4L – Mayor Updates**

There were no Mayor updates

**Item 4M – Council Updates**

**Councilor Willoughby** stated she doesn't always check her city email and would prefer to receive text when there is a notice.

**Item 6 - Review And Possible Approval Of Accounts Payable**

The Mayor and Councilors reviewed the accounts payable for December 2022.

**MOTION**

*Councilor Steven Richins made motion to Approve accounts payable for December 2022.*

*Councilor Tyler Rowser seconded the motion. All Ayes*

*Motion Carried (4-1 Excused)*

**Item 7 – Review And Possible Approval of Minutes**

**MOTION**

*Councilor Phil Geary made motion to Approve minutes, dated October 11, 2022. Councilor*

*Willoughby seconded the motion. All Ayes*

*Motion Carried (4-1 Excused)*

**Item 8 – Adjournment**

**MOTION**

*Councilor Tyler Rowser made the motion to adjourn the meeting. Councilor Steven Richins*

*seconded the motion. All Ayes*

*Motion Carried (4-1 Excused)*

The meeting adjourned at 9:42 P.M.

*The content of the minutes is not intended, nor are they submitted, as a verbatim transcription of the meeting. These minutes are a brief overview of what occurred at the meeting.*

378 Approved on the 10<sup>th</sup> day of January, 2023

379

380

381

382

383

384 

---

Mark Marsh, Mayor

---

Jessika O'Brien, City Recorder