

MINUTES

COALVILLE CITY COUNCIL MEETING

Monday, December 12, 2022, 6:00 P.M.

COALVILLE CITY HALL, COUNCIL CHAMBERS

10 N MAIN STREET

COALVILLE, UT 84017

In Attendance:

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

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

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

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

COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PUBLIC HEARING:

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

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

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 **Item4A - 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.

167

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

172

173 **MOTION**

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

177 *Councilor Tyler Rower- Aye*

178 *Councilor Steven Richins – Aye*

179 *Councilor Phil Geary – Aye*

180 *Councilor Louise Willoughby – Aye*

181 *Councilor Don Winters – Excused*

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

183

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

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

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

191

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

194

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

197

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

202

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

205

206 **Jim Boyden** stated that he is fed up with being dealt with differently. **Councilor Louise**
207 **Willoughby** stated that he is treating them different too, like she expects all these things.
208 **Mayor Marsh Marsh** stated that they should stay focused on what the application is about
209 and the work they need to do tonight.

210
211 **Don Sargent** stated that what is before them tonight is 12 lot subdivision final plat and
212 construction drawing with recreational opportunities on the other land that is outside
213 those lots.

214
215 Continued discussion took place regarding accessory dwelling units and nightly rentals
216 between Councilors, City Staff, and Jim Boyden. **Councilor Tyler Rowser** stated that a plat
217 note should be added moving forward regarding accessory dwelling units, that they are
218 eligible if it applies with code at the time of the application. Discussion continued.

219
220 **Councilor Tyler Rowser** stated that after speaking with Fire Chief Nielson he would like
221 the fire hydrant moved, so the hydrant can serve the other houses on Main Street. Jim
222 Boyden stated he would be happy to do that.

223
224 **Don Sargent** gave the following recommendations to Councilors for the Courthouse Hill
225 MPD Final Subdivision Plat and Construction Drawings and consider an approval action
226 with the following conditions:

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

245
246
247 **MOTION**
248 *Councilor Tyler Rowser made motion to Approve 12 lot subdivision for Courthouse Hill*
249 *including 7 recommendations included in the Staff Report, as well as the plat note stating*
250 *accessory dwelling units will be addressed at the time of application under that code, and the*
251 *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**

336 There were no Public Works updates.

337

Item 4J – Engineer Updates

339 There were no Engineering updates tonight.

340

Item4K – Legal Updates

342 There were no Legal updates

343

Item4L – Mayor Updates

345 There were no Mayor updates

346

Item 4M – Council Updates

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

350

Item 6 - Review And Possible Approval Of Accounts Payable

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

353

MOTION

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

356 *Councilor Tyler Rowser seconded the motion. All Ayes*

357 *Motion Carried (4-1 Excused)*

358

Item 7 – Review And Possible Approval of Minutes

360

MOTION

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

363 *Willoughby seconded the motion. All Ayes*

364 *Motion Carried (4-1 Excused)*

365

Item 8 – Adjournment

367

MOTION

369 *Councilor Tyler Rowser made the motion to adjourn the meeting. Councilor Steven Richins seconded the motion. All Ayes*

371 *Motion Carried (4-1 Excused)*

372

373 The meeting adjourned at 9:42 P.M.

374

375 ***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.***

377

378 Approved on the 10th day of January, 2023

379

380

381

382

383

384 Mark Marsh, Mayor

Jessika O'Brien, City Recorder