

MINUTES
COALVILLE CITY COUNCIL MEETING
Monday, March 13, 2023, 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: Don Winters, Steven Richins, Phil Geary, Louise Willoughby, Tyler Rowser

City Staff: Attorney, Sheldon Smith; Community Development Director, Don Sargent; City Treasurer, RaeShel Hortin
Public Works Director, Zane DeWeese (Virtual)

Mayor Mark Marsh opened the Coalville City Council meeting at 6:06 P.M.

Item 1 – Welcome

- A. Roll Call – A quorum was present
- B. Pledge of Allegiance – **Councilor Phil Geary** led the Pledge of Allegiance

Item 2 – Public Comment: Public may address the Mayor and Council with any matter of city business not listed on the agenda

No public comment was made.

Item 3 – Subdivision Plat Recordation Extension Requests, Review, Discussion, and Possible Approval

Don Sargent started the discussion and stated that this is a request for extensions to a final subdivision plat recordation. In the development code it requires a final subdivision plat to be recorded within one year of final approval by the city council. This way development can continue, items won't get lost, code changes will not interfere, and/or speculative development occurring without the code applying or other master plans applying. **Don** emphasized that it is important to make sure that final plats are recorded in a timely fashion. There is an option for a 6-month extension that the city council can grant for good cause by the applicant for that extension. There are 4 subdivisions that are pending plus one other one. The four that have applied for the extension are:

- a. Cliff View Subdivision *Applicant: Cade and Amber Sargent*
- b. Wohali Phase 1.B Subdivision *Applicant: John Behnke*
- c. Horne Subdivision *Applicant: Candace Horne*
- d. Chalk Creek View Subdivision *Applicant: Cameron Smith*

Don mentioned that the staff wanted to ask the council to consider an extension of 6 months for any other pending older subdivision that is in the city. There is only one that the staff is aware of at the time which is the Chalk Creek Estates Phase 2 (applicants Chris and Alan) which was recorded in 2019. Don stated that he has reviewed it twice, last fall was the most recent and there is one other revision that needs to be made before it is complete. He stated that the staff recommends that this subdivision be included for consideration to keep things progressing. This subdivision has gone to Mylar and has been submitted to City Hall for final review, they are just waiting on one more item from the applicant. **Don** suggested that during the City Councils action that an open-ended consideration of a 6-month extension from today for any other older subdivisions that may be pending in the city. The report included a good cause statement from all the applicants and a map for reference. The applicants were not present, but the council was asked to notify Don or Sheldon if they have any questions regarding the subdivision plat extensions.

Further discussion and additional questions took place about each application and the plans that the applicant has for each subdivision plat. The council and staff were all included in the discussion.

Don Sargent re-emphasized that the code only allows a one-time extension for each subdivision plat.

MOTION

Councilor Tyler Rowser made a motion to approve the five subdivision plat extensions as outlined in the agenda and staff report including the Chalk Creek Estate Phase 2.

*Councilor Phil Geary seconded the motion. All Aye
Motion carried (5-0)*

Item 4 - Public Hearing, Discussion and Possible Approval: Chalk Creek Estates Phase 4 Master Planned Development (MPD) Final Subdivision Plat and Construction

Drawings

Applicant: Chris Boyer and Alan Stanford

Audio

Don Sargent introduced the item and stated that it is a continuation of a work session that was held on February 27th. **Don** stated that this is a proposal for Phase 4 of the Chalk Creek Estates Development. The work session was held to discuss the project. At the work session, the council and staff offered responses to the applicant that the planning commission recommended for the project application which is included in the staff report (Exhibit A). Applicants are recommending a public park. **Don** reviewed the recommendations that were made for the project and an overlay was made. Trees around the picnic bench areas, two off street parking spaces, and planted turf grasses was recommended. **Don** showed the overlay to the council. He discussed the public park and the design of the potential park. He shared the exhibit that showed the location of the class 2 trail that was approved by the council.

Don continued to review responses and directions that were offered by the council and staff at the Work Session on February 27th.

Don pointed out that landscape is required by development code and is the responsibility of developers. **Don** reviewed prior developments showing tree placement and landscaping. **Don** clarified what would be acceptable for tree placement. The council added additional suggestions regarding landscape and tree planting.

Culinary Water Service is discussed. The applicant is proposing to pay the fee-in-lieu of dedicating water to serve the subdivision and is requesting service connections for 22 lots. There are currently 1,276 available Equivalent Residential Connections (ERC's) in the city. **Don** addressed a question that was asked in a prior meeting regarding if a developer has water rights if those should be transferred to the city. **Don** clarified that the basis in the development code for fee-in-leu was initiated for projects that didn't have water rights and the city wanted to have a provision to provide for landowners. He continued to say that it is solely up to the council to decide how they would like to apply it to this project.

The councilors asked questions and voiced their concerns regarding the water rights. **Don** addressed their concerns and recommended that the council holds a public hearing and/or a subsequent meeting to continue discussion before making a final decision.

Mayor Mark Marsh opened the public hearing. No public comment was made. The public hearing was closed.

Alan Stanford stated that he wanted to make some clarifications. He wanted to make sure that the council was clear with what he proposed in a prior meeting. He proposed a phase landscaping plan where he would require each property owner to have their front yard landscape done within one year of occupancy. The owners would be responsible for putting their trees in and having their own automated irrigation system. In the last meeting, he approached the council about planting trees outside of the park strip area, allowing them to be planted in the property owners' front yards because they are concerned about the density of the trees. He stated that the reason for wanting the trees planted in the front yard is to avoid having trees in the way during construction and also there would be no irrigation during the building period. **Don Sargent** stated that that would be against code. The trees would not cause a construction issue but rather be planted outside of private property. **Don** also stated that the primary benefit for trees planted inside the strip area is for street appeal rather than home appeal. The Provision says developers are responsible for trees as a street amenity and not a private yard amenity. **Don** continued to state that developers should pay their own way and not defer any obligation of the code to a private lot owner. **Don** made sure the council was aware that what the applicant is proposing is against code and a code amendment would be required before any action can take place. **Alan** then clarifies that he would be paying for the trees that meets code when the property owners have put in their irrigation systems. **Don** then clarified that **Alan** would be putting in a secondary line all the way through to his subdivision to ensure that water would be provided to all homeowners until they are able to improve their yards.

Councilors referred to the code and ask several questions regarding the code, clarifications were made. **Don Sargent** answered each question and helped the councilors by reviewing the code and addressing their concerns.

Don Sargent adds that if the councilors feel like the provision is too restrictive, they can move forward with processing a code amendment or they can ask the applicant to be consistent with other applications they have approved. Councilors expressed that they are concerned about changing the code and not be consistent. **Don Sargent** suggested that they don't change the code but rather be flexible and accommodate the developers to extent possible while complying with the code.

Alan Stanford stated his concerns with the placement of the two parking spaces on the overlay. Alan asks the council and the staff if it would be possible to move the parking area. Don Sargent agreed with the applicant and ensured that there will be flexibility regarding the location. **Alan** discussed the water shares and stated that he is planning on paying the fee-in-lieu for this phase. He mentioned that he has water shares and plans on turning them in for phase 3.

MOTION

Councilor Phil Geary made a motion to approve the Chalk Creek Estates Phase 4 MPD Final Subdivision Plat and Construction Drawings with the findings, conclusions, and conditions.

Councilor Tyler Rowser seconded the motion. All Ayes

Motion Carried (5-0)

Item 5 – Discussion and Possible Approval: Courthouse Hill Subdivision MPD Draft Development Agreement

Applicant: Jim Boyden

Audio 1:01:28

Don Sargent briefed the staff report (Exhibit B) and stated that it was a continued review and discussion of the proposed Courthouse Hill Subdivision and MPD Development Agreement for possible approval. He stated that staff had revised the development agreement addressing the City Council input from the work session.

Further Discussion took place regarding building in open space, maintenance buildings and water shares. **Councilor Louise Willoughby** asked for clarification because she felt that there were still items that conflicts and contradicts each other. **Jim Boyden** clarified that there are no plans in building any maintenance building. **Jim** stated that wording can be deleted from the development agreement. **Jim** stated that they can purchase a tuff shed for storage if necessary. **Councilors, City Staff, and Jim Boyden** were part of the discussion.

MOTION

Councilor Tyler Rowser made a motion to approve Courthouse Hill Subdivision MPD Draft Development Agreement with changes that we stated tonight and including the one condition of the approval. Councilor Steve Richins seconded the motion. All Aye

Motion carried (5-0)

Item 6 - Discussion/Possible Approval: Indian Hills Phase 3 Plat Amendment and Public Street Vacation/Re-alignment

Applicant: North Summit Recreation District, Ron Boyer

Don Sargent briefed the staff report (Exhibit C) on the proposed amendment to the Indian Hills Phase 3 Subdivision Plat and petition for a street vacation of a portion of Settlers Drive. Don stated that this is a continuation possible approval of the plat amendment and street realignment.

North Summit Recreation District Board Chair, Charity Richins addressed the question about combining with the school district. She explained the difficulty in sharing the facilities with the school district because they have priority. With the community growing we don't have the facilities we need.

Board member Brian Zwhalen shared the updated design and configuration.

Brian Crittenden stated that he felt like it meets the criteria for the second access.

Don Sargent stated that the realignment does create a double frontage situation and increased setback into the property. Don reviewed the options in which the right of way could be shifted so the set back requirements would be met. Brian Zwhalen confirmed that they agree to move the right of way and setbacks as discussed and recommended.

MOTION

Councilor Louise Willoughby made a motion to approve the Indian Hills Phase 3 Plat Amendment and Public Street realignment with the 8 foot setback amendment.

Councilor Don Winters seconded the motion. All Aye.

Motion carried (5-0)

Item 7 - Updates

A. Community Development

Don Sargent stated that with recent approval of the code amendments for accessory dwelling, that with the provisions and the amendment of eliminating short-term rentals from the accessory dwelling units, it now makes the short-term rental provisions, inconsistent. Don stated that council needs to reconsider the accessory dwelling unit provisions or correct the language to bring current with the latest ADU ordinance. Concerns and questions took place regarding short-term rentals. Don stated that he would make the refinement to reflect internal short-term ADU's are allowed, and external short-term rentals ADU's are not allowed.

Don stated that general plan is scheduled for public hearing at the Monday Planning Commission Meeting.

B. Public Works

Zane DeWeese stated that flooding is a big concern for citizens. At the public works building there is sand and bags available. Zane also stated that there is a concern of the ditches being cleaned. It is the responsibility of property owners to keep them clean and clear.

C. Engineer

There were no Engineering updates. Don Sargent stated that Chris has been good to finalize the final plats and that there is a junior engineer that JUB has set up to help.

D. Legal

Attorney Sheldon Smith stated that he is still working on Allen Hollow with the issue on the CRA with Chris Boyer and Alan Stanford that deals with a road agreement that needs to be finalized. **Sheldon** also stated that the development agreement for the lift station and force main is with Wohali's attorneys to review.

E. Mayor

Mayor Mark Marsh stated that we had our first staff meeting that we will be holding the first and third Wednesday every month to discuss what we are working on. Mark reminded the staff of pictures Wednesday night at 6 pm and interviews will be Thursday for the recorder position. Mark stated that we did receive our TAG grant from MAG in the amount of \$46,500 to revitalize downtown. We also received \$73,028 for the small cities grant from Summit County to finish the sidewalk project. Mark stated that we will no longer be printing the council packets. We will be emailing them out going forward.

F. Council

Phil Geary stated that there is an app. that Brigham City has and it allows them to send out a message to keep citizens informed. Discussion took place regarding getting notices, alerts, and information out to citizens.

Item 8 – Review/Possible Approval of Accounts Payable, dated March 13, 2023

The Mayor and Councilors reviewed March 13, 2023, accounts payable.

MOTION

Councilor Steven Richins made motion to approve March 13, 2023, accounts payable.

Councilor Tyler Rowser seconded the motion. All Ayes

Motion Carried (5-0)

Item 9 – Adjournment

MOTION

Councilor Steven Richins made the motion to adjourn.

Councilor Phil Geary seconded the motion. All Ayes

Motion Carried (5-0)

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.

Mark Marsh, Mayor

RaeShel Hortin, City Treasurer

APPROVED