

Newton Town Council Meeting
September 5, 2024, 7:00 P.M.
Newton Town Hall, 51 South Center, Newton UT
Minutes

Agenda

1. Roll Call
2. Opening Ceremony – Jed Woodward
3. Approval of August 1, 2024, Minutes
4. Spring water supply update – Eric Dursteler, Town Engineer
5. Water Service Connections
6. Newton Hills subdivision, phase 2, development agreement review
7. Draft code review – animal regulations
8. Accessory Dwelling Unit code review
9. Declaration of surplus vehicle
10. Pickleball court funding options review
11. Enforcement of town street right-of-way
12. Report on Mayor/Council Member Assignments

1. Call to Order and Roll Call of Members present.

Members present: Mayor Mike Benson, Jake Christiansen, Steven Jenkins, Brett Petersen, and Jed Woodward. Absent: None. Electronic attendance by Zoom: None
Karla Ferguson (Recorder) and Kathryn Rigby (Treasurer)
Others present: Holly Call, Jeremy Cooley, Dell Vance, Sarah Rigby, Carrie Milligan, Gordon Anderson, and Eric Dursteler

2. Opening ceremony conducted by Jed Woodward

3. The Newton Town Council meeting minutes for August 1, 2024, were approved.

Other business: Youth Council Update – Garrett Phillips reported that the Newton Youth Council has 15 returning members and 12 new members for a total of 27. The Youth Council will hold a parent meeting on September 19 at 7 p.m. and invite members of the Town Council to attend. The Youth Council would like to begin planning a scare house fundraiser. They would like permission to use the sheep office (17 West Main) for the scare house.

4. Spring water supply update – Eric Dursteler, Town Engineer, discussed that he met with Brian Goodsell, Clarkston water operator, and he explained how he turned water out of the springs in January 2023 to June 2023 so that it did not go into the water system. This explains the anomaly in the water supply studies. Eric reviewed spring flow data over the summer months and demand analysis. Currently spring flows are about 348 gallons per minute (gpm). Dell Vance discussed that water meters have been installed at the tank but not all of the meters are working yet because of wiring issues that need to be resolved. Dell reviewed average town water usage. Dell calculates that 60% of the time water from the water tank is spilling into the secondary water pond for use as secondary water but no revenue to the town for that water is received because it is not metered. The pond water levels have remained high this summer. Dell explained the Newton Sprinkler Company received a grant for 70% of cost to install secondary water meters on residential connections in town. The water committee recommends Newton Town Council work with Newton Sprinkler Company for Newton Town to take over and provide oversight. The town could then oversee the installation of meters, repair and extend the secondary pipeline in town. This would allow the town to bill for secondary water overages and provide secondary water to those without a reservoir share. The proposal was discussed. Other secondary pipelines were

discussed. Mike Benson suggested assigning someone to work with the Newton Sprinkler System to get going on the project.

5. Water Service Connections – There was confusion about water meter data. Jed explained that meters are already in place at the tank and at the park, but the meters are not automated reading meters, and it needs to be read and calculated but that the meter data is there. The new meters being installed are automated readers. Mike Benson asked Eric Dursteler for his opinion on the path the town should take on water connections using the data we now have. Eric said he sees no reason to restrict water connections at this time. Eric explained that Newton is currently receiving about 400 gallons of water per minute and the average water usage per ERC used for the study is 600 gallons per day. Eric reviewed requirements by the State of Utah and averages that can be used for evaluation. Eric recommends based on water flow compared to demand that restrictions be lifted. Eric recommends evaluating water flow again in 9 months. Water flow analysis that was presented last month was reviewed and discussed. Brett Petersen expressed his concerns. In summary, his concerns were maintaining rural quality of life with enough water for all current property owners. And he would like all planned metering to be in place with a longevity study with a minimum capacity study be done before allowing more connections. Brett asked questions regarding water usage and meters. Jed Woodward explained how water is measured at springs and that we know the tank water level. Jed explained how water usage is calculated and that the numbers are known but not automated yet. Brett feels water storage is our weakest link. Brett wants meter data to determine and rank deficiency in the system: transmission to storage, transmission lines, and a feasibility study be completed for which component to work on first. Mike Benson suggested the water committee be involved in collecting data, evaluating, and doing studies and work concurrently while water connections are opened. Mike asked what meters still need to be installed. Jed Woodward explained that 2 meters at the control house need to be installed. Mike Benson asked for town council members opinions. Steven Jenkins asked what the maximum # of hookups are with the current water tank? Eric Dursteler said the tank is at 70% capacity and has room for 30% growth including capacity for fire protection. Steven asked for clarification on number of water connections available. Eric Dursteler explained with current water flow 300 additional connections could be allowed. ERC and water system capacity was discussed. Limiting water connection with building permits or a sunset clause of using connection within a year or the connection is eliminated was discussed. Brett Petersen requested a study on the lowest flow how many connections could be supported. Eric Dursteler will continue to work with the State and use the State worksheet to evaluate capacity. Mike Benson asked for a motion. **Jed Woodward made a motion that the moratorium on water connections due to scarcity of water expire without renewal. Mike Benson seconded the motion.** Brett Peterson proposed a mechanism to regulate who and how many connections could be purchased be put in place, such as, only with a building permit. It was discussed about existing buildings being able to get a water connection.

A roll call vote on the motion was taken:

COUNCILMEMBER	YES	NO	ABSENT	ABSTAIN
Mike Benson	X			
Jake Christiansen	x			
Steven Jenkins	X			
Brett Petersen		X		
Jed Woodward	X			

Motion passed.

6. Newton Hills subdivision, phase 2, development agreement review – Eric Dursteler reviewed draft development agreement. Bond requirements were discussed. The Newton Hills

subdivision was approved under the old subdivision code and that code requirements must be used. It was discussed that if the property were sold prior to the development than the agreement would not be transferable and would need to be redone. Newton Hills subdivision attorney will also review the draft agreement prior to signing.

7. Draft code review of animal regulations – Holly Call explained that the Planning Commission was tasked with updating code that has been worked on by multiple people for many years. The Planning Commission goal with this code is to allow animals but limit the number of animals to limit nuisance or problems. If a resident would like additional animals not allowed in the proposed code, then a conditional use permit could be issued. Holly review sections of code and noted that areas zoned as agriculture would be exempt from this code because it only applies to residential zoned areas. Town Council members were asked to review the draft code. Mike Benson thanked Holly for her hard work on the draft code. Mike would like to hold a workshop with the Town Council to review the draft code. Zoning concerns and problems with current zoning that needs to be updated was discussed. The next step is to present the draft next month and hold a public hearing in November. Brett Petersen suggested council members look at the point value/acre/animal table and give any input they have.

8. Accessory Dwelling Unit code review – Brett Petersen explained that this came up when Nephi Jones addressed the Planning Commission about renting out the basement of his home. Brett explained that in 2023 Utah State legislation was passed for internal Accessory Dwelling Units (ADU). The state code says that municipalities need to allow ADU but there are restrictions that the town can implement. Brett reviewed the code and requirements. Eric Dursteler discussed standards for ADUs, and suggested Newton look at Millville's code for ideas.

9. Declaration of surplus vehicle – Jake Christiansen declared the old ambulance a surplus vehicle. Jed Woodward seconded the motion. Bids for the ambulance will be accepted until next town council meeting. A minimum bid of \$2,000 was set.

10. Pickleball court funding options review – No input on other funding sources was given. Mike Benson remarked that he would like the courts to look nice and be used. Mike suggested some of the capital project fund could be used for this project. Mike would like everyone to investigate funding and have on the agenda next month to discuss it again.

11. Enforcement of town street right-of-way – Mike Benson showed on old document he found from 1910 that was sent out to Newton residents for infringement on the town street right-of-way. Mike would like to mail out a similar form to residents with problem areas that need to be resolved.

12. Report on Mayor/Council Member Assignments

- Mayor Benson – Animal Control/Administration/Nuisance/Parks
- Jake Christiansen – Library/Special Events/Youth Council
- Steven Jenkins – Buildings/Land Management
- Brett Petersen – Planning/Fire Dept./EMS

Mike Benson reported that the State Engineer looked at the development going on above Clarkston near the shared springs and said it could continue. The culverts that were installed have been improved and increased in size. Source protection was discussed. It is recommended that the Source Protection Plan be improved to include enforcement of violations. Young Brother's Livestock Easement Agreement was reviewed. There is concern that a lodge will be built by the new owner close to our springs and utilize the springs water. Source protection enforcement was discussed.

Jake Christiansen noted that the Library has not hired a new librarian yet but will be posting the position opening again. Jake asked for ideas for the Newton employee appreciation dinner. Steven Jenkins reported that he received another bid for the roof of the Town Hall. The estimate was \$28,000 for 60 ml membrane and 80 ml membrane increases the cost by \$8,000. A new hatch on the roof would cost \$2,300 and a couple low spots that need to be fixed would cost an additional \$16,000. This bid is from Mountain Peak Roofing. The other bid received was for \$32,000 for the same thing. Keeping the siren on the roof was discussed. Steven will follow up with Greg if it needs to be kept on the roof. Steven said the roof is bad and needs to be repaired before winter. The town council approve the low bid of \$28,000 for the repairs.

Jed Woodward discussed work being done for a water line and road on 400 West 300 South being completed by the developers. When they connected the hydrant and ran water through the line it stirred up debris in the line, but water tests are fine and the water in the area should clear up in few days. Another fire hydrant was fixed on 100 South 400 West that was leaking again.

Mike Benson reported that Clarkston raised their property taxes significantly this year and some communities raise their taxes every year to compensate for growth. Mike will follow up with other Mayors on their process to raise taxes regularly. The attorney fees will be shared with Clarkston for the development review by the shared springs. Mike asked council members to look at code for suggestions for enforcement of the source protection plan.

The regular meeting was adjourned.

Minutes prepared by:

Karla R. Ferguson, Newton Town Clerk

Approval Date