

PUBLIC MEETING OF THE DEWEYVILLE TOWN COUNCIL

MINUTES

THURSDAY, September 11, 2025

7:00 PM

DEWEYVILLE TOWN HALL

10870 N HWY 38

DEWEYVILLE, UTAH

Attendance: Mayor Lesley Kendrick
Council Member Les Wheatley
Recorder Nancy Page

Council Member Nate Spackman
Council Member Eric Page
Council Member Marlene Berger

Absent: none

Visitors: Curt Whiteford, Deputy Hunter, Kenny Gardner, Conner Fagan, Mike Beecher, Brent Craven, Todd Stutznegger, Stuart Peterson, Clinton Merrill
Meeting opened at **7: 02 PM**.

1. Thought & Pledge was offered by Council Member Marlene Berger.
2. Approval of the September 11, 2025 Agenda –

7:04 PM MOTION: Council Member Eric Page made a motion to approve the Agenda for September 11, 2025, Member Marlene Berger seconded the motion. Motion passed.

Mayor Kendrick	<u>X</u>	<u>Aye</u>	<u> </u>	<u>Nay</u>	<u> </u>	<u>Abstain</u>	<u> </u>	<u>Absent</u>
Council Member Wheatley	<u>X</u>	<u>Aye</u>	<u> </u>	<u>Nay</u>	<u> </u>	<u>Abstain</u>	<u> </u>	<u>Absent</u>
Council Member Spackman	<u>X</u>	<u>Aye</u>	<u> </u>	<u>Nay</u>	<u> </u>	<u>Abstain</u>	<u> </u>	<u>Absent</u>
Council Member Page	<u>X</u>	<u>Aye</u>	<u> </u>	<u>Nay</u>	<u> </u>	<u>Abstain</u>	<u> </u>	<u>Absent</u>
Council Member Berger	<u>X</u>	<u>Aye</u>	<u> </u>	<u>Nay</u>	<u> </u>	<u>Abstain</u>	<u> </u>	<u>Absent</u>

3. Sherrif Report- Sheriff Hunter reported 12 incidences in Deweyville, two animal calls, one domestic violence call, a fire assist, two medical assists, a suspicious person, a domestic disturbance, and four VIN inspections here since the 14th of last month.
4. P & Z Report – Curt Whiteford reported commission discussed the animal annual points and restrictions in both chapter five and chapter six with some verbiage discussion. Commission was voted to pass on commission notes and recommend that the town council vote to allow zero roosters in the RR35 and only one rooster per lot in the RR5 zone. We also had a lively discussion about speed limit changing. About 75% of the discussion was speed limit and most everybody there, probably a third of the people didn't want to change it but two thirds did want to request that it be changed to 45. The commission recommends lowering the speed limit to match our zoning in the R35 that follows Highway 38. And if it eliminates even 10 or 20% of the truck traffic, because they don't want to go slow, it will have been worth it.
Mayor Kendrick asked a question about roosters in the Ag 40 zone, planning commission has not considered or talked about roosters in the Ag 40. Chairman Whiteford agreed to talk with the commission about roosters in the Ag 40 zone, currently there are no animal points for that zone.
Council Member Marlene Berger: I know you're patterning a lot of your animal control restrictions on based on what other communities are doing. Zero roosters. Is that reasonable in a town, a farm town?
Chairman Whiteford: It varies. You can find whatever you want to find if you run up and down the Wasatch front. Most restrict roosters. There is one town, I believe I was quoted on Facebook as saying if you if you want to have rooster move to Willard. Willard has no animal points whatsoever. But roosters are generally restricted in residential zones. And I understand that Deweyville is considered a

rural agricultural community, but we do have residential zones and people live next door to each other and some in many instances houses are only 30 feet apart. Nothing can be done about those that are already here, but this regulation would help control things going forward.

Councilmember Wheatley: If my rooster dies, and I already had a rooster can I replace him? Response: This situation would have to be addressed on a case by case basis.

Mayor Kendrick asked the town council what their thoughts were on rooster limits. No vote will be taken in the meeting tonight. Councilmember Wheatley: My thought is we addressed this a couple months ago, we've already dealt with it. Councilmember Spackman: my feelings weigh on both sides, when you're on that little 125 foot wide by 250 foot wide and your neighbors right by and he has some, you're really close. We like to think that we're spread out, but really our lots are quite small if you're at the minimum sized lot. So, I could see where in those residential areas those could be a nuisance because they don't stop. So, like a we get a lot of complaints about barking dogs. I think they're very similar in annoyances. A barking dog is just as annoying as a rooster or vice versa. So, we have a barking dog issue all the time. So, it's a hard thing to police. I can see the potential of a need to get rid of the roosters all together. Councilmember Marlene: need to be addressed; Eric has nothing against raising chickens/eggs for personal use. And doesn't see the purpose of roosters on a small lot (1 per however many hens you are trying to raise). Would like it to be a courteous conversation with the neighbor to control noise and number of roosters. Councilmember Wheatley: what if someone has a 5-acre lot? He feels like the circumstances should vary according to the situation and how the roosters are spread out on someone's land. Mayor: doesn't feel the rooster limit should be 0, it feels like we are taking it to much. I just feel that we must allow certain things. Mr. Stutznegger asked if there could be a difference between personal and commercial use. Mayor Kendrick said this will be an item on a future public hearing meeting – October 9, 2025.

5. Nuisance ordinance 2025-09-01 – The nuisance ordinance will not be passed tonight; I need your input on this ordinance. The Utah code listed is the wrong number, it should be 78B-6-1101. So that will be corrected on the final ordinance. There is nothing in this ordinance that talks about how nuisances are reported, and I need to know if you think there needs to be. I think there should be, but that's up to you guys. It is a good beginning, but it needs some work. Ordinance number should be updated in the introduction paragraph of the ordinance. We added a definition for the Deweyville Town Municipal Zoning and Ordinance Committee which will be comprised of two Deweyville Town residents and one Deweyville Town Council member that is appointed by the town council to investigate nuisance complaints and requests request abatement measures. They will also report and recommend legal measures to abate nuisances to the Deweyville Town Council. Are there any other thoughts? Section five kind of has some of the failure to comply with procedures, but what it doesn't have is how to report a nuisance. Section 5 is the enforcement. At one time the ordinance did require citizens to have three written complaints to abate a nuisance, but this version doesn't have that requirement. Something like that might be acceptable. Do you want two or three? Do they have to be written, or will a verbal complaint do? The reason why it said three in the first place is because we didn't want to get just a neighbor that doesn't like their next-door neighbor to complain. Councilmember Berger: I guess I would like to see us take as much time as we can to go through it, come up with our comments, make sure that they're written here so they can be incorporated or discarded. Mayor asked council to have thoughts to her or town clerk within two weeks so ordinance can be fine-tuned.
6. General Plan Review – The planning commission looked at the general plan and gave their suggestions and because of recent law changes it is suggested that we have a professional look through the plan to see if we are covering the important points. We got one quote for \$50,000 from one company but decided that one is not possible. So, we contacted John Jensen who did our land

management code, and he has given us four phases for this project. In phase one, he would review the general plan in three weeks and let us know what he thinks would be \$1,000 for about eight hours of work. Phase two, he would change the text that needed to be changed. And because he's got exposure to many different communities, he's got extensive knowledge about approaches that work to implement the plans. The cost for that would be \$2400 with approximately 20 hours of work and an additional four weeks. He said that we need maps and pictures in the plan, he would be willing to do all of that which would be an extra cost, \$2,000 for him to add everything that needs to be added in the graphic compartment. And then he also offered to update our land use management code. Nothing would be changed in the code besides making sure the ordinances that have been tied to house bills that have been passed since 2020. He would charge us \$120 per hour for that. I need approval from you to go ahead with this, we have money in the budget to cover it.

7:41 PM MOTION: Council Member Les Wheatley made a motion to approve the hiring of John Janson to help with the General Plan (Phase 1 and Phase 2) Council Member Eric Page seconded the motion. Motion passes.

Mayor Kendrick	<u>X</u>	<u>Aye</u>	<u> </u>	<u>Nay</u>	<u> </u>	<u>Abstain</u>	<u> </u>	<u>Absent</u>
Council Member Wheatley	<u>X</u>	<u>Aye</u>	<u> </u>	<u>Nay</u>	<u> </u>	<u>Abstain</u>	<u> </u>	<u>Absent</u>
Council Member Spackman	<u>X</u>	<u>Aye</u>	<u> </u>	<u>Nay</u>	<u> </u>	<u>Abstain</u>	<u> </u>	<u>Absent</u>
Council Member Page	<u>X</u>	<u>Aye</u>	<u> </u>	<u>Nay</u>	<u> </u>	<u>Abstain</u>	<u> </u>	<u>Absent</u>
Council Member Berger	<u>X</u>	<u>Aye</u>	<u> </u>	<u>Nay</u>	<u> </u>	<u>Abstain</u>	<u> </u>	<u>Absent</u>

7. Impact Fee Ordinance 2017-01 – Last month we rescinded that proposal and we rescinded this one without having a new one in place. So good impact fee. This is the one we rescinded, and we could not find another one. Councilmember Spackman: Less than a handful of years ago and we were able to increase the impact fees slightly just with inflation and not the whole impact fees. So, I know there's a newer one. The fees are slightly higher than the ones on this ordinance, like instead of 4700 there's 5200 for water somewhere we have the newer one. Mayor: It's not in our ordinance book schedule; but we haven't got it so are you okay with this one? Yes, council is in favor of reinstating the ordinance. We need to find the newer fee schedule; however, it was passed in the last three years. We did talk about having a proper study done to raise impact fees. Carter has been notified and will be looking into the impact fees and a few other items.
8. Ag Protection Discussion – We have talked about this for a long time. We have an Ag protection ordinance drawn up and will be talking about how to process proposals for Ag protection zones in Deweyville Town. We will need to create an Ag Protection Area Advisory Board and that will consist of a council member and some citizens. One point of concern is the size needed for an Ag protection zone, in one set of notes I have 8 acres written and in another I have 10.5 acres. It has been suggested to me that maybe we should do 15 acres of land for the Ag protection zone. What do you feel? Councilmember Berger; "Is it is up to us?" Yes, I talked to the county, and they require more than seven acres, but their thinking is that there is not much agriculture that can be done on a five-acre lot. I was proposing 15 but you can go from there. I am not the end of this. Some people in town have 10 acres and it is enough for them to support all their animals. That's about the right size for a mini farm. Smaller acreage like 5 acres is more difficult than seven and a half or eight acres, may be a better choice; we are just figuring out what our minimum acreage allotment should be for our town. The Ag protection classification will stay with land when owner passes away or land changes owners. I am suggesting we eliminate 5 acre lots. Ten acre minimum seems to be the agreement of the council for Ag protection areas, these areas are at the request of the property owner. Council needs to decide on minimum acres for this and then pass an ordinance. We will need to have charges for all the paperwork that will be involved. I am suggesting \$200 for all the paperwork involved in this. The act of protection isn't to protect you from having animals on your five acres, it more protects agricultural protection. For example, if someone came and built a house or subdivision next to your small farm, they couldn't force you to stop farming. We need to think of a minimum acreage that can support large equipment, noise, and dust from larger farming operations. The APA protects farmers from noise

complains for agricultural activities. When someone applies for an Ag protection zone their application must be posted on the public website and 5 other public areas, including our town website, and notify all property owners within so many feet that an Ag protection zone has been applied for. Then the application has to go to the AG protection zone committee and the planning and zoning committee. Then within 45 days of receipt to the planning and zoning then the applications go to the town council. And then the town council will hear the application with a public hearing. Also, every deed on every lot or land that borders that APA has to be revised to include the notification that the APA is and the existing ones were.

This will cost more money to revise deeds and the person applying should pay the fee. Once the application process is done, it will need to be a resolution that is passed by the town council and sent to the county recorders office and then within 10 days the resolution will be sent to the Utah Department of Agriculture as well. Yes. Yeah. and every neighbor as I say it says neighboring properties within 300 ft must include a notice in their deed acknowledging the APA's existence. So that that's a lot of changes to make. We need to think on who much it will cost the town.

For the question of size, if they qualify for tax exempt why don't you just say present some tax exempt ID number and then we'll take it into consideration if they have a tax-exempt ID number their considered green belt. If there are considered green belt, then this would be a good consideration for an Ag zone. Consideration for Ag protection zones should be done carefully because this land will be exempted from changes to zoning or other laws in the future. The idea of a farmer in the United States is shrinking and changing. A 5 acre farm may need to be protected because of the shrinking nature of farming. Greenbelt tax exempt requires the owner to prove that what they are doing with their land is agriculture. The current requirements require 5 acres with a house on the land. Minimum of 5 acres would be good as long as they are eligible for greenbelt. We will move forward with an ordinance for Ag protection zone.

9. Park Improvements— Old tree stumps have been removed and NuCor is providing the trees to be planted Oct 1st; they need holes to be dug, but will have a planting crew to plant. Trees will go on the east side of the walking trail and on the west side of the playground. If anyone would like to come help dig the holes, they must be done by Oct 1st.

Boweries, I want to thank Connor Faga. He did all the welding for the boweries. Now we need to get the tin on the roofs and the primer for the rust. Need to buy POR-15, it is a rust remover that can remove rust and protect the metal. And then an acrylic enamel paint over the primer. With the rust converter you shouldn't have to sand the boweries. Should be able to get it at Home Depot, 2 gallons should be plenty for the primer and a gallon of paint for each bowery, three gallons total. A brick red would be a good choice for the paint.

10. Advertising for Clerk/Recorder — Council members were given a list of everything the clerk recorder would do. It is proposed that the clerk/recorder would be a 20-hour job. We've added some more things to this position to 20 hours a week at \$20 an hour. The treasurer duties will be less so the hours will even out. The clerk/recorder job is also the secretary for the town. One of the two, either the clerk/recorder or the treasurer will take the position of cemetery sextant as well. To clarify, this is Nancy job that we are advertising for, April will stay as treasurer.

We would like to start advertising as soon as possible because we need to advertise for 30 days. And then we'll have to interview and we would like them to start in November so they've got two months with Nancy. It will be advertised in the Leader, online, at the town hall, on the public website, etc. Hours will be Tuesdays and Thursdays from 10:00 a.m. to 4 pm, first and second Thursday evenings from 6:30 to the end of a meeting, and then the rest will be flex hours available up to 20 hours per week.

11. Approval of Meeting Minutes for August 14, 2025: We've got two of these for last month. Any changes for the minutes? None requested.

8:21 PM MOTION: Council Member Marlene Berger made a motion to approve the minutes for the public meeting on August 14, 2025. Council Member Nate Spackman seconded the vote. Council Member Wheatley abstained from vote.

Mayor Kendrick	<u>X</u> Aye	<u> </u> Nay	<u> </u> Abstain	<u> </u> Absent
Council Member Wheatley	<u> </u> Aye	<u> </u> Nay	<u>X</u> Abstain	<u> </u> Absent
Council Member Spackman	<u>X</u> Aye	<u> </u> Nay	<u> </u> Abstain	<u> </u> Absent
Council Member Page	<u>X</u> Aye	<u> </u> Nay	<u> </u> Abstain	<u> </u> Absent
Council Member Berger	<u>X</u> Aye	<u> </u> Nay	<u> </u> Abstain	<u> </u> Absent

12. Approval of Meeting Minutes for August 25, 2025: Election canvas minutes. Any changes to these minutes?

8:22 PM MOTION Councilmember Nate Spackman made a motion to approve the minutes for August 25, 2025. Council member Les Wheatley seconded motion.

Mayor Kendrick	<u>X</u> Aye	<u> </u> Nay	<u> </u> Abstain	<u> </u> Absent
Council Member Wheatley	<u>X</u> Aye	<u> </u> Nay	<u> </u> Abstain	<u> </u> Absent
Council Member Spackman	<u>X</u> Aye	<u> </u> Nay	<u> </u> Abstain	<u> </u> Absent
Council Member Page	<u>X</u> Aye	<u> </u> Nay	<u> </u> Abstain	<u> </u> Absent
Council Member Berger	<u>X</u> Aye	<u> </u> Nay	<u> </u> Abstain	<u> </u> Absent

13. Approval of Monthly Bills – What questions do you have on the bills? What is ERS? It was for the repairs for the air conditioners. We will need to approve the stump grinding bill now so that we can pay it before the next meeting.

8:25 PM MOTION: Council member Nate Spackman made a motion to pay the monthly bills; Council member Eric Page seconded the motion.

Mayor Kendrick	<u>X</u> Aye	<u> </u> Nay	<u> </u> Abstain	<u> </u> Absent
Council Member Wheatley	<u>X</u> Aye	<u> </u> Nay	<u> </u> Abstain	<u> </u> Absent
Council Member Spackman	<u>X</u> Aye	<u> </u> Nay	<u> </u> Abstain	<u> </u> Absent
Council Member Page	<u>X</u> Aye	<u> </u> Nay	<u> </u> Abstain	<u> </u> Absent
Council Member Berger	<u>X</u> Aye	<u> </u> Nay	<u> </u> Abstain	<u> </u> Absent

We have a change in the way we have been dealing with money. We had a training from the state, the council members will no longer be signing the checks. You will still approve the bills, but you won't be signing the checks. We are also changing how we handle money according to the state requirements. There has been some mismanagement so the state is being more careful.

Public Comments: This is an opportunity for the public to address the council. Please limit your comments to three minutes. Please speak in a courteous and professional manner. Please limit your comments to 3 minutes. This is not an arena for a debate, it is a time to let the council know your thoughts only.

Speakers:

Kenneth Gardner: what I need to talk about exactly and I've seen some laws for when it comes to public access. If a public access road was been used in the in the case of the federal government 50 years, in case of the state government 10 years, but it's been used that long, it's a public access road. Now, it's great that I get to hear that I still have access to my property. But I miss a few things, like and I don't have the horse trailers. People used to park their horse trailers there and go ride the horses up. That's not happening no more. A lot of things I kind of take pride in this little town that people like to come over our little town and just visit. They're not doing any harm. He goes jogging up and down. And me and him have locked horns. Okay. So, we're not always buddy, buddy, but he's just as good a man as me whether you know I like to admit that or not. So it's not just me speaking up but uh I and then and apologize Nate but I got to bring you in on this one because. According to Nate here that land belongs to that guy and if he wants it's his land to do what he wants. Nate:

According to me he owns the land, but I never told you he would deny you access. I have told you to go and talk with him.

Kenny: well that's not going to happen. You should be able to ride the horses. I don't buy horses in the last couple years. Horse trailers have disappeared. They're not going up there anymore. I'm not into horses myself, but that's a good place to ride, I guess. People come over here with their horse trailers just to ride. Um people do a lot of things in this town.

They that some people hike back and forth to mend uh park a vehicle say here and hike one way and or whatever they do. Uh I seen what I thought were some strange dogs from a distance once. Once I finally got closer, I've seen why they were strange. They were goats. They weren't dogs and people walking with goats. I never seen that before. So but it's it's entertaining. It's great that people somehow think that we got something here that's worth at least checking out, enjoying. Uh, and I want public access, state public access, not just for me, but for everyone. It's great that I can get to my piece of ground, but let other people come around and enjoy this. And I'll let anyone else wants to say anything on that.

Eric Page: You mentioned numbers, where di you get those numbers?

Kenny: Where did I get them from? Specifically, a certain guy named Brett Craven gave me copies of the laws and he told me I better read it. He gave me a copy of the state code 74501. He also gave me a copy of the federal code too.

Conor Fagan: Sorry to interrupt, I was texting Eric about primer and paint from NuCor. I have an airless sprayer and we can get primer from NuCor that a really good earthy red color. If you got a five-gallon bucket of that and one gallon of acetone from wherever, it would be super last forever. Sorry again to interrupt. It is called NuCor building systems red. Are you familiar with that, Eric? Thank you.

Kenny Gardner: If I can finish the there is a problem because supposedly part of the problem was that people are going up and down the hill. I haven't talked to the man personally like he said, but that's what the excuse I heard was that going up and down the hill fast. She lived by that road. I have seen them heading up to the cemetery. It's because they shouldn't be going, but going up and down the road by her place, you'd bounce your vehicle to death. I don't think it's a I don't I've never seen it. I've never seen UFOs. I've never seen Bigfoot. I've never seen anyone racing up down that road.

Marlene Berger: I'll tell you why they go a little faster up and down the road now. It's the fact that he removed all those big rocks when you first started up the road. I mean, you had to stop virtually because that's all been smoothed out. But no, they don't race up and down the hill.

Kenny: And thank you because you're a witness to that. You're on the front line on that one. Marlene Berger: There was uh one one instance where what do they call those? side by sides when they cut up the middle of the driveway, realized there were rocks, cut between the rocks, and they were going too fast, but no doubt, but the sheriff was waiting for them when they came down, and a discussion was had.

But no, there's no traffic up and down that hill. The reason, part of the reason is he's narrowed the road to the point where if you got anything wider than a big car, you can't get up there.

Kenny: Well, and now that Roseband moved, as far as I'm concerned, dangerously close to your place,

Marlene Berger: it's close enough that he's going to widen that. He said he's going to w I'm perfectly okay with giving up part of our road. Our concern right now is in the winter time, somebody's going to take out our fence. Yes. And the Rocky Mountain Power cannot possibly get up there with heavy equipment the way it is now. So, but that's their problem, not mine.

Kenny: And God knows I think the world of you and your husband, but the day will come you'll be gone. That house is built to last. There will be children. There will be, what will happen in that house?

Marlene Berger: I'll back off after this part. No, I I understand what you're saying, Kenny, but no, there is no traffic racing up and down the hill. Yeah.

Kenny Gardner: I have probably already burned my 3 minutes so I am done.

Mayor Kendrick: Okay. Next, I will take whoever's next.

Mike Beecher: How fire prevention get up that road if that road is block fenced? Locked.

Mayor Kendrick: It's not locked.

Mike Beecher: Okay. If you let the fence down, what happens if you want up on that road? Is he going to come out?

Mayor Kendrick: As I said, I'm just taking comments right at this time.

Mike Beecher: At one time, he had rocks going straight west across that road and he made you go down to the bar pit and come back out at one time. I don't think you've got a right to close that off. That's been the right way since I've been here.

Mayor Kendrick: Thank you.

Todd Stutznegger: We're all here for the same reason. We're all angry about the same access.

Mayor Kendrick: Do you have any other things to add to that?

Todd Stutznegger: Why is he going to take the access from the mountain, the public land, people's property, go up there, enjoy the sunset, go up there, enjoy the things that we moved here for, some of us moved here. Some of you guys have been here forever and you've been accessing this. And one person comes in here and changes it all. Now, there's a camera there. There's a sign that says no hunting. There's a sign that says no trespassing. It seems like all he's trying to do is make people think they can't go up there so he can show it's not being used. He can shut it down. If you can't lock the gate the gate, why do I you need a gate? But if you were to go up there as I did this last Sunday. There's No hunting, no trespassing on the gate with a latch on it. It's very deterrent. You don't want to break the law, right? You don't want to break the rules. And that's what he's making you feel like you're doing by going and accessing public land. So if the gate doesn't have to be locked, why does it need to be a gate period? It's been without a gate for 100 years. Get rid of the gate. Let people know that they can go and enjoy their public lands.

Conor Fagan: I would never want to infringe on anybody's right to the property, you know, wherever property lines lines are like I totally understand that. Um, but at the same time, if they're I mean, I know that roads been as long as I've been here, I go up there all the time, but I haven't had an issue with this individual. I've haven't been up there in a while. But uhif there if there is a a law that kind of allows that to be a public road because it's been one for so long. Um I think he definitely needs to be aware of that.

Mayor Kendrick: Thank you.

Clinton Merrill: I think there's a bigger thing brewing than what we're aware of with just okay, we're denying access to this road. I think it's uh if we don't um have plans to do something with the property that the public has or the private people even have, I feel like people with greater power than people in this room are going to come in and take it. Um whether you like it or not. Um, I noticed a couple months ago when the Yates were building, I sent a text to his father and I said, "Hey, have you seen the proposal from the state of Utah to buy up the Bonneville shoreline trail?" And they want to come through all this. Um, if the town of Deweyville doesn't come up with a plan for all of the property that resides within this town, other entities will come and take it whether it's the Bear River Conservancy District that comes in and threats imminent domain to punch wells on your property or power companies or the state of Utah coming in. Um, I think it's more than just, hey, we're trying to get access to this road because as a private land owner, if that proposal from the state of Utah comes through, he's going to put a parking lot in front of this gentleman's home and that access will be access for the entire Bonneville Shoreline Trail and this city will turn into Farmington where they have that Bonneville Shoreline Trail where they have drug paraphernalia problems up and down the whole Bonneville Shoreline Trail. I know I lived in Farmington. I was a part of that bill. It is a disaster. Part of me wants him to shut it down to deny access so that they the state of Utah cannot take it, but part of me doesn't want the people of Deweyville to be deprived of their privileges. And that's a very big balancing act that I don't think we're taking serious. and as far as the mountain property goes or even river bottom property, if we as a town do not have a plan or something to allow growth or stop growth in certain areas, other entities that are greater than Deweyville will take it. Thank you.

Stuart Peterson: I'm just I'm just seconding these guys and what they're talking about. I don't Personally, I've used the road a few times to plow snow and I have taken my side by side up it. It's an access to the mountain. Um, and it would be a shame not to have that. You know, if I decided I wanted to go take some people, go for a ride, take my kids, and not be able to. And it is iwe've looked that up. Several people have looked that up. that law. It's called prescriptive access. Correct. was one if it's if it's remained on private property has never required permission to access in the 50 to 60 years whatever it is that that the numbers um then it remains a public access by prescriptive access. So yeah it's I mean, I'm with Conor he should be able to do what he wants with his property, but at the same time, you knew what you were buying, right? You knew what you were buying, and you should have realized that a road was a public access road and maybe move your house another 50 ft this way when you dug the hole.

Mayor Kendrick: Thank you.

Curt Whiteford: When you're doing your deliberations, when you're your discussion, there's three distinct groups of people that are affected. The municipality of the town has access to what's legally they call water infrastructure. That's your storage tanks, your wells and the associated properties. That's one group. The second the second group is the property owners that have used that for access. Guys like Kenny and and Marlene and the Marbles and Chuck Hoffman and anybody else, they have they have access. It's been unrestricted for over 20 years. So there's the assumption of an open road there for them. And then there's the third group of people which is the general public. that have used that for access to public land just above the third bench there is BLM public land that's public land used for hunting and hiking, I think the Bonneville trail goes along that so those three different distinct routes have requirements different for all three and there's two we've talked about prescriptive easement, there's also a directed public highway, which I believe that can be made if it's been in use for over 10 years, I think, in Utah. So, there's all those things to consider. And I think before anybody says that, you know, Mr. Yates can do what he wants with his land, you need to review those laws. And before anybody says, well, he should be able to do that, you know, you should read the laws. There's a lot of discussion there.

Mayor Kendrick: I will say this K there is a lot of discussion and unfortunately there's been a lot of um court cases and it it seems it's gone both ways. It depends on the judge or the lawyers that are putting it. But some some roads have been closed down because the courts have, they've gone both ways.

Curt Whiteford: I've had I've had this discussion with Darren personally and he says, "How do you feel about it?" I feel like if the law allows it, I'll go with whatever the law says." Now, when it gets decided by a judge somewhere down the road, whether it's uh for the property owners or for the municipality or for the public, whoever decides to get a judge involved in this, whatever happens, that's the way I'll fall on it. But right now, plainly looking at it the way it has been historically. I agree with these guys. It's always been in use and so I'll stay that way until somebody says otherwise. That's my comment.

Mayor Kendrick: Thank you.

Stuart Peterson: Is this going to be a subdivision one?

Mayor Kendrick: No, I'm positive. We will not provide water. Zoning and water protection zones prohibit homes up there. I know my fellow mayors are dealing with this in other towns. people with a lot of money and power is changing towns all over.

Stuart Peterson: I think this is where it starts. That's where it starts is, you know what I mean?

Brent Craven: I think the concern is why is he being the way he's being? If there's not an ulterior motive.

Mayor Kendrick: Well, thank you. As I say, there won't be any solution today, but we have I have taken notes. It will be discussed.

Stuart Peterson: What's your all views on it? (meaning the town council) I'm curious. What What's your all views? You are all citizens.

Mayor Kendrick: I feel like there's just something here in the whole I use that road all the time.

Marlene Berger: I understand that he is allowing permission for people to go up the hill and I understand that he's been very vocal about letting anyone go up the hill wants to with exceptions. However, when you drive by and you see no trespassing, uh, violators will be prosecuted, you see a date with a chain around it, whether it's locked or not. Would you just normally feel like it was okay to go up there? Or to me, it appears that that is deliberately to make sure you don't go up there.

Brent Craven: The sheriff has called me and told me that I'm trespassing if I go up there. So that malarkey about him letting people up is just that. And when a citizen has a sheriff come to the house and say that that brings that is not by any stretch of the imagination letting people go up there.

Marlene Berger: That that brings one more comment that I have to make at this time and that's that at our meeting last month you guys weren't here. But Brent was singled out as being someone who was not allowed to use that mountain. He went up on his exercise run one night and when he came back the sheriff came to his home and told him he was trespassing and that he was no longer allowed to use the mountain. I don't know why Brent was singled out because you all know that he's not up there doing bad things. He's exercising. He's been doing it forever. But the fact that he was singled out, I thought was grossly unfair. So that's how I feel about that. Brent can be a real pain in the butt. But we also know there's not a more honest person in town. If he's your friend, you trust him with your life. So I think the fact that he was singled about that, I just think it's just completely wrong.

Mayor Kendrick: Thank you, Marlene.

Les Wheatley: I see two sides. That's a bunch of money in property. But Kenny made a good point last week in planning commission that you go out of this spiral jetty. There's a road that goes there. There's no trespassing signs on the side of it to keep you off the person side of the property. But I guess I kind of feel like Kurt, we're going to have to let somebody smarter than me. I don't know the law.

Stuart Peterson: Land owners have every right to put a gate across it because if he decides to put livestock up there he needs to keep them corralled, but I think where it gets a little bold is when you put a no trespassing sign on there.

Mayor Kendrick: Is there a no trespassing sign? I have not seen but is it facing you. It's facing east.

Stuart Peterson: That's what I mean. If it had the correct verbage on it so that when I go up there you know to stay off of the side of his property. That's what makes it look like the gate is the pass.

Nate Spackmen: Once you get to the gate, you've already trespassed.

Marlene Berger: I don't think anyone's arguing the fact that he absolutely has every right to protect his property. He has every right to maintain some decorum on that hillside which I think unless people are leaving the road going off through his property doing vandalism or things they're supposed to be doing. He's absolutely right in denying that. But, for people to walk up and down the road, drive up and down the road, take a horse up and down the road. Uh if they're not doing anything specifically to his property, I don't see a problem with public use of that road.

Stuart Peterson: I haven't heard what's his main concern to allow that to be a public access.

Lesley Kendrick: It's people that have been trespassing on his property and leaving stuff behind and Oh, he's protecting he's protecting his property. That that was his reasoning.

Marlene Berger: Yeah, that's right.

Nate Spackman: It was a couple of weeks ago when I went check the water. I was coming down and I waved to his boys because they always have 500 things to tell stories about. They were hollering at me because the sheriff deputy was there and they're like, "We've got somebody that's riding their side by side and they're going all over our property." So, he was following him with his drone. They were waiting to catch up to him. So that day he had someone on a side by side just cutting trails, roads on his property and so that would be extremely annoying. But, once you get up there then it's just like you don't know where any boundaries are.

Stuart Peterson: So, he needs to fence his whole property. Once his property is fenced, then you know, you put up county roads everywhere else. Junior has his place out there that the county road runs right through it. You're never going to, can't lock it. But you put a sign up that says, you know, private property, no trespassing either side, or access only road, or something.

Mayor Kendrick: But unfortunately, we haven't got that up there. I mean, you can ride all over there and there's maybe two that says private property. Nothing else. The first time I went up there, I didn't know whether I was on someone's property or whether I was on public property. And we go other places and there's signs all over telling you which is private, which is public. And unfortunately, we do not have that on this mountain. And maybe that's something that the town needs to look into to see where the public and private land is.

Marlene Berger: I think what the town needs to look into is what's legal. And what's pretty much spelled out with law by the attorneys, etc. And abide by what they say.

Nathan Spackman: We need some experts to advise on this issue. We thought we had some, but it was not enough information.

Mayor Kendrick: We have to decide whether this is a town issue or a private issue. We have to go by the law, we have to go by our ordinances, we have to go by what's in our general plan and what that says. It needs a lot of looking into. That's why we are not going to give you a solution tonight, but we will look in it all.

Todd Stutznegger: We're scared for our town. This guy seems like he comes and will get his own way no matter what. It feels like we are being violated a little bit.

Brent Craven: We had a city attorney. Look at this.

Lesley Kendrick: Yes, and he didn't quote any laws, just his opinion. He didn't quote any laws in the letter and that is what needs to be done. We need more than just an opinion. We need facts and that's what the laws are and we need more reference to law.

Kenny Gardner: Growing up in this town, I know the importance of shutting the gate. Okay. I when I was young, I learned about the hard way once. So, I will always shut a gate, but somebody else may leave it open. If he had these cows there and the gate gets left open. But if he was to instead of trying to fence the whole road off, the cows aren't going to eat that dirt, and the road's made out of dirt and gravel. Cows don't eat that. If he was to fence it to the uh to the south where it heads that way, then it turns and heads south and also turn

around and put that to the west. But keep the fence right up there. Keep it right up there. The cows eat the stuff in there.

Mayor Kendrick: Thank you. And thank you for coming tonight.

Clinton Merrill: Just one more thing. I think, correct me if I'm wrong. This is the only access to the mountain from Deweyville. Right.

Mayor Kendrick: Yes. inside of Deweyville Town limits.

Clinton Merrill: This is the only one the only public access. And so I think also maybe the other aspect from us is as town members, please fight for what's left and this is it. Because we have to go to cold water to get access.

Mayor Kendrick: There used to be another access because I used it all the time for years and years and years and then someone came off in and fenced it off.

Stuart Peterson: Cold water further down south. Cold water goes right up through somebody's property. And they just fenced it.

Clinton Merrill: But that is the last access. That is a very last access for just all the town members to use the mountain. Otherwise you will lose access as a town member to the mountain. You will not be able to enjoy the public property which I think it's federal up above. My audit says it's all fed.

Mayor Kendrick: Yes. It is public property above his land. And that is a valid point that it is the last access point for the mountain. Hey, before before I close the meeting, I just have a question for you. You mentioned the Bonneville Trail. Honeyville's just been in the process of finishing their section. Would you not want Deweyville to do anything about the Bonneville Trail?

Clinton Merrill: You need to elaborate a little bit more on that comment. I don't understand fully what you're saying.

Mayor Kendrick: You said that you were in Kaysville, or Farmington for the beginning of the Bonneville trail. What I am saying is it has got all the way to our border now. I have not done anything about the Bonneville trail and I won't because I'll be out of office before they come asking me again. I was just wondering what your thoughts were about having, I mean the Bonneville trail is there, we can't get rid of it, but it's improving it. Um, Clinton Merrill: So, the second they do do this, the proposal is to put a parking lot in front of the Yates family home and the proposal is to use that access to access the Bonneville Shoreline Trail. That will be the only access point from Honeyville. Well, north and south there's like seven miles to an access. That's the only place to get to it. Um, a lot of people think it's a great thing because then you can start walking around. Um, what we found is it royally pisses off all the land owners. Um, if you think debris, junk, squatters come they we kick squatters off every month off those properties. Drug paraphernalia happens all the time. Sex trafficking happens all the time. It's a place that there are no cameras. As far as a community, it's detrimental. Farmington people hated it. They would fight it tooth and nail. The old-timers, a lot of people, what you'll find is they will up and leave. You'll find people that will like, we'll use Gorings, for example, people will wander down into their sheep because that's what they run up there, right? They'll start taking their livestock. A this is a cute little sheep. I'm going to take it. Or this is a cute little dog where we have an orchard. People will wander into my orchard. And I've already told my wife, I'm like, if they pass this, I'm leaving because there's nothing to stop them. And that's what they found in Farmington is the homes that butt up there, there was nothing to stop these people from coming onto their property. And then the next thing you know, you go from like a residential lot to I have to post signs every 50 feet to keep people off my property. And the sheriff is so bombarded by this, they don't have enough manpower to come and even help me. And that's what Farmington found. until they finally got enough money. And these small towns don't carry enough money to cover enough police to even protect them. And it's disgusting what happens. So they're going to come in and say, "This is a beautiful, wonderful thing." And from coming from a town that has its seriously awful. It's just like the Jordan Parkway trail that they have on the Jordan River. You guys, they talk about the good things, but no one wants to talk about the bad things. It's horrific. So, if you want to take two, if you want to take this beautiful little community and it's going to change everything because now it's going to drive all these people here and like, "Oh, I want to live here. Oh, I want to buy this property. Well, now I want to rezone everything." And everything you guys have worked for, honestly, in 10 years will be flushed down the toilet because money will come irregardless. And you can say, "Oh, it won't come." When you're dead and gone, it will matter. It will be gone. And this Parkway, this Bonneville shoreline trail is just a tipping point. And more and more people are going to come. It's all it's doing. It's just inviting people to come. Good, bad, ugly. I mean, it could be the mafia. It could be, you know, somebody sitting on top of roof ready to snipe somebody like you saw yesterday. You just don't know.

Good, bad, and ugly. So, as long as a town, we're okay with change and growth in a volatile way. Sure, do it from a town's person for my property that butts up next to it or close to it. I do not want it and I would beg you to please fight it. Fight it tooth and nail. We don't want it. I've talked to Matt Bitner about it and he's like, "There is no way. I'll throw down money. I'll throw down people I know." I know the snows are like, "We're just going to roll over because we don't have the resources to fight it." The Gorings are like, "This is going to cut our ranch in half. Our livelihood is going to just decimated." And there, if you don't think it is, back to me being a bee farmer. I talk to cherry growers all the time. They are being sued because people don't like certain things that they do on cherry farms. They're not being sued for their livelihood. They're doing being sued for things that come.

Mayor Kendrick: And that's where the AG protection zones come in.

Clinton Merrill: And it doesn't matter because they run out of money. The second you run out of money like let's say they keep attacking you. There comes a time where you'll give up fighting. You can be in the best zone. You can be in everything and they're going to keep coming. Money will always prevail in this. And it sucks.

Mayor Kendrick: Well, thank you. I just know Honeyville will be finished with their portion, so they're coming to us next. I have said no. You know, I kept away. This is the first I've heard the negative side. I've heard positive stuff.

Mayor Kendrick: We are going to go into council member reports. You're more than welcome to stay or you're more than welcome to go home.

14. Council Member Reports:

Nathan Spackman - I mentioned a little before started the process with Carter on the impact fees. So, we'll follow up with him. He will find the ordinance with the past impact fees. Everything else is running pretty good. We got the Nicholas repaired and have one other repair to complete. The pipeline will be in when it cools a bit, I would like it up and running for the spring.

Eric Page - I'll check into this paint and stuff. Nate said he would go to the Nucor building and get the primer. Um it'd be nice to know how many trees and where you want them or where you would like to see them. And the gallon size of the pot. Hole size, how many and where.

Marlene Berger - I don't have anything this month, but I do have a question from Nate. I guess I would probably make a motion that we No, we haven't we go ahead. I really don't have anything to mention. I would like to apologize.

Les Wheatly - I would like to apologize that the cemetery's got a little shaggy. Yes, it's green though. It's growing like crazy. Will get it cut, there are some headstones being set in the next few weeks.

Lesley Kendrick - I want you to really think about this road situation and the town's role in it and what we need to do. I'm not asking for any answers today. Would you like to meet at 6:00 and do it? We can start the meeting and then go into a closed session. Or you can have a closed session and then start the public meeting after.

We will have a lot of business because we will have a public hearing that night to pass ordinances.

Oh, the young men the young men are coming in two weeks to do the front all the front to get it zero scape. We're going to put that heavy heavy plastic down and and have the rocks on one side all match because we can't get the match for the red rocks on that side. So the few red rocks on this side will be moved to where the red rocks are. Any just know that they are going to take care of everything out front. We have not got any sprinklers out there. And then the bit next to the town hall. It's been suggested that we get zeroscape plants that don't need to be watered and build it up and put it in one like along by the side of the building.

Adjourn:

8:17 PM Meeting adjourned

