

**Laketown Town Council
Meeting Minutes
November 7, 2018
10 North 200 East Laketown, Utah**

Index

<u>CONTENTS</u>	<u>PAGE</u>
Planning & Zoning Updates	2
Gary McKee reviewed Master Plan for property north of packing plant	
Nate Parry requested building permit for Max Boyer home	
Refunding building permit Impact Fees discussion	
Jake Smoot purchase of Weston property discussion	
Desire to adopt Rich County building permit ordinances	
Easement for new storage units' property does not exist	
Rodeo and Arena Updates	4
Queen expenses submitted and paid	
Zion's Bank fees and sponsorship	
Rich County Room Tax Grant increased to \$25,000	
Flag may not be down, parts for light repair are purchased	
Roads and Streets Updates	5
Water Updates	5
Approval: Water meter reader wages increased to \$1000 per year	
Misread meter and leaks	
Desire to train another water person on our system	
Water bills were sent on October 17th	
Water improvement project is in Sunrise's hands and in negotiations with land owners at the top of the hill	
Parks and Recreation Updates	6
Other Items of Business	6
Approval of Bills	7

ACTIONS

Approval to pay the water meter reader \$1000 per year.

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7:04 p.m. Mayor Sim Weston called the meeting to order.

Attendance: Sim Weston, Delora Wight, Gary Ogilvie, Dallas Clark, Kris Hodges, Amber Droesbeke, Duane Robinson, Burdette Weston, Cody Reed.

Approval of Agenda: Delora motioned to approve agenda. Gary seconded. All in favor. Motion carried.

Approval of Prior Meeting Minutes: Kris motioned to accept the minutes from the previous meeting and public hearing. Dallas seconded. All in favor. Motion carried.

Planning and Zoning Updates

Duane Robinson reported the Planning and Zoning Committee did not meet because of Halloween. Gary McKee wanted to look at the long-range street plan for Kent Johnson's property north of the packing plant. Gary came to their meeting the previous month and they addressed whether to change it or adjust it. Duane feels that if we adjust everything every time someone sells a piece of property why do we have a long-range plan? Gary came in the town office and looked at the master plan map with Duane and Amber.

Nate Parry called to get his building permit to build the home for Max Boyer. The Planning and Zoning Committee determined that they will not give the paper until Nate shows on paper that the cul-de-sac will remain in their plans. A discussion of this temporary cul-de-sac took place. It was required as a temporary cul-de-sac in Sandlilly Phase 1 subdivision development and not required to be finished at that time because Sandlilly Phase 2 subdivision was planned. The council determined that a space to turn around is needed for emergency vehicles, garbage trucks and school buses. Dallas also felt it is needed because it is a dead end. Mayor Weston felt that we should tell Nate that he either pave the turnaround or take it out and build one in front of his house. Nate made an appointment to give the paper to Duane but did not show up for the appointment so Duane has not given him the permit yet. Mayor Weston thinks the home owner will pave the cul-de-sac. Dallas does not think that the home owner will pave the cul-de-sac if not required to but feels that the cul-de-sac does need to be paved and does not want the city to have to do it. Gary felt that the cul-de-sac does not need to be paved but if the homeowner paves his driveway, he should also pave a turnaround for the garbage truck as well. The Planning and Zoning Committee told both Nate and Mr. Boyer that they would like the cul-de-sac left like it is so that there can be a turnaround at the end for the garbage truck but did not ask them to pave it. Duane called Max Boyer to find out what his plans are. Later in the meeting Duane reported that he spoke with Max Boyer who now owns the property and he is going to leave it as it. He has worked through Marilyn Adams to make an official easement on the property. Marilyn told him that it cannot be deemed a city street but must be deemed as an easement. It will be a straight shot to the corner on that hill. It is official as of a week ago. Duane told him if he paves that he will need to pave the turnaround as well and he said that he didn't want to but if he has to, he will. He is thinking of having a drive way the garbage truck can drive straight through without needing to turn around. His plan is not to do any pavement for four years at least. A decision was made that if the town has to pave it, we will sleep on it

and deal with it when we have to deal with it. Mayor Weston doesn't know whose fault it is but we are partially responsible. We were told that was temporary because they are going to build another phase on. Duane thinks the city has so long to take it over and then we can finish it and use their money to fix it. Mayor Weston's ear is still sore for not releasing that money. Dallas hates costing the town money. Gary thinks that Boyer will want to pave it eventually.

Duane thought that we need to get on top of an issue of two building permits that have been paid but now appear they will not be used: Jordan McKee's and Jake Smoot's. Rich County allows one year from the time they acquire their permit to build and they can extend for six months. The real issue we need to think about is what do we do with money we have collected if they choose not to build that home? Duane feels that we have two options: keep the money and say that the property owner has already paid that or give the money back in case our impact fee goes up in the future. It looks like Jordan is not going to use his and it also appears that Jake Smoot has changed his mind. Duane feels that we should keep the \$3,000 for the street in front of Jake Smoot's property. Cardon has not paid his portion yet but does have the invoice. Duane doesn't know how much it cost to pave that. It was built right, they did it to the specs that we gave with the base and everything. Mayor Weston doesn't know whose fault it is. We are partially responsible.

Duane thought that Jake Smoot has purchased or is in the process of purchasing another home in town that is in the residential zone. Duane feels that he bought the home under two incorrect assumptions- they did not look at the Master Plan and see that there is a street on the plan that goes between Theda Weston's property and that property. There are some Laketown Irrigation release valves and air vents there in the corner. Additionally, it is not one full acre so he cannot divide it into two lots. Duane thinks that it was sold as if he could divide it into two lots which is why he bought it thinking that he could make a good chunk of his money back selling one lot. The realtor knows about these things but Duane does not think that the buyer has been informed of these things. Burdette asked if that house was built when a third acre lot was required. Duane said that does not matter and that he would vote against that if it came up because there is plenty of acreage there, the same owner that owns the property owns the home and it was not divided out until the past five months. Duane told Joe to make sure Pam has at least a half-acre. Duane did not even contemplate that they would divide their property the way they did from Theda's along the road that way. Dallas thinks the property owner needs to know. Kris pointed out that it should be a realtor responsibility. Delora and Duane pointed out that the State of Utah is buyer beware. Duane said we are assuming whoever told him knows but it is not a fact that the buyer is dividing that land. They divided it between Theda's house along north and south. They left the corrals off. Pam was generous to them. The new fence will be five feet behind the fence that is behind the house now. Gary McKee was the realtor with the buyer, not the seller. Duane knows that Gary knows because Duane told him. Duane said if the realtor has not told him everything the owner can sue and get his money back.

Jordan McKee claims that he never purchased a building permit but his building permit was paid on November 1, 2017 by Bear Lake Realty. Mayor Weston will ask our attorney what the state rules are for building permits/impact fees. Mayor Weston, the Town Council and Duane would like to give the building permits/impact fees back if we can but if there are rules that prevent it then we cannot.

Dallas would like to adopt what Rich County has for building permits into our ordinances. Duane will add that to the list of the changes for the codifier. We need to determine if the impact fee goes with the person or the property.

Duane received a telephone call from a road maker who said he has a building permit from the Town of Laketown for an easement on the property where they want to put in storage units. He told them that the Town of Laketown has not issued any permit for that property. This will be coming in the future.

Gratitude was expressed to the Planning and Zoning Committee for all that they do and the invitation extended for the Christmas Party on Dec 5, 2018. They will meet November 28th but not at the end of December.

Rodeo & Arena Updates

Receipts for queen expenses have been submitted. The check to pay for them will get signed tonight. Jessica did a great job and spent a reasonable amount of money. We have an extra Mutton Busting t-shirt.

Mayor Weston stopped in Zion's Bank in Randolph. They do charge a \$2 fee for deposits over \$9,000 or \$10,000. They want to do whatever they can to keep our account. Mayor Weston asked to send the letter asking for the 2019 Rodeo donation now and they said that they will send it. He told them he was surprised to find out that they would not donate to the 2018 rodeo and that if he had known that he would not have hung their banner on the chute. Mayor Weston thinks we need to hand pick the five chute gate sponsors. He never talked to Heritage Dodge before the rodeo this year prior and called after the rodeo. They said that they would send it. Kris wants to use a standardized letter next year for sponsorship allowing them to choose what they want to do and has a couple of sample letters to use to help us write our letter. The council decided not to offer the chute sponsorship to them next year. Mayor Weston will be on the Rodeo Committee next year.

We applied for the Rich County Room Tax Grant for \$15,000 and they called and said to ask for more money because they had extra funds and want us to put in more lighting in the arena. So, our grant was increased to \$25,000. We will put in LED lights. Kris said we need to clean up behind the chutes. Mayor Weston took our welder and fabricators up there to put in more bleachers. They went to the ropers chute to the crow's nest. We are going to start seven feet high and build from there up so the horses and bulls are underneath the bleachers. That is where last year's tourism money is going to go. They said they will work together because the job is so big. They wanted an engineer, Tyler Stuart to look into it, because it will be so tall. Tyler took the plans and will design something. It will be solid so nothing can drop underneath. The walk area will come behind the crow's nest on the north side then the stairs will come up behind the bleachers. We need dirt work done and we will build a trail. Kris said our other bleachers are needing to be replaced because the wood is rotting. Mayor Weston said we will fix them and the corrals are cleaned up now. We will go as far as we can until the money runs out and then when we get more money we will do some more. Receipts for this work need to be turned in to Becky Peart by November 15, 2018.

Gary thinks if we are hauling people up there, we will need to look at how we do that. Kris wanted to discuss that on August 1st. Some of the bleachers will be built time for the rodeo next year. They will

build them this winter in their shops. Cody Reed asked if there needs to be another exit for emergency. Mayor Weston thinks we may need two. Eventually we could move the aluminum bleachers.

Mayor Weston thought the flag had been taken down but it may not be yet. The light isn't fixed yet but the one he picked up will work.

Roads and Streets

Gary received the email asking if we need crack sealing. Mayor Weston is not interested because he likes using our local people, Anderson. Mayor Weston thought that our crack seal looked better all summer and asked if our snow removal guy is ready to go. Gary said yes and that we need to have some kind of written contract with him. Gary talked to him and he agreed to do it for the same amount as last year. We do not bid it out because it is under the required amount but need something official in writing. Kris reported that McKinnon's have shown interest in snow plowing as well. We will print up a contract that says that Webb trucking has a snow removal contract for 2018-2019 winter season for \$4,900 or whatever we paid last year. Both of us will sign it and we both keep it a copy. Mayor Weston said that if he doesn't go out much, we don't pay him the full amount and if he goes out a lot, we pay him more. Dallas said that one year he gave us half the money back and we didn't even ask for it.

Water Updates

Duane misread Mike Mattson's meter. Sim had a message on his phone two different times. Duane told him to pay his basic quarterly fee and his late fee. Mike said that he will pay the late fee and that he had his line checked by two different people.

Mayor Weston thought that we need to reconsider the water meter reader's wages. He is reading more than 31 more meters than when he started and he hasn't had a wage increase for a long time. He is currently paid \$266.67 each reading.

Laura Myers has a leak. Both Russell Myers and Laura Myers were turned off because of leaks. We will not charge to turn it back on. Delora reported that a water user turned theirs off across from Doyle's, the old Leon Wright home. The water user said they have been turning their water off and on every year for three or four years. They broke the valve a couple of weeks ago by breaking off a lip that the key fits on that sits on the metal to turn it. Duane does not know if the water is on or off now because there are no outside faucets, Duane doesn't see a back-flow valve either. They need to pay for the valve. Whatever Dan submits for the repair work we will send to them. Delora will ask Dan to call her regarding any work that she wants done. He can do that for her privately. The home owner would like to get a valve to turn the water on and off on her house. Duane said to remind Dan that meter runs backwards.

Approval: Kris motioned to pay the water meter reader \$1000 per year. Gary seconded. All in favor. Motion carried.

Dallas thinks we have talked about it before and that we need to get another water person in training now. Mayor Weston agrees but also thinks that if we had good documentation and good maps a good water guy would be fine fixing stuff. Then we would not have to pay two guys at the same time. Dallas asked if we can we bring someone in to start learning the system. Duane feels like anyone can fix the household stuff but nobody else would know how to do anything with the other stuff coming down from the canyon. Dallas thought that we really need to address it now. Mayor Weston thought that maybe we

can approach Chantry and ask him to follow along. We need to follow the legal process accepting applicants before we hire. Mayor Weston said that we will work on it.

Delora worries about running out of water. Dallas reported that we did run out of water about a month ago. Kris said that all of the hills were dry. Dallas talked to Dan and it turned out to be someone had turned a valve off so our tank was dry. It was not dry enough that people in town noticed it but it was dry on the hills. Having a second person would help if Dan was out of town. Dan figures it was probably someone in the irrigation system that turned the valve off. Duane doubts that. It would have to be a valve above the reservoir and Laketown Irrigation does not have any valves up there. Their first valve is located below the rodeo arena. Dan said it was a compound problem because in addition to that valve getting turned off the altitude valve failed. It was fixed within minutes. Mayor Weston said that when the school water line burst up last winter Dan was on his way to St. George. In two hours, he would have been gone and unable to help with it.

Amber reported that the water bills were sent on October 17th. Late fees will be assessed on November 16th. On October 15th all water accounts were paid in full except for four outstanding accounts. Two of those have been paid. The two outstanding water accounts are \$10 late fees.

Kris reported that she was leaving town and saw the cattle man filling up his tanker at the State road shed. She stopped and took photos. Kris asked if he is paying for the water. She talked to Tony and showed him the photo of the truck. Tony said that in the beginning when the cattle man came to him, he had a 300-gallon tank in his truck and asked to fill it once in a while. Tony had no clue he is filling up a truck that size and that was not the truck he asked to be able to fill. We do not read the meter that we are providing to the state road shed. So, we have been watering his cattle all summer long. He is stealing Laketown's water. Tony assured Mayor Weston that it will not happen again. Tony could be in trouble for it. The cattle man told Tony that he won't do it again. The town council felt we should have a meter on the property so we know what the usage is. Mayor Weston remembers that we never worried about metering their water before because their usage was so minimal and they took care of us. Delora will ask Dan to put a meter on the property.

Amber asked if they want to answer questions about our water system survey by a student at Utah State University who is updating a research study. The town council said yes. Her questions do not apply to our situation.

Delora asked Mayor Weston where are we at with our water detail. It is in Sunrise's hands and he thinks they are still in negotiating with Ray Elliot to get commitments from him to pay for the pumping station and the pipe line up. Two weeks ago, there were surveyors up on Last Chance Hill marking everything.

Parks and Recreation Updates

Dallas reported that the park has been winterized. The branches that fell in the park were put in the fire pit. Delora will haul them to her house. Discussion of when to hold the town Christmas Party took place and December 12th was chosen and the church building was reserved.

Other Items of Business

Our auditor Gary Teuscher will come and report in the January meeting.

The Town council made a decision on who they would like to fill the Mayor position. They notified the applicants by phone call and formally offered the position of mayor to Burdette Weston who was present in the meeting. Burdette accepted the position. The change of mayor will take place in the town council meeting on January 2. Burdette and his wife were invited to the December Christmas party. Duane asked if Planning and Zoning could vote against it as they will lose Burdette from their committee.

Burdette expressed appreciation for the chance to talk with the town council and felt that they were professional.

Dallas expressed appreciation from the town council to Burdette for being willing to do this because not everyone jumped in line to do it. It takes a lot of time away from your family and involves taking calls in the middle of the night. Kris expressed appreciation that people applied. Congratulations and thank you!

A letter from Utah Local Governments Trust Letter about records requests and Utah Statutes and Rules For Public Agency Penal Bonds and Crime Insurance was reviewed. We do not have ordinances that apply to crime insurance.

Duane read Ordinance 1-6-3-C read aloud. "Voting: The mayor shall vote as a member of town council. Any member of the town council appointed to act as mayor pro tempore shall cast only one vote." Another ordinance states the town council meeting times that are not accurate.

Mayor Weston asked if we need three dumpsters in the summer time. It costs a lot. They are putting more there than we used to put there.

Bear Lake Regional Commission Report none

Updates for Clerk's office none

Action Items none

Approval to pay the bills

Delora made motion to pay the bills. Kris seconded. All in favor. Motion carried.

Motion to adjourn meeting Dallas motioned adjourn. Kris seconded. All in favor. Motion carried.

9:21 p.m. Meeting adjourned