

**Laketown Town Council  
Meeting Minutes  
June 5, 2019  
10 North 200 East Laketown, Utah**

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**APPROVALS**

Approval of FY 2019-2020 Budgets.

Approval of Austin and Cooper Hunter’s business license “Hunter Brothers Mowing.”

**Laketown Town Council**  
**Meeting Minutes**  
**June 5, 2019**  
**10 North 200 East Laketown, Utah**

**7:30 p.m.** Mayor Burdette Weston called the meeting to order.

**Attendance:** Mayor Burdette Weston, Amber Droesbeke, Dallas Clark, Delora Wight, Gary Ogilvie, Kris Hodges excused, Tamie Gomez, Jordan Gomez, Cody Gomez, Commissioner Sim Weston, Eldon Robinson, Heidi Muirbrook, Travis Muirbrook, Dan Stringham, Cody Reed, Stuart Wamsley, Diane Wamsley, Ruby and Travis Hunger, Austin Hunter, Ray Elliot, Kellie Smith, Greg Wamsley, Nick Wamsley, Scott Archibald and Steven Wood, Sunrise Engineering, Herm Olsen.

**Approval of Agenda:** Gary Ogilvie motioned to approve agenda with the addition of Roshelle Sondra, Rodeo ticket.com. Delora Wight seconded. All in favor. Motion carried.

**Approval of Prior Meeting Minutes:** Dallas Clark motioned to accept the minutes from the previous meeting. Gary seconded. All in favor. Motion carried.

**Approval of FY 2019-2020 Budgets:** Dallas Clark motioned to approve the FY 2019-2020 Budgets. Delora seconded. All in favor. Motion carried.

**Planning and Zoning Updates**

Tamie Gomez reported the Planning and Zoning Committee has the Bryan Weston Subdivision plat; it has no changes. They are waiting for signatures on the Final Plat. The town needs to receive the following fees for the subdivision: \$5,000 per lot for 3 lots, sign over 3 water shares for the town, \$500 for one plat and \$30 for lots (\$10 per lot). The preliminary plat fee was received and a copy of the receipt given to Duane. Gary Ogilvie said there is also an attorney fee that the town will receive an invoice for and pass on to Bryan Weston.

The old Pugmire house up Mill Canyon is being remodeled. Nate Ward came in to get a building permit for that. No fees are required, only approval. They are gutting the inside and came in because they moved electrical, plumbing, walls and flooring.

Tamie asked if Rich Middle School presented their plans to us and if they mailed in their two separate checks. Planning and Zoning Committee asked if there are protection poles around the fire hydrants in the plans. The school district verbally said they were okay with that but the Planning and Zoning Commission wants to confirm it is written in the plan.

Dee's Service Station, Dennis Hodges is planning on putting in a canopy and two field dispensers on the west side of the storage tanks. The setbacks will be 50 feet. No building permit is required.

They received a suggestion to mow the east side of Cisco road from the highway to where the old cattle guard used to be. Discussion of the depth of the ditch took place and a decision was made that Dallas will ask Brian about it. Heidi Hodges is resigning so they need a new secretary for Planning and Zoning Commission.

### **Rodeo & Arena Updates**

Commissioner Sim Weston reported that flyers are out for queen contest which will be held on June 15, 2019. They are looking at buying bleachers and installing them. Everything else is set up and Commissioner Weston spoke with Ben German. We will possibly repair the gates, depending on how much we money put into the bleachers.

Mayor Weston reported that he met with Steve Liechty, Rocky Mountain Power, along with the clerk and we requested their donation of \$500 for the rodeo and help with determining what LED lights to purchase. They will put up two poles we have that were donated and hang the new LED lights. He had a letter from Steve stating that they are happy to contribute to the rodeo and requested that we share the news of their financial support in any press release or on Facebook.

Commissioner Weston asked for the Muirbrook's opinion on the rodeo lights and explained that it will have a switch so it won't come on like the street lights do. They said it is fine. Travis Muirbrook asked about having the road graded as it is pretty washed out this year. Hopefully a light will help.

The flag team requests that the arena gets watered before their practices. Wetting the field even a day before helps a lot. A decision was made for the clerk to give the dates to Fire Chief Argyle.

### **Roads and Streets Updates**

Gary reported that he attended the UDOT meeting where they told us what the state is doing. He asked about Class B and C road money and they went over that. After that he met with Bill Cox and discussed who is getting what money for the roads. Gary used a map that shows two roads, Falula Road and Main Street to Center Street and from Center Street out to the city lines as questionable as to who was getting the money for those roads. Gary and Bill talked about it and came to an agreement that Gary hopes the town council will ratify. His decision was for the county to receive the money for the city owned portion of Falula road and for Main Street to Center Street and Center Street west into Round Valley. The city is not going to receive any money for that, we don't receive money for it now. They will maintain that road down and out Round Valley Road and at our city limit it becomes county road anyway.

Mayor Weston asked when there are pot holes and maintenance is required on that road who will be in charge of repairing them. Gary said the county will maintain it and what they call maintenance he is not sure. They didn't do anything for us at that intersection at SR 30 and Main Street by Dees. The state did the little work that was done on it. Gary said it is not an official agreement. He asked Commissioner Sim Weston if the county could talk about it. Commissioner Sim said the city payed to crack and seal that road a year ago. Gary displayed the map he used and explained that Tyler Stuart who works for Jones and Demille, gave him a new color-coded map which he provided the town council. Tyler and Gary are working together to accurately designate the roads. They have the technology to calculate the mileage from this map and he can send this to the state to get our mileage updated. Last time an accurate map was sent to the state was when Chuck Webb sent it in 2013. Dallas asked questions on the road designations and two errors were found. Above the Hodges house is a private drive, and not a town road. Tamie said that years ago she put her road on the city map. Gary will have Tyler make the corrections.

Eldon asked who to ask in the county for better material on Falula Road. A discussion of the material that makes up Falula Road took place. Gary will have Tyler change the category on 350 East. He thinks we should give Tyler something to thank him for doing all that work. He also would like to ask Tyler's company to redo the large Master Plan map. Scott Archibald also has the aerial necessary to do that. Gary likes what Tyler did and if Tyler cannot do it then we will have Scott at Sunrise Engineering do it. Travis Muirbrook asked what the name of his street is. He has been using 250 South for years but has also seen Rodeo Road and Rodeo Arena Road used. Gary will call the county and install a street sign. The yield sign at 200 south and 200 East was down this morning because someone hit the wooden post and busted it off so it cannot be reused. Gary replaced it with a metal post and put the yield sign on it.

### **Water Updates**

Mayor Weston welcomed Steven Woods and Scott Archibald and Attorney Herm Olsen.

Eldon Robinson asked to address the council representing the Laketown Irrigation Company. Before this meeting he met individually with each town council member and the Laketown Fire District Fire Chief Camron Argyle and gave them each a 90-minute tour of the Laketown irrigation system and had a good visit with them. He would like to have the opportunity to go with the engineering firm and show them exactly what we have in the ground in this town because he thinks it is impressive. In 1979 they took the irrigation company that was irrigating property in an open ditch and put it in a pipe so we are now under pressurized irrigation for 80% of Laketown property. They have three water sources: Mill Canyon which is gravity flow and has a water right of 7.5 second feet, a well by the school has a water right of 3 second feet, a third well is north of the Gomez property with a water right of 3.5 second feet water right. Total water right is about 15 second feet. He came tonight to get this information in the minutes.

There are 96 shareholders in the Laketown Irrigation System although Eldon pointed out that no one on the town council has shares. Eldon pointed out that the shares are valuable. They have 1,006 shares. In 1979 when they put the system in, they operated on 7-gallon nozzles which meant that they had the capability of producing 4,438 gallons per minutes. They have reduced to 5-gallon nozzles, so currently the system is capable of producing 3,107 gallons per minute. He feels that this is unique because they have controllers on the pump so that if the use goes up and the pressure goes down the pumps speed up to maintain that pressure throughout the line. They are holding between 55 and 60 pounds of pressure. Eldon thinks that the Laketown Irrigation Company or the water that is available in the ground right now should be addressed when the town of Laketown discusses water and should have been talked about and discussed in this process. He thinks that we have a great opportunity to have outstanding fire protection and also to use it for watering instead of using culinary water.

Eldon displayed a PVC pipe that we have all through town and he described the locations. On the tour, Councilman Gary Ogilvie learned that there is an irrigation turn on valve across the street from his home although he has been paying a higher price for his homeowners' insurance because he is far from a fire hydrant. His closest fire hydrant is near 100 North and 200 East. Eldon pointed out that if there was a fire at Gary's home, from May 1 until end of October there is irrigation water in these pipes and the fire district is equipped with three- and four-inch valve openers to access the irrigation water. If the fire district needs more valve openers, they can call Nick Wamsley at Valley Implement. Eldon feels that the Irrigation Company and irrigation system should have been part of the formula, that they should have been involved somehow when the engineers considered what water is available and in the ground. He hopes to take the engineers on the tour and show them the irrigation system.

The town of Laketown has 6.25 shares in the Laketown Irrigation Company. They have a shareholders meeting in the first part of May. They have not had anyone from the town council attend the meeting for the past two years. He asked if the town is notified of their meetings. Delora did attend the meeting last year although she has never received a notification of the meeting. The annual meeting is when they set the assessment for the year and they set it at \$30 per share this year.

Mayor Weston pointed out that it is against the law to hook on to the irrigation water without a water right to do so and he doesn't want end up in jail. There is a lot involved in using the irrigation water for something other than irrigation. We would need to have water rights to do it and permission from everyone in the irrigation company to do it. If we had a fire and our town system was exhausted, if the fire department or Eldon approached it, it would be okay but Mayor Weston, as a city wouldn't dare say "Come and fight this fire!" because he would be asking to use illegal water.

Eldon reported that they did not talk about fire protection in their spring meeting but he has talked to the directors about it and they will address it in their next meeting and create a statement in their minutes and their bylaws stating that if there ever is a structure fire they will allow anyone to hook on to use irrigation water during that period of time. Mayor Weston pointed out that this will work fine May 1 to end of October.

Eldon asked the engineer, Scott Archibald, if he knew where the school gets their water to water the football field. Scott thought it was off the well by the school. Eldon asked about the church and said that the school and church are watered with the irrigation water rights. They are not utilizing culinary water at that location.

The irrigation company is concerned about Mill Canyon and the creek and about the crossings that are happening in the creek. As the ATV's access up Mill canyon, the bank gets washed out and the water goes over the bank and down. Eldon is meeting with the BLM on June 17<sup>th</sup>, Cassy Melon is coming to look at that situation to help them maintain the water in the ditch. Most of that, especially the crossings are on BLM ground. Eldon made a request from the irrigation company for the Laketown town council to address the Bear Lake Convention and Visitors Bureau and request that they quit advertising the Laketown Canyon trail as an ATV trail to reduce the use up there. Eldon recommended using a google search for Laketown canyon trail. Travis Muirbrook said that they get stopped all the time and asked where that trail is. Bearlake.org states "Park at the rodeo arena and ride west. Head south on 200 East. At the south end of 200 East, the road turns into dirt. The trail crossed the stream seven times so you will get wet. This is a fun trail despite the water. There is a reservoir about half way up and a spring at the top of the ride. The ride ends at a gate." It talks about features and the part that really gets to Eldon is "Open to bicycles, hiking, horses, licensed and registered motorcycles and ATVs." Cody Reed said that you can do something up until the BLM land. Eldon said we do not have to promote it even if we cannot stop it.

Delora said that this goes out at the meeting that our mayor attends. So, the only thing that the town council can do is our mayor can go to that meeting and request that the trail is not advertised. Mayor Weston said we can discuss with them and see what our options are. Where it is public land, we don't know if we can ask them to stop advertising it. He does feel that we can ask them to work with the county and ask them to patrol it. That way it will cost them the money to patrol it. We have our water facility there and we wouldn't want anything messed with there. The last meeting was cancelled so Mayor Weston could not ask them about it.

Travis pointed out that the rodeo arena is not on BLM land and the trail guides begin there and people are all over that area when they are warming up. Eldon pointed out that the request is not to stop access up there but to stop promoting this as a tourist destination. Mayor Weston will see what our legal options are and what we can do, what we can ask the Bear Lake Convention and Visitors Bureau to do and what they will do. Eldon requested to be on agenda next month to report what BLM has to say about the creek and all of those crossings and what they can do to help us keep the water in the ditch.

Eldon said there are a number of town citizens who are concerned with the development of the water system that is happening at this time. He created a committee with three other people and they have gone around and talked to people. They found out that they don't know a lot about what is proposed and what is going on but the three that have been helping him do know quite a bit more than most of the citizens of Laketown know about what is being proposed as far as a water system expansion. They want to contact everyone that has a water connection and talk to them and give them an opportunity to sign this notice to the town council. The notice states:

“We the undersigned culinary water users of Laketown request the town council reconsider the proposed elaborate culinary water system expansion. We feel we should not be the ones to pay for a water system that allows for extensive future development by more than doubling our current billing. We do support needed improvements and an as needed phase in water system development.”

He had 91 signatures. He gave them to Delora and said that she might be interested in reading through those. He said that Duane Robinson said there are 154 water meters in Laketown and 45 of those not full-time residents. There are some that have two water meters. They are concerned about having 154 of us pay for this elaborate water system. They will talk to more people, especially on Memorial Day weekend and bring more names to Delora or Amber.

Mayor Weston said there is quite a bit of misinformation going around. Someone attended the first meeting where there was a proposal to do a \$3.5 million improvement and didn't realize that this is a paired down system from what was originally planned. This was the third or fourth choice in that first meeting. People have asked Mayor Weston to explain what we are doing. He has talked to them about it and told them that the water billing would be somewhere between \$35 to \$50 a month, versus the \$25 we have now, depending on how we as a town council determine. There have been three that have talked to Mayor Weston and said I signed the petition a while ago but I am not opposed to what you are doing. That is why he asked that the engineer, Scott Archibald to come tonight because we are starting to close on things and Mayor Weston thought that if anyone has any questions and if they had not attended any of the water system upgrade meetings this would be a chance for people to voice their questions and try and get answers to their questions. Eldon said we couldn't answer those questions because it was hard to get what the actual figure was. He told people it could double it. If it is \$35 that is not doubling it. The figures they heard were \$55 to \$90. Scott said that those are some of the first estimates when we were looking at a well and upsizing the pipe coming out of the tank. The council said that it was too much to do. We are about \$5 to \$6 from being eligible for grants to help pay for improvements but the town council still decided not to do all that is needed even if we would be eligible for grants and they pared the project down considerably.

Eldon said that building a tank up to make water available for future development is another issue. The town is very uninformed about what is being proposed as far as this water system goes. He believes that the town council is going to have to get out and talk to the people. He may be to blame for causing division on this but there is a lot of division in town on what is happening. Mayor Weston said that the question was raised and so he asked the engineers to recheck figures and how they got them. He has questioned them about how they know what the system is going to do because they never did a flow test. They have sophisticated software. Gravity is gravity and pipe friction is pipe friction depending on the size of the pipes. They took static readings from fire hydrants around town so that allowed them to input information that allows them to predict the flow if they had a fire at various locations in town. Eldon said that the engineers did not know what we have in the ground meaning the irrigation water system. He thinks they should have come to them when they started talking about fire protection because of what we have that available.

Scott Archibald, Sunrise Engineering asked if he could address this point. He said that they knew there was a secondary irrigation system in town but because it can only service for only a portion of the year, he cannot rely on it for a year-round system. As the state looks at it, you may have a hydrant on every corner and a riser that you put a valve opener on at everyone's house but the state doesn't allow him to call that health, safety and welfare for the citizens of Laketown. He cannot rely on it. You can use for the summer. It can augment and help. There are many communities do that and use it. Their firetrucks carry the valve openers and they have the agreements just like Eldon talked about creating but because it doesn't go beyond October 31<sup>st</sup> and before May the state doesn't allow Scott to use it as a system that will fight fires. Scott is bound by regulations by the State of Utah. Eldon asked if the state is telling us as a city of Laketown that we are lacking in fire protection. Scott responded yes, by their regulations. Eldon asked what about the rest of the communities and everything that is in the Laketown Fire District. What about the homes along the south end of the Bear Lake? What about Meadowville and Round Valley? We are in a lot better shape than any of those are in the district and the Laketown Fire District Chief, Camron Argyle will agree to that.

Scott responded that there are a couple of different ways to become a public water system, usually by the number of hookups or connections you have or the number of people you service. As soon as you become a public water system then the public rules and regulations set forth by the Department of Environment Quality, Division of Drinking Water govern. They have a set of rules that govern the designs of public water systems. The city is required to submit plans for any expansion of the system to the DEQ for their review and approval. This includes even expanding a water line.

Eldon said that this conversation Scott and Eldon were having right then is the same conversation and the same way that he felt when he was at every meeting. Eldon, and the Laketown Irrigation Company are trying to offer something that will help fill a need and common sense tells us that we have more than adequate fire protection supplemented by this irrigation system in the summer, which is fire season and that is when you might need the water and that Scott at one time in one of the meetings said that the reason we are expanding this is not because of fire protection. Scott said there are pressure issues and fire issues. There are multiple issues. We have been working on this since 2017 when Sunrise Engineering produced a report in July 2017 that outlines several options. One option was tying onto the State Park well at Rendezvous Beach. Eldon said that system shouldn't have even been an option and asked if that option came from the state. Scott said no and explained that one of the things that the state would like to see happen here is for the town of Laketown to have a backup water

source. Technically, the town has one water source. Eldon asked how many sources Rendezvous Beach has. Scott said one. Eldon asked how many sources does South Shores Special Service District have. Eldon answered his own question: one. He asked how many sources does Rattlesnake Gulch have? And answered: one source. If they are going to make us have more than one source then don't you think the State of Utah should make Rendezvous Beach have more than one source? Eldon emphasized that he is coming from a common sense outlook. He is supportive of some development but he is not supportive of the 154 water users paying for a system that allows big and elaborate future development. Scott said that Laketown has been adamant to pay for the needs they have here. We had to negotiate with the landowner to put a tank on the hillside. The town council went through several discussions and agreed to let him pay the difference to put the tank at a higher elevation. The town council decided that if he pays for it and there is no additional cost for the town, then the town will allow that to happen. In every meeting that has been expressed about 70 times and in every phone call that is the governing rule. If the landowner cannot pay for it then the town will put the tank at a lower elevation.

Scott's mandate and what he is trying to honor is that if the tank goes any higher than what is needed to get adequate pressure for the residents on the hill then any increase in that is supported by the land owner who will benefit. Gary asked if that includes pumping costs. Scott addressed this by saying that the landowner is not charging the town for the purchase of the property for the tank which is a little more than an acre of grazing ground and valued at a little over \$4,000. That will offset the difference in pumping costs we would normally have for 15 to 16 years on average flow usage. If you will have additional users there in 16 years he does not know.

Mayor Weston said that Eldon Robinson made a point about Laketown Irrigation System and the foresight they had to put in the pressurized irrigation system. Before they did that system, they even tried to cement the ditch around the upper end to keep from losing water and that worked well until they started having the frost heaves and breaking the ditch up. He stated that he knows that people who come here say there is a different feel in Laketown. He wants to maintain that feeling in town. He has neighbors who moved in who said that they looked all the way from Montana, from Star valley and Yellowstone and they were coming through and saw an ad for a home in town and when they drove into town, they noticed the feel. They decided that although it's a small house they said "We are going to buy it!" People have told him that when they leave the highway and come down into town there is just a different feel in Laketown. Four years ago, he wasn't involved in this. Six months ago, he wasn't involved in it. The thing that he sees is four years ago there was a moratorium on until they figured out how we could service more water because we weren't having enough water for who we had here. Through that moratorium that lasted about six months they expended \$30,000 made up of a \$15,000 grant and \$15,000 matching town funds, figuring out what was needed and what was adequate. It was determined that there is a need there. You see someone like Bryan Weston come back and buy ground and wants to have a subdivision because when you have more than two lots you become a subdivision. That is bringing his own family back which a lot of us will do. If we have the same growth that we have had in the last couple of years for the next five years, we are exceeding the growth we estimated we could even try and do when they had the moratorium on. When he looks at some of the growth most are families that live here full time and contribute to our community although there are a few that have summer homes. Mayor Weston is not looking forward to having big subdivisions and growth. He is looking at how we maintain the same opportunities for others to come and still maintain that Laketown feel. Adding more storage that helps with volume isn't a big deal for him.

Eldon said that he has five children that want to come back as well because of the rural laid-back feel in the community. He asked do we know about having the tank up at the existing site that we have now and how many new homes could we have come in with the existing system and not do anything and save money and maybe increase the fee a little and do a little bit at a time? Mayor Weston responded that when he went to the first meeting and they proposed a second water source and the possibility of drilling a well, putting in another tank and looping the system and it was going to cost \$3.5 million, raising the water rate to \$70 to \$90 a month. There were questions about it and he voiced his opinion at that meeting that it would be proper to do that then because if we wait to do that down the road in ten years instead of costing \$3.5 million it will cost \$6 million. We end up putting off the costs and it is something that is needed. He thinks that this is paired down by 60% from what they started with. When you say "What do you need?" when you have someone in town who can't take a shower on the summer time because lawns are getting irrigated and they live on a hill, I really hate to hear someone say "Well, they knew that when they moved up there!" because that isn't the issue to him. We are in it together.

Travis Muirbrook requested to speak and said that as someone who can't run a sprinkler and take a shower at the same time on his hill, he hears all this being addressed for certain people and he is in the same situation but nothing is going to change for him. But he isn't asking anyone else to foot his bill to make that change. It would be nice if the city could make that change some time and fit it in their budget but he doesn't see fit to ask someone to do that. His pressure is bad but whose responsibility is to pay for it? Speaking with his father who was a mayor in North Ogden and was a real estate developer all his life, talking about new homes coming and how many cities charge a \$20,000 impact fee to account for that additional cost. Travis thinks that raising the impact fee should be discussed by the city council. Scott responded that as part of the study they did an impact fee analysis and the town council implemented the results of the impact fee analysis and have already adopted it. Steven Woods said that we can justify just over \$10,000 legally but then it is up to the town council to decide where the range is. At this point it was decided on \$5,000 and to see where the growth will be. The council can upsize it next year. Commissioner Sim Weston said that we don't want to run off the young couples because all that we end up with are rich people.

Eldon reiterated his question, "How many new homes can we have without doing anything?" Steven Woods, Sunrise Engineering responded explaining that during the planning stages they run a five-point analysis. Typically there are five pieces of a water system: the paper source (how much legally you are able to pull or the water right), the wet source (how much does it actually produce, sometimes you have more legal right than what is actually producing), treatment (for us this is simple, chlorine), distribution (if the lines are properly looped to get proper pressure throughout the town) and storage. So, there are five main components that can hit limits and limit future growth. In water rights we are fine. We are fine even up into 20-year projection at a 2% growth rate. We are at 156 water connections now and we projected 232 in 20 years which is an increase of 76 connections in water rights. So, we have enough for 76 connections in water rights. It is the same with water source. Scott explained that water right has two calculations, one is a yearly volume and one is an instantaneous flow and in both we are good.

In wet water we are currently at -7 deficit today by what we can flow legally. In the future, we are -119 gallons per minute in the deficit in 20 years. That is why they proposed getting an additional water source in the community. As far as the tank goes, we are currently 96,000 gallons short in storage and in 20-year projections we are 174,000 gallons short in fire protection. Eldon asked if they could just tell him how many connections we could have. Scott explained that by water rights we could have 71 more new

connections and in water source you can't have any more and in storage we can't have anymore. Eldon asked why. Scott explained it is because we don't have enough storage to meet the needs, the tanks are not big enough and you don't have enough water source to produce the water you need to meet the need. So, there are five categories that the state considers and in three of the five we are deficient today.

Mayor Weston wanted to address Travis's comments. Mayor Weston is not an engineer, and we don't realize where we live down here in town, that in the summer time when we are watering lawns and we are down to 35 or 40 pounds of pressure and we still water our lawns and take shower and that puts people on Last Chance hill or the Muirbrooks at 15 to 20 pounds. Mayor Weston is thinking if you put that system over there on Last Chance at that height it adds pressure to the whole system not just to that area because it is pressuring back against this other tank. Scott explained that when we feed the demands from two directions, instead of just feeding it only from this one direction, if there was a fire towards Last Chance now it cannot get the water out there because the lines are too small. Even in town there is not enough looping in town. The distribution system is so poorly looped that having all the water up in the canyon we cannot get even close to the fire demand in the majority of the town. As soon as there are tanks on both sides of town, we have the pressure to meet fire demand.

Eldon said that they checked both fire hydrants at the school at the same time and the guy said it ran 1400 gallons a minute. Scott said that is 1400 gallons a minute and he is hitting a residual and that is in one area in town that is fairly well looped. There are other parts in the community that do not have that. One is the line going out towards Last Chance. That is a ten-inch line. We are supposed to be able to deliver over 1500 gallons a minute for homes that are over 3600 square feet to have fire protection and we cannot do it.

Dan Stringham asked how long that code has been in place at 1,500. Scott said that it used to be 1000 and it is still 1000 if you have homes under 3,600 square feet. Dan said the state has not mandated this to us at all. A bunch of guys who sit around a table in Salt Lake came up with this code. The state comes in every three years and analyzes our system. They came in in last August and have not mandated this at all. 1,400 gallons is plenty of fire flow. We are not adding one drop of water to the system. We will lose water by adding a tank and more lines. Mayor Weston asked where we are losing it. Dan said that they tell us every year we are losing 10% leakage on all our lines and tanks, vents, and cement absorbs water. Dan said this whole thing is based on an over inflated fire flow. We are going to pull water back from out there for daily use when it may cost us \$1 per 1000. Mayor Weston said he is not nearly as worried about the fire as he is someone about saying they cannot take a shower. Dan said it's not going to come back unless there is a fire. Steven said it is going to flow both directions. Dan asked if we are going to pay \$1 per \$1000 pumped water back into our system. Scott said that is only if needed. Dan said we have a lot more water than the water right. Scott said you have 224,000 gallons a minute in your water right. Dan said we picked up another 40 gallons a minute the other day just by changing out the meter. Commissioner Sim said that if you don't have a lot of water right more storage will help cover more homes. Dan stated that we can always trade our shares for more water.

Stuart Wamsley asked how that works if we are using all the water that we've got how do we fill the tank. Scott said legally your water right is for a half of a second foot of water coming out of the spring. That converts to 224,000 gallons a minute that you have right to take out of the spring legally. The spring may give more or less depending on the time of year and how wet the winter was. A lot depends

on these fluctuations. With the moratorium going on it was in the drought years. Eldon said there has been some improvements to the system since the moratorium. Eldon said it has improved except during the day when the city starts watering the town park. Originally the park was designed to be watered with irrigation water with the 6.25 shares of irrigation water the town has. They decided to change that over possibly because the irrigation water causes the nozzles to get clogged up. Eldon has talked to them on the hill, that is only time when they have trouble with showering. Eldon suggested hooking the park water system back up to the irrigation water. Dan said it was changed because the heads were plugged. Eldon said that the school uses irrigation water and Mayor Weston pointed out that the school uses big impact sprinklers. Eldon thinks that would be cheaper than building a humongous tank.

Mayor Weston said that he heard three things: we have good water rights and good water, but we are lacking in storage and distribution. To Mayor Weston those are things that we need to address and the cheapest way to address it to increase storage because that increases volume. When there is a low pressure problem with pipe and too many sprinklers are on a line for what pressure you have, you generally have to shut down everything and get the farthest one shut down and going and then open the others ones up and sometimes you cannot keep the other one going. That's what we are running into. When we run water from here clear to Last Chance, we are losing a lot of water pressure in pipe friction. That's a simple fact. It makes good sense to Mayor Weston to put the tank there. He has had people question about why we should put the tank up higher and pay the pumping costs. So, he asked the engineers how much will it actually cost us? The projected difference in cost to pump the water to the higher location based on normal usage is \$23 a month. The pumps will run about two hours a day with the demands that we have now. Mayor Weston thinks it is well worth it to get the benefit of the increased storage and pressure.

Travis asked if the pump is different than the irrigation pump. Scott said yes, it will run just to fill the tank when it gets low enough. Travis clarified that the maintenance will not be the same as Eldon is talking about on the irrigation pump costs, it will be much less. Scott agreed that the maintenance will not be close to what the irrigation pump costs. Eldon said that we are still paying to pump water when we have access to gravity flow at no cost. Scott agreed. The land owner is not charging for the land to offset the cost of the \$23 a month to pump the water to the higher location for 16 years. Eldon said that this gives the developer the opportunity to develop the land up there and that is why he is willing to give the land. Eldon thinks that land is outside of the city limits so all of the sudden the city will not have any control of what happens there. For example, we don't allow nightly rentals so if they are outside of the city those people will be allowed to have nightly rentals. Steven said that they have to obey Laketown rules. Eldon asked why we don't have them develop a water system up on Last Chance Hill. Scott said that we could and explained the history of the decisions that have been made to this point. Scott brought this to the city council. Sunrise Engineering did the study two years ago. We brought all of these options to the study. We've had public hearings, we've had public meetings, and we've talked about these options every time. We decided on an option and the council voted on that option. We went and got funding for that option. We had more public meetings and then had other meetings here. The council voted to proceed with scaling the project down and only doing this portion of it. We've had update meetings almost monthly for the last year on the progress of the design, the progress of working with land owners and the agreements, that landowners would pay 100% of the costs of having the tank go up higher. We have talked about every answer about this for 2.5 years. Scott feels that he has tried not to ramrod anything with this council. The town council has made every decision to get us to this

point where we are today. He has tried to provide facts and regulations that the state has bound him by. The town council is operating a public water system that provides fire protection. All he is trying to do provide information. Scott feels like Eldon is against him but all he is trying to say is these are the rules, this is the thing, what do you want to do. Eldon said that the reason that he is against Scott is because it is too much more than we need right now and if a developer is coming in, let's have the developer cover the costs like they would in most communities.

Cody Reed responded that our projected growth is not enough to cover those costs. Our projected growth in the next 20 years is not going to be enough to cover those costs. Scott did not put all of the burden of this on there is because you are currently deficient in three of the five areas of a water system. Scott's viewpoint is that this community needs to step up and pay for some improvements that they haven't done for he doesn't know how many years. The town may choose that differently but that is the way he thought the town council decided. The town is 100,000 gallons short in storage. Sunrise Engineering looked at our growth rates and determined they have been at 1%. The town council decided that is not enough and requested to plan for 2% growth. The town council decided to put in a larger tank and made choices to determine where we are today. He has tried to present costs and facts. Scott said that he guessed that if you have a beef with that run for city council.

Commissioner Sim said he wanted to clear up a mistake Scott made when he said that we have doing this since 2017 and clarify that we have been doing this a lot longer than that. We have been thinking and planning for a long time. He wanted to give kudos to the city council because they have been putting in a lot of blood, sweat and tears into how to improve the city water. Cody asked if the deep-rooted feeling is that it will cost us to have a better system? Eldon said that the town council said they had the public meetings. Eldon attended one of the meetings. He missed one to watch a basketball game. Eldon is telling this town council that the people of Laketown are not aware of what is going on. Whether they didn't come to the public meetings or if they came to the public meetings and they got pushed down. There has to be some communication and the people want to know what you are going to do and how much it is going to cost. The question needs to be answered "Why are we doing this?" Are we doing this for future development and developers? We think that developers need to pay for that part of the system. From talking to all of the people that he has talked to in the past two weeks that needs to be resolved before we move forward. Scott restated what he felt that Eldon was saying: there is miscommunication because the land owners in that area have agreed and the council has allowed them to move the tank up but the people feel that this is all being done for the land owners. Scott thinks that is not the intent of what the town council has said. Eldon said that the comment we heard is that we don't want to be like Garden City. He is representing a group of people he talked to. 91 people signed the petition because we don't know what the final cost is going to be, what the effect is going to be, and why we are doing it. Fire protection has been talked about but common sense tells Eldon that we have better fire protection than the rest of the county.

Mayor Weston expressed appreciation for all of the work Eldon has gone to and is going to on this because Eldon is very passionate about what he is doing and he is putting forth a lot of effort. Mayor Weston asked Delora for a couple of names on the petition because he has talked to a few people just when he runs into them. One called him asked him what is really happening and he talked to them. He was out irrigating and had to watch his water run where he didn't want it to for 45 minutes so that he could listen and when they were done, she said that she felt much better about it now. He talked to another one just because he ran into them and they asked about it and he explained and they said,

“My name is on that list but ignore my name because I am in agreement with what you are saying.” So, Mayor Weston knows there are some who are on the list who may have a little misinformation going and signed it because they are a little unsure. 9:13 pm Cody Reed left. Sometimes when something happens and then you look back at it you realize that was actually a good thing. For example, what do you think was going through some people’s head when the Laketown Irrigation Company decided to take that bond on and add the wells in.? There were a lot of questions going on but it was the future they were looking at and as you are looking at it now you are saying what a great thing that was.

Eldon said that is different because it was a need at that particular time because you weren’t getting water to areas. Mayor Weston agreed with him and said that he sometimes questions why anybody would say take water out of that system because he knows that anyone on the system would say if there is extra water there, I would like to have that extra ten heads because then I could grow \$5,000 more hay. Mayor Weston knows that there are two ways to look at everything. To him, if there is someone in town who can’t take a shower, we ought to try to remedy it. Eldon said that he doesn’t know who that is. Dan said that he doesn’t think it will make much difference and the only thing we are talking about is fire code. Mayor Weston said that the pressure of the system is why fire code is being talked about and that Dan has worked with water enough to know that flow would be restricted because of friction loss on a long two-mile-long line. If there is good pressure when you crank that open all you got is what flow is coming. Volume is as big of a thing in this as pressure. Dan said that there is not much volume use in Laketown. There is never more than 400 gallons a minute if everyone is taking a shower at the same time. 1,000 gallons a minute can come out of that tank right now. There is no way you are going to use 1,000 gallons a minute. Mayor Weston asked then why people aren’t able to take a shower.

Mayor Weston doesn’t want this to be an issue where we are at odds with each other but he wants to look towards the future and prepare. This is not what we wanted but this is a move to start getting us there. You wait and see in the future and you will be wanting it. He hopes we have the same type of town when you are wanting it. You are in an area where growth is going to happen. He made a comment to the school board one night. They were talking and they said that we ought to just consolidate the grade school. Mayor Weston said that if you start talking like that you are going to make some enemies and there will come a time when Garden City will tell you here in Randolph how you will run your school district. They are the next Park City or the next St. George. One of the Randolph people said, “Do you really believe that?” He said, “I don’t know if it is 10 or 15 years down the road.” That was about 18 years ago. Garden City now has two members on the board versus the rest of the county. Whether you want growth to come or not, growth will come. We need to be forward thinking enough to have things in order that we can still improve on what we are doing. This plan is way pared down. Up at this site there is room for another tank the same size for more storage later on. There is the option of getting a well later on. It is a phased type system. He felt that the council and Mayor had public meetings. He doesn’t understand where all this sentiment comes from when they had a chance at all of the meetings and it wasn’t a problem. Eldon said that the town council needs to go out and talk to the people and visit with them to find out how they really feel. Mayor Weston has been on a lot of boards and has never had to go out and visit with people because they are supposed to come to public meetings as a civic duty.

Eldon said that doesn’t happen and that a lot of these people did not even know. In the petition they talked about how they are for limited development and phased in projects. He thinks that people would

like to know what is the cost going to be to do the system? Eldon could not give them the answers. Commissioner Sim said that we have the cost and that the only difference in the cost is how much we are making in the black every month so that we will pull that off to help pay for this. The only reason is we don't have that is because we didn't know how much we wanted to pull off of that. Mayor Weston said that is where we are right now. With this project it will be up to this town council where the quarterly water user rate will be. It will be either \$40 or \$50 a month. Also, there was \$30,000 that they invested in just looking at it. We have already invested over \$150,000 in the planning. If we shut this down it will take us 15 to 16 years to gather that back in and we haven't accomplished anything. Eldon said that he feels that the planning has been great although there may have been some things that should have been considered. Mayor Weston ran into Chuck Webb and Chuck said that they were talking about this when he was on the board ten years ago and nothing has been done. He said that it is time to do something. Mayor Weston asked what Chuck thought if the monthly water user rate goes to \$50. Chuck replied that there are people all over the state that would die to have a water bill that is only \$50 a month. As far as Chuck was concerned it was not a problem and it needs to be done. Eldon said that might be how Chuck feels but the people who signed the petition are not are not fine with doubling the water bill.

Mayor Weston thanked Eldon for the petition and information. The town council will consider this. Commissioner Sim said that there is more than half of the community there. We need to get better information out or bag it. Heidi Muirbrook suggested putting up more signs. She agreed that it is their responsibility to come. Commissioner Sim said that it is horrible that that many people signed it. Dallas said that people called him and asked him the same thing and said that their understanding of what is happening is not even close to what we are doing. Mayor Weston said that some people said that they were told we were losing water rights. Eldon said that they did not say that and if the monthly rate goes up to \$50 that is doubling our water rate and the petition gave out accurate information. Dallas said that fifteen years ago we should have raised our water rates by \$15. Eldon said that the people he talked to would agree to raising the water rates by \$5 or \$10 a month and do some improvements but do not want to build a water tank above Last Chance to make it available for future development.

Dallas asked if it would be okay if the tank was built right above his house. Eldon asked if that would be in city limits and if that would require pumping. Dallas responded yes to both questions. Dallas pointed out that to build pressure at Dallas's house or any of the homes above him the tank would need to go above our existing tanks. Someone else asked if five people in the city owned all that ground would they have a different opinion.

Delora asked if we have 91 signatures and consider that maybe five people have changed their minds, if we have that many people who are that misinformed or against something, we cannot ignore that. This constitutes a need to talk to them, have another meeting or do something to dispel all the rumors and bad information so that everyone can understand. Is she going to go out and give everyone a ride to the meeting? No, but we can make sure that everyone knows there is a meeting so we don't have a community that is so upset and uptight because of price changes, or where the tank is placed or because they don't want to open the door for development here or for whatever their reason. Mayor Weston thinks they have had a lot of chance to come to a meeting. If we are against development then we have a bunch of families at Last Chance that we need to ask to move if that is what development does to us. Eldon said that no one is against development. It is rapid development. Mayor Weston said that is supposed to be addressed in Planning and Zoning and town council meetings. If we can't handle our

development in Planning and Zoning Meetings then we will become Garden City. When he was on Planning and Zoning when someone came in and tried to ramrod something the Planning and Zoning Commission informed them that they must meet our criteria. That is what the Planning and Zoning Commission is for. If we are against development then my kids can stay where they are.

Delora felt that the council did everything they could to make sure these meetings were advertised. The people who called and said they didn't know, she is not going to take responsibility for it because we did what we had to do. The part that bothers Delora if there are so many uptight people why has she only received two phone calls. She is here. She doesn't seek people but she is accessible. She wished that if people are so uptight about this that she would have received a phone call.

Gary said it is getting late and he wants to go home, but in our last meeting Delora asked about the contract we are making with the developer to pay the extra costs. We have our attorney here tonight. He thought that the attorney is involved because in our last meeting we stated clearly that the city doesn't want to pay any of the developer costs. We are not in the business to help them. Gary's question for Mr. Olsen was has there been further discussion, talks or contracts. Mr. Olsen said that there has not been any contract agreed to. There have been easements proposed and some deeds prepared that would pave the way to tank development and access to the tank. At this point Laketown wouldn't be paying for anything for a developer benefit. This has been the town council's insistence and it remains. Any benefit that the developer might get from this is on his shoulder and on his dollar. The town does get some engineering benefits by the concessions he is willing to make to the town. So, it is a win-win for the town. If it ultimately doesn't pay out for the developer it is his loss and his risk. The town does not have that risk, it has benefit. Gary stated to the town residents that we basically can assure you that we are not facilitating the developer. We are only interested in providing water for the city. We are not going to pay any extra money to give them a free ride.

Travis asked is there a way to increase costs so that as development comes in, they pay a bigger share of that. A discussion of the impact fees took place and a possibility of increasing the water impact fee by another \$5,000 so that a larger percentage of that cost would be added more from the development side. The fear is that all of our rates will go up so we can provide for development. Mayor Weston said that then you allow retirees to come in and not young families. Dallas said it effects every home that comes in. Mayor Weston said it gets interesting when he built his house, he paid \$1,000 for his water and then deciding now I will raise it to \$20,000. He thinks about this for 24 hour a day. Two weeks ago, he decided he had to quit drinking pop. He determined this would affect his family budget by \$1640 a year. He can quit drinking pop and pay for this \$240 water user rate increase and be ahead \$1,400.

Eldon asked the attorney, if we put the tank up on the hill to give the opportunity to the developer, he's paying some into the system to help that, and he is doing the development outside the city limits. Does he fall under the requirements of the city Planning and Zoning or the county Planning and Zoning? Herm Olsen responded that right now he is the county. Herm has not spoken to the developer but if he was the developer and if his water system was going to be tied to the municipal water system, he would look seriously at requesting annexation because they are kind of partners. Herm has never looked at any benefit that the developer might get from this. His analysis has always been looking for the city's benefit: is this ultimately going to help someone on the east side of Laketown, on the west side, on the north and the south? The developer can take care of himself. Herm has not been interested or concerned with that. The city gets benefit from the placement that the engineer has proposed. The

town council has spent years, and lots of study, effort and energy making decisions, that at the time were the best decision they could make with the information they had at the time. He cannot sit here retrospectively and be critical of any of them because they had information at the time, it seemed to make sense. They voted, approved, pulled back and authorized. It is interesting and Eldon makes a good point that a lot of people don't know the details. Herm has been on the Logan City Council for nearly 12 years. Every issue he has ever dealt with, people come at the end of the process and said "What's going on, we don't know, we didn't hear." Every time. As Delora mentioned it is almost a willful ignorance, not coming to the meetings, not calling, not asking questions. It is not that the people of Laketown are any less aware, they just go about their business, go to school, and they do life. Then at the end four or five people have to sit who have studied, who have looked at, who have evaluated and they have to make a decision. They haven't been sitting home watching the NBA finals. They have been here, looking and studying. The town has made a determination that this is a direction that benefits that town. If it is a corollary that benefits a developer, fine. But the town isn't going to go bankrupt with this decision because it is still a decision that makes sense. A developer comes, he goes, he makes money, he goes bankrupt. That is part of his world. The town council has to make decisions that are part of their world. Herm doesn't know if the developer will ever be interested in annexing.

Eldon thinks it is an issue to know that the if the tank is way up on the hill it gives the developer a chance to do that and he will be in the county and under jurisdiction of county ordinances and that can be difficult for us. Scott said that the developer would have to get a signature for the county on where they would get water service and the town would have an opportunity to say if they would allow them to hook on there unless they would annex if that is what you want to do.

Ray Elliot spoke and said that he is the hiss and byword. He has been referred to as the developer. He is the property owner, he is not a developer, and intends to sell the property with an improvement on it that would be water. He would recommend to anyone who bought it from him to annex that into the city because that annexation then gives the city the control over the rest of the development, not just the water system and it unifies the entire project. He explained that the city came to him. He did not approach the city. The city explained their options on where to place the tank and that their best option is to place the tank lower down on the ridge on his property. He will not allow that because it becomes a big sore thumb sitting in the middle of the ridge. His proposal was that he would pay the difference to move it up higher on the hill. There was a one-acre lot cut out on the top of his property for a tank ten years ago. It was sold to Brian Wood, Wood Development, a developer who went bankrupt and lost that lot. An individual, Jeff Wansguard bought that lot at a tax sale. That lot was not the best place to put the tank. The best place still is to place the tank for the future of Laketown at the top of the hill. It is that forward thinking matter. Do you do it just for what we need today or do we say it costs this much to do it right today or it costs us ten times that much to do it ten years down the road. He has been a developer and has developments in Garden City and in Idaho and has built water systems. He knows it is best to do it right the first time, because if you have to go on and add to it later you are always saying dang, I wish I had done it differently because then you have to go back and do it again and then you are in trouble.

Ray said if you decide not to do it fine. I am not the developer. If you look at just about every development in Garden City and in Idaho there are very few developers who have made it. Someone will buy that property from him and may want to develop it. That will come under the control of the county or city to decide how big they will be and what the impact fees will be. Stuart also owns property

up there and Stuart and Ray are property owners. Will the tanks enhance our property? Yes, they will. If that is what the town council decided it is fine. Ray will pay to place the tank at the top of the hill because that is where it belongs. It is in the wrong place if it goes half way up the hill. He asked that he is referred to as the land owner, not the developer.

A brief intermission took place at approximately 9:30 p.m.

**Other Items of Business:**

Ruby Hunter requested a business license for Austin and Cooper Hunter who have a lawn mowing business in Laketown "Hunter Brothers Mowing."

**Approval:** Dallas motioned to approve. Delora seconded. All in favor. Motion carried.

Tamie Gomez was recognized to make a request for road improvements and she turned the time over to Cody Gomez who requested that gravel is placed on their road and to have the road graded with dust guard. He referred to the map that Gary had. The city is receiving money for their road. Gary suggested that this is a good use of our money. Mayor Weston visited with the county who said they will come and do it if it needs graded and will put the road guard on it. If we allow them to fill their truck out of our system, they will do our roads no problem. Mayor Weston offered to buy the mag and they said no. Mayor Weston will talk to the county again. Dallas asked if the road gets watered. Cody said yes and that his father, Danny Gomez has put in numerous loads of gravel on their own. Cody felt that if they could build the road up a little so the water could stay on the field it would help. Tamie would prefer gravel and not paved. Tamie, Cody and Jordan Gomez left the meeting.

**Water Updates continued**

Mayor Weston asked if there were any questions. He visited with Scott and Steve and has told them that the town will not be responsible for any of Ray's business. All that we will be responsible for is for paying for the tank where it was going to be placed. If Ray takes it on up that is on him. Any of his side deals with the Wamsley's are theirs. When it comes times to sign the documents, all of those names will have to be on that contract before Mayor Weston will sign it. If it isn't going to work for them then the mayor will not sign it. The information from the petition is appreciated. We will move forward with what we find out. Commissioner Sim Weston, Stuart, Diane and Nick Wamsley and Ray Elliot left the meeting at 10:06 pm.

Herm had comments about the attachments which he received this morning. In 2016 the state of Utah changed a rule, to say that if a corporation proposes to transfer property previously there had to be a corporate resolution authorizing the corporation to enter into the transfer. That changed in 2016 to say that if the corporation signatory isn't either a member of the LLC or the manager of the LLC then there has to be a statement of authority signed which then validates any transfer. Because of this Herm checked to confirm that Ray Elliot is the manager of his corporation limited liability company, Lake Vista LLC and Ray is listed as a manager therefore he doesn't need a statement of authority. The other entity is DPW Enterprises, which Jeff Wansguard is the registered agent for, so he doesn't need a statement of authority. But, all of the deeds and the easements have to have a particular language set so that the notary is referencing properly back to the LLC so the signatory indicates that he is the signer for and on behalf of the LLC. Herm can get that language tomorrow so that each of those deeds can be corrected to

implement and fix. Herm also found a typo on one deed; he thinks on the one from Ray granting the property on the top to the town.

Herm asked about the width of the easements because that is not indicated. There is a construction supplemental easement of 25 feet granted. He asked Scott to share those with Herm and for them to be listed. Herm cannot validate any of the legal descriptions because he doesn't know how to read those. We either have to accept those at face value or request a property report and/or title insurance. Then the question is who will bear the cost of that. We don't know. It may be fine; he just can't say. If you are willing to take that risk, that the legal descriptions are accurate and valid then maybe you don't need a PR or title of truth. Mayor Weston said that Marilyn Adams knows most of the Laketown and Randolph areas like the back of her hand. These descriptions were written by Dale Robinson, the land surveyor for Sunrise Engineering. Dallas asked Mayor Weston where his comfort zone is with the description of the easement. Scott added that the width of the description is not called out because it a polygon boundary instead of a center line offset. It gives points all the way up one side and then comes back down the other side. Steven elaborated that if we had maintained a 40-foot right of way all the way down it wouldn't have married up with our existing right of way of the road. So, they altered it so it comes off at a 60 and tapers up to 40 so that we will not have weird corners to the easements.

Mayor Weston asked about title insurance. Scott estimated that it would cost \$200 a parcel or \$600. Mayor Weston said that whenever he buys land, he wants to have the title insurance because it puts the risk back on the person who sold the land and not on me. Mayor Weston and the town council members wanted to get the title insurance. Mayor Weston has used Marilyn Adams at Rich Land Title and works out of Hickman (435) 792.6713 cell (435) 760.1999.

Herm asked if there are other items on the agenda that he should stay for. Mayor Weston said he could stay for the ordinance updates. The one ordinance that Herm did look at, the Big Game Ordinance, Mayor Weston had no idea what it said and would not agree to it because it is worded so that people stacking hay in town would be breaking the law if we passed that ordinance. Herm said that the reason that he was a little sensitive about that is because a similar ordinance was proposed for Logan three or four years ago and he said what about the guy who has an apple tree and doesn't pick up his apples? He is in technical violation. He doesn't remember if they actually adopted it or adjusted it so it gave a little more protection to the landowner who would otherwise be innocently charged. A discussion of the application of this ordinance took place.

Herm spoke about the water upgrade project saying it is easy at the tail end of a project to come through and bemoan decisions that have been made months and even years ago. The town council have paid the price and done the work, done the research, and it is a sad commentary on the educated state of our democracy because in no place does democracy hit home than in city council. It is where people come, they share and they express. Logan city passes a \$130 million budget every year and maybe we get three people to show up and express opinion. Often nobody says a word. What you see here with people being concerned is good if that concern had been expressed five years ago, we may still be in exactly the same position we are here but there would have been that public input in those intervening five years. It is just unfortunate that the nature of human nature is at the back end here you get a lot of concern which is fair and legitimate expressed but in a lot of ways it is a day late and a dollar short in terms of bridges which have already been crossed. That is why they pay the town council members the big bucks!

Mayor Weston said that two people have called him. He said that nobody comes and calls him or talks to him about it. If is that big of a concern you would think that they would call and talk. The two that did were both on the petition and they called him and asked if he could explain what we are doing and one of them said I don't have a concern. The other one said that if it benefits Ray Elliot then that worries me. Mayor Weston is not worried about Ray Elliot, he is worried about the town. Then they said that now that I have talked to you, you don't need to consider my name on that petition.

Herm will keep going through the other ordinances. Mayor Weston asked for Herm to confirm that they are legally correct. Herm and Dan left at 10:25 p.m.

Mayor Weston asked Scott what is the process is from here. Last Thursday Steven Wood asked Mayor Weston if he had a problem with them putting it out to bid. Mayor Weston told him he could if we can pull it back if we need to because the board says they are not going to sign it. Steven said that the bid walk through is Wednesday, June 12<sup>th</sup> at 1 p.m. and hopefully Dan Stringham will join them, along with Delora and Mayor Weston. The bid opening will be following Wednesday June 19<sup>th</sup> at 1 p.m. at the town office. Steven confirmed that we can shut down the bid process if needed. Scott explained that the process is to continue on with the bid. At that point, we would know firm numbers. Right now, we are running off of two-year-old estimates. Scott described the bid opening process. It is a blind bid. They will submit their bid in a sealed envelope. We open them here and read them out. They will have bid bonds in them. They will determine the apparent low bidder. They will have a list of quantities. They will put a price on that and multiply that by the quantity we have and have a total. Sunrise Engineering will double check the math and make corrections if needed. At that point, we will hopefully get bids back. Simultaneously while that is going on, hopefully the town council will give Mayor Weston authorization to enter into an agreement with these landowners under the conditions that have been expressed. Then we can finalize that portion. Then those two things will be in place. Anticipating that we receive a favorable bid and we are underbudget, that inflation has not caught up to us beyond what we projected, there would be a decision to be made. We would look at the exact finances. Mayor Weston talked to Scott about this today, the town has paid some money out of our reserves. Do we want to reimburse the reserves or do we want to lower the loan amount? This is the time when that has to happen. The town council will make a decision and then we will tell the bond council, the state's bond attorneys to prepare the documents at what amounts. The town has been approved for \$1,500,000 because they inflate the number in case it does come in over budget we can go back to the state and get additional funds without going through bond resolution and bond council. So, the loan is at the lower amount but the bond approval is inflated. If that is favorable and everything comes in well it is about a three-week process to close the loan. In that process we want to be telling the contractor to get his bonds in place and to be ready. He cannot begin until everything is closed. Hopefully those things come together about the same time. We are about a month out hopefully from turning dirt, where he can start. Hopefully by the first part of July we are starting to do things so that we have July through the first part of October for construction.

Scott continued on saying that if the council is okay, if the mayor would enter into securing the easements under the conditions that have been expressed and continue to proceed with the contractor selection. The town council can always reject the bids. We will have most of month of June and then we will know bids. It may be beneficial to have another meeting in mid-June to talk exact finances. Scott doesn't want to lose another two weeks in time frame for construction, to then get the attorneys going

on prepping documents. If the town council needs more time, we will do it but Scott doesn't want to get into December or winter construction.

Mayor Weston said that he is the guy that signs it but he wants to know if the council is in the same mind they were when they made the vote to get this moving so he knows if he has a chance to be the mayor for two years or not. Dallas is still in favor of moving forward. Mayor Weston thinks the town council was wise when they cut it back because it would have been total shock to the public if the town council had said it will cost \$90 a month for water. He felt that they cut back so they were doing the most they could do getting the biggest bang for the buck. That is why when he came on, he said that okay to move forward. He wants to know if the council is still of the same opinion. He knows that Kris is still of the same opinion. She spoke with him before she left town. Dallas is still in favor. Delora is the same she started with and not for it. Gary is a little concerned about the 91 signatures. Delora is very concerned and has already expressed that. She doesn't know how we can ignore that we have that many people that are, whether it is misinformed or hating the thought, whatever it is, she does not feel comfortable walking away from it and saying "Well, that is too bad."

Dallas doesn't think we should do that but that we should move forward and invite them to the meeting next month and tell them what is happening. Everybody should come. Dallas received a phone call from someone who received extreme miscommunication. Delora had some of both. Even though there was extreme miscommunication when she even told them what she knew about it they still didn't like it. Dallas didn't have the same result. Dallas agreed that it is concerning but agree also that they have had tons of opportunity to participate in this process and they have not chosen to do that. Delora agrees with that. Her problem with that is that she doesn't think that it is our fault, that we have misinformed them. She doesn't think that it is our fault, that we haven't given them a chance to be a part of it. Nevertheless, she is not sure that there are so many of us here that we can ignore the fact that that we have so many upset people. The town is not that big. If it was a giant size town and we had this many, she would see it different. Gary said that the ones he talked to are only upset about us helping the land owner. Once he tried to assure them that we are not doing that they were all happier so he hopes that he made some impact. Mayor Weston understands that Eldon went around and did a lot of work and is very passionate about it. Mayor Weston hopes he was that passionate when he served as Steven's mission president. Steven said there was a different kind of passion. Mayor Weston said there are a lot of signatures there and a lot of work that went into that. That is information that we can look at or we cannot look at. It is really after the fact. If they had been as interested and as passionate a year ago and two years ago as they were when they were signing this it would have meant more. Gary presented an idea of writing a position paper or a fact sheet to inform the public. Mayor Weston's concern is that at this late date you are putting it off a year and even if we do it next year we have to go through and redo it all because the cost of everything will go up. Gary did not want to put it off, he thought that we should go right ahead but tell them what is really going on. Mayor Weston does not see a problem with that. He felt that we should move forward with it so that they can get the construction done in the right weather conditions. He is of the opinion that when they see the difference in certain areas, they will feel differently about it. There were very few people who agreed with consolidation of the schools and it is still a sore foot to some but as far as education for the young people in Laketown and Randolph it has been a good thing overall. It is like Herm said, the town council are the ones that have been through this all. Mayor Weston has only been here the last six months. He is just following the lead they started. If he thought it was a problem with a big red flag he wouldn't be as adamant about getting moving forward.

Part of the reasoning he is going by is that he never had one person on the list that after they talked to him about it that hasn't said it needs to be done. If they had a problem it was that we are helping Ray Elliot out. He is not worried about Ray Elliot mainly because if those lots are for sale maybe people in town will buy up there. He has a little faith in the fact that we live in a time now we've been told by leaders of our faith that the time is passed when we will be a quiet little valley because there was time when the Lord required that we send our youth out because they did not have leadership in the countries. Now they have leadership in their own countries so they are sending the people to you. You have to figure out how to deal with it and figure out how to take care of your missionary work as they bring them to you. In his own faith-based way of thinking about it the change is on its way. We need to be prepared for it rather than be behind the eight ball.

Mayor Weston took a poll on the board. Delora started into this because she thought we needed storage. She still thinks we need storage. She knows there are updates needed in town but she is dragging her feet to the extent we are doing it. Mayor Weston asked if she feels that we are building too big of a tank or if it is going up on the hill. She did not remember what size of tank we are going with. We are doing a 300,000 tank. She is probably alright with that. She doesn't know that we need this much but we probably do if we are going to go through this whole thing. If we are going to extend it clear up the hill, then she feels we probably need all 300,000 gallons. She just isn't sure that she wants to go all the way up there. She didn't know that she would want that large of a tank if it was installed at the lower location.

Mayor Weston is of the opinion that if Ray Elliot and Jeff Wansguard can't get their side agreements, we go around Wansguard. If Stuart and Ray couldn't get together, we just go where we originally planned. Scott said that the way the documents are prepared it says that each of the three landowners are dedicating the land to the town. Amongst themselves they are doing their own agreements. The town is not involved in any of their agreements. We are not preparing documents for them. What they do between themselves is their business. The side agreements are theirs. It doesn't matter to us.

Delora said that if we do this up the hill, it creates another rock and a hard place. An annexation makes sense so that we can control what the development is. At the same time, it opens a whole other can of worms for the city to be responsible for like maintaining roads and everything. Mayor Weston said that if we require paved roads then we get paid more. Gary pointed out that we have to buy more equipment too though. Mayor Weston felt like if the developer stays with the county, he is opening his own can of worms. Dallas pointed out he has no water. Mayor Weston said they have different requirements like 10 acre lots, unless they make an adjustment to their rule. Delora said that if they are annexed it would be a one-acre lot. Dallas said that they could apply for a one-acre lot but nothing is agreed to at this point. They don't have right to water right now. We don't have to give them it. Delora pointed out that there is no way that we would not give them water. Dallas agreed and said that they will have to agree to what we ask for. Delora agreed but thinks that will open another can of worms. If we want to control them, we will have to annex them. Dallas pointed out that they will still need a second entrance and exit. Mayor Weston said that as long as they are meeting the county code, they can be fine. If they want our water, they pay our water bills and help us pay for the system. Delora doesn't know how they will have a second entrance up there. Dallas pointed out that it is their problem. The possibility of zoning for ten acre lots on the hill was discussed.

Mayor Weston guessed that is Gary is of the opinion that he is not sure and Delora is not sure, he knows that Dallas is sure and Kris is so it comes down to him and he will still be the shortest mayor in the history of Laketown. Gary said that he is close to Delora but he is not totally there. He has not talked to anyone who is against having a tank out there. Not even Eldon wanted to do totally away with any improvements to the system. Eldon said that he is okay with a tank up there but he doesn't want to pump any water. Gary understands that in order for us to get the kind of water pressure that we need out there, we needed to pump some water. Even though it is at a much lower rate we will still be paying pumping costs. Delora pointed out that it will be year-round pumping. Gary continued that the only difference in what we are doing is the total amount of what the pumping is going to cost. If we put the pumping in lower it would be \$15 a month and now, we are going another \$23 so we are \$46. We are basically doubling it. He thinks that is where most of the people in town are worried. They think that their water bill will go up to pay pumping costs. He doesn't think that they understood that in order to have the tank out there, we were going to be pumping water period. No developer stuff considered at all. We are going to have to pump water. Mayor Weston thinks that one of the best things about the top of the hill is it is out of site. One of the ugliest things in towns is their water towers. Dallas pointed out that our tank will also be partially covered with dirt. Gary thinks that Eldon and the Batty's are the main instigators of this whole things and that Eldon did not realize that we were going to have to pump regardless of where on the hill the tank was placed, even without the developer. Mayor Weston said that the biggest part of the pumping cost is the base rate. It will be the same whether the tank is at the top or at the lower point.

Gary's second point is that his life has been law enforcement. If someone tell him that it is a state law and we need to do it, that is it. That is the final thing that he needs to here. If it has to be done by the law, he wants to do it, even if it costs money because that is what the law says. Just because we haven't received a ticket doesn't mean that we do not need to follow the speed limit. Just because they haven't come in and told Danny that we are in violation doesn't mean that we are not in violation. If we are, then we need to fix it. Steven said that he assures Gary that it is the law. Amber asked about the other systems that Eldon said are not required to conform to that law, but they are not the same size of systems. Scott agreed and said they have sizing requirements, based on how many people are on it. Dallas said that the water system that services the lakeshore wish that they could get on the town water system.

Scott asked if his understanding is right that there are enough votes to proceed and move forward to get bids and get the documents signed. Mayor Weston thought so but felt that we should put it forward for a vote. He knows that Kris cannot vote but he know how she feels and is considering that Kris is a yes because that is what she told him before she left. Delora said again before she votes that the petition is a major concern and somehow should be addressed. Mayor Weston asked Delora if she would feel better about putting a page together of the facts and send it to the town and move forward like we are doing. Delora felt that it would be better than doing nothing. Mayor Weston felt that we could put in the letter "If you have a question call Mayor Weston." He recounted his experience of coming to serve on the school board and the conflicts he dealt with there. He agrees with Herm that coming in at the end and trying to change something is not the time to change something. Only two have called the mayor and both have said don't worry about my name on the list after talking to him because they would have not signed the petition if they had understood what we are doing. Delora pointed out that Muirbrooks feel the same way after tonight.

Delora thinks the town should know and then there would not be such animosity and vengeance. Mayor Weston is in favor of moving forward and putting out a letter that says here is what we are doing and this is what the cost is going to be. We still have not nailed the cost per month down because as a board we still have not decided how much of the extra \$10 that is in our \$25 monthly rate now that we will use towards the new monthly rate. We also still have to decide if it is more beneficial to us as a council to take that \$200,000 that we have already spent and put it back into our account and put it into that \$1.2 million loan. He has looked at it two ways. If we don't put the \$200,000 into the bond, we have about \$4 we could knock off of the monthly rate. Or we can keep the monthly rate higher and put the money back into the coffers so that if we have a maintenance problem, we will have the money to fix it. That is what we still have to decide before the bond. Dallas feels like it makes sense to have that buffer zone. Scott said that this decision will take place after we have the contractors bid. Then we can have all of the numbers.

Mayor Weston wants to keep moving forward. He is happy to send out a letter and have a name or two of people that they can talk to. Scott will put a fact sheet together for us and email it to the clerk. Mayor Weston said that we will take his fact sheet and add to it. Gary said that an alternative would be to hold a meeting like Delora suggested but he thinks that a meeting would be a repeat of what we had here tonight he doesn't think it was an argument with no basis. Mayor Weston was watching the audience when everyone was talking. He saw heads nodding while people were talking. He knows that Stuart doesn't want to do anything that will hurt Laketown or cost them any money. Also, that Stuart can see future benefit of some kind. Mayor Weston told him the only way it can hurt Laketown is to cause bickering, because our contract will say that there will be no additional cost to Laketown. Delora thinks the fact sheet would be good to help stop the bickering. She doesn't like to attend a meeting where the decision was made before she arrived. She began attending school board meetings because when other people reported on what happened in the board meeting, they reported differently than she would report.

Gary is voting to move forward as long as we get a guarantee about not helping out the land owner. He feels that we are assured of that. There is a lot of misinformation out there about Ray. Mayor Weston had someone who talked to him and said that they have dealt with Ray enough and have seen his dealings, that we better have everything in writing and locked down tight because I don't trust the guy. Gary wants to trust our attorney. That is why Mayor Weston wanted Herm Olsen to attend the meeting to make sure that we are doing everything legal and he asked Herm if he had seen the latest documents. He had not so Mayor Weston asked Scott to send the latest to Herm. Mayor Weston also wanted Scott to be here to answer questions. He knew that we would have a pretty good crowd and hoped that we could answer questions and diffuse some of the discord that has been brought on. It will help the crowd in attendance to become well informed and it will spread through the community.

Mayor Weston told Scott that we will not sign that until all those guys sign it ahead of him and we are free and clear. Scott was hoping to invite them here or the attorney's office and sign them all together.

Steven will get title insurance from Marilyn Adams at Hickman Title, put together a fact sheet and go forward with bidding process asap. He will set a date for all to meet at Herm's office. June 12<sup>th</sup> will be a bid walk through. June 19<sup>th</sup> is the bid opening. Scott and Steven left the meeting at 10:50 p.m.

**Bear Lake Regional Commission Report** Mayor Weston reported that the meeting was cancelled.

### **Ordinance Updates**

Because of time we will not address all of the ordinance updates. Ten ordinances were sent to Herm for approval of the legalese and then they will be ready to be codified. The first one he received was about feeding deer in town and there are big holes in that one. We may need to reconsider that one. It says that if you feed deer you are breaking the law and are up for fines and legal problems. Gary said that the deer live on his lawn. They eat every plant that they plant that is not behind a nine-foot fence. They even get up on his deck at eat the plants there. Delora said they get up on her deck in Pinedale and eat her bird seed. He hopes that we don't have the same problem with the other ordinances that we sent to him. Gary thinks that ordinance needs to be thrown away. Dallas said that the problem is that there were people in town bringing in pellets to attract and feeding them, bringing herds into town. Gary asked about saying "intentionally bringing in food for deer." Mayor Weston thinks that we need to say that any deer feeding needs to take place where the Fish and Game have designated and no other intentional feeding in town is allowed. Otherwise it looks like ranchers stacking hay to feed their cows are feeding deer. Gary thought that there is a state law about feeding deer. We will get feedback from Herm and go through everything he suggests.

### **Water Updates continued**

Delora reviewed and discussed the AR report. The next late fee will be assessed June 7, 2019. Anderson's moved because their house sold. On July 6<sup>th</sup> the 30 days past due letter will be sent out. August 6<sup>th</sup> a seven-day shut off notice will be sent.

Decision made to void the Bear Lake Beef Rodeo invoice. Matthew Smith's invoice is a records request. In the future we can demand payment before providing the records request for this individual.

Amber reported that Duane came in and wanted to know how long it takes to do water bills. If the council wants the clerk to invest time in finding this out. Mayor Weston expressed his opinion on billing quarterly versus monthly and a discussion took place. Amber described some options for decreasing the cost of water billing.

Mayor Weston said that we need to decide when we want to make the increase in the water bill for the mere fact that if we are going to do this, the sooner we start charging that and getting money in the better we will be when the payment comes. Dallas thinks that we should as soon as we go out to bond because we will know what the amount is at that point. Mayor Weston thinks that is when we will have to have it because we will need to know what we will put on the bond. when we go to bond increase the rates. Hopefully we get \$25,000 a year in with new buildings going in for young families, like we have the last year or two.

### **Updates from the Clerk's Office**

Amber reported that Lois Astle asked if she needs a Laketown business license. A decision was made that it would be best if she had a business license. Delora had someone ask here about licenses being required to sell essential oil sales in town. Dallas said in Garden City remodel projects require a building permit, fees and inspections. Amber did not receive a building permit with the school project. Mayor Weston asked her to write a letter or call Mr. Lamborn and ask for the building permit. Gary hopes that we don't get to the point that we require a permit to change a light switch.

### **Park and Recreation Updates**

Dallas had a load of dirt and sand brought in to level out sink holes. Six teams are playing softball this year mainly on Thursday evenings through August. The score board doesn't work because it got caught in a tiller. He will try to fix it. They are talking about a town and end of baseball BBQ at the end of July. He is trying to get projects done now.

Mayor Weston asked about how much gravel he should ask the county to put on the Gomez road. He doesn't want to encroach on Joe's fields but it is better if road is higher than the ground. The solar field is about half way completed. Dallas said that things in Kemmerer have changed drastically. Power plant is extended out.

### **Other Items of Business continued**

The clerk asked to postpone the logo selection. Ryan Steineckert with KADQ and MyLocalRadio.com asked if the Town of Laketown would like to sponsor the "Laketown Ledger" in football, volleyball, girls and boys basketball again this school year. The cost is \$109.00 per month. Total is \$1090.00. Decision was made to do this.

Information about the Resilience through Caring Connections conference was presented. Kris asked to discuss. Kris asked to discuss the Facebook page: do we need to keep it open forum. Decision was made to discuss it when Kris is here but Dallas recommends making it a closed forum.

Carrie Willis sent an email on Monday May 27, 2019 with photos of vehicles staying at the Greensides home. Amber felt that she is still functioning under the same instructions to report and send photos and we probably need to meet with her and discuss the matter. The town council asked Amber to invite her to meet with them fifteen minutes before the next town council meeting. Dallas requested a reminder about this meeting. We are at the point where if something is done that is illegal call the sheriff. Protect yourself by making legal postings like no trespassing signs. Call the sheriff if there is trespassing. If she cannot come, we will write a letter to her.

Gary asked a final question. He never received an answer on his proposal on his map. Mayor Weston thinks that he should probably discuss it with Tyler and unless he presents us with a bill, we should probably present him with a \$50 gift card and a thank you card or ask how much do we owe you for your time.

Mayor Weston encouraged the town council to attend workshops or trainings in their area of focus. There are a lot of things that we can learn from other towns. We have budgeted money for these. He will also encourage Amber to attend the training each year because they teach the new laws and things that we need to do.

### **Approval of Bills**

A discussion of the bills took place. Mayor Weston received a complaint by the member of the community about a bump on the road where the Laketown irrigation pipe broke. It is sinking down a little bit and they are complaining that every time a truck with a trailer goes by it clangs. The member of the community said he is not as worried about the noise as he is about the town having to fix it because he thinks that Laketown Irrigation company should fix it. Mayor Weston asked Duane and Eldon about it

they say it was because the town and fire department had a big rig parked there and all that weight pushed it down. Mayor Weston said the road was built to handle that weight. It will be an argument either way.

Dallas asked about making our own shirt for the rodeo and asked Mayor Weston to let them know that we will make our own shirt. Roshelle Sondra at RodeoTickets.com presented her online rodeo ticketing program. Decision was made to use the GoDaddy online store for rodeo ticket sales.

**Approval:** Dallas made a motion to pay the bills. Delora seconded. All in favor. Motion carried.

**Motion to adjourn meeting** Delora motioned to adjourn the meeting. All in favor. Motion carried.

**Thursday June 6, 2019 at 12:11 a.m. Meeting adjourned**