

**Laketown Town Council
Meeting Minutes
September 4, 2019
10 North 200 East Laketown, Utah**

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APPROVALS

Approval to pay the contractor Patriot Construction, LLC \$358,637.67 for work completed July 31, 2019 through August 25, 2019 and for Mayor Weston to sign the Change Orders Nos. 2 and 3.

**Laketown Town Council
Meeting Minutes
September 4, 2019
10 North 200 East Laketown, Utah**

7:05 p.m. Call to Order – Mayor Burdette Weston

Opening Ceremony – Councilmember Delora Wight offered a prayer and Councilmember Dallas Clark led the audience in the pledge of allegiance.

Attendance: Mayor Burdette Weston, Councilmembers Delora Wight, Gary Ogilvie, Dallas Clark, Kris Hodges; Amber Droesbeke, Duane Robinson, Beau Petersen, Scott Archibald, Rick Johnson, Justin Peterson, Lisa Duskin Goede, Ron Goede. Dan Stringham arrived at 7:57 p.m.

ACTION. Motion by Councilmember Delora Wight seconded by Councilmember Gary Ogilvie to approve the agenda. Motion carried unanimously.

Meeting Minutes. Minutes of the Council meeting from August 7, 2019 and the Public Hearing from July 16, 2019 were reviewed and approved with no changes.

ACTION. Motion by Councilmember Clark second by Councilmember Hodges to approve the August 7, 2019 minutes and the July 16, 2019 public hearing minutes. Motion carried unanimously.

QUESTIONS AND COMMENTS FOR MAYOR AND COUNCIL: no questions or comments were presented.

OTHER ITEMS OF BUSINESS

Lisa Goede (pronounced Gadey) presentation on the Bear River Heritage Area that is seeking national designation. This organization encompasses seven counties that follow the drainage of the Bear River and promotes a heritage area designated by the State of Utah. They created a guide to tourism and education materials to promote heritage businesses that sell handmade items. She invited the town council to attend their meetings, read past meeting minutes to learn about what has been done and what has been discussed. She also asked for the council to stay informed as they seek national designation. She felt there are economic benefits to different entities and ways to leverage the funding they can potentially receive. She provided part of an act they are seeking to pass in congress. It begins on page 51. Page 63 addresses zoning and assures that a heritage area cannot do certain things. She feels that every county should look at it to make sure we are happy with the wording there.

This is a grass roots effort from the bottom up not from the top down. They are asking every town and city to support them. They have a sample resolution that Tremonton City created to support them. Laketown can write a similar resolution. They can help us with it. They have a strategic plan, interlocal agreements, and articles of incorporation, a feasibility study, and economic benefit studies from Utah State.

Dallas asked why we would want to be part of it and why we would not. Lisa answered because we have assets, heritage resources, history and a life style that needs to be preserved the way you want it. They want to tell those stories that are part of our heritage. When the stories are told people are more apt to preserve them. Another advantage is economic development through heritage tourism and small

businesses. They hope to come back to our area. They could hold a meeting for senators and congressmen to come.

They have been managing well enough for the past 18 years with a small budget of \$6,000 to \$12,000. Her salary is paid through different agencies as a BRAG employee. She pointed out that some people get overzealous about heritage areas and some people do not like the pressure that comes from heritage areas. For example, some people may want to save a courthouse as a heritage but others may not. This heritage area cannot make anyone do anything but there may be pressure to do things.

Negatives of becoming a national heritage area might be the sustainability of a big area. They need more people to help. She has been with the heritage area for 14 years and will be retiring in a couple of years but wants to see it continue and wants everyone to help and to do outreach. They need help writing the management plan. Volunteer work could be helpful. It could be seen as a burden on cities and towns.

Lisa provided a scenic loop tour map, a cemetery map and a small museums tour map. She is involved with Utah State History because Rich County gave a small amount of money to take photos of historic buildings in Laketown, Woodruff and Randolph. There could be historic buildings over 60 years old in Laketown that could help Laketown become a historic district and then receive matching funds. They are not here to say we have to become a historic district but they can explore projects that we might want to do.

Mayor Weston would like time to read through the materials. He would be worried about having federal government be able to say this area should have a plant or animal on this area where it is not already on this land now. She said that heritage areas do not have anything to do with land plants or animals or endangered species. Franklin County wants more specific wording in the act. Lisa can contact the clerk to follow up.

COUNCIL BUSINESS:

Water Meter and overage charges – Ricky Johnson and Justin Peterson representing SJ Ranch

Ricky Johnson and Justin Peterson came forward to discuss their water bill. It was high because of overage charges. Duane came the day they found a problem. The meter would speed up and slow down. They dug up the lawn and the only leak they found was at the meter. Dan was there as well. They shut the water off at the house and the whole meter hub filled up. They would like to dispute the bill because they dug up the whole place and found no leak on their side of the meter. Dan replaced the meter. The asphalt has sunk near the meter showing the leak was going back toward the road side.

A discussion regarding this took place with Duane describing what he saw as well. They were able to shut it down while he was there. Mayor Weston asked if the line that feeds the corral comes off the house. It is segregated. There is a new electronic meter installed. Ricky looked in it and it was dry. Dan hit the sprinkler system. No water was leaking around the meter hub.

Dan arrived at 7:57 p.m. and said a small leak was on the city side and a large leak on the resident side. Rick and Justin said they did not find a leak. Every line to the house, shed and corral can be isolated. It was redone in 2007. Duane said that when he read the meter in May it was not going around at all. He was there and Justin was in the driveway and the meter was spinning. Mayor Weston asked if there could still be a major leak as we speak even after meter was replaced. Duane says probably but he

hasn't gone back to check it. He has resisted reading the new electronic meters. Justin said the amount of water usage that was reflected on the meter is an incredible amount of water. Justin requested a check to make sure it is not still leaking. Dan said the meter was at zero when he installed it.

Duane said a side issue is that ranchers need a float on their water tanks so they shut off. He knows of three in town that do not. After May they shut those off.

Mayor Weston requested that Dan and Duane go read the meter again as a leak should be reflected on the meter. Then we can address it. Justin asked what their next course of actions is. They already paid the standard water usage rate. The town council will be in touch with them about it.

Planning and Zoning Commission Updates – Chair Duane Robinson

Chair Robinson reported on the Planning and Zoning Commission meeting where Max Boyer's construction lead came. They want to build a detached three-door drive through garage that has four doors. The builder is Nate Parry's brother. Nate got the permit. Duane called Max to make sure that is what he wants. They plan on moving in there in April 2020 and she will be there most of the summer.

Ken Lillywhite requested a permit to reroof his house.

The Commission discussed subdivision water requirements and how we collect the water requirements for a subdivision. Duane has discussed this with Dallas, Delora and Mayor Weston. Eric, the attorney he talks to, thinks that we need to establish a minimal requirement. It will require some research we can take from him, and determine what a water share equals. For Bryan Weston's subdivision and Tom Weston's subdivision we drew from Laketown Irrigation. The water shares came from a well for the Sandlilly subdivision and it was different. Right now the town wants the water used to irrigate the land to come with to the town, whether it is from the irrigation company or a well.

Mayor Weston asked if we change it to culinary and do we change the point of diversion to our spring. Duane doesn't think that we can legally do that now because there is supposedly eight second foot coming out of the canyon now. The town has not converted shares at this point. Duane feels that the town can sell back some of the Laketown Irrigation water shares. Laketown owns nine shares currently. Duane reported that in the Laketown Irrigation Company meeting they claimed that the town has never required it before but Duane showed them shares from Tom Weston's subdivision showing that the town has indeed required it before. The Commission will report more information next month.

The Commission discussed green space in subdivisions because of a potential big subdivision to the north. They feel that we may need to think about a park in the subdivision so their children do not cross the big street. Delora put stuff together for that before. Duane is trying to find it. He needs to find out what Paradise, Utah does. Kris asked if you can do a green space that the subdivision must maintain. Duane has to ask if we have to buy the property and build the park or if we can legally require the subdivision to build it.

Scott said it is typical to allow an incentive like a bonus density if a subdivision meets certain requirements. For example if a subdivision will build a park the town can give the developer two extra lots. In Hyde Park they call it a bonus density meaning the town wants to entice them to be denser by offering amenities. Scott also said our ordinance can require it. The commission wants to work on this. We currently require one acre lots and they want to require a green space for subdivisions over so many

lots or have incentives to have the green space. Duane asked for the Town Council to let the members of the Commission know what they find or what they prefer.

The commission has a question on who we have checking the compacting of the subdivision road. Duane recommends that we work with Tyler Stuart to check it. Bryan Weston is not going to pave it until next year. Mayor Weston said that we will discuss this and if we do something Gary will talk to Tyler. Duane will talk to Bryan about finishing the cul-de-sac at 100-feet as required on the final plan because it was finished at 96 feet.

Report on water system upgrade construction progress and expense update – Beau Petersen, Sunrise Engineering

Blasting took place this month and the pad for the tank was poured Tuesday August 27th. They have begun the inside part of the walls. They are schedule to pour walls on Tuesday September 10th then begin prep work for pouring the lid at the end of September. The pipe line blasting had to take place because of the rock. They were surprised because of the geotechnical report work they did. The hammering was too expensive so they had to back pedal and asked Mayor Weston to review their options. Mayor Weston asked them to do the cheapest option. Henry Howell is the onsite observer now.

Scott reported that they may mound an area with six inches to make sure they get the required four and a half feet of coverage. If they hit another 200-foot rock section it will push them over budget. Beau said with this wrapped up they anticipate the rest of the numbers on the bid schedule should stick because they are straight forward. They do not anticipate anything having to go beyond the original bid schedule.

Beau provided the application for payment. They will help the clerk get this submitted to the state so that Laketown can receive the funds from the bonds. Scott reviewed the application for payment and a supplement spreadsheet. The spreadsheet tracks what the contractor has put in to date, balances the total and reports percent complete. 5% of the contract is held until they are done and represented as retainage on the form. Scott explained the process to pay the contractor and submit the payment to the state for reimbursements.

ACTION: Motion by Councilmember Clark second by Councilmember Ogilvie to pay the contractor Patriot Construction, LLC \$358,637.67 for work completed July 31, 2019 through August 25, 2019 and for Mayor Weston to sign the Change Orders Nos. 2 and 3. Motion carried unanimously.

Mayor Weston signed the required forms. We will find out where to deposit the check from the landowner. Scott and Beau left at 8:47 p.m.

5-minute break.

Mayor Weston reported on the water bill that was sent out omitting a zero on the meter reading numbers effecting the water usage. When we added the zero Herm Olsen suggested that we only send a corrected invoice and letter to those who had overages and if any of them have questions they will get a hold of us. Herm did not recommend sending a duplicate invoice to everyone because it will be confusing. There were four water users that had overages so he had the clerk make up corrected invoices for them. One was \$4,500 but it was a mistake. Scott Johnson called him and asked if we could discuss his overage. A discussion of the overages took place.

Jesse Malm's meter is just fluttering. Dan has not replaced it yet although he was asked to replace it last month. Duane will go reread Scott Johnson's tomorrow or the next day. Dan said there was a small leak in the meter box. It was nowhere near that volume that they are talking about. Kris asked if that much water would come up somewhere and be visible. Dan said there may not be evidence of the leak somewhere and there is no way a meter can tally water that does not go through it.

Mayor Weston talked to Herm Olsen about any overages and Herm recommends sending charges for overage on the water bill. Stick to your policy of how it pays because we are always going to have these problems and it costs the town to fix their portion of them. They have had problems in Logan and they have had meters go bad. Some have skipped a number. Dan and Mayor Weston don't know how they can do that. That is the only thing that they can think could have happened.

Duane said the Johnson's made an effort to fix it although he is not totally convinced they have not already fixed it. He was not there for five minutes. Dan thinks it was a big leak but they fixed it. Mayor Weston thinks that after talking to Herm, we may see more problems with older homes that have galvanized pipes. It may be wise to put out a letter stating that or create an ordinance that says if you have a leak on your side you pay for the water and recommend if you have the old galvanized pipes you may want to look at replacing your system so you don't end up paying for a leak. We could send a notice with the water bill. Duane worries that we are getting into a big city atmosphere and not showing compassion to home owners. In the past we have worked with people but now it seems that we don't want to. Mayor Weston said that is what we are asking here and why he asked the Johnson's come in so we can work that out with them. Dan doesn't think it was leaking when he put the new meter on. Dan will report the day he installed the new electronic meter at the Johnson's.

How possible water leaks could happen were discussed further. Delora pointed out a draft of an ordinance addressing water overages that is Ordinance 2011-1 and is already in the code book. Mayor Weston read Ordinance 2011-1 aloud:

Leakage in Water Lines: It is the property owner's responsibility to check and maintain all water lines on their property. The meter reader shall notify owner immediately upon discovering excessive usage of water that may indicate possible leak. The owner shall have responsibility to find and fix the leak immediately. The overage on the water bill is the responsibility of the property owner. In cases of hardship, the property owner may petition the Town Council to dismiss all or part of the overage charges. It will be at the discretion of the Town Council to make these decisions with the input of the water superintendent and meter reader. The owner can petition the council verbally or in writing.

Mayor Weston and Delora said that once the meters are read, before the bills go out we will check the readings that have overages. Duane said there will be a lot of overages on the October meter readings.

Duane reported that on September 26th or 27th the meters will be read again.

Dan purchased an oversized meter, twice the size as the rest of us or a double meter for Max Boyer because of the long distance to his home and he put in a two-inch line. The meter he bought is high flow, 30 gallons a minute instead of 15 gallons a minute like the rest of us have. Mayor Weston asked if

someone requests or has a need for that, if we have put in our policy that there is a \$5,000 water hookup fee for cost of meters. For example, if someone puts in a 15-gallon meter and this guy has a 30-gallon meter or double the capacity. Kris said that he should pay the difference. Dan thinks if we are receiving \$5,000 for water hookups then we should consider the situation and loosen up a little and pay for it. Mayor Weston thinks the town and everyone in town is paying for them to have the bigger meter. The decision was made that if someone wants a bigger meter they should pay for it. (Later in the meeting Dan clarified that the meter is a one-inch meter.)

A discussion took place regarding water meters sizes and choice of size of meters, installing larger water meters for homes that are far from the meter and commercial size meters and the cost to the town. Dan suggested creating a distance allowed for the ¾ inch meter that most homes have. He thinks the town should pay for larger meters when they are needed. Duane's opinion is that Dan is an expert and if Dan feels that this guy needs this we should follow Dan's recommendations and pay for it if it is not an exorbitant price. He feels that we have gone to Sunrise Engineering and we have done everything they recommend but now we are questioning Dan. We put one in the school but didn't charge them extra. Delora said that we need to discuss that as well as the UDOT meter and commercial water fees. Duane said that we need to know the difference in price. Dallas felt that we need some structure. Duane asked why we would hire Dan and then hold him back like putting a bit in his mouth. He feels that we are very fortunate to have Dan here.

Dan said that UDOT requested a two-inch meter. Duane explained the 100-gallon meter. It has the potential for running a lot more water and therefore money. Discussion of charging a business rate for water usage took place. Dallas does not like to make businesses pay more than residents because it discourages businesses.

Dan estimated that the new 2-inch meter for UDOT will cost \$800, the valve will be \$200 and the box will be \$300 so the total costs estimated are \$1500.00. The Town Council decided to charge them for the new meter, valve and box and their water user rate will be the same as the town residents. If they have a problem, they will call us. Mayor Weston said they are metered everywhere else, just not in Laketown. We do not want them to sell our water.

Dan reported that the school wants another water connection and water meter down at the new part of the school and they request a three-inch meter. The council reviewed the school's water connections. The council previously said the new meter service began on 5/23/2019 but that was actually when the front meter was replaced. The new meter has not been installed yet. The back meter is not used. Duane checks it each time but does not record the reading because there is no usage. They will have to pay for both new meters in the front of the school.

Dan explained two options for the 3-inch meter for the school and asked what meter the Town Council wants to install. One meter is compound and measures all water that goes through it and costs \$2,500 and the other meter is a turbine meter that only measures high flow over 5 gallons a minute and costs \$1,500. Mayor Weston said they paid \$5,000 for the impact fee at it will cover the \$2,500 meter and we will know what the usage is and they will pay for it over time as they pay for their water. Dan said that they have a base rate of 100,000 gallons per month. They will not use more water than that. Dan recommends installing the cheaper meter. The Town Council asked Dan to put in the more expensive meter that measures all the water that goes through it. Duane wants the Superintendent to know that the meter in the back is not used but is paid for each month. Delora will tell him.

Kris asked about the dirt pull off that is in the city right of way where Joe pulls into his field and a discussion about this took place. Duane described it and said that Joe is willing to move it out. Mayor Weston asked the council members to look at it and then we will decide. Mayor Weston said he saw the school's maintenance man filling it in and thinks that he did it for Joe.

Dan reported that last year Dan collected a water sample at the post office to test for lead and copper and the sample had a high reading for lead. Because of this we are required to provide 10 water samples every 6 months for the next couple of years. The samples must come from first draws at buildings that have copper pipe. He has other tests that need completed by the end of the year as well. He will get more chlorine soon. Dan installed the cellinoids in at the park now.

A discussion of water user rates for larger meters took place. Dallas wondered if we are undercharging for the larger meters because currently we allow them to use 100,000 gallons of water per month instead of 50,000 gallons like town residents. He felt that we may be losing money on overage (any water over 50,000 used each month) because we are not charging for overage on the water used above the 50,000 gallons that is allotted. He pointed out that we are losing money by not charging them overage and feels that we should have one water user rate and one system for calculating that. Gary felt that we should charge every water user the same price for water, regardless of how big their meter is.

Dan clarified that Max Boyer's meter was a one-inch meter. The new UDOT meter is the same size meter as the meters at the church and the school and new meter at the school is a three-inch meter. The 100 gallon meters in the bookkeeping software are two-inch meters. The council decided that we will charge and base the water user rate on the size of meter. The regular sized meters will be charged the standard rate and the larger meters will be charged as 100-gallon meters.

The decision was made to enter the new UDOT 2 inch meter and the new school meter that is three inch as if it is a two inch meter like the church and existing school meters in the bookkeeping software. All will be charged as 100 gallon meters in the bookkeeping software.

Dan will fix Jesse Malm's meter by installing a new electronic meter. Max Boyer water service began September 1. Dan will provide all the numbers for the new meters.

Delora reported that all A/R accounts are current.

Rodeo & Arena Updates – Councilmember Kris Hodges

Kris asked about the sound system which is still up there. Mayor Weston texted Commissioner Sim about it and learned that the speakers are still there but the control box was brought down to the shed. Kris said that we need to get them down.

Dallas asked if we need to do anything with that heritage. Mayor Weston feels that we need to know what is there because it could affect us and it may be good to attend a meeting to monitor and watch how it affects us. We need to present our questions to them.

Rodeo dinner is planned for Monday Sept 9th at 8 p.m. at Café Sabor and the plan is to order off the menu. Kris and Delora won't be there. The head count needs to be turned in ASAP.

Report on new watering system for arena - Mayor Weston

Mayor Weston talked with Nick Wamsley and they will go look at the arena at the end of this week.

Roads and Streets Updates – Councilmember Gary Ogilvie

Gary looked at every sign in town and classified them as good, poor and bad. He found another yield sign here in the building and purchased one yield sign and one stop sign. He used the new stop sign at 100 North and 200 East. The new yield sign was placed at 100 East Center. At 200 East Rodeo Lane he took a used yield sign from 300 East Center and put it there. There is still a poor quality sign at Main Street and 100 South. He replaced one at 300 South Main with a used one that is poor.

The cost is \$80 for each sign. The yield sign at 200 South Main is poor. He put in four new yield signs by replacing those he could. There was also a crooked sign at 100 south 100 east by church. He took it out and stood it back up. He needs six new yield signs. He has three or more metal posts. Mayor Weston would like to replace wood posts with steel posts.

Park and Recreation Updates – Councilmember Dallas Clark

The sprinklers are on and the grass is greening up. McKay Willis was looking for some dirt and asked what the town is doing with the dirt by the park. Mayor Weston asked the Council if Mayor Willis can have the dirt. Mayor Weston will ask how much he needs. Dallas wanted Mayor Weston to decide what to do with it.

MAYOR REPORTS:

Bear Lake Regional Commission Report – Mayor Weston

10:39 They discussed the trucks running through the intersection and quagga mussels. They reviewed their goals for the commission. They are aggressive to make it better around the lake, handle the crowds and still allow recreation. They are going to increase the Idaho park on the north end on RMP ground. Our state park is doing more with Cisco Beach. Mayor Weston asked them why they haven't done more with the west side where they won't let anyone park. That is all state lands (FFSL) on the pullouts. They are looking at options. They are going to be aggressive about putting anything around the lake on sewer systems. A new subdivision with 26 lots is going to be all septic system. They are going to work with the state and say that they are trying to protect the lake and want the state to require subdivisions to be on a system. They discussed being unified with Idaho and Utah costs.

WORKSHOP ITEMS:

CODE AMENDMENT – Consideration to amend the definition of building, main in the Zoning Ordinance 10-2-1 - **Ordinance 2019-02**

CODE AMENDMENT – Consideration to create a minimum size residential home in the Building Ordinance 9-5-1- **Ordinance 2019-03**

CODE AMENDMENT – Consideration to create a standard distance of 600 Feet between signs amending the Zoning Ordinance 10-12-5 – **Ordinance 2019-04**

ZONE CREATION – Consideration to create and establish a new Residential Agricultural ½ Zone (RA-½) and to eliminate Residential-Agricultural ⅓ Zone (RA-⅓) – **Ordinance 2019-05**

CODE AMENDMENT – Consideration to create height requirements for buildings, and to establish height exceptions and a flag pole maximum height - **Ordinance 2019-06**

CODE AMENDMENT - Consideration to add Laketown Town Council and the code of the State of Utah to the Water Regulations Ordinance 8-1-8C – **Ordinance 2019-07**

CODE AMENDMENT – Consideration to create Residential Agricultural ½ Zone Regulations of ½ acre area, 100 feet width, 30 feet front, 12 fee side and 30 feet rear – **Ordinance 2019-08**

CODE AMENDMENT – Consideration to establish street regulations and pavement depth- **Ordinance 2019-09**

CODE AMENDMENT – Consideration to amend the standard for rear yards to ten feet - **Ordinance 2019-10**

CODE AMENDMENT – Consideration to grant Laketown power to codify ordinances and resolutions - **Ordinance 2019-11**

CODE AMENDMENT – Consideration to amend the commercial zone side yard to create a five foot setback. **Ordinance 2019-12**

UPDATES FROM CLERK’S OFFICE

Rich County Tourism Grant deadline is October 1, 2019. Commissioner Sim would like to request funds for the water system and bleachers. The number of dumps we are charged does not appear to be accurate.

OTHER ITEMS OF BUSINESS

Discussion of the long term residents living in RV Camp Trailers took place. Laketown Code 12-8-1 was reviewed. A decision was made to have Herm Olsen write a letter and to two property owners, one that will have family living in an RV camp trailer and one that has several recreational trailers on the property and the number of trailers is increasing.

APPROVAL OF BILLS

Discussion of invoices and removing dumpsters on October 1.

ACTION. Motion by Councilmember Wight and second by Councilmember Clark to pay the bills.

ADJOURNED. There being no further business to come before the Council, the meeting of the Laketown Town Council adjourned at 12:17 a.m.