

**Laketown Town Council
Meeting Minutes
November 6, 2019
10 North 200 East Laketown, Utah**

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ACTIONS

ACTIONS. To make Payment Request No. 3 to Patriot Construction and to approve Change Order No. 4 to extend the date of the project completion to December 19, 2019.

ACTION. All ordinances for Public Hearing and Workshop were tabled.

Minutes of the meeting of the Laketown Town Council convened in regular session on Wednesday, November 6, 2019 at 7:00 p.m. in the Laketown Town Office, 10 North 200 East Laketown, Utah. Mayor Burdette Weston conducting. Those present were Mayor Burdette Weston, Clerk Amber Droesbeke, Councilmembers Kris Hodges, Dallas Clark, Gary Ogilvie, Delora Wight; Beau Petersen, Sunrise Engineering and Jacob Smoot.

7:00 p.m. Call to Order – Mayor Burdette Weston

Opening Ceremony. Councilmember Ogilvie led the audience in the pledge of allegiance.

ACTION. Motion by Councilmember Wight seconded by Councilmember Ogilvie to approve tonight's agenda. Motion carried unanimously. No minutes were approved.

QUESTIONS AND COMMENTS FOR MAYOR AND COUNCIL:

Laketown resident Jacob Smoot provided a letter requesting a refund of the building impact fee he paid October 8, 2018 because they were not told that the fee was nonrefundable when they paid it. Jacob explained House Bill 250 chapter 36 states that a refund should be given under certain specifications and he believes that they meet those criteria. Mayor Weston is still researching how we can give this refund and is going to determine what is correct and will get back to him. Kris expressed appreciation for the personal request. The lot was sold last month to Tyler Hunter's parents who plan to build a home and live here full time. Jacob has not passed the fee on to the buyer but did discuss doing so with Duane Robinson, Planning and Zoning Chair.

COUNCIL BUSINESS:

Water Updates: Water system upgrade construction progress and expense update – Beau Petersen, Sunrise Engineering

Beau provided a project update with a GANT Chart, Payment Request No. 3 and Contract Change Order No. 4 for time extension to December 19th due to more rock and weather delays. The contractor won't charge a rock excavation fee if he can get a time extension. Most of the substantial parts of the project will be done by the original date of November 28th. The chain link fence installation is marking the extended time at the end on the chart.

Project update: They had a pour today for the PRV and Booster Station Vault. A pour was attempted on the columns today but they could not do it because the pump truck sent the wrong hose. They are adding concrete to the columns to fill the voids and severe honeycomb on the columns that could compromise the structure. A re-pour is tentatively rescheduled for Friday. Dallas asked if there is a difference in volume between round columns or square. Beau said no and the volume lost due to resizing the columns is negligible. Mayor Weston said it will be an inch difference in the water level.

Schedule: The upper PRV vault will come tomorrow and a crane will be on site to hoist it set it in place. After PRV is set they connect the pipes and begin connecting the system. Asphalt is cut but they have held off on trenching it to protect the road base. Once the lower vault is completed, they will conduct a leak test and get water flowing through the system next week. Beau extended invitation to walk through the tank before the leak test is conducted. The tank won't be accessible anymore after the leak test next Wednesday. He offered to do a walk-through Friday, Monday or Tuesday. Beau provided photographs of the inside of the tank and the emergency overflow and the outside of the tank.

ACTION: Motion by Councilmember Ogilvie seconded by Councilmember Clark to make Payment Request No. 3 to Patriot Construction. Motion carried unanimously.

ACTION: Motion by Councilmember Wight seconded by Councilmember Ogilvie to approve Contract Change Oder No. 4 to extend the date of the project completion to December 19, 2019. Motion carried unanimously.

Dan asked how they will fill the tank. Beau explained that they will use a two-inch pipe, a generator, a pump and a fire hydrant. Mayor Weston explained that they will fill it to a certain depth and let it percolate with the chlorine and conduct the leak test. After it sits with the chlorine inside they will fill it completely and it will be ready to go online.

Water Updates: Overage fees for ranchers – Councilmember Wight

Delora reported that there are ranchers who were charged overage fees on the recent water bill who they feel that they were not notified prior that overage charges would be assessed and therefore not allowed to adjust their water usage to avoid the overage fees so they want to contest the water usage overage fees. Dallas pointed out that we have not gone into the time that water meters were not read previously as that will begin in October 2019. The ranchers are contesting their overage fees for July, August and September.

New water user rates start date – Councilmember Wight

Delora and a few people who talked to her thought that the new water user rates would begin next spring, after the summer cycle. Because of this they would not have anticipated the higher water usage rates on the water bill they just received. Discussion of raising the water usage rate and posting about water usage rates took place.

Water Overage Charges – Councilmember Hodges

Kris reported conversations with people who felt they were being charged overage on the recent water bill when they have never been charged overage fees before and they felt that due to some water issues they were being charged extra as punishment. They feel that being charged for water usage through the winter is a punishment. She did not hear anyone one complain about the water bill, only the overage fees. Kris takes issue with not everyone paying the overage fees.

Mayor Weston reported that he received one call from someone who had an issue with us sending the letter saying that people using the water in the winter to water their livestock will have to pay an overage to do it. This person felt it was worthless because the water is just sitting there being stale in the system and overflowing into the lake if not used. Mayor Weston told him there are people who would love to do that in the summer too and that everyone in town is paying their water bill and paying for the water system and certain people have been using it in the winter time for free and that is not fair. This person thinks the water is just sitting there in the winter so we should use it. Delora said that in the winter we need to use it to keep the water moving so it doesn't go stale. Dan said the water is always moving in the winter and we lose 10 percent to leakage. When the altitude valve shuts off it will back up and Dan worries about it freezing between the chlorinator and the spring.

Dallas said that if the water goes through the meter, it should go through everyone's meter the same and feels that all water users should pay the same thing and be charged the same rates all of the time. Mayor Weston thinks that everyone should pay overage fees if they have usage overage. He has no problem using the culinary water for livestock. If water users don't want to pay the overage fees, they should monitor what they are using. A discussion of water user rates took place.

Kris said it would be helpful if the beginning and ending water readings are listed on the water bill. The clerk was instructed to add these readings to the water invoices. Mayor Weston asked for help from the town council stuffing envelopes to get the water bills out within a week of the water readings.

Changes in town code and codification – Councilmember Wight

Delora reported for the Planning and Zoning Commission who feel that sending the changes in the town code and ordinances directly to the codifier will not cost more and will free time for the clerk. Another savings is if we don't send the changes to our attorney because the codifiers have attorneys who look at the changes and we don't need to duplicate the legal fees. Dallas feels that we have more control here in our office. The clerk explained the process of making changes to the code book, creating an ordinance and codifying it. The town council feels there is a confusion in understanding the process to create changes in the code book. Delora asked Dennis to report this process to the Planning and Zoning Commission.

Duane reported that he spoke to the Jeff at Sterling Codifier who said that we only need to get our proposed change for the code close by having the verbiage close to what we want. The codifiers have a group of attorneys and writers who will go over it, all we have to do is have it labeled like the Planning and Zoning Commission gives to us. For example, the first 10 ordinances changes that the Planning and Zoning Commission provided to the town council on September 5, 2018 were in the correct format to send to the codifier, according to what Jeff told Duane. The codifier will do all the attorney work, they make all of the changes and print the pages and send all the replacement pages to us. All we have to do is say that we want a change on page 14 in our code book. They will take the old page 14 out and put the new page 14 in. The town has always done it this way; they have done this three times. The clerk reported that this is different than what the State of Utah is saying and different from the training the clerk attended.

Duane asked if anyone for the town council has called the codifier to find out the process and what they charge. The clerk called Sterling Codifiers recently and they charge \$22 a page, \$44 a piece of paper effected by the change. Duane emphasized that this is for everything: writing the change or ordinance, legal counsel, typing and providing replacement pages for our 12 code books. Duane feels we would save money by letting the codifiers write the changes for our code and by allowing their attorneys to review the changes.

Duane asked if we could create another section in our code book of the updates to the code rather than inserting the changes directly into the code. The clerk explained the process for making changes to the town code books and codification. Duane would like someone on the council to call the codifier and get information. He emphasized that all we need to do is give the codifier the change we want in the code and take out our old page and insert the new page. They and their attorneys will blend our changes in where it fits best and make it legal. Duane wants to have a current copy of our code book so he can give it to people when they request a copy.

Mayor Weston talked to our attorney today this afternoon about the proposed ordinances on our agenda for this evening. Our attorney had several questions he asked us consider. He mentioned the ordinance that said building a subdivision according to our town and county ordinances. He recommended striking out words about including requirements of county ordinances in our code. He asked about the 30-foot limit on the height of the home, if that includes the air conditioning unit on top of the house and does that include a solar panel on top of the house. Another problem our attorney found in a proposed ordinance is that we need to have wording to allow flexibility in when we hold our town meetings. Our attorney has questions about several of the ordinances so we will table them for this evening.

Kris said people ask her all the time why our ordinances are not available online. Duane said the codifier told them that we could put our town code online but discourage doing so because they could be manipulated and changed if they were online. At the time he spoke to them they would charge \$500 to put them online. The clerk displayed two examples of city codes that are available online: Logan using Sterling Codifiers and North Ogden using Municode. Duane asked what would happen if someone changed our code if it was posted online and the council discussed this. Mayor Weston and the Town Council want to get bids for putting our town code online from two or three companies.

Water meters shut off for winter – Councilmember Delora Wight

Delora reported that we received another request to turn off water for winter to prevent water line breaks. The town council decided not to charge someone last month for doing the same thing because they are paying the water bill while the water is off. The clerk pointed out that we pay Dan to turn the water off and asked where we get the money to pay Dan for doing this.

Dan said that we do not charge to turn water off but we do charge to turn it back on. Dan decided that since N. Gomez did not make a decision, we can charge her throughout the winter and if she doesn't pay her bill we will charge a turn on fee. We can adjust our turn on fee to be greater than the monthly water bill. Dan and Duane said the water for N. Gomez is still on but the clerk pointed out that Dan charged the city for turning it off in his invoice today. Dan said that turning

water on and off is a service we provide as a water company and every city in the state of Utah turns off water and turns on water no charge. For example, when an owner is doing repair work. The town pays Dan \$30 to turn water on or off.

The town council feels we need a form to request a water turn off for the winter in writing to show that we provided the service at their request. This way we will not be responsible for any damage in their home because the water is off in their home. We need a letter and an agreement for Laura M. and Natalie G. that says that she requested her water get turned off for a month or more. We need to spell out rules/the costs for turning on the water. The turn on fee will be waived if the monthly water assessment is paid.

Duane received a request to check a meter today and met the owners and read the meter with them. Duane recommends making the water billing a priority for the week so he can go back and check meters right away if needed. The clerk pointed out that when water meters are read the same week as town meetings, they will need to determine their priorities because town meetings require certain things to be done.

Mrs. Kay Cheney asked about the dead-end water line where she lives and if the town is still going to loop her line. Mayor Weston said it is in the process of being taken care of. Kay had a high water reading and is wondering if she has another leak. Duane said there is water in the bottom of her meter but the meter bud was not moving and that tells him there is no leak but there is water coming from somewhere in the meter box. Dan said the meters only read at a certain flow rate. Duane said if it is not moving it wouldn't be over because of a leak, it would be because of water usage.

Duane asked if anyone has been up the canyon and seen what happened since the cold spell and the wind. The water is running next to our spring area. Dan was up there today and it is has cleared up and is fine.

Water system updates – Dan Stringham

Dan reported that he is almost done with the school meter hookup. They changed their design and are using different sized water lines. We failed a water sample test so the State required us to do 10 additional water samples for which we are paying over \$1,400. We failed a water sample test again with a high level of lead at the Post Office. We will wait to see what the state makes us do now. Dan turned off the water at the rodeo grounds and at park and winterized the sprinklers. Water is flowing at the spring; the altitude valve is working and the chlorinator is working. Dallas noticed the chlorine at his house.

Mayor Weston will talk to Scott Johnson about paying half of their water overage charges. The request to waive a late fee on Pam Weston's home water bill is denied.

The clerk asked where we get the money to pay Dan to turn off meters for winter. Dan's invoice also included charges for larger water meters. The water meters we normally install in are a 5/8-inch by 3/4-inch meter. The meter for the Boyer residence is larger, a 3/4-inch and the meter for

the school is compound and larger. The clerk was instructed to send an invoice for the costs above the cost for our regular meter to the owners.

Rodeo & Arena Updates – Councilmember Hodges none

Report on new watering system for arena - Mayor Weston Nothing more has been done.

Roads & Streets Updates: Request to lower the speed limit on Main Street and 200 East from SR 30, the two main entrances into the town from SR30 – Councilmember Ogilvie

30 mph speed limit signs are currently posted on both roads in both directions. The only other speed limit signs we have that Gary is aware of is the 20 mph school zones. The problem is the 30 mph speed limits are posted and there is nothing posted otherwise. Because of this most people think all roads in town are 30 mph. We can go by what they think or we can go by state law that says if it is not posted the speed limit is 25 mph. There is nothing that says that anywhere. Most towns will have a sign that says any unposted roads are 25 mph speed limit. Posting this way is optional. If someone wrote a ticket in our town, he doesn't know what the courts will do. Since it is a city street, we have the authority to change it to whatever speed limit we want. We can post the whole city is 25 mph or we take down the 30 mph and post a sign that says all streets are 25 mph unless otherwise posted in school zones. However, we have no enforcement. Mayor Weston feels it is more of an enforcement issue. A decision was made to leave the speed limits as they are and request for enforcement by the county.

Park & Recreation Updates – Councilmember Clark

Park water is shut off. Dallas will plan the Christmas party. Review of the Safety Audit Report.

Planning & Zoning Commission Updates – Chairman Robinson

A transfer of property with Hal and Pam Weston is still in the works. They made the lot a full acre and they do have enough land and frontage to divide the lots except our long-term plan/Master Plan has a road there. Planning and Zoning Commission received a request from Gary McKee to adjust the road on property north of town. Duane wants to know what the Town Council wants the Commission to tell the sub-dividers when they call about our long-range street plan/Master Plan and wants the Town Council to be aware that we will probably be approached about altering the Master Plan for both of the locations. We have to be careful if we are altering the Master Plan for one and not the other unless we have good justification. If we can justify that it is for the benefit of the town, we can make the change and not worry about being consistent.

The Commission reviewed and modified the Paradise, Utah subdivision ordinances completing sections one, two and three. He requests that the town council members look at sections four and five and mark what they want to be included in our new subdivision regulations in our code book. The next Planning and Zoning Commission meeting will be on November 20th because of Thanksgiving. They plan to discuss the subdivision ordinances for 1.5 hours and have a draft copy ready by the end of the year.

MAYOR REPORTS:

Bear Lake Regional Commission Report – Mayor Weston

A representative from the 2020 Idaho Census reported that Idaho received 3 billion dollars for the 2010 Census. They are the closest Census operation to us so they do our area. The census representative said that towns like ours should be interested in encouraging census response so we can get lots of money from the census results. Commissioner Sim Weston and Mayor Burdette Weston asked questions about what happens when people claim to be living in two different places. The representative was vague in answering. The census can be completed online and Mayor Weston reported the reminders and deadlines for completing the census.

ACTION ITEMS: – Mayor Weston

Mayor Weston tabled all action items until we hear more from our attorney who spoke to Mayor Weston today and had several things that he feels need further review.

WORKSHOP ITEMS: – Mayor Weston

Mayor Weston tabled all workshop items until we hear more from our attorney.

OTHER ITEMS OF BUSINESS

Request from Howard Pope to place CentraCom Wireless Tower on water tank site on Last Chance Hill – Mayor Weston – The decision was made that we need more information.

Consideration of the town deer hunt – Councilmember Hodges

The Fish and Game Department is meeting on Wednesday, November 13, 2019. The gentleman she spoke to requested that a member of our Town Council attend the meeting to field questions from hunters. If not, he will be there to answer questions on our behalf. If all goes well there will not be a hunt next year. The only way to keep deer out of your yard is to kill and gut the deer on the land and the smell of the blood will keep the deer away.

Town Engineer – Councilmember Wight

Delora would like to ask Tyler Stuart to be our town engineer and the Town Council was in agreement for Mayor Weston to approach him and ask if the group he is affiliated with allows him to do work on the side. He will find out if Tyler is allowed to work for us and bill through his company or do we need to go through his company and get whoever they assign us.

Christmas lights – Councilmember Wight

The clerk was asked to initiate the paperwork required for Rocky Mountain Power to hang our Christmas lights.

APPROVAL OF BILLS

Letter and invoice for new meters that are larger than standard size – The clerk was asked to write a letter to Rich School District and Boyer that states that our \$5,000 new water connection fee includes the 5/8 inch hook up, water meter and box. The increase of cost associated with a request for an oversized meter, meter box and base are their responsibility. The amount of the increase will be the difference between what Dan charged us and the charge for a standard meter. The clerk will create an invoice for Boyer and for Rich School District.

Water shut off and turn on fees – N. Gomez wants her water turned off for the winter because she is leaving and selling her home. A decision was made that if water shut off is not for a standard repair there should be a service fee to the new home owner. Dan is charging us \$30 to turn water off and \$30 to turn water on. It will be called a service fee and lumped into one. The form for new water service went out with the water bill will be for this. The fee will be listed with our other water service fees. Decision made to create new resolution in January for a \$450 fee to turn on water. This will cover the \$60 Dan charges us to turn on and turn off the water. Gary asked if we can lock our meters when they are off.

RSVP for December meeting: Delora and Darin, Dallas and Ane Marie, Gary and Edie, Ruby and Tyler.

ACTION. Motion by Councilmember Hodges seconded by Councilmember Wight to pay the bills. Motion carried unanimously.

EXECUTIVE SESSION

ACTION. Motion by Councilmember Clark seconded by Councilmember Wight to move into executive session for purpose of possible litigation. Motion carried unanimously.

ATTENDANCE. Mayor Burdette Weston, Amber Driesbeke, Kris Hodges, Dallas Clark, Gary Ogilvie, Delora Wight.

Election Update – Amber Driesbeke, Clerk

Canvass meeting scheduled for November 19th at 6 p.m.

ADJOURNED. There being no further business to come before the Council, the meeting of the Laketown Town council adjourned at 10:37 p.m.

Amber Driesbeke, Clerk