

**Laketown Town Council
Meeting Minutes
May 6, 2020
10 North 200 East Laketown, Utah**

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ACTIONS

Action to approve the prior meeting minutes with the correction of 1/3 horse power pump. *After the meeting it was confirmed that the pump is a 3 horse power pump and the original minutes remained with no corrections.

Actions to approve the Water Fund and General Fund Budgets for the Budget Public Hearing on June 3, 2020 incorporating the changes discussed.

Action to not charge for any water overages for this past winter and to let water users know where they are at now with their overage; to request that they fix their leaks and remedy their problems. The town will continue to study the situation and look at winter water usage again next spring. If water users have overage next spring we will charge for their overage at that time.

Action to work with anyone who is struggling with their income and paying their water bill because of COVID-19 Pandemic and to temporarily suspend assessing late fees. We will work out paying the water bill over time.

Action to approve following the State of Utah Retention Schedules for records and disposition code and get rid of out of date records.

Minutes of the meeting of the Laketown Town Council convened in regular session on Wednesday, May 6, 2020 at 7:00 p.m. with Mayor Burdette Weston, Councilmember Dallas Clark and Clerk Amber Driesbeke in the Laketown Town Office located at 10 North 200 East Laketown, Utah and Councilmembers Gary Ogilvie, Delora Wight and Eldon Robinson attending on video conferencing call. Mayor Burdette Weston conducting. Those present via telephone conferencing: Planning and Zoning Commission Chair Duane Robinson, Dan Stringham and Commissioner Sim Weston joined the call at 7:30 p.m.

7:02 p.m. Mayor Burdette Weston welcomed those present.

OPENING CEREMONY: Mayor Burdette Weston offered a prayer and Councilmember Dallas Clark led the virtual audience in a pledge.

ACTION. Motion by Councilmember Clark seconded by Councilmember Wight to approve the agenda. Motion carried unanimously.

Meeting Minutes. ACTION. Motion by Councilmember Wight seconded by Councilmember Robinson to approve the prior work meeting minutes. Motion carried unanimously.

Councilmember Robinson requested a correction in the previous regular meeting minutes making the 3 horse power pump and 1/3 horse power pump.

ACTION. Motion by Councilmember Robinson seconded by Councilmember Ogilvie to approve the prior regular meeting minutes with the correction of the 1/3 horse power pump. Motion carried unanimously. *After the meeting it was confirmed that the pump is a 3 horse power pump and the original minutes remained with no corrections.

ACTION. Motion by Councilmember Ogilvie seconded by Councilmember Wight to approve the Budget Hearing minutes. Motion carried unanimously.

QUESTIONS AND COMMENTS FOR MAYOR AND COUNCIL: none

COUNCIL BUSINESS:

Report on Planning and Zoning Commission Meeting – Chair Duane Robinson

The Planning and Zoning Commission met on April 29, 2020. A building permit was approved for Leroy Gomez to replace his 30-foot by 28-foot barn that burned down. The Commission members are watching the property on the south side of SR 30 to make sure it doesn't get away from them. Top soil is getting removed but no building permit has been requested. Dennis Hodges received a phone call from someone interested in purchasing a lot in a subdivision north of the packing plant. The gentleman who called had a professional plat with 12 or 13 lots.

Duane will provide a copy of the plat; however, no subdivision plan has not been approved by the Planning and Zoning Commission. Along Cisco Road they would like the backs of the homes facing the road. Mayor Weston will find out if the developer is working with the county.

Multi Ownership in homes – Chair Duane Robinson

A discussion of multi-ownership in homes took place with a decision to get input from our town attorney.

Letter from the attorney regarding recreational camp trailers in Laketown – Councilmember Eldon Robinson

Eldon requested a copy of the letter regarding recreational camp trailers that was sent to a property owner by the town attorney. Mayor Weston explained the general contents of letter, the procedure to make record requests and the policies for protected records. Eldon requested information about the letter so that he can know how to respond a letter that the property owner sent to him. He asked if the Town Council knew that the letter was sent to the property owner. Mayor Weston explained that the town attorney sent the letter at the request of the Town Council. Further discussion of the letter was postponed until the Executive Session for the purpose of possible litigation.

Water Meter Readings – Councilmember Delora Wight

Delora worked with Duane on the water meter readings and Duane feels that no water users have leaks.

Project Updates – Dan Stringham

Dan Stringham reported that the UDOT meter is not installed yet, he will try to install it again on Friday, May 8th. He has to trace the water line from Cheney's. The pumps on Last Chance Hill have not come on since they came last time and worked on the pumps, Dan did not remember the date. Dan thinks that the tank will run out of water in a week and he will turn the pumps on manually. Dan will shut the line down across from the pump station for an hour on Friday May 8th, to change the nipple on the air vac valve.

Kelvin Pugmire informed Dan that Kelvin lost pressure at his home. Dan said the homes on the hill will lose pressure when the pumps come on so he hopes that it won't be too big of a problem. Dan has not received messages on his phone about the water level in the tank since they came up and worked on it. Bryan Stringham was going to come up to work on his SCADA system and the new SCADA system for the old tanks. Mayor Weston asked if that is a problem. Dan said yes, probably so. The tank has drained down further than it is supposed to be- it is eight or nine feet low now. Mayor Weston asked if Bryan or Sunrise should come fix it. Dan replied that Sunrise has the controls for when the pumps come on. Mayor Weston understood that the system would notify Dan if the water level went down two feet. He asked Dan to call to

get them to come fix it when they are here doing their final clean up, for Dan to call and check on it when he is not receiving notifications about the water level on a daily basis through the summer and to troubleshoot the problem. Dan said he would call Beau tomorrow. The water tank passed the water sample test.

Problems to remedy on Last Chance Hill – Councilmembers Delora Wight and Dallas Clark

Duane had to dig out a meter on Last Chance Hill so he could read it. It was filled with dirt after the project there. Mayor Weston will ask Beau to make sure they do not fill it in again. Dallas reported that dirt is flowing over the road because the ditch was removed in the water upgrade project. The ditch kept the water and dirt from going across the road. He asked if it can be graded to create an angle to keep the water from going across the road.

Dallas feels that the rocks that we placed above the pump station will create a mowing nightmare and that posts would be better there. Jeff Vincent asked about the hole in his fence getting fixed. An electrical contractor who was working on a home on Last Chance hill went through the fence on the west side of Last Chance Drive and will fix it.

Winter water usage and overage charges – Councilmembers Delora Wight and Eldon Robinson

Delora doesn't feel good about charging for winter water usage overages. Duane reported that another water user has a leak in a line that goes across the road to water his stock and they know it and they plan to pay for it and to fix the leak. Eldon felt that there were four water users who had overage and two were because of leaks. Mayor Weston and Dallas agreed that it makes a difference in water usage when it is monitored over the winter. Eldon thinks it is good to read meters to find the leaks. Eldon and Delora think that it is good keep some water running during the winter. Mayor Weston said that we need to keep the water system operating and read the meters to determine leaks, then fix the leaks as soon as we know about them. He pointed out that as Duane said, one leak was enough water for two homes. Furthermore, our ordinances state that the owner is responsible to repair leaks on their side of the meter and are responsible for the overage charges; we need to jump right on fixing leaks when we find them.

Eldon wants to see what happens next winter before we begin assessing winter overage charges. Delora feels that we came through the water upgrade project with a lot of negative PR. She thinks that if we are not careful about how we handle this winter watering we will have a lot more negative PR and that our town does not need that. She wants the Town Council to think about it. Dallas feels that we need to treat all water users the same. Mayor Weston summarized that the winter overages consist of three water users that had leaks and two were negligent by running hoses. Eldon does not want to charge for any winter water usage overage.

Eldon read from the Laketown Irrigation Company April 17, 2020 Meeting Minutes considering if the arena is outside the Irrigation Company boundary and if the irrigation water should be used to suppress dust at the arena.

“After much discussion, and reconsidering of Joe Weston’s earlier motion to make a one-time exception of the Laketown City using the water to suppress dust at the rodeo arena outside of the existing the Irrigation Company boundary. Mainly due to the nature of the project and the use of it being beneficial for all the community and to approve the request of the City. Kelvin seconded the motion and the motion carried unanimously.

The City may connect into the three-inch water line of the Laketown Irrigation Company. The project must be closely followed as it is outlined by the plat of the Engineers. A 1/3 HP booster pump will be allowed. However, at no time will the system be allowed to use more than their shares of water. The City is responsible for building and all maintenance of the system.

In the spirit of cooperation and good faith, the Laketown Irrigation Company requests that the City readdress the policy for the overage fee being charged for winter watering of livestock. Many of the Laketown Irrigation Company shareholders are also those using the culinary water for livestock, our rights are for the same water and would point out that historically it has been used for livestock during the winter months. The water goes to waste and it is beneficially put to use by watering livestock. We request that the City reconsider the overage fee charged.”

Mayor Weston feels that the winter water usage improved because we said that we are going to charge for winter usage and that water users have realized how little water they need to water their livestock when they use the water properly. The town wants to use their irrigation shares to water the arena. If Laketown Irrigation Company wants to place a stipulation requiring the town not to charge for winter water overages in exchange for the town to use our irrigation shares on land outside of their system then it is possible that the town will put our booster pump on our culinary water line by the fire hydrant. The Town Council looked at using irrigation water to wet down the arena to save the culinary water for the town.

Eldon responded that the Irrigation Company needs to redefine their boundaries as it is and they plan to include the arena in their boundaries. Mayor Weston will check with the water guys in Logan to determine if it is legal to use the irrigation water on the arena. Eldon said that he looked into this already as well and does not anticipate a problem. The irrigation company is concerned about their water rights getting transferred down to the Wasatch front.

Mayor Weston reminded Eldon that the town tries to pay the bills with the water that is used and that is why we have assessments, same as the irrigation company. The Town Council can decide what they want to do with the overage charges but this winter was a cold and fairly long winter and our water users have proven they do not have overages without leaks. We do not need to change our rules and we can maintain our policies and treat everyone equally.

Dallas feels that leaks need to be addressed and that overages because of water usage need to be paid year-round, by all water users. Gary feels the leaks are more important than the overages. Duane Robinson, who reads the water meters, feels that the water usage is different

in the winter than in the summer. He said there is a reason to be exclusive and to charge for every drop of water spent in the summer and in the winter, there is not, because the water just goes to the lake if it is not used. So, in Laketown, the Planning and Zoning Commission, our ordinances, our long-range plan and everything suggests that we cater to these ranchers. He thinks we can send a warning to the ones who had overages this winter and that from here on out overages would be charged. He thinks the town has already dealt with a lot because of the new water system, increased water user rates, increased property taxes and increased price of living in Laketown, and he thinks we need to be careful. He agrees with Delora, that for the image of the Town Council, we need to cater to these people because the Town Council is here at the request of the citizens and here to make them feel good. He feels that some that have been charged winter water usage overage will not understand because overage has not been charged for winter water usage for the past 40 years.

Mayor Weston received advice from our town attorney who recommended considering increasing our late fee rather than forgiving our late fee because it allows more chronic usage when it is forgiven. Mayor Weston questions if it is legal to charge the water usage overage in the summer if we do not charge for overage in the winter and if the town will be accused of being arbitrary and capricious the way we are implementing our policy. He knows that we can make exceptions from time to time but that we need to follow our policies.

Eldon motioned not to charge for any water overages for this past winter and to let water users know where they are at now with their overage; to request that they fix leaks and remedy their problems. The town will continue to study the situation and look at usage again next spring. If the water users have overage next spring we will charge for their overage at that time. Delora agreed. Mayor Weston felt that the Town Council should change their policy if they are not going to charge for overages. He feels we have a good policy now; we need to have a policy and that it is designed to keep us in the right direction. Discussion took place.

In the case of leaks, Dallas supports notifying the water user and not charging for overage caused by a leak but any other overages he is not in favor of doing this. Gary is not concerned with winter water overages winter but is concerned that the leaks get fixed and that we should charge water users for overage if they do not fix their leaks.

ACTION: Motion by Councilmember Robinson seconded by Councilmember Ogilvie to not charge for any water overages for this past winter and to let water users know where they are at now with their overage; to request that they fix leaks and remedy their problems. The town will continue to study the situation and look at winter water usage again next spring. If water users have overage next spring we will charge for their overage at that time. Councilmembers Robinson, Ogilvie and Wight voted in favor. Councilmember Clark opposed. Motion carried.

Delora doesn't want to contradict our ordinances but does want to charge overage for negligence. Mayor Weston said that we will address the budget end of things and figure out how to deal with the water users who probably won't make any unless we charge for overages.

Suspension of water late fees to provide relief during the COVID-19 pandemic – Mayor Burdette Weston

Mayor Weston would like to provide relief for water users by suspending late fees during the COVID-19 pandemic. Dallas is in favor if someone is struggling with income because of the pandemic and is willing to work with people on paying their water bill. Delora is in favor of delaying the due date but still wants to assess the late fees. Mayor Weston pointed out that we have always worked with water users making arrangements for them to pay over time if needed.

ACTION: Motion by Councilmember Clark seconded by Councilmember Robinson to work with anyone who is struggling with their income and paying their water bill because of the COVID-19 pandemic and to temporarily suspend assessing late fees. We will work out paying the water bill over time. Motion carried unanimously.

BLM Update on stream crossing in Mill Canyon – Councilmember Eldon Robinson

Approval has been granted for the project and it is out for a comment period until mid-June. Funds will be available in July to repair the crossings above the spring and at Second Flat.

Rodeo Bleachers and Water System and the Raspberry Days Rodeo – Mayor Burdette Weston

We probably have funding to do part of the bleachers and the water system but we do not have the entire \$40,000 the County promised us because they have put a hold on the funds because of COVID-19. Dallas and Delora asked if the Raspberry Days Rodeo will take place on August 7-8, 2020. Commissioner Sim Weston joined the meeting via speaker phone and said the commissioners are planning on the Rich County Rodeo and Raspberry Days Rodeo so far and he has not heard anything from the Raspberry Days Committee yet. Delora asked how long we can wait to make a decision. The Commissioners are thinking we will move to yellow in three weeks and can re-evaluate under the new conditions. Delora asked what happens if people will not come to the rodeo because they do not think it is safe and we go to the expense of putting the rodeo on but do not bring in the income to cover the expenses. Mayor Weston asked when we will set the deadline to decide if we do not hold the rodeo. Commissioner Sim feels we can go into June. We will need to talk to the contractor. He asked what other expenses we are incurring at this point. The Queen contest was mentioned. The buckles will be made without a year on them in case we need to hold them for next year. Woodruff is still planning on the 24th of July Celebration. He also feels that if we are allowed to hold the rodeos, people will come. Mayor Weston heard it will be mid-July when Utah peaks in the number of cases of COVID-19. Delora asked if we want the crowds from the areas where the COVID-19 cases are more numerous up here. Commissioner Sim responded that the crowds were here this past weekend. The garbage collected this past weekend was the amount of garbage normally collected in mid-June. He feels that we will know in sufficient time to put on the rodeo.

Garden City Mayor Mike Leonhardt responded to a text during the meeting and said he is still planning on Raspberry Days and his fingers are crossed that we will continue to progress to the color green by July.

Roads and Streets Updates – Councilmember Gary Ogilvie

Gary worked with Tyler Stuart to create an engineering drawing for the work needed on the intersection at 100 South and 100 West. He recommended that we do both corners of the intersection. This drawing is different than what he received bids for so we will need new bids. He does not know if the companies he received bids from are working during the COVID-19 pandemic.

A current county plat map of the lots on this corner was displayed for the council showing that all of the lots that were developed by Cardon Willis have been sold. The money committed to the town because of the sale of the lots should be available to help pay for this road work. Cardon will need to be reminded of this agreement. Mayor Weston volunteered Commissioner Sim to talk to Cardon about his agreement to pay \$6,000 for the last lot that was sold. The council agreed it is best to do both corners. Gary will get a change order or new bids.

Park and Recreation Updates – Councilmember Dallas Clark

The bathrooms are open and Brian is working at the park. A group is interested in playing softball but that is tentative based on the decision by the State. We have bids for fertilizing the field. The protective covering on the fencing on the south side of the field has been rubbed off by animals and will be reinstalled. We will add a secondary fence on the inside of the field to keep the animals from destroying the back fence. Use of the park is on hold right now. We have two reservations currently for the first weekend in August and in June. Yellow cautions allow for groups of 50 or less. Eldon asked about the dirt and sand in front of the field. Dallas said we are using it to fill in holes. On Facebook Mayor Weston noticed scrutiny of the mayor for allowing gatherings at the park however, he has not observed a lot of use of the park and does not have a problem with families getting outside to enjoy time together away from their homes.

Recreation Specialist - Councilmember Eldon Robinson

Eldon would like to hire someone in our community to fill a paid part-time position for a Recreation Specialist working May 15th through September 1st. Duties would include monitoring use of the arena, watering the arena, the ball diamond, lights and softball league, little league, volleyball and soccer. Dallas pointed out that we have \$500 budgeted to pay someone to run the softball league and prep the fields but it has been challenging to find someone to do this. Mayor Weston felt that this would need to be a full-time job if they were available when the arena is used and that this would increase our insurance costs. Mayor Weston asked how Eldon plans for the income to offset the costs. Eldon has not thought about it. Mayor Weston said we can discuss this further and that it has been difficult to get someone to take on even one thing

like the soft ball league. Eldon proposed finding young people, a college student or high school graduate to fill a part-time position and looking for grants to pay for it.

MAYOR REPORTS

Bear Lake Regional Commission Report – Mayor Burdette Weston

Mayor Weston called into the Regional Commission meeting at the end so he asked Commissioner Sim Weston to provide the report. They heard from Xan, an engineer who has grant money available to expand the reservoir above Woodruff. If Laketown has any projects we need help with we should contact him. Projects that benefit the area and the public will be considered. Dallas suggested connecting the bike path to Laketown. A lot of the meeting was making allowances to keep the business operating during the changes that are coming about because of COVID-19. They also received information about how Idaho State Parks are dealing with COVID-19. Idaho has agreed to give another \$40,000 to run the Regional Commission and Utah will match that, although Idaho has not provided their funds yet.

UPDATES FROM CLERK'S OFFICE

FY 2020-2021 Water Fund Budget – Mayor Burdette Weston

Mayor Weston presented the Water Fund budget with a deficit of \$10,286. Decisions were made create a net income by reducing professional fees to \$5,000, equipment supplies to \$11,500, and office expenses to \$700. If any additional new water hookups that come in they will increase our revenue.

ACTION: Motion by Councilmember Wight seconded by Councilmember Clark to approve the Water Fund Budget with the changes discussed for the Budget Public Hearing on June 3, 2020. Motion carried unanimously.

FY 2020-2021 General Fund Budget – Mayor Burdette Weston

Mayor Weston presented the General Fund budget. Sales Tax was estimated at -2.5% as recommended by the state. Rodeo income and expenses and the tourism grant income was left as is, although we are waiting to decide about holding the rodeo and the county has asked us to hold off on our projects utilizing the grant money that they promised to give us.

ACTION: Motion by Councilmember Robinson seconded by Councilmember Ogilvie to approve the General Fund Budget for the Budget Public Hearing on June 3, 2020. Motion carried unanimously.

Councilmember Wight requested to receive a phone call if something of importance arises rather than an email because she does not check her email or text messages often.

Councilmember Robinson asked about getting rid of the Pepsi machine located on the west side of the building as it isn't working and is unplugged. Mayor Weston said that it does not belong to the town and that we should ask the Fire Department to see who had it put there.

Disposition of Records – Mayor Burdette Weston

The Retention Schedules for records established by the State of Utah and disposition of accounts payable and other records was discussed.

ACTION: Motion by Councilmember Clark seconded by Councilmember Robinson to follow the State of Utah Retention Schedule for records and disposition code and get rid of out of date records. Motion carried unanimously.

Eldon requested to table his request to see the letter from the town attorney regarding recreational camp trailers in Laketown in a closed session, given the late hour.

Executive Session for purpose of litigation and acquisition – Mayor Burdette Weston

ACTION: Motion by Councilmember Wight seconded by Councilmember Ogilvie to move into Executive Session for the purpose to discuss possible litigation and acquisition. Motion carried unanimously. 10:59 pm.

Attendance: Mayor Burdette Weston, Dallas Clark and Amber Droesbeke in the council chamber. Councilmembers Gary Ogilvie, Eldon Robinson, and Delora Wight attending via video conferencing.

Although the sole purpose of the Executive Session was to discuss possible litigation and acquisition, after the discussion of possible litigation and acquisition, Councilmember Delora Wight brought up the vote made earlier in the meeting for not charging for winter water usage overages with the intention to discuss this matter in the closed meeting. She does not like to discuss some of the water users who had overages and grouping them all together with water users who had leaks. Mayor Weston informed her of the purpose of the executive session closed meeting, reminded her that discussion of her topic is required to take place in our regular open meeting and reviewed open and public meeting law. In the process of moving to the open meeting, she stated her concerns and asked questions which Mayor Weston answered. No decisions or actions were taken in the closed session regarding this matter.

Other than this deviation from the topic at hand, no other matters were discussed in the closed session.

Request to waive late fees on water accounts – Mayor Burdette Weston

Discussion took place about charging overages for leaks and of not charging for winter water usage overages. The Town Council decided to waive the late fees as requested.

We received a letter from Rich School District asking to have the meter on the south side of the building removed. Mayor Weston read a draft response to this letter. Delora reported that Dan knows he should pull that meter.

Bryan Weston's water rights were received by the town on August 5, 2019.

APPROVAL OF BILLS

Councilmember Dallas Clark read the bills to the council members.

ACTION. Motion by Councilmember Clark seconded by Councilmember Ogilvie to approve paying the bills as presented. Motion carried unanimously.

Mayor Weston read aloud letters drafted to Rich School District and to the Boyer's regarding the additional costs to install the larger water meters. We will send the same letter to UDOT after Dan has installed their meter. The additional materials and cost of the larger meters are included but the labor charges are not because labor is different on each meter installation and the town will pay for the labor for installation. It may be that if we cannot balance our water budget, rather than raising our monthly assessment costs we may want to increase our new water hookup fee to \$8,000 or \$10,000. We are legally justified to charge \$10,000 based upon the size of our system and the cost to maintain it.

The Accounts Receivable Summary for the Water Fund is paid in full except for two late fees which the council determined to waive earlier. Water bills are due tomorrow.

11:50 p.m. Councilmember Wight motioned to adjourn and the meeting adjourned.