

**Laketown Town Council**  
**Meeting Minutes**  
**August 5, 2020**  
**10 North 200 East Laketown, Utah**

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**ACTIONS**

Actions to approve the business licenses for Bear Lake EBike Rentals and Sales and for Bear Lake Farmacy.

Actions to adopt Ordinance 2020-03 amending the town code to add and the well to which the water is attached and on behalf of the town 8-1-2B to adopt Ordinance 2020-04 amending the town code to add definitions dwelling, single-family and residential 10-2-1.

Action to approve that Mayor Weston can email the planning and zoning building permit approval letter to the council members and get approval and/or make updates so Duane can get it out at the next meeting.

Action to approve the changes made on the fee schedule.

A decision was made for town council members to review sample procurement codes and to come prepared for at least a 15-minute discussion in the next meeting.

Minutes of the meeting of the Laketown Town Council convened in regular session on Wednesday, August 5, 2020 at 7:00 p.m. with Mayor Burdette Weston, Councilmembers Councilmember Dallas Clark, Eldon Robinson, Gary Ogilvie, Delora Wight and Clerk Amber Drolesbeke in the Laketown Town Office located at 10 North 200 East Laketown, Utah. Mayor Burdette Weston conducting. Those present in the room: Planning and Zoning Commission Chair Duane Robinson, David W. Skeen, Matthew Skeen, Tim Houden, Tracy Horsley, Cindy McLaughlin, Steven Myers and Craig Floyd. Attorney Herm Olsen joined the meeting at 7: 15 p.m. via telephone conferencing. Tyler Stuart joined the call via telephone conferencing around 7:30 p.m.

**7:01 p.m.** Mayor Burdette Weston welcomed those present.

**OPENING CEREMONY:** Councilmember Dallas Clark offered an invocation and Councilmember Gary Ogilvie led the audience in a pledge.

The audio recording was turned off for the prayer and inadvertently not turned back on for a short period of time.

**ACTION. Motion by Councilmember Wight seconded by Councilmember Ogilvie to approve the agenda with the additions of business license for Bear Lake Farmacy and BLM Mill Canyon spring crossings. Motion carried unanimously.**

**QUESTIONS AND COMMENTS FOR MAYOR AND COUNCIL:**

Duane Robinson asked if a business license is necessary for an agricultural business like the Bear Lake Farmacy. Councilmember Dallas Clark read Laketown Utah Code 3-1-1 License required and felt this business meets the criteria requiring a business license in Laketown. Mayor Weston said Laketown tries to follow the guidelines set forth by the state of Utah and the council members feel the business requires a license.

Craig Floyd spoke about dangerous speeds by non Laketown residents on Center Street and 200 East putting his family in harm. He requested that speed limits are posted and enforced. A discussion of road legal vehicles like four wheelers and side by sides used by ranchers took place and past enforcement by DNR.

Tracy Horsley agreed with Craig about the dangerous speeds in town then asked if the town council waives water usage overage charges and why. Mayor Weston said the council waived charges for leaks occasionally or the town splits the difference for a leak if the leak is also on the town side of the meter. Tracy asked if that is the only reason or time the overage is waived. Mayor Weston said there are other times as they did waive the past winter overages on water bills because some water users did not realize they would be metered over the winter. Tracy feels the town needs to do for all what they do for one and be consistent in their billing for every water user on every water bill the entire year. Mayor Weston agreed.

## **OTHER ITEMS OF BUSINESS**

A business license application for Bear Lake EBike Rentals and Sales, owners Rick and ChaRee Larsen was presented by the clerk. Discussion took place about parking for the Ebike renters and the impact on traffic in the intersection.

**ACTION: Motion by Councilmember Clark seconded by Councilmember Robinson to approve the business license for Bear Lake EBike Rentals and Sales. Motion carried unanimously.**

A business license application for Bear Lake Farmacy, owner Victoria Willis was presented by the clerk.

**ACTION: Motion by Councilmember Wight seconded by Councilmember Ogilvie to approve the business license for Bear Lake Farmacy. Motion carried unanimously.**

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

## **COUNCIL BUSINESS**

### **Planning and Zoning Commission Meeting Report – Chair Duane Robinson**

The planning and zoning commission met on July 29, 2020. Dalton Earley did not come to their meeting but plans to come next month. Eric Wamsley presented a building plan for an 80-foot by 200-foot riding barn to the north of his house. Setbacks are 60-feet on one side and 80-feet on the other.

A person with a building lot is asking if they can store a railroad storage unit on their property. The question was discussed and Duane requested that the town council decide if we will allow them. All eight people in their meeting opposed the concept. Con-ex is a railroad storage container brand. Two railroad storage containers are in Laketown now at Dee's and Brent Earley has one on the Fairbourn property.

Concern was expressed in their meeting about our building permit application process and the length of time the process takes. It can take two years to approve a building permit because of various issues associated with meeting requirements and specifications. The new building permit approval letter for the planning and zoning commission is still in creation.

Councilmember Wight asked what happened with the building permit application for Mike Draper's home in Mill Canyon. Duane said this is at a standstill until they get surveyed.

### **Long range future road plan through Hal Weston's property – Chairman Duane Robinson**

Duane said this discussion impacts the property for David Skeen's and Tim Houden's building permit application and their building plan project that was brought for approval to planning and zoning commission on July 29, 2020 was referred to. Duane feels this discussion impacts every property owner in Laketown. We either need to stick by the master plan, adjust it or allow variances. The town council needs to determine what they will do. Delora asked if the planning and zoning commission has discussed if we should deviate from our master plan and Duane pointed out several instances when the master plan was enforced in subdivisions. A discussion of enforcing the master plan for other developments and subdivisions took place. Duane said we have never deviated from following the master plan.

Duane said that David Skeen and Tim Houden and their group came to our town council meetings interested in buying the property only if the town council would allow them to put storage units there. We had a discussion and they were going to bring in a fine structure for a storage unit and make it look good and acceptable for the front the town council had in mind. Last week is the first time the planning and zoning commission saw a building plan.

Delora asked if at that time it was said that a future road existed as part of the master plan and she thought that it had been discussed. Duane thought it probably had not and Mr. Houden said it was not brought up at the meeting. Duane said they probably asked questions about the setbacks for side and back. Without the building plan, we gave what the setbacks are. Duane thought the storage units would be going east and west and the road never crossed their minds. The concept was introduced about two years ago to the council members except for Councilmember Robinson and Mayor Weston.

Duane and the commission want to know if the town council will vary from the long-range road plan or in what instances the council will vary from the long-range road plan. Mayor Weston said we have a long-range plan as part of our master plan and the roads are part of that.

Mayor Weston said he told Mr. Skeen that he would research this and read from town council meeting minutes from September, October and November 2017 which record Cindy McLaughlin's request for a zone change to commercial zone on the property and a verbal approval to create a commercial/residential 200-feet buffer zone as well as verbal approval to allow storage units on commercial property when the ordinances are fixed to allow them.

The October 2017 minutes list those present including Barbara Turnbow, Cindy McLaughlin, and Mark Hislop and record that storage units were discussed and Delora asked where the master road plan comes in conjunction with the property that is for sale. The answer was that it is "straight along the fence line between Joe Weston's and Craig Floyd's properties. Then it comes to Center Street. Duane pointed this out on the map. The road requires a 60 foot right of way." Duane and Mayor Burdette Weston said the street goes to Main Street not to Center Street. The minutes record more discussion regarding the master plan road and how it effects this property.

November 2017 minutes record:

"The place for the roads is already designated in the Master Plan. Half of the space for the roads will come off the fence lines of both owners adjacent to a new road so the space for the road is shared equally and one land owner will not have to absorb the entire space. Developers will be required to leave the space vacant for the roads in the master plan."

Mayor Weston said this is what he looked at as he reviewed the matter and asked for questions. Mr. Houden said he does not recall discussion of this road in the meetings. The first he heard of it was recently and then he reviewed the minutes of the November 2017 meeting which he did not attend. The time line for Mr. Houden was that he first came to the Laketown Town Council to get approval before he purchased the property. He asked the town to change the commercial zone from 300 feet to 500 feet to allow for enough room for the storage units he wants to create to provide enough income to pay for the land and the infrastructure.

His intent was to change the property zone to commercial, then the ordinances were changed so they could build storage units. At the meeting he said "I do not need to buy this piece of property. If you do not want storage units, I will walk away. If I can have storage units here, I will proceed." He said this whole group knew that he needed 500-feet. He came to the council meeting in October. He does not recall a discussion on the road. It seemed to be a non-issue. He didn't show up to the town council meeting in November because he didn't want the pressure the town council. He addressed Duane's concern about why it has taken so long. He said he had to go through UDOT to get the exit approved which is not a fast process. UDOT looked at everything. This master plan road did not exist in UDOT's map. UDOT has technology to show everything in the state of Utah and they know where everything is and this future road is not on UDOT's plan.

They have designed the storage units to provide ease of use to move large boats around in the property. Every inch of the property is necessary to implement their plan. His intent of coming to the meeting in 2017 was to get approval. He said at that meeting that he felt good to walk away if the town council was opposed and he outlined what he needed to move forward.

They want to get this going now. They have to pay for these buildings and he wants the buildings up in April or May so that people see them and they get filled. He wants to get the concrete in before the freeze so he can get them in which will deter some of his costs with perfect timing to get money coming in.

Mr. Houden said earlier, Duane said it takes two years to get something approved. I was here two years ago. The town council agreed to allow storage units in November 2017. Mayor Weston said we agreed to allow storage units and as long as it follows our town code with setbacks and part of our code is our proposed roads. We allowed the 500-feet was for depth.

Mr. Houden said there was no discussion in the 2017 meeting of a road. There was a discussion of a water line. He was told that he cannot plan the east side of the property until the water line is located, and he agreed that he would not build over the water line and an easement that came

through the property. He wants to do the building so it is timely for his investment. He doesn't want to sit on empty buildings all winter.

Duane said in his mind no one is worried about why it has taken so long. That is not an issue. When the plan was presented there was never a presentation of how the buildings would sit on the property. The planning and zoning commission voted and accepted a concept of having storage units on the property. They were not worried about the time frame. They granted 500-feet. Mr. Houden said he appreciates the change the council made. He is not getting 500-feet now because he is getting 470 feet. He cannot afford to give 60-feet to the town. This road was not brought to his attention before.

Eldon said this whole discussion is about preserving a 30-foot space for a future road. Mr. Houden said he understood the road be on Joe Weston's property. The town council said it would be down the fence line. Mr. Houden said it is not on the deed.

Cindy McLaughlin asked what size her road should be and what the required setbacks are for the storage units next to her property. She thought all roads in town should be 60 feet. Mayor Weston said Falula Road is a county road, not a town road and should have a 60 foot right of way. Cindy said she was not approached before the storage units went in and usually neighbors should be approached. Duane said the setback is ten feet from the neighboring property line and 30-feet from the road. He said structures built before our town code was established are grandfathered in. Structures built after 2004 have been required to be more than 30-feet off their property line. Cindy said the storage units next to her are definitely closer than 30 feet.

Mayor Weston asked Herm about how none of our master plan long range roads and proposed streets are on UDOTs plans, or on the property deeds, or on utility easements. Herm said the long-term plan and the master plan need to embrace and incorporate the connection with UDOT roads, county roads and town roads. Has that occurred? Duane answered we are including the highway, Falula Road and the road up the canyon and including future anticipated roads. Mr. Houden asked why these roads on not on UDOTs plans. Herm asked if there has been any communication with UDOT. The town has not communicated with UDOT. Herm said we want to make sure this building plan is consistent with our long term plan.

Mayor Weston said we have had others request that we modify the future road plan for their circumstances. One in particular claimed that the sale of their property would fall through if the town would not modify their plan and the sale still went through. It is not possible for the town to project what will or won't happen. A discussion of Mr. Houden's project approval process took place recounting to Herm what has taken place. Mr. Skeen said the reason that nothing is shown on their plan is because most towns overlay their roads on their properties on their master plans. He hired Hansen Engineering and they did not see that road. The map of the town on the Laketown website is a pdf and will not expand. The map of the future roads is not on the town website and not displayed in the town council chamber. Mayor Weston said we will hang the zoning map with the overlay of future roads on it in the council chamber along with our map without the overlay. A road on their property was not discussed in the meetings and they

understood the mayor to say the road was 60 feet from edge of road to edge of fence. It wasn't split on both properties. The center of the road is planned to be on Weston's property.

Mayor Weston said he did not see that reflected in the minute but did see that half would be on one property and half on the other property so that not one person bears the whole burden. Mr. Skeen said that was the code but that is not always followed and subdivisions are different than commercial zone. He understood a future road would go in on Joe Weston's property and he thinks the position of the road will be changed if the land develops so that both sides of the road will be accessed by the subdivision.

Mayor pointed out on the map Mr. Houden's property and the master plan road. Mr. Houden said UDOT did not know about this future road and no way would have allowed him to put this access two feet from this road because UDOT wants 200 feet between exits. Eldon said he is not surprised that UDOT doesn't know about our master plan roads. He doesn't know whose responsibility it is to make sure they know our future roads are planned. Duane said this isn't the first time we have had an issue. The Sand Lilly Phase 2 subdivision did not want to build the roads.

Duane asked if anyone recalled which direction the storage units would be facing. The town council said no proposal was provided for their review, just the concept that storage units Mayor Weston served on planning and zoning commission in 2017 and the only thing presented was a computer graphic of what the storage units would look like and the trees. They were nice looking units. No plan was presented of how the storage units would lay on the property. Mr. Houden said he wanted the sun to help snow melt and natural security of seeing all the doors when driving by the property.

Mr. Houden said the discussion in the meeting did not make it clear to him that this road was on his property. Mayor Weston said the town council said he can build storage units as long as they follow the town codes and part of our town code is a master plan including future roads. The zoning map with the overlay of future roads did not exist. We had our zoning map and a future roads map. When this confusion came up Mayor Weston said the future roads really need to be an overlay on our town map and Duane had this made with Mitch Poulson.

Mr. Houden said, unfortunately he did not have access to this information. Mr. Skeen said, if you go back further in the minutes the mayor said the road edge is the fence line. Mayor Weston said the only way that could be a fence line and all on one person's property is if the county surveyor said that is where the road should be and that the fence is not on the property line. There may be a chance the fence is not on the property line. Mayor Weston in a ranching business likes to have an agreement with his neighbors that our deed is the property and our fences are for the convenience of controlling cattle because too many times people can get stuck on fence lines, not property lines. The survey would tell if that road is on Mr. Houden's property or on Joe's. The county would determine that because they make those decisions on surveys for roads and assign addresses for the town. The road right of way is 60 feet and the set back is 30 feet. Mr. Houden asked who will buy the 60 feet of land from him. Dallas said, nobody. It is part of developing. Mr.

Houden asked if the town just takes peoples land away. Dallas said, they give it to the city. Mr. Houden said it would have been really nice if he had known this at the time, he purchased the property. He just lost 60 feet of land 524 feet long. Craig Floyd asked if Mr. Houden has surveyed the property. Mr. Houden said yes, it has been surveyed. Mr. Skeen said he had the land surveyed and the road is on Weston's property. He started on this six months ago.

Mr. Skeen is concerned about the right of way. If the town takes 60 feet away from them it is not worth putting storage units on the property, unless they have small storage units. Mr. Skeen asked if Mayor Weston looked at the big concept plan. Mayor Weston said yes, he had. It was first presented July 29<sup>th</sup> at the planning and zoning commission meeting and Mayor Weston saw the plan after that. Mayor Weston reviewed the minutes from 2017 and spoke with the previous Mayor Sim Weston who said that he was in favor of the storage units as long as they followed our code and future plans. Mr. Skeen agreed that is what Mayor Sim Weston's letter says but there was a lot of discussion before that. Mr. Houden said there was more discussion about the water line than the road and the water line is much less intrusive. Mayor Burdette Weston said it was not to a lot of town folks. Mr. Houden said there was a lot of discussion about making the buildings beautiful and not having trash trailers sitting on the corner.

Mr. Houden said he is going to have a lot of open space now and a lot of land that he has to put to use now because he has to pay for the land. This has become a big financial mistake and huge financial cost to him. Matthew Skeen said their entrance is not 60 feet back from the center of the road, it is only 30 feet so they will have to move the state right of way entrance to come into the property. David Skeen said the state didn't even see this future road and has granted permission for their entrance off of SR 30 and the state supersedes the cities and towns. The entrance is in there so this future road isn't going to happen. Duane said there are some positives – Mr. Houden will not have to build the road to enter their property from the other side, they only have to build around it. Plus they do not have to put in sidewalks or gutters. Mr. Houden said he has a \$42,000 exit coming off the highway that is right inside this future road. Duane said the planning commission gave him the option to enter their property from 2<sup>nd</sup> East but Mr. Houden didn't want to do that. Mr. Houden said that at the time he was blatant about where the road would come off the highway. UDOT wanted a letter from the Mayor. Mr. Houden told Duane that the road will come off the highway. Mayor Weston said he was not the mayor at the time and as he saw the entrance going in he asked the chair of the planning and zoning commission if anything had come to the planning and zoning commission and what is going on. Duane said he did not know and went and found out that you were building the exit that UDOT had given you. There was nothing said to use. We could just assume that is where your entrance was. Mr. Skeen said Duane asked him about the culvert.

Mr. Houden said he needs to figure this out. This has now become the biggest mistake of his life and a very costly mistake because of miscommunication. Because of not having this clearly stated at the time he purchased the property and he talked to the town council. It was whisked over apparently during the discussion. He didn't know about the master plan and was not presented information on the master plan. He was concerned with how much space he had to build on to come up with a financially feasible plane. Lack of communication has caused his plan to fail. He

didn't know the road had anything to do with property lines he was involved with. No discussion of this master plan road involved his specific property. If he had known there was a future road coming through there it would have affected his decisions. He cannot afford to give up 60 feet of land for the future road. It was not brought to his attention at all. Councilmember Wight apologized for the miscommunication and felt that this was openly discussed thoroughly and understood in the previous meetings. The town council approved the concept of storage units and talked about the road issue and the water line.

Mr. Houden said he knows that Joe Weston has no intention of a road going in there and Mr. Houden doesn't want a road there and doesn't know why the town needs to plan for a road there. Eldon said he is not sure that we know that and maybe a couple of generations down the road that may be what they do because that is what is happening and his children will develop the land and the road will be needed to develop the land. He wants the future roads to be available to allow his children or grandchildren to develop the land. We don't know what our children will want in the future. Mayor Weston said if Joe wants to put his land in a 99 year conservation easement so it can only be used for agriculture that road would be a moot point. Duane said that Hal said as long as he is alive there won't be a road there but Duane pointed out he can't guarantee what our children will do.

Cindy asked if the town tells everyone about the master plan and future road plan across the board. Mayor Weston said we present this information when a builder comes before planning and zoning. He also said the town ordinances and town code change over time. His own house was built on a 1/3-acre lot which is now grandfathered in. Cindy said this road will probably never happen. Mayor Weston said when he sees what is happening so fast in the neighboring community it will be spilling over. Because of the nature of our area there will be businesses here.

Mr. Houden said he will need to restructure his business plan. The problem for him is that he had known there was a road going in it would have changed everything. He could have structured his plan around the road. The problem is that he has this phantom fantasy road that has existed for he does not know how many years, that has never gone in and never been considered to go in and creates no value for his property. If it was going in tomorrow it would increase the value of his property. Discussion of the future road and required frontages took place. Mr. Houden said the only use he has for the 60 feet of property now is open storage and this was discussed. Duane said he asked Mr. Skeen to consider placing the storage units east to west instead of north to south. Planning and zoning commission feel that they can think this through and do not need to be rushed to make a fast decision. Mr. Houden has placed the storage units north to south to maximize security and snow melt.

Mayor Weston said we will discuss it and asked Mr. Houden to look if he can change the direction of his building so he can make his money. We are protecting our long-range plan. We don't know how fast the land will develop, or how fast people will come in. The only way that property would be developed would be a subdivision. Mr. Skeen said he has run a model with the building placed square wise or angled wise. Mayor Weston said to go back to the planning and zoning

commission with something you think will work to make more money. Eldon said we are not so sure how well it will fly if you make a proposal for open storage. Cindy said we already have open storage existing in Laketown. Mr. Houden thinks he needs to put in so many units to make it work and he lost more than 20-30% of his units because of the master plan road. Open storage helps with that. When the road goes in, the open storage would go away.

Mr. Skeen said that developers find out their information before drawing up engineering plans. Hansen Engineering shot the gradation on the property and the water easements. If you use 60 feet, it's an easy answer, divide by 14 feet by 60 and that is how many less units can be on the lot and in the building plan. Mayor Weston is not sure how many building plans Hansen's has done in Laketown. Anyone who has done any of them would be aware of the master plan and long-range road plan.

Mr. Houden asked if the town will consider not enforcing the road. Mayor Weston said he could not answer this without hearing the discussion that would go on and we have not changed one of the future roads in our master plan yet. Cindy asked if something changes on the Hal Weston long range road will we contact them. Mayor Weston said it will be in our minutes.

Duane wanted the town council to determine if they want to shift from the master plan and future road plan. Delora said that we have turned down three other requests to change the future road plan and does not see a reason or need that this should carry any more weight than any others we have turned down.

Mayor Weston asked Herm for his input. Herm wanted to see the plat map and what the UDOT has done. Herm pointed out that the commercial residential buffer zone was not adopted for a single applicant. The new zone was adopted but many other questions were asked that have not been answered by the adoption of the new zone and language was read by Mayor Weston that any building plan would have to be consistent with the master plan and long range road plan. Herm is anxious to see the application and overlay it with where we anticipate the future road. We need to do this in order for planning and zoning commission to properly address the issues about approving the application. Herm made notes about the things we need to look at and make sure that we have the planning and zoning commission on board with the same questions and answers so that we are consistent. Herm felt the council properly raised some important points. Herm could not hear much of the discussion from the audience or other council members.

Dallas asked Herm when someone like this wants to develop storage units and we are requiring part of their land for a future road; how do we make sure that the land for the road is ours and that there is funding available to develop it. Herm said those are part of the mandates that the planning and zoning commission would require and ultimately the town council would require that there would be a dedication of the plat map recorded which conveys the title to the municipality for municipal purposes. That is part of the plat map that would be recorded by the county through the county recorder's office to make sure that the use of that land is submitted through a perpetual lease or outright ownership. The engineering plat would be submitted will have that language in it as developed by the engineer.

Dallas said that as people have developed land, we require them to put the roads in so the city doesn't have to bear the burden of the cost of the road. How do we make sure that this land owner is financially responsible for half of the cost of that road? Herm said the standards required for a municipal road should be determined by the town and any road proposed by a developer or land owner should meet all the minimum engineering standards for roads. The town should not accept any road proposed unless it meets the standards determined by the town. If the town were to accept a substandard road, the town would become responsible to bring it up to code. It is a simple matter of mandating that the developer, property owner or applicant meets all of the standards for roads, water system, electrical connections, sewage lines etc. It is a critical component so a developer doesn't come in and do a slip shod job and the town does not have to bear the financial cost. The plat map submitted by the engineer would represent that the standards required by the town are being satisfied and onsite inspections by city engineer as construction is occurring or we don't accept them and developer doesn't get occupancy approval until it is complete.

Mayor Weston clarified Dallas's question again for Herm: How would this road be funded by this share of this guy's property when he doesn't want the road and the guy next to him doesn't want the road but he is able to use his property and then when the road goes in he says I didn't pay to put this road in, if you want the road the city must pay to put it in. Herm said there are a couple of ways of handling this. One way is to say you don't get a certificate of occupancy until the road gets put in to the city's satisfaction. The applicant must pay the cost and post a bond of his one half share of the road. If the other land owner isn't in agreement to pay that cost, then it becomes an issue that the town can deny the reluctant land owner the use of that land until the share of the cost of the road is put up. It is not always a simple matter but the city needs to protect itself. It needs to make sure that both the applicant and the adjoining land owner ultimately don't thumb their noses at the town and the town is left with the burden of the cost. Mayor Weston said that one guy could put his bond up but the other guy would say he doesn't want the road unless the city were to say we will condemn your land and we have to have the road and you've got to put in your share. That almost sounds like some guy would try to sue us for a taking. Herm said even if it is a taking, it is limited to the fair market value of the property and there are circumstances where the value of his property could be elevated with the presence of the road. So there might be a taking with zero damages or very modest damages because there would be a fair market valuation and that may not be quite as painful as it sounds. As for the applicant himself, the 30 feet is on his property. He gets the benefit of the future road whether he sees it or not.

Discussion of what would happen if the town takes the property for the road if the road doesn't ever go in. Herm said the town must plan and act as if the road is going to go in because it would be a disaster if the application was approved without the road and then three years from now the town determines it is time for that road to go in. Then the town would have a real problem because he has sited his buildings or other permanent obstructions and now there would be a real expense to bear the cost of pulling those out. The town must act in anticipation of building the future road. It needs to be that way. Herm said the town is not unsympathetic to the economics of the situation. On the other hand, we cannot let the economic viability of a project

determine our approval or not. It needs to stand on its own two feet. Economically if the adjustments must be made that make it not so good for developer that is unfortunate but that is the risk of development. We want to be sympathetic but we cannot let that control long term decisions for the town.

#### **Grants available to drill wells and for water operator personnel – Mayor Burdette Weston**

Mayor Weston asked Herm about grants available to cities that could be used to drill wells and pay for personnel to care for our water system. Mayor Weston thinks we need a secondary certified water master and a grant could help pay the wage. The city contracts Dan to do all our work. Mayor Weston asked if grants could be available to pay for employment. Herm said he believes the standards the government uses to determine potential employment. If it would be spent in anticipation of future development and home construction then it could fit in that criteria. Herm thinks we could fit within the application process and the sweet thing is it is a grant as opposed to a loan and could help site the well. Herm is afraid the money will lapse if we don't act on it now. He feels we should explore if we can fit within the guidelines. Mayor Weston asked how much money might be available. Herm said several hundred thousand dollars.

Mayor Weston was visiting with the mayor of Garden City who was planning to install a new water tank in four or five years. It will cost \$1 million and they have the money in the bank so they decided to put the tank in now. Mayor Weston asked if the council would like to look at grants. All council members agreed we should apply for grants. Herm will do preliminary work on this side to find deadlines for applications and criteria.

The clerk asked if there are grants that could help connect the bike path. Herm isn't sure he has seen anything on that. Herm said these are sticky issues. Herm has served for 12 years on Logan City Council. He thought the points made by the council were well made and the council listened to him and responded appropriately. Herm thought the town council did a good job collectively. Herm made notes he will send to Mayor Weston. He looked at letter dated October 14, 2017 from Mayor Sim Weston and it does not constitute a contract. It is conditional in multiple areas. Multiple questions are open and unanswered. Herm feels comfortable in our position.

At 9:16 p.m. Herm left the meeting. Tyler Stuart identified himself on the call. Mayor Weston asked Tyler agreed that the town needs to have their policies and stick to them.

#### **Multi ownership in homes – Planning and Zoning Commission Chair Duane Robinson**

Our attorney is still looking into this.

#### **Railroad storage units – Planning and Zoning Commission Chair Duane Robinson**

The town council will consider railroad storage units.

### **School water hydrant relocation – Councilmember Delora Wight**

Delora thought that Dan would attend the meeting this evening. The fire hydrant located on the north side of the new school addition was located by the side walk in front of the new gym. Dan received a call about this hydrant and was asked if we want them to raise it or move it. Dan and Delora decided it was a horrible place for the hydrant and decided to move it west by the electrical pole. It is now capped off completely. The school is installing a new hydrant to pay for it. It will cost \$2,400. The school super intendent said they will help pay to move the hydrant. Sprinkler line installation at the school was discussed. The sprinkler is connected to culinary water.

### **Water Updates – Councilmember Delora Wight**

Delora spoke to Dan about a second certified water operator and he did not say anything. Dallas asked are all altitude valves working. Delora said Dan said he is receiving readings and notifications and what he is supposed to be getting. The last time they looked it was low. Duane said the spring has same amount of water flowing into the ditch.

### **Rodeo Updates – Mayor Burdette Weston**

Valley Implement called with a question about the uprights. Mayor Weston told him to be in contact with Councilmember Robinson who said they can come and connect anytime. The county said to tell our rodeo committee they are taking the hold off our grant money and we can use it. Construction on the bleachers will be next year.

Delora provided Jessica's receipt for the queen contest expenses. When Jessica ordered the buckles, she asked for no year on them but they have a 2021 on the buckles. Delora brought a box containing the buckles and saddle banners. There is still one out and Jessica will bring it. Jessica will not do the queen contest anymore. She will be available to answer questions and help the next person.

The recorder stopped before the water updates and continued during the roads and streets updates due to technical difficulties.

### **Roads and Streets Updates – Councilmember Gary Ogilvie**

Gary asked if the contract for Post Asphalt was signed and sent. It had not been so Mayor Weston signed the contract and it will be sent tomorrow.

### **Park and Recreation Updates – Councilmember Dallas Clark**

Dallas said some trees have died and he does not know why. Some trees are weeping. The cemetery took some of the sand from the park. Delora said some sand was taken with the promise to replace it and to place the replacement sand at the rodeo ground. Our streets were

mowed again. Eldon thinks he did some weed eating as well around telephone poles and phone boxes. The park has been used a little. Brian was working on the water fountain. Mayor Weston is not sure we should allow use of water fountains because of COVID 19. On Facebook someone posted that the best rest rooms in Bear Lake are at the Laketown Park.

### **BLM Mill Canyon crossings - Councilmember Eldon Robinson**

BLM received funding and awarded Chantry Argyle the contract to repair two of the crossings in Mill Canyon. He wants the water down in the low spots and wants to move the road to where the existing ditch is. They have \$7,500 for each crossing. Eldon suggested putting more money in the lower crossing to protect our spring and feels we need to protect the spring area. Eldon thinks the project will begin in the next four to six weeks.

Delora asked about security on our water tank as she discovered that the fence is not locked. She will make sure we get a lock on it and inform Bear Lake Communications they need their own lock or a lock we both can use. Dallas said another internet business called Dot Bar belonging to Jon Lee is coming. He will have 100 speed.

Mayor Weston had two or three people talk to him about their water overage charges and asked what to do with it. He said to pay it. They said the town council didn't make the water users with winter overages pay. Mayor Weston recommended to come talk to the town council. Mayor Weston said that he told them that the town council made the decision to waive some overages so you will need to talk to them. Eldon said we were studying it this past winter. Duane met the Yardley's who purchased Natalie Gomez's house. They are from Syracuse and want to spend weekends here. They have a missionary in California.

## **MAYOR REPORTS**

### **Bear Lake Regional Commission Report – Mayor Burdette Weston**

Varley and Coombs talked about Eurasian Watermilfoil weed that can strangle a swimmer and drown them. Idaho has sprayed 14 plus acres and Utah has sprayed 41 acres. Mayor Weston asked how big can the shoot be that falls off and they don't get vacuumed that can start somewhere else in the lake. The plant puts shoots off and if they get away there will be another outbreak but they have been successful where they have treated and they have gone back and not seen much regrowth. Idaho is going hard against other places not just Bear Lake. Utah is going to start hitting all Utah marinas.

Tourism is going crazy. Idaho tourism council were approved for \$42,500. Rich County grant still has \$30,000 remaining. Bear Lake is up 6% in office of tourism over the entire state of Utah. As of May 30<sup>th</sup>, the restaurant money is \$290,000 in 2019 \$310,000 in 2020. Transient room tax is up \$25,000 more than last year for that time period and that is not counting the smaller rentals. Mark Smoot said he was going to take a big hit on his properties and he started renting them as individual units rather than big units and his rentals are up. The Wilford Woodruff home visitation

in July 2019 was 702 and in 2020 they have had 10,200 visitors. At the scenic look out in 2019 they had 15,000; in 2020 they had 17,000 and have not had any buses. Bear Lake State Park is up 68%. Google advertising is up 60%. Utah.com is up 34%. Raspberry Days is up 51% this year. That is with the rodeo and parade cancelled.

Mayor Weston asked Garden City Mayor Leonhardt about the impact fee for a 40,000 square foot store breaking ground in September 2020 and opening in May 2021. The grocery store will have a bakery, meat section, deli, drive through coffee, Cache Valley Bank kiosk, gun and ammo store and Ace Hardware. They plan to draw customers from Paris and St. Charles south.

They will have 120 parking spaces. Mayor Weston asked what they charge for an impact fee for that kind of building. They do it on a formula that goes on square footage. They add their fire impact fee and everything to it. Mayor Leonhardt said that he wouldn't be able to say but it will be around \$200,000. He said the building housing Cody's Restaurant had an impact fee of \$500,000. Mayor Weston asked him what UDOT says and Mayor Leonhardt said they are fine with it. Mayor Weston asked how their infrastructure is. Mayor Leonhardt said we have room to widen the roads and turn out lanes and have plenty of water. They were going to drill a well on the south end in 3 or 4 year and they decided to drill it now.

Mayor Weston said when it starts here the town council better be prepared to handle it. They will keep coming south. He asked Herm about this today. Mayor Weston doesn't feel good about charging a new couple a \$5,000 building impact fee and then someone builds 45 storage units and we charge them a \$5,000 building impact fee. Dallas said he paid an impact fee on the formula base to remodel a business in Garden City. Duane asked if he had to pay a building impact fee for a remodel and Dallas said yes.

Mayor Weston doesn't think it is fair for 45 storage units on four acres to pay the same impact fee as a home for a new couple. A storage unit business will put more wear and tear on the roads. Dallas thinks things are changing and they will change fast. Once you can support the store, the employees will need homes. Mayor Weston said that once the store is in and is viable it will continue to go because another business will go and another one. Mayor Weston predicted this when he was on the school board 15 to 20 years ago. Dallas said we need to be careful where Garden City comes. There is a problem now with Hideout and Park City by the reservoirs. They have a problem over a land grant deal of 400-acres that the little town is trying to incorporate because Park City wanted to leave it open space.

Eldon looked online to see if our trail is still on the tourism and convention bureau website and it is still there. Mayor Weston will bring it up at the next meeting.

## **ACTION ITEMS**

**PUBLIC HEARING – To consider, receive public comment and discuss with the Laketown residents the Master Plan.**

Mayor Weston opened the meeting to public hearing.

Eldon suggested having Mayor McKay Willis and Peggy Robinson sign the master plan now. This was tabled because Duane said the Master Plan was signed. Dallas is 90% it was approved and signed. Gary said we can reaffirm the work done in the past. Mayor Weston said we will research and make sure it was signed. If not, we will sign it next month. Mayor Weston suggested that Duane overlay the master plan future roads on the planning and zoning map.

Mayor Weston closed the public hearing.

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**Resolution 2020-01 Electronic meetings – Mayor Burdette Weston postponed**

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**Resolution 2020-02 Approval of Fiscal Year 2020 Budgets – Mayor Burdette Weston**

Mayor Weston opened the public hearing.

The resolution was read aloud, approved and signed. The FY 2020 budgets were approved in the June 3, 2020 meeting.

Mayor Weston closed the public hearing.

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**PUBLIC HEARING – Consideration of a proposed ordinance to amend the Town Code adding and the well to which the water is attached and on behalf of the town 8-1-2B – Ordinance 2020-03**

Mayor Weston opened the public hearing.

Discussion of the location of possible well sites took place.

Mayor Weston closed the public hearing.

**ACTION: Motion by Councilmember Clark seconded by Councilmember Wight to adopt Ordinance 2020-03. All in favor. Motion carried unanimously.**

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**PUBLIC HEARING – Consideration of a proposed ordinance to amend the town code adding definitions dwelling, single-family and residential 10-2-1 - Ordinance 2020-04**

Mayor Weston opened the public hearing.

No comments were made and Mayor Weston closed the public hearing.

**ACTION: Motion by Councilmember Ogilvie seconded by Councilmember Robinson to adopt Ordinance 2020-04. All in favor. Motion carried unanimously.**

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**Finalize approval letter for planning and zoning building permit and impact fee and approval of fee schedule – Mayor Burdette Weston**

**ACTION: Motion by Councilmember Robinson seconded by Councilmember Clark to approve that Mayor Weston can email the planning and zoning building permit approval letter to the council members and get approval and/or make updates so Duane can get it out at the next meeting and approve the changes made on the fee schedule.** Councilmember Clark, Ogilvie and Robinson in favor. Councilmember Wight had stepped out of the meeting. Motion carried.

## **WORKSHOP ITEMS**

**A. CODE AMENDMENT:** Procurement Code – Consideration to amend the town code by adding procurement policies as required by the State of Utah in new Title 13 – **Ordinance 2020-01**

Delora asked about procurement codes we are looking at. Mayor Weston said ours do not need to be as detailed as the examples we have. Delora got tired of reading them. Although the council talked about sending the procurement code to the planning and zoning commission, they have now decided to do it themselves for the sake of time. A decision was made for town council members to review sample procurement codes and to come prepared for at least a 15-minute discussion in the next meeting.

## **UPDATES FROM THE CLERK'S OFFICE**

### **Water budget amendment**

We need to amend our water budget to include ten water tests that are required five more times in the next three years. Estimated cost is \$280 a year. The clerk will bring an amended budgeted next meeting. Delora can go online monthly to check the state requirements for our water system and review them with Dan. We will get the log in information to Delora.

Dallas thinks we need either a half door or a window for the clerk's office to increase safety. Mayor Weston would like to do it now and not in two years. Eldon wants to figure out procurement code first, then press forward. Mayor Weston pointed out that the costs to create the door or window would be much less than the procurement code would apply to.

The agenda arrangement was discussed. We could move clerks update, budget review and approval of bills up and do the public hearings last. Procurement code needs moved up before the master plan.

### **Conditional use permit fee**

A conditional use permit fee is listed on the fee schedule in the amount of \$25 and renewal is \$25 although in the last town council meeting the council stated there is no fee for conditional use permits.

Dallas likes Laketown Town Code Title 12 Chapter 8 Storage and Use of Recreational Vehicles and requiring a conditional use permit but asked how we are going to enforce it. Mayor Weston agreed and said we either have to enforce it or take it out of our town code. If we take it out of our town code, we will have a lot like the one in Garden City. Eldon thinks we need to address the town code because things change. Dallas asked change how? Eldon said we need to look at it. He talked to both Natalie and Tammy and they are trying to do what we want to do but they don't know what to do. Tammy is storing two trailers on her property and Natalie is trying to clean up her old lot and remove the old trailers. She is not sure how to get rid of them. We need to look at it again when we have time.

Mayor Weston thinks we need instruct residents to come in and get their permit because that is what our code says. Eldon said they are everywhere around town. Mayor Weston suggests we send a letter out in water bill in April 2021 explaining what our requirements are and inform residents about the permit. Delora said the activities taking place behind Rick Johnson's are all recreational trailer people. Gary said RV sales are higher than ever, and even in Indiana where most are made, they are having trouble keeping inventory. Mayor Weston said in the Regional Commission meeting they said the park visitation is up 68% because people are buying RVs.

### **Pre-disaster mitigation planning and emergency planning**

The decision was made that pre-disaster mitigation planning would be our priority, and emergency planning will be second. Mayor Weston feels the town can rely on the church, county and fire department emergency plans. A boil order could be communicated through the church's emergency communication plan. The previous meeting was cancelled and a meeting was rescheduled for Tuesday August 11 at 3 p.m. to complete our pre-disaster mitigation planning. The clerk will ask Zac Covington to meet with us.

### **APPROVAL OF BILLS**

An invoice has not been received for the radio announcements of the high school games. An email is substituting for the invoice for approval. Mayor Weston said we are getting a new radio announcer as Ryan is moving to SUU to teach communication classes and radio classes. Mayor Weston met his replacement today. He is from Chicago.

The clerk reported that the compound meter at school is reading now and we know how to monetize that reading. The clerk met with Dan at the school today and read the meter successfully and it is moving forward correctly. The antenna is broken on the meter and we

ordered a new one today that should arrive within a week. It should be fixed before Duane reads the meter again.

Mayor Weston asked Delora to look for grants to provide funds to change out all of our water meters to the electronically read meters. The meter company is also recommending we need to get the billing software that coordinates with the electronic meters. Mayor Weston would like to purchase that software with the new meters. The clerk called the company that is recommended and it would be around \$2,000 for the software and set up. Our current software would no longer be needed. The new software would eliminate our current processes of hand writing meter readings and hand entering readings into our software.

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

**11:00 p.m. Motion by Councilmember Wight seconded by Councilmember Clark. All in favor. Motion carried unanimously. Meeting adjourned.**