

MINUTES OF THE HUNTSVILLE TOWN COUNCIL MEETING
Thursday, August 6th, 2020, 7:00 p.m.
Meeting held at Town Hall 7390 East 200 South, Huntsville, UT

Name	Title	Status
James A. Truett	Mayor	Present
Blake Bingham	Council Member	Present
Richard Sorensen	Council Member	Present
Max Ferre'	Council Member	Present
Wendy McKay	Council Member	Present by Zoom
Beckki Endicott	Recorder	Present
William Morris	Legal Counsel	Excused

Citizens: Lt. Butler, Sandy Hunter by Zoom, Liz Poulter by Zoom,

1-Mayor Truett called the meeting to order. There is a full quorum present.

2-Pledge of Allegiance – Jason Peterson.

3-Opening Ceremony – TCM Max Ferre'.

4-Public Comments – There were none.

5 – Sheriff's Report – Lt. Butler reviewed statistics for July. Calls are double over last year. There were 85 calls for service in July. Since there were additional officers released from the schools for COVID, some of the officers have been assigned up in the Valley. In July, there were 44 traffic tickets and 122 parking citations written in Huntsville Town. The extra officers are working hard. When school starts again near the end of the month, the officers will be back in school.

Mayor Truett wanted to know where most of the moving violation citations are being written. Lt. Butler will collect that information and let Mayor Truett know.

Lt. Butler is working on the issue of traffic backing up on First Street due to Cemetery Point Boat Launch. He feels that they have worked out a good plan. They will be able to implement it in the Spring next year.

CM Richard Sorensen asked Lt. Butler about the funeral that is scheduled for Saturday. Lt. Butler has a plan and they will be up in Huntsville to take care of that.

CM Richard Sorensen stated that since ticketing has increased, it has increased the parking in the east side of town.

Lt. Butler stated he is trying to get more enforcement officers up here during the summer. The Sheriff and the Chief are approaching the Commissioners for five extra officers that could come to the Valley now. They need the help. Lt. Butler stated he worked here over the weekend until 3

a.m. and there were three DUI's at one time. At Quist Beach there were multiple cars broken into in the new parking lot on a Tuesday afternoon. They caught the thief across the street from the parking lot.

CM Max Ferre' called on Sunday because there were 25 vehicles full of kids at Huntsville Park. Mayor Truett said there was traffic backed up toward Monte when he was out getting dinner on Sunday Night. Mayor reported there was a guy on a motorcycle that had stopped traffic in the middle of the intersection without permission or any enforcement. Mayor Truett talked to them and they were doing a celebration of life. He encouraged the group not to gather without permits and permissions. The same group of people came to 200 South to have the actual ceremony later. Mayor Truett stated that this group comes every Sunday at about 8 p.m.

7:20 p.m. – CM McKay called in on Beckki's cell phone.

ACTION ITEMS:

1 - Approval of Town Council Minutes, July 16th, 2020. (See Attachment #1) **TCM Max Ferre' motioned to accept the Town Council Minutes from July 16th, 2020.** TCM Richard Sorensen seconded the motion. All votes aye. Motion passes.

2 – Discussion and/or action on Special Event Application for Wholesome Movies, LLC. (See Attachment #2) Mayor Truett explained that Wholesome Movies, LLC is filming a Christmas movie in Town. We received an application for special event use of some of the Town equipment and property. Mayor Truett negotiated a \$3500 special event fee. **TCM Blake Bingham motioned to approve the Special Event Application for Wholesome Movies.** TCM Max Ferre' seconded the motion. Four votes aye, one excused (TCM McKay was not on the line at the time of the vote) Motion passes. Roll Call Vote. Votes are reflected below.

VOTES	AYE	NAY	RECUSED	EXCUSED
Mayor Truett	X			
CM Wendy McKay				X
CM Blake Bingham	X			
CM Max Ferre'	X			
CM Richard Sorensen	X			

3 – Discussion and/or action on approval of business license for CellCo Partnership/Verizon. (See Attachment #3) Beckki explained she is bringing this application to the Town Council. She received a check and license application for this company which is for a Verizon cell tower. She has tried to correspond with them about the license, but has not been able to talk to the correct people for months. She is bringing the application for approval as is to the Town Council since she can't get any additional information. Mayor Truett stated there is no cell tower in Huntsville. The one that exists has been abandoned. It used to belong to Verizon, but he suspects the paperwork has not caught up with them. Beckki stated she has no way to contact whoever sent the check. TCM Richard Sorensen suggested she go ahead and license them. **TCM Richard Sorensen motioned to approve the application for a business license application for CellCo**

Partnership/Verizon. TCM Max Ferre' seconded the motion. Four votes aye, one excused (TCM McKay was not on the line at the time).

VOTES	AYE	NAY	RECUSED	EXCUSED
Mayor Truett	X			
CM Wendy McKay				X
CM Blake Bingham	X			
CM Max Ferre'	X			
CM Richard Sorensen	X			

4 – Discussion and/or action on Culinary Water Connection for Louis Buhrlay. Jason Peterson is the agent for the Buhrlay's. TCM Blake Bingham explained that in 1998 Huntsville Town exchanged 6 connections and 1 fire hydrant for a right of way through their property for a Huntsville Town water line. They have three current connections. They have three connections left on the agreement. They are currently requesting two connections. The application (**See Attachment #4**) has a bit of misinformation. The one parcel listed will be a two-lot subdivision and it will make 2, 8-10 acre lots. The additional parcel involved is parcel #210340034.

Mayor Truett wanted to know more about the agreement. He asked Jason to comment on the connections for the family and their children. He wanted to know if the children were the designated owners of these lots. Jason stated they are only building one home for Lou Buhrlay. The family is aware of the agreement and wanted to establish an additional lot to take advantage of the agreement between the family and Huntsville Town. Mayor Truett asked if the additional lot that is being set aside would go to Lou Buhrlay's children. There are no definite plans for the lot and the ownership cannot be guaranteed even if the intent is to keep it in the family currently. TCM Bingham commented the connections should only be made for the one lot and the family member that is seeking the connection.

Jason Peterson said the Buhrlay Family has no intention of selling. He asked if there could be a stipulation for reimbursement if the Buhrlay's were to sell the lot. TCM Blake Bingham asked Jason if the family would be willing to just create one lot with a remainder. Jason stated they would like to set just one meter off the main line. He proposed putting in a line off the main line that was big enough for two connections. This is acceptable to TCM Bingham. He summarized; Huntsville will waive the impact fee for Lou Buhrlay, the family will pay for the meter set and physical connection.

Jason Peterson will also need to connect a fire hydrant. Mayor Truett reminded the Town Council and Jason this has a \$10,000 fee connected with the installation. **TCM Blake TCM Blake Bingham motioned to approve the application for one out of Town culinary water connection for Lou and Joanne Buhrlay.** Mayor Truett asked Blake to include the fees for the Fire Hydrant in the motion. TCM Blake Bingham made an amended motion. **TCM Blake Bingham motioned to approve the out of Town water application for Lou and Joanne Buhrlay authorizing one culinary connection and subject to the conditions that they will pay for the hydrant requirements they have and any lateral extensions off the main line including connection fees.** TCM Richard Sorensen seconded the motion. All votes aye. Roll

Call vote. (TCM Wendy McKay was not on the line at the time.) The votes are reflected below. Motion passes.

VOTES	AYE	NAY	RECUSED	EXCUSED
Mayor Truett	X			
CM Wendy McKay				X
CM Blake Bingham	X			
CM Max Ferre'	X			
CM Richard Sorensen	X			

5 – Discussion and/or action on Resolution 2020-8-6: Fee for Inspection. (See Attachment #5) TCM Bingham explained Sunrise Engineering has been billing Huntsville Town for a two-hour inspection. It costs the Town \$188.00 every time an inspection is conducted. Beckki has been charging \$107.50 which is not covering the charge we are paying. This resolution raises the cost of the inspection to \$200. **TCM Ferre' motioned to approve Resolution 2020-8-6: Fee for Inspection.** TCM Blake Bingham seconded the motion. Roll Call vote. (TCM McKay was not on the line at the time). Votes are reflected below. Motion passes.

VOTES	AYE	NAY	RECUSED	EXCUSED
Mayor Truett	X			
CM Wendy McKay				X
CM Blake Bingham	X			
CM Max Ferre'	X			
CM Richard Sorensen	X			

TCM McKay is listening via Beckki's cell phone at 7:40 p.m.

6 – Discussion and/or action on Ordinance 2020-8-6: Moratorium on issuance of Conditional Use Permits. (See Attachment #6) TCM Blake Bingham recounted the confusion over conditional use permits at the last Town Council Meeting. Our Town Attorney advised the TC to add standards to the conditional uses provided for in the Allowable Use Table. TCM Blake Bingham would like to put a pause on conditional use permits while they review the Allowable Use Table. TCM Bingham stated this would not an effect on any current projects. The current application for the Specific Overlay Zone would still go on; however, there would not be the same pressures to work through the Overlay Zone process. TCM Blake Bingham is proposing a moratorium of 6 months to work through this process.

Mayor Truett asked TCM Bingham if the moratorium could be lifted at any time. TCM Bingham responded the TC could repeal the ordinance at any time. Mayor Truett proposed a highway zone to the Town Council. He stated as he looked at many of the uses on the Allowable Use Table, many of the uses would be more acceptable adjacent to Highway 39. He would like to work with the Council on establishing that zone.

TCM Richardson agrees with TCM Bingham that they needed to update the Allowable Use Table, but he doesn't like the six-month moratorium. TCM Sorensen believes that is too long. Mayor Truett likes the idea of a three-month timeline. TCM Ferre' likes the idea of six months. TCM McKay commented by phone that she feels the review could be done in three months.

TCM Richard Sorenson motioned to approve Huntsville Town Ordinance 2020-8-6: An Ordinance of Huntsville Town, Utah, enacting a temporary land use regulation that places a six month, but motioned to change the time line to a three-month moratorium, on the issuance of conditional use Permits. He motioned to change paragraph "F" to a three-month moratorium and add another clause that would state, "if after three months the moratorium can be extended." TCM Bingham commented to leave out the last clause and just make the motion for six months. TCM Richard Sorensen asked the last clause be eliminated from the motion. **The current motion is for a three-month moratorium.**

Mayor Truett called for a second. **TCM Bingham made a substitute motion. TCM Bingham made a motion to accept the Ordinance as composed.**

TCM Ferre' seconded the second motion made by TCM Bingham. Mayor Truett seconded the original motion made by TCM Sorensen.

TCM McKay is on Beckki's cell phone. It is on speaker. Everyone can hear TCM McKay. **TCM McKay motioned to accept the moratorium for four months.** TCM Bingham seconded the motion.

Mayor Truett called for a vote for the first motion on the table, TCM Bingham's motion to adopt the ordinance as composed. It was seconded by TCM Ferre'. Roll call vote. Two votes aye. Three votes nay. Motion does not pass. Votes are reflected below.

VOTES	AYE	NAY	RECUSED	EXCUSED
Mayor Truett		X		
CM Wendy McKay		X		
CM Blake Bingham	X			
CM Max Ferre'	X			
CM Richard Sorensen		X		

Second motion made by TCM Richard Sorenson for a three-month moratorium was seconded by Mayor Truett. Roll call vote. Two votes aye. Three votes nay. Motion does not pass. Votes are reflected below.

VOTES	AYE	NAY	RECUSED	EXCUSED
Mayor Truett	X			
CM Wendy McKay		X		
CM Blake Bingham		X		
CM Max Ferre'		X		

CM Richard Sorensen	X			
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Third motion on the table for a four-month moratorium was made by TCM McKay. The motion was seconded by TCM Blake Bingham. Roll Call Vote. All votes aye. Motion passes.

VOTES	AYE	NAY	RECUSED	EXCUSED
Mayor Truett	X			
CM Wendy McKay	X			
CM Blake Bingham	X			
CM Max Ferre'	X			
CM Richard Sorensen	X			

TCM Bingham suggested a work session be scheduled for the following week. Mayor Truett asked Beckki to set it up for Wednesday, August 12th, at 7 p.m. at Town Hall.

7-Discussion and/or action on ordinance 2020-7-20: Amendments to Title 15.6.2 Use Regulations further defining Authorized and Conditional Uses in Residential (R-1) Zone. (See Attachment #5) TCM Bingham stated the current ordinance is vague in what amenities accessory structures can have and not have in line with the “no nightly rental” ordinance. TCM Bingham stated this ordinance took out a lot of the uses listed in the ordinance and is just referring residents to the Allowable Use Table.

In the new ordinance under single-family dwellings, it has been changed to include the language that no single-family home “or portion thereof” may be rented for less than 30 days. Mayor Truett asked about those that are renting portions of their home currently. TCM Bingham responded they would be grandfathered until they didn’t have need of the use anymore.

TCM Sorenson is concerned about residents being able to meet their financial obligations on a fixed income by being able to rent out their basements, etc. TCM Bingham stated the Planning Commission also discussed this scenario. However, the feeling is that the home is not a single-family home any longer when it is rented to another tenant.

Jason Peterson commented that as a builder he has constructed homes in Weber County that have Mother-in-Law apartments. When a second kitchen is included, the property owners are required to sign off on a second kitchen covenant in an R-1 zone. This kitchen covenant prevents them from renting the space out for income and is recorded with the property.

TCM Bingham stated accessory structures are allowed with no guidelines for amenities. The Planning Commission took out all requirements for the accessory structure under paragraph G; however, it states that “no accessory structure or building, or portion thereof, shall be rented as a dwelling unit—including in-kind considerations.”

TCM Bingham pointed out that if someone wanted to rent out a portion of their home, they are able to use the conditions on a Bed and Breakfast which are delineated in paragraph C.

TCM Sorenson gave TCM Bingham the example of Barry Whitehead's structure and asked if that would still be able to be built with this ordinance. TCM Bingham stated there would not have been any changes to Barry Whitehead's. The current version of this ordinance would not allow rentals. TCM Sorenson asked how this would be enforced. TCM Bingham responded the enforcement would look the same as a VRBO enforcement.

TCM Bingham stated the prevailing argument against this ordinance would be that if someone built an accessory building, it would be too tempting for them not to rent it. TCM Bingham stated we should not regulate what property owners are building, but enforcing the use or in this case, the illegal rental.

TCM Sorenson asked if Huntsville Town has a problem with short term rentals. Mayor Truett responded that Huntsville has had 3 or 4 VRBO's in the last few years.

TCM Bingham also pointed out the changes on the Bed and Breakfast conditions. Paragraph C.2 stated previously that "the proprietor or owner must occupy the property." It now reads that the "proprietor or owner must occupy the dwelling." The Planning Commission expects the owner live in the same house that they are renting rooms in.

TCM Ferre' asked why there is a limitation of 7 days on the rental of rooms at the Bed and Breakfast. He suggested those requirements be stricken from the ordinance.

TCM Sorenson stated this is a big change for this ordinance with a lot of edits. He didn't know if he was prepared to vote on this tonight. TCM Bingham stated the uses that were stricken from the ordinance are included in the Allowable Use Table.

TCM Ferre' motioned to accept Ordinance 2020-7-30 with the changes under Bed and Breakfast, striking the requirement that no traveler or guest may rent a room for more than 7 consecutive nights. TCM Bingham seconded the motion.

TCM McKay disconnected on the cell phone.

All votes aye. Motion passes.

VOTES	AYE	NAY	RECUSED	EXCUSED
Mayor Truett	X			
CM Wendy McKay				X
CM Blake Bingham	X			
CM Max Ferre'	X			
CM Richard Sorensen	X			

COUNCIL MEMBER PRESENTATIONS:

1. Mayor Truett:

- a. Mayor Truett thanked the Council Members for supporting the movies that have been filmed here in Huntsville during the spring and summer months.
 - b. Mayor Truett appointed Brent Weil to the DRC for the Specific Overlay Zone. He has checked with Attorney Morris regarding the committee and Attorney Morris approved. Mayor Truett stated he felt that having a neighbor involved would help the process.
 - c. Mayor Truett announced that Becky Shupe passed away. He wanted the Town Council to be aware and expressed condolences to the Shupe family.
 - d. Mayor Truett reviewed the COVID-19 numbers for the Ogden Valley in Huntsville. There are thirteen cases total since March.
 - e. Mayor Truett has talked to Sunrise Engineering about helping to enforce some of the code violations that Huntsville Town is experiencing. The Town Council Members talked about some additional ideas to enforce ordinances. TCM Blake Bingham suggested that the ordinances be updated.
2. TCM Max Ferre:
- a. There have been several roads that have been done before and after the fiscal year. The roads needed repair and the job was well done.
 - b. TCM Ferre' investigated a complaint that there was someone planting trees in the ally way. Mayor Truett asked him to look into this further and wanted to make sure that it is an actual ally way.
 - c. TCM Ferre' said he has been seeing lots of baby turkey's on Trappers. He admonished the TC to keep this at the forefront of their minds.
 - d. TCM Ferre' is working on raising the markers in the roads. The project isn't completed yet.
 - e. TCM Ferre' commented that it was \$800 for the crane and \$1000 for the tree that caught the beetle and died in Huntsville Town.
3. TCM Richard Sorensen:

- a. TCM Sorensen is looking for suggestions of where to put a memorial bench. The other Council Member's felt the ice rink was a great place.
4. TCM Blake Bingham: TCM Bingham commented he had learned new information regarding COVID-19 testing. He stated that if you have been exposed to COVID-19 to wait 3-5 days until you are tested. The test is more likely to be accurate.
5. TCM Wendy McKay: She was not in attendance at the time.

CLOSING ITEMS:

1. Approval of the Bills, June 2020. **TCM Max Ferre' motioned to approve the bills for June, 2020.** TCM Blake Bingham seconded. All votes aye. Roll Call Vote. Motion passes. Votes are reflected below.

VOTES	AYE	NAY	RECUSED	EXCUSED
Mayor Truett	X			
CM Wendy McKay				X
CM Blake Bingham	X			
CM Max Ferre'	X			
CM Richard Sorensen	X			

2. Citizen Comments: There were none.
3. Adjournment of Meeting. **TCM Bingham motioned to adjourn the meeting.** TCM Max Ferre' seconded the motion. All votes aye. Meeting is adjourned.

Meeting is adjourned at 9:01 p.m.



Beckki Endicott, Recorder

MINUTES OF THE HUNTSVILLE TOWN COUNCIL MEETING
Thursday, July 16th, 2020, 7:00 p.m.
Meeting held at The Mercantile 7390 East 200 South, Huntsville, UT

Name	Title	Status
James A. Truett	Mayor	Present
Blake Bingham	Council Member	Present
Richard Sorensen	Council Member	Present
Max Ferre'	Council Member	Present
Wendy McKay	Council Member	Present
Beckki Endicott	Recorder	Excused
William Morris	Legal Counsel	Present
Ramona Clapperton	Clerk	Present

Citizens: Lt. Butler, Bill White, Rex Harris, Jennifer Sorensen, Brent Weil, Mikelle Weil, Paul Avner, Jake & Rebecca Songer, Doug Allen, Tommie Christie, Bill Francis, Sandy Hunter, Liz Poulter, Willow Buttars, Brian Saunders, Steve Songer

1-Mayor Truett called the meeting to order. There is a full quorum present.

2-Pledge of Allegiance – by invitation.

3-Opening Ceremony – TCM Max Ferre'.

4-Public Comments – There were none.

5 – Sheriff's Report – Lt. Butler reported there were 25 cases in Huntsville Town. There was one drug arrest and one disturbance. The drug arrest and disturbance occurred at the Chevron and not inside the Town. There were 21 traffic citations and 27 parking citations for the month of June.

There will be an expansion of Spring Creek Parking. The no parking signs will be placed over by the Middle Inlet. Lt. Butler stated they are adding additional parking at Causey Dam.

Lt. Butler reported he has driven around Pineview with Gage Froerer. The County is going to put dumpsters at the no pay lots. Pineview has never seen the traffic and congestion. This COVID year, everyone wants to be at Pineview. Lt. Butler states that the boats are backing up at Port Ramp all the way to the spillway.

Dogs and ATV's have been an issue this last month in Huntsville. Lt. Butler has asked the deputies to look out for the dogs. He also stated they are looking into the golf cart ordinances in other cities. Mayor Truett expressed his concern for the golf carts that are over full and seem to be driven by individuals that aren't old enough to have licenses. Lt. Butler asked Mayor Truett to look at the ordinances of Huntsville Town.

Mayor Truett stated he has talked to Gage Froerer about a Traffic Study that will be conducted at 100 South and Highway 39. Mayor Truett asked Lt. Butler about the motorized vehicles that are on the pathway around the lake as well as the cars that are parked on the pathway.

6 - Approval of Town Council Minutes, June 18th, 2020. **TCM Max Ferre' motioned to accept the Town Council Minutes from June 18th, 2020.** TCM Wendy McKay seconded the motion. All votes aye. Motion passes.

7 - Approval of Town Council Minutes, June 19th, 2020. **TCM Wendy McKay motioned to accept the Town Council Minutes from June 19th, 2020.** TCM Richard Sorensen seconded the motion. All votes aye. Motion passes.

8 - Approval of Town Council Minutes, June 25th, 2020. **TCM Blake Bingham motioned to accept the Town Council Minutes from June 25th, 2020.** TCM Wendy McKay seconded the motion. All votes aye. Motion passes.

9 – Discussion and/or action on Final subdivision approval for One Horse Subdivision, Jennifer Sorensen. Rex stated the final subdivision plan has been presented to the Planning Commission a couple weeks ago. He stated he has been working with the Engineers on the placement of water lines and other infrastructure. Jennifer commented that the new road might impede on some of the landscaping from the neighbors. Rex stated as the construction starts, they will do all they can to minimize the impact to the landscaping, however, there are water lines, etc. near the vegetation that has grown since first put in the ground. Rex stated there will be a preconstruction meeting with the neighbors to make them aware. **TCM Blake Bingham motioned to accept the final subdivision plan for the One-Horse Subdivision.** TCM Wendy McKay seconded the motion. All votes aye. Motion passes.

10 – Discussion and/or action on Resolution #2020-7-16A adopting Interlocal Agreement with Weber County on Weber CARES Relief Grant. Mayor Truett explained Huntsville Town has the opportunity to partner with other cities in Weber County to provide a relief grant to those businesses that have experienced losses during this COVID-19 times. Huntsville has \$56,000 but if partnered with other cities and Weber County will provide Huntsville businesses with \$108,000 of relief. The County will pay the cost of administering the program, the audits and marketing. Huntsville Town has received a contract which is what the Town Council will be voting on tonight. **Mayor Truett motioned to accept Resolution #2020-7-16-A.** TCM Max Ferre/ seconded the motion. TCM Blake Bingham stated as a point of order the copy of both resolutions being seen tonight have the votes prerecorded on the resolution. He objects to an assumption of his vote. Mayor Truett noted the objection. All votes aye. Roll Call vote. Votes are indicated below.

VOTES	AYE	NAY	RECUSED	EXCUSED
Mayor Truett	X			
CM Wendy McKay	X			
CM Blake Bingham	X			
CM Max Ferre'	X			
CM Richard Sorensen	X			

11 – Mayor Truett explained he will come back to the item “Discussion and/or action on Resolution #2020-7-16-B adopting Animal Services Contract.”

12- Discussion and/or action on petition from *The Patriotic Coalition for Children and Open Pastoral Spaces in Huntsville* to seek outside legal counsel with regard to conditional use regulation. **TCM Blake Bingham motioned to recognize the petition from *The Patriotic Coalition for Children and Open Pastoral Spaces in Huntsville* and acknowledge that it is being satisfied in the next agenda item “Work Session to discuss the conditional use regulations and process.”** TCM Richard Sorensen seconded the motion. All votes aye. Motion Passes.

13 – Discussion and/or action to close the regular Town Council Meeting and open the work session to discuss the conditional use regulations and process. **TCM Blake Bingham motioned to close the regular Town Council Meeting and open the work session to discuss the conditional use regulations and process.** TCM Wendy McKay seconded the motion. All votes aye. Motion passes.

14 – Work Session to discuss the conditional use regulations and process. Mayor Truett introduced David Church via Zoom to the work session.

Jake Songer – Jake wanted to ask Mr. Church a question. He wanted to know how a community can decide what is legal and appropriate as a basis for a conditional use permit for a service station that is surrounded by residential properties and a library? David Church stated that State Law says you will grant the conditional use permit if reasonable conditions can be proposed to mitigate any detrimental effects. Additionally, he stated that if Huntsville as a community chooses to accept a use as conditional, then Huntsville should approve that use with certain conditions that would mitigate the identified detrimental effects. You have to say if someone applies for a proposed use and then you need to invite the applicant to advise about how they can mitigate those detrimental effects.

Jake followed up with an additional question referring to past writing from David Church where he has stated that there are circumstances where the location would not be beneficial to a community and conditional use could be rejected. He explained that Huntsville Town has commercial property that is located next to the highway. Jake is wanting to know if the use could be approved for a different location.

Dave Church responded that Huntsville would need to define the detrimental effects. For example, bright lights, traffic and noise are the detrimental affects of a service station. Huntsville would have to ask the applicant how they plan on mitigating that use or impose conditions on the applicant to mitigate that use. It is only if there are no conditions that will mitigate the use that a municipality can reject an application. Mr. Church stated it is because in the Use Table Huntsville has invited that use to be a part of the Town. It will be allowed with conditions.

Jake asked if there is a process by which a Town can assign a use for one section of the Town vs. another section of Town, if they are all zoned commercial? Dave Church explained that location could be put in the Use Table as a condition. For example, a service station would need to be at a

corner location. If you have conditions about a location, it should be in the code. Jake stated that Huntsville has a condition that states that the location contribute to the general well being of the community. Mr. Church responded that said statement is a platitude not a standard. It was not specific enough for someone to meet the standard.

Jake asked Mr. Church what conditions would be reasonable? Mr. Church stated the Planning Commission should identify the detrimental effects and then invite the applicant to propose how to mitigate those effects. If the applicant doesn't accept the conditions, then they can appeal those conditions.

Attorney Morris – Attorney Morris stated there is a lack of standards in Huntsville's code. Bill Morris asked Mr. Church to explain the change in the State Law and give examples of standards they can attach to conditional use. Mr. Church stated the State Law was updated because most municipalities had platitudes but not specific standards to conditional use. This caused much negotiations.

Bill White – He wanted to clarify with Mr. Church. Even with the weaknesses in Huntsville ordinances now, the Planning Commission can still identify detrimental effects. Mr. Church stated that is correct. Mr. Church's stated the weakness in Huntsville's Code is there are too many conditional uses in the code. If Huntsville doesn't want gas stations, then it needs to be a non-permitted use. Then, if someone comes in with an idea that the Town hasn't thought of before, you can go through the process of deciding if that should be a permitted use or not. If Huntsville includes uses whether permitted or conditional, then you should assume those are acceptable uses.

Attorney Morris – When a Planning Commission identifies those uses, how do they avoid being arbitrary and capricious? Mr. Church stated that it has to be fact base. He explained that the law requires mitigation not elimination. He stated that if you have a business it will make noise. You can't require the elimination of all noise.

PCM Steve Songer – If a residential property is zoned commercial, does the property owner have to comply with the commercial standard if the zoning took place without his knowledge? Steve Songer stated if there is a commercial zoning standard for landscaping, but the property was not ever landscaped, does the owner have to comply? Mr. Church stated that it would depend on how the landscaping standard was written but most cities would require the property owner to have and keep up with the landscaping. A better example would be parking. If a residential lot changes to a commercial use, then a city would require as part of the business license adequate parking. Steve confirmed with Mr. Church that the property owner would have the obligation of landscaping. Mr. Church stated that this is regulated through a business license and not a land use permit.

PC Chair Doug Allen – Doug thanked Mr. Church for being here tonight. He just wanted Mr. Church to know that there is a commercial zone near the highway and there is an island of commercial businesses near a residential zone.

Jake Songer - Jake asked Mr. Church if he was willing to look at a list of conditions that they would draft, and determine if they are reasonable? Mr. Church responded that he would be happy to do whatever Mayor Truett and Bill Morris needed him to do. Mr. Church stated that if the detrimental impact is that the building is ugly, then you can require the property owner to make it look like a residential building. If it is just that the business would be better somewhere else, you can't say no to it. If the business is going to increase traffic, all businesses will increase traffic. Frequently, businesses that serve the local community are accepted and businesses that serve a greater community

Bill White – Bill stated that the reason that all of the residents are here tonight is because the applicant came to the Planning Commission with a use that was prohibited by the Town Code. Since it was prohibited, he requested a Specific Overlay Zone and then threatened the Town with putting in a repair shop, which is on the Use Table as conditional, if the Town did not approve the Specific Overlay Zone.

Mayor Truett, TCM McKay and TCM Sorensen rejected the idea that the property owner threatened the residents.

PC Chair Doug Allen – PC Chairman Doug Allen reminded the audience that the PC rejected the application. PC Chair Doug Allen stated Huntsville ordinances required a recommendation for the application to go forward. None of the PC Members recommended the application to go forward. The night that the PC voted the application from Club Rec. down, everyone thought that process was ended.

TCM Blake Bingham – TCM Blake Bingham apologized for any misunderstanding there has been regarding the recommendation process.

Mikelle Weil – Mikelle Weil asked the Town when they made the decision to change the ordinance and not allow storage units, why the property owners weren't notified? Mikelle Weil is referring to the change in the Use Table from Permitted to Not Permitted for Storage Units. Mayor Truett responded that the property owners were not contacted by the Planning Commission or Town Council. TCM Blake Bingham clarified that the change in the Use Table was legally noticed in the newspaper. Mikelle Weil clarified that property owners had the opportunity to respond if they had seen the notification. TCM Blake Bingham responded yes. In addition, Mikelle wanted to express thanks to the Town Council for having a meeting that would involve the neighbors and be able to meet the owners of Club Rec personally. She stated the meeting was amicable but not having legal representation at that meeting, she didn't understand all the implications. She walked away from the meeting not wanting either option that Club Rec presented.

Mayor Truett stated the Town Council is trying to follow the Huntsville Ordinances. He recognizes that Club Rec has the right to develop their property any way that is permitted on the Use Table. TCM Wendy McKay said that everyone wants to keep Huntsville, nice quiet Huntsville, but there is always an issue of property rights.

Jake Songer – Jake states they recognize Club Rec property rights. The issue for him is that at the Work Session with the neighbors, the neighbors were told that Club Rec could build anything that was permitted on the table. He states that is not correct. What they have heard tonight is that there is a lot they can do in order to mitigate a repair shop.

Mayor Truett stated the Specific Overlay Zone is the path the Town Council is following at this time because of the conditions that they can impose on the storage units. Jake stated he appreciated what Mayor Truett is saying, but he feels that the Town Council was misinformed about their legal position because they didn't understand conditional use. He states that there will be a citizen referendum based on the misinformation the Town Council had in this decision.

Mayor Truett asked Bill Morris if a citizen referendum could occur. TCM Blake Bingham stated that the Town Council is not to that point in the process yet. He clarified the process of the Specific Overlay Zone and stated that he voted for the DRC because this is early part in the negotiating process. The agreement would have to go to the Town Council once again and then a public hearing. At that point Bill Morris confirmed that the new law could go through referendum. However, conditional use is not subject to referendum.

Jake stated the Town Council is hearing new information tonight and confirmed with the Counsel that this was the path that they were following. TCM Blake Bingham stated he would like the DRC to finish the process to see what they come up with for an agreement. He can not predict the outcome at this point.

Jake stated it is possible that the DRC could come up with something that is small enough, cool looking enough and landscaped enough that it would be acceptable to the neighbors but also feels it an obligation to mention that a referendum would be an appropriate use of their rights.

Attorney Bill Morris – Bill wanted to address a couple of comments. First, he apologized if there was any misunderstanding at the Work Session with the neighbors. He was coming from the background of knowing the Utah State code change in 2006. He had advised Huntsville to update their code to include standards previously and advises the Town to do so at this time.

Second, Bill Morris wanted to make sure that everyone understood that Utah has a property rights ombudsman that is accessible to every resident. He encouraged all residents to go home this evening and look them up on the Utah State website. Again, he stated that second opinions are very good.

PC Chair Doug Allen – PC Chair Doug Allen wanted to know where to turn to for legal advice. Mayor Truett advised Doug to invite Bill Morris to the PC Meetings if they are not sure about the legality. Doug also wanted to comment that the PC is an advisory board to the Town Council, but he really wishes the Town would enforce the ordinances.

Brian Saunders – Brian stated the neighbors don't want storage sheds, but after the last Work Session with the neighbors, he felt the Town wanted them to choose the lesser of two evils. Brian states that he feels that a Specific Overlay Zone would be a mechanism the Town would use for a special occasion in order to benefit the Town. The way the Overlay Zone is being used here is to

benefit Club Rec. Brian stated he would like to see the lot rezoned to a residential lot. It is the only commercial lot on the block. He feels it would be more valuable as a residential lot. He believes there is another spot on the highway that would be more beneficial to Club Rec and other residents.

PCM Steve Songer – He wanted to comment the residents know the Town Council does not have to do what the Planning Commission says but usually they would express a reason why they were doing that. He is hoping the Town Council will write a reason why the Town Council went against the Planning Commission. Steve's second point is that landscaping can help to mitigate most anything but what makes us think that Club Rec will follow through with landscaping requirements if they haven't followed through in the past with landscaping requirements.

TCM Blake Bingham – There is a question about whether a Town Council Member can express his own opinion in a public hearing. Bill Morris responded that it depends. Is the decision legislative? If you are changing an ordinance, then get up and speak. If the decision will be legislative, you are acting as a legislator. If the decision is administrative, then he would advise the Town Council members not to speak. If you are a citizen at a Planning Commission Meeting and the decision will still come to the Town Council, you are being a judge without all the evidence. If you are speaking about a conditional use permit at the Planning Commission level, that decision will come to you again at the Town Council and now, you are predetermining the outcome.

Brent Weil – He is frustrated because there are ordinances that are in place. There was a meeting with the Planning Commission, and it was voted down. No neighbor was in favor of storage units. There was another meeting with the neighbors and Club Rec. Although he was not there, every neighbor was asked if they prefer a storage unit for a repair shop. Of course, the neighbors said a boat storage. This was how it was presented at the work session. Brent Weil stated the Town Council has an obligation to listen to the Planning Commission and the residents who are all stating that they don't want storage units. Yet, the Town Council is choosing to go through the Overlay Zone Process for Club Rec who was legally notified of the change in use. TCM Blake Bingham reminded Brent nothing is decided yet. The Town Council is going through the process.

Jake Songer – Jake believes that the neighbors should put together a list of conditions on a repair shop in advance of Club Rec's application. TCM Blake Bingham stated they needed to list the detrimental effects of the repair shop before coming up with a list of conditions.

Paul Avner – Paul stated they bought the property with the intent of continuing their business of storing boats. He wants to think that they are moving forward in a process towards what they feel would fit the property. He understands the residents have rights, but they have rights as well. He feels the neighbors have already made their minds up without seeing any plans.

Sandy Hunter – Sandy stated she was on the DRC and recognized that landscaping would be a large part of the conditions they put on the Club Rec Storage Building. She stated even a large building can look nice with good landscaping. She rehearsed what happened with the referendum on the hotel lot in the center of Town. In the end Jeff Hyde let go of the mixed use in an overlay

zone because of the threat of referendum and because the use table allowed hotels, Jeff built a hotel. In the end, many citizens that signed the referendum came back to Huntsville Officials and stated they would have rather had mixed use, that it would have been better for the Town. Today, Town Officials are in the same position. She stated landscaping standards would be imposed. She recognized that the Boat Storage would be used, May through September. The boats are being asked to pull in one way and out another. The boats will be totally stored inside the building. They are putting a condition on lighting. It is possible that the residents will not accept these conditions and they will be rejected by referendum. Then the Planning Commission will entertain a repair facility. Boats and equipment will not always be inside the building. The building will operate most months of the year. They can mitigate the lights on a repair facility. Sandy stated it does come down to one thing or another.

Sandy stated she was on the Planning Commission when the Use Table was developed. She is not sure what they were thinking when they left repair shop on the Use Table. Perhaps it was a bicycle shop or a fix-it shop for lawn mowers. It is possible that if someone suggested boat storage, they would have taken that use off the table.

Sandy explained that the DRC and the Planning Commission are recommending bodies. The Town Council can make a different decision. Sandy stated that under the Specific Overlay Zone there is a standard that states that the development provides equal or greater compatibility with the surrounding area. She believes the TC was thinking that a boat storage would be more compatible with the area versus a repair shop. There will be more noise, more lights and less of an attractive structure with a repair shop.

Bill White – The intent of the meeting tonight was to get clarification on what conditional use really meant. He wanted to clarify that he is not criticizing the current path that the Town Council is on. To be clear, the neighbors need to know that the Town can put conditions on the use of a repair shop.

15 – Discussion and/or action to close the work session and open the regular Town Council Meeting. TCM McKay motioned to close the work session and open the regular Town Council Meeting. TCM Blake Bingham seconded the motion. All votes aye. Motion passes.

16 – Council Member Presentations:

- a) CARES Relief Grant – Mayor Truett is excited about the opportunities for businesses in Huntsville.
- b) Special Events – There were two productions filmed here last month and he received an additional request for movie filming in August. There will be an application before the Town Council at the next meeting.
- c) Digital Speed Signs – Mayor Truett encouraged the TC Members to review the mountains of information that the digital information being collected by the signs.
- d) Discussion and/or action on Resolution #2020-7-16-B adopting Animal Services Contract. Mayor Truett explained in a recent water billed, residents were notified that they can send pictures of loose dogs to Weber County Sheriff and Animal Control. Both entities are going to step up their patrolling the Town for loose dogs. TCM Max Ferre' motioned to approve the resolution approving an

agreement between Huntsville Town and Animal Control Services, Resolution #2020-7-16-B. TCM Wendy McKay seconded the motion. Roll call votes. All votes aye. Votes are reflected below.

VOTES	AYE	NAY	RECUSED	EXCUSED
Mayor Truett	X			
CM Wendy McKay	X			
CM Blake Bingham	X			
CM Max Ferre'	X			
CM Richard Sorensen	X			

- e) 4th of July – TCM Richard Sorensen stated the day was great. He recommends that this next year be kept small as well with a flag ceremony in the morning and evening and fireworks.
- f) History Library – Digitizing the history has started. They have finished 13 books. TCM Wendy McKay reported that Weber State will be publishing the history on their website.
- g) Town Hall Design – TCM Wendy McKay is working on a possible design for a new Town Hall with Steve Songer.
- h) Paving – TCM Max Ferre' rehearsed the multiple streets that will be asphalted tomorrow.
- i) Subs for Cemetery – Nicky Walthious will be substituting for Cathy Stoker while she is away.
- j) TCM Blake Bingham wanted to make it known that he appreciates all the views expressed. He recognizes there is much emotion. He realizes that people have different views about how to take care of the Town. TCM Blake Bingham wanted to thank Bill Morris for his advice and accessibility.

17 – Citizen Comments:

Tommy Christy – Tommy wanted to express his support for Paul Avner. He believes that whatever Paul decides to do with the property will be good for the Town. He acknowledges there are a lot of emotions regarding the development, but ultimately there will be something on that lot. He wants everyone to work together to figure out what will be the best for the Town.

18 – Motion to adjourn. TCM Max Ferre' motioned to adjourn the meeting. TCM Wendy McKay seconded the motion. All votes aye. Motion passes.

Meeting is adjourned at 9:33 p.m.

BECKI

HUNTSVILLE TOWN

P.O. BOX 267
HUNTSVILLE, UT 84317
(801) 745-3420

Special Event Application

Activities held on Town streets or Town property are defined as "special events" when they are an athletic, entertainment, or political activity held for profit, nonprofit, or charitable purposes with the anticipated number of participants plus spectators exceeding 150, or any event/gathering requiring alteration of Town traffic/closing of a Town street.

This application will be reviewed by the Town Council. The Council will make a determination on granting the request based on the impact of the event on traffic, security, welfare, convenience, health and safety of the public, and the plans of the applicant to mitigate these concerns. No permit will be granted with evidence of insurance listing the Town as an additional insured. If a permit is granted, the Town makes no guarantees and assumes no liability for the safety of participants or spectators of special events. The event may also require coordination with any of the applicable agencies: Weber-Morgan Health Department, Weber County Sheriff Department, local Fire District, other Weber County recreational services that may be impacted.

Fees for Special Events are based on the number of people attending and participating in the event.

150-300 people: \$1000 for park rental with a \$250 refundable cleaning fee

301-500 people: \$2000 for park rental with a \$500 refundable cleaning fee

501 and above: \$3500 for park rental with a \$750 refundable cleaning fee

YOUR INFORMATION:

Name of Applicant: Wholesome Movies, LLC Group/Function: Filming

Address 23281 Ventura Blvd City Woodland Hills Zip Code 94064

Home/Cell Phone [REDACTED] Email Address: [REDACTED]

EVENT INFORMATION:

Name of Event: "My Expedition" Filming

Event Description: Filming a family friendly Christmas film!

Is your event public or private? private

Event Date: August 3 - 21 Mon thru Friday. Exact dates that affect city will be provided soon. Event Times: TBD

Time of operation: TBD
(Include start of set-up through the end of take down)

Estimated number of people participating: TBD
(500+ requires mass gathering permit through Weber County)

Facilities Required by Huntsville Town: _____

Please answer the following questions. If your answer is "yes" to some of the questions, you will need to provide additional information as indicated:

1. Have you applied previously to hold this event in Huntsville Town? No
If "yes," please complete Special Event Application Section A only. If "no", please complete the rest of this page.
2. Is your event a multiple day event? Yes
If yes, please complete Special Event Application Section B
3. Will there be a cost for admission and/or vendor sales? No
If yes, please complete Special Event Application Section C
4. Are you filming on public property? Yes
If yes, please complete Special Event Application Section D
5. Will this event require Huntsville Town Services? Yes. Definitely water for fake snow. Potentially power.
If yes, please attach list of those services (ie, Police, Sanitation, power, water, etc.)
6. Will this event use, cross or close any public roads, sidewalks or trails? No
If yes, please attach a map with a proposed barricade plan. If State or County roads are involved, please attach proof of proper permitting, or provide details.
7. Does the event include a run, walk, race, or parade route? No
If yes, please attach a map with the proposed route
8. Will food be served at this event? No
If yes, please contact Weber-Morgan Health Department
9. Will you be bringing in, setting up or staking any special equipment? Yes
If yes, please attach a description of the special equipment
10. Do you anticipate any parking problems? No
If yes, please attach a parking plan

If you answered "yes" to question 2 (multi-day event), question 3 (charging admission and/or vendor sales) and/or question 4 (filming on public property), you must provide a certificate of insurance with your application.

I agree that I and the organizers of this event will abide by all laws, rules and policies applicable to this event and will follow any instructions of the Huntsville Town Staff and Weber County Sheriff. I also acknowledge that completion and submission of this form or any other related forms does not guarantee final approval of my event. I have also read the attached policies and procedures that are applicable to my event.

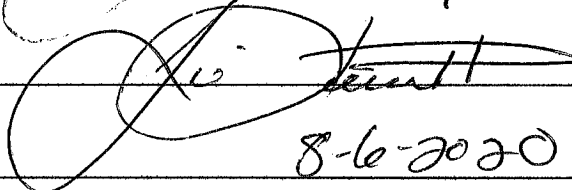
SIGNATURE:  Lauralee Browne DATE: 07/16/2020

Special Event Application: page 3

Date Application received: _____

July 16th, 2020

Town Council Approval: _____



Date Approved: _____

8-6-2020

Conditions:

Section B (Multi Day Event)

Will your event set-up and take-down include all, a portion, or none of the event related materials, tents, barricades, etc. each day? TBD

If all or a portion, what are your set-up and take down times?
TBD

If a portion, please describe what will remain set-up overnight:
TBD

If a portion or none, please describe your overnight security plans? TBD

Section D (Filming on Public Property)

Applicant agrees to comply with all applicable Federal, State and local laws, ordinances, regulations and rules. In the event an authorized representative of the Town finds that the activities being conducted by the applicant unnecessarily endangers the health and safety of any person or that said activities are or will cause damage to real or personal property, said representative, at his sole discretion, may suspend, cancel or amend this permit at any time without incurring any liability to the applicant. If any changes occur to the scope permitted by the permit, the Applicant must contact authorized Town Staff immediately.

Please note: You must provide a certificate of insurance with your application.

We hereby accept this permit and agree to abide by the terms and conditions hereof. The undersigned hereby personally covenants, guarantees and warrants that he/she has the power to obligate the filming company to the terms and conditions hereof.

Organization: Wholesome Movies, LLC

Country of Origin: USA

Network Affiliation: Independent

Location Manager: Lauralee Browne

Cell Phone: [REDACTED]

Asst. Location Manager: Dakotah Hitt

Cell Phone: [REDACTED]

Authorized Signature: 

Date: 7/16/2020

Film Start Date: August 3, 2020

Film End Date: August 21, 2020

Does the filming involve more than 4 people? Yes

Does the filming involve restriction of public access including the stopping or disruption of vehicular or pedestrian traffic? Yes, but only on 2 of the 15 days of filming.

Does the filming require vehicle access adjacent to filming location? Explain.

Minimal. Mostly just on 1 of the days for walk and talks.

What Huntsville services do you anticipate needing for the filming?

Water (for fake snow) and Power (for lighting).

Ogden Valley Branch
- Weber County...

ChargePoint
Charging Station

S 7400 E

Huntsville Mercantile
Events & Inn

Huntsville UT
Appliance Repair

Compass Rose Lodge

E 200 S

Huntsville Square

Mountain Luxury
Lodging Townhouse

E 200 S

Totespace play ground

Huntsville Town Park

1

3

August 2020

Sun	Mon	Tue	Wed	Thu	Fri	Sat
						1
2	DAY 1 3 Cabin in Eden 9A - 9P	DAY 2 4 Home in Eden 10:15A - 10P	DAY 3 5 Huntsville Square Area Maintenance Building (8P to 8P) 9A - 9P	DAY 4 6 Huntsville Square Area 12P - 12A	DAY 5 7 Huntsville Square Area 3P - 3A	8
9	DAY 6 10 Huntsville Square 8A - 8P	DAY 7 11 Huntsville Square The Blue Coyote 8:30A - 8:30P	DAY 8 12 The Blue Coyote 10:30A - 10P	DAY 9 13 Huntsville Mercantile 11A - 11P	DAY 10 14 Compass Rose Lodge 12:30P - 12:30A	15
16	DAY 11 17 Huntsville Mercantile 8A - 8P	DAY 12 18 Huntsville Mercantile 9:30A - 9:30P	DAY 13 19 Huntsville Mercantile 10A - 10P	DAY 14 20 Huntsville Mercantile 10:30A - 10:30P	DAY 15 21 Weber County Library 11A - 11P	22
23	24	25	26	27	28	29
30	31					



Application for NEW License

TC Meeting 8-6-2020
Attachment #3

For Official Use Only

License No.: _____

Receipt No.: _____

Date Issued: _____

License Fees: \$75.00 _____

2020

Business License Application
Huntsville Town

Business Name: Cellco Partnership d/b/a Verizon Wireless State Lic. #: _____

Mailing Address: c/o KPMG LLP, 2200 Cabot Drive, Suite 400, Lisle, IL 60532

Business Address: Lat 41.213106 Long-111.853139, Huntsville, UT 84317 Business Phone: 630-857-2290

Applicant Name: Deisy Carrera Applicant Phone: 630-857-2290

Applicant Address: One Verizon Way

City Basking Ridge State NJ Zip 07920

I/We hereby apply for a license to conduct business in the incorporated area of Huntsville town, Weber County, Utah, For the term of 12 months commencing on the 1st day of January, 2013, under the provisions of the ordinance of Huntsville Town relating to business licenses.

COMMERCIAL OCCUPATION BUSINESS LICENSE

For the use of a portion of a dwelling as an office, studio or work room for small occupations which are customarily conducted in the home and which are clearly incidental and accessory to the primary use of the dwelling for living purposes and which also meet all the conditions and requirements of the Huntsville Town Zoning Ordinance.

Applicant must, in the following space, describe in full the home occupation he or she will be engaged in at the above home address: Cellular Telephone Communications Carrier - Cell Tower

License applications to Huntsville Town require approval of the departments listed below. All licenses will be issued upon satisfactory completion of application requirements. The statements made on this application are true and correct to the best of my knowledge.

Applicants Signature

PENALTY OF LATE PAYMENT

If any license fee is not paid within forty-five (45) days of the due date, a penalty of twenty-five (25%) of the amount thereof, and if not paid within three (3) months of the due date, an additional penalty of twenty-five (25%), shall be added to the original amount thereof. All penalties provided for in this section shall be collected and the payment thereof enforced. No license shall be issued until all penalties legally assessed have been paid in full.

Return completed application to:

Huntsville Town
Attn. Beckki Endicott
P.O. Box 267
Huntsville, UT 84317

CELLCO PARTNERSHIP d/b/a VERIZON WIRELESS

FEIN: 22-3372889

List of Officers

Name

Radhika Poduri

Title

Vice President – Taxes

Address

One Verizon Way
Basking Ridge, NJ 07920

Remittance Advice

MAY 29, 2020

Check Number: 14073960

USPS FIRST CLASS MAIL

14073960
TOWN OF HUNTSVILLE
PO BOX 267
HUNTSVILLE, UT 843170000

Paid by:
CELLCO PARTNERSHIP REG LIC
PH: --

Payment Details	Due Date	Anybill Ref#	Amount
Account No: 223372889 Invoice No: 14260667 FEIN: 223372889 Tax Type: UTAH, HUNTSVILLE BUSINESS LICENSE Tax Period: 202004	05/29/2020	62466981	\$75.00
			Total: \$75.00

CELLCO PARTNERSHIP REG LIC

FEIN: 223372889
PH: --

CAPITAL ONE, N.A.
P.O. BOX 61540
NEW ORLEANS, LA 701610000

NO. 14073960

VOID 180 DAYS AFTER ISSUE 542058412 84-72/652

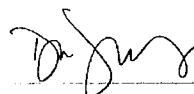
CHECK DATE	CHECK NUMBER	CHECK AMOUNT
05/29/2020	14073960	75.00

PAY

*** Seventy-Five And 00/100-Dollars ***

\$ ** 75.00 ****TO THE ORDER OF**

TOWN OF HUNTSVILLE
PO BOX 267
HUNTSVILLE, UT 843170000



Account No: 223372889
Invoice No: 14260667

Huntsville Town

Water Connection Application (Outside Municipal Boundary)

Applicant Name: Louis and Joan Buhrley

Applicant Mailing Address: 10300 W Adirondack Ct. Star ID 83669

Email: [REDACTED]@m

Phone: [REDACTED]

Connected Lot(s) or Parcel Number(s): Proposed new lot on parcel # 210320002

210340034

The undersigned authorize this application for connection to Huntsville Town's Culinary Water System and agrees to the following provisions:

1. The applicant agrees to be governed by the ordinances, resolutions, rules and regulations as may be prescribed by the Huntsville Town Council for the control of the Huntsville Town Culinary Water system
2. The applicant is responsible for hooking to and maintenance of the water system and all infra-structure from the water meter to, and including within, all buildings on the respective parcel or lot.
3. The applicant is prohibited from using water from the Huntsville Town Culinary Water System for irrigation or for other purposes traditional to secondary water usage.
4. Proof of a secondary water connection on the respective parcel or lot must be provided prior to connection to the Huntsville Town Culinary Water System.
5. The applicant agrees to convey title to a minimum of 0.45 acre-foot of perfected water right(s) approved for municipal use within the Huntsville Town Culinary Water System. Alternatively, the applicant may elect to pay Huntsville Town a commensurate impact fee for each single-family home connection.

Water Right Number(s): See attached agreement

Impact Fee Amount: _____

6. The terms of this application are binding upon, and inures to the benefit of, the parties and their respective successors and assigns.

Applicant Signature: 

Date: July 21, 2020

Title (Authorized Agent): Jason Peterson Contractor

For Town Use:

Application Date: _____

Impact Fee Paid: _____

Town Clerk

Huntsville Town Council (Application Approval)

- ☐ Approved ☒ Conditional Approval
☐ Rejected ☐ Deferred

Mayor Signature: [Signature] Date: Aug 6th 2020

Notes/Conditions: Louis and Joan Buhrley application. # For one (1) new culinary connection. This will be the 4TH of 6 allowed. The applicants will be required to pay for any additional hydrants and infrastructure. They will also be required to pay for the meter & installation.

ATTEST: [Signature] Date: 8-6-20

Beckki Endicott, Town Recorder

Huntsville Town Engineer (Plans and Contractor Approval)

- ☐ Approved ☐ Conditional Approval
☐ Rejected ☐ Deferred

Town Engineer Signature: _____ Date: _____

Notes/Conditions: _____

Water Connection Application (Outside Municipal Boundary) Requirements:

- ☐ Completed & Signed Application Form including:
 - o Map of area to be served.
 - o Maximum number of dwellings to be served.
 - o Detailed drawings of the proposed service lateral, in plan and profile, from the area to be served to the closest main line of the Huntsville Culinary Water System prepared by a Professional Engineer, licensed in the State of Utah.
 - o Detailed improvement plans, in plan and profile, of the proposed location of all lines, meters, meter boxes, fire hydrants, including sizes of lines prepared by a Professional Engineer, licensed in the State of Utah.
- ☐ Payment of Impact Fee to Huntsville Town.
- ☐ Water Connection Applications must be reviewed and approved by the Huntsville Town Council.
- ☐ Water line contractor and plan must be approved by Huntsville Town Engineer.
- ☐ Payment of Connection Fee to Huntsville Town (if Huntsville Town elects to install connection).
- ☐ Following plan review and approval by the Huntsville Town Council and Huntsville Town Engineer, all water lines, meters, meter boxes, and fire hydrants must be installed by a qualified licensed contractor or Huntsville Town (at the Town's discretion).
- ☐ Upon completion of the installation, all easements, water rights, source(s) of water, water lines, meters, meter boxes, and fire hydrants, must be transferred to Huntsville Town, including the right of access to repair and maintain all transferred facilities.

TOWN OF HUNTSVILLE

P. O. Box 267

Huntsville, Utah 84317

Telephone Number (801) 745 3420

James C. McKay, Mayor

June 23, 1998

Buhrley South Fork Ranch, LLC
325 East 2550 North
North Ogden, Utah 84414

Attn: Helen Buhrley, Managing Member

Dear Mrs. Buhrley:

For and in behalf of the Town of Huntsville, a Utah Municipal Corporation, pursuant to the authority granted me by the Huntsville Town Board, I bind the town as follows:

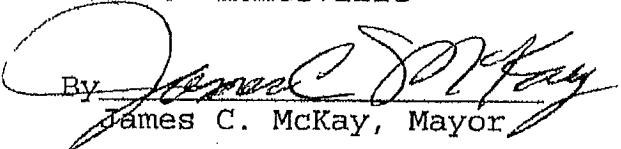
As Consideration for the Buhrley South Fork Ranch, LLC granting to the Town of Huntsville a Right of Way Grant to install its expanded water line from the point the current water line intersects the west line of the Buhrley property in Weber County, State of Utah and runs North to the Northwest corner of the Buhrley property, the Town grants to current members of the Buhrley South Fork Ranch, LLC the right to connect six addition hookups for culinary water from the expanded water line.

This right shall be for the benefit and use of children and their issue of Lewis and Helen Buhrley only.

In addition the Town of Huntsville during the period of its construction of a new water line to deliver culinary water to the residents of the Town of Huntsville will install at its expense one fire hydrant on the Buhrley property at a location selected by managing members of the Buhrley South Fork Ranch, LLC.

This agreement shall inure for the benefit of successors of the Buhrley Family who are descendants of Lewis and Helen Buhrley and shall be deemed to be in consideration of the granting of the additional right of way grant.

Town of Huntsville

By 

James C. McKay, Mayor

TOWN OF HUNTSVILLE

P. O. Box 267

Huntsville, Utah 84317

Telephone Number (801) 745 3420

James C. McKay, Mayor

July 7, 1998

Buhrley South Fork Ranch, LLC
325 East 2550 North
North Ogden, Utah 84414

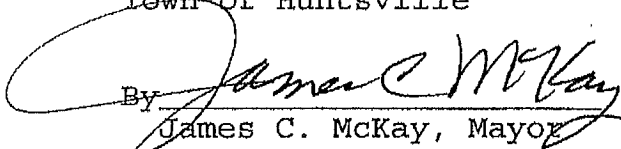
Attn: Helen Buhrley, Managing Member

Dear Mrs. Buhrley:

As an addendum to our letter agreement of the 23rd day of June, 1998 with your Limited Liability Company, it is agreed by the Town of Huntsville that it will waive the current impact fee of Two Thousand Five Hundred &-----no/100 (\$2,500.00) per connection that the Town of Huntsville currently charges each new water connection. This agreement to waive the impact fee is only on the six connections that were agreed to in our letter of the 23rd of June of this year.

This waiver will also apply to any change or amendment of the impact fee in the future. Your consideration for this waiver is granting the Town of Huntsville a right of way to install a new water line along a portion of the west property line of your property.

Town of Huntsville

By 

James C. McKay, Mayor

EASEMENT

THIS INDENTURE made this day of 1998, by and between Buhrley South Fork Ranch, LLC of 325 East 2550 North, North Ogden, Utah, Grantor and the Town of Huntsville, a Municipal Corporation of the Town of Huntsville, County of Weber, State of Utah, Grantee.

That the Grantor, for in consideration of the sum of Ten &----no/100 (\$10.00) dollars and other good and valuable consideration paid by the Grantee to the Grantor, the receipt of which is hereby acknowledged, do hereby grant, bargain, sell and convey unto the Grantee and its successors forever, the perpetual right to enter onto the real estate described below at any time that Grantee may see fit, and construct, maintain, and repair an underground pipeline to carry culinary water to the residents of the Town of Huntsville over, across, through and under the real property described below, together with the right to excavate and refill ditches and trenches for the location of water line, including any valves, gates or other improvements necessary for the operation of the said water line, and further the right to remove trees, bushes, undergrowth, and other obstructions interfering with the location, construction and maintenance of such water line.

The real property affected by the grant of this easement and right of way is located in the County of Weber, State of Utah and is more particularly described as follows:

"An easement Twenty (20) feet in width, the centerline described as follows: Beginning at a point 79D08' 15 feet East of the West Section line of Section 20 Township 6 North, Range 2 East, Salt Lake Base and Meridian, Which Point being on the Right of Way Grant of the Existing Huntsville Town Waterline, Said

Point also being 315 North of the Southwest Corner of the Northwest one quarter of said Section 20 Running Thence North 00D20'02" East Parallel to the Section Line 1287 Feet, More or Less, Thence Northwesterly to the Weber County Right of Way of 7900 East Road. [However, during any period of construction of a new waterline over the above described property the easement shall be increased to Thirty (30) feet]

IN WITNESS WHEREOF the grantor have hereunto set its hand, by and through one of its managing members, the day and year first above written.

BUHRLEY SOUTH FORK RANCH, LLC

By _____
A Managing Member

STATE OF UTAH)

: ss

County of Weber)

On the day of , 1998, personally appeared before me, , the signer of the foregoing instrument, who did acknowledged to me that she executed the same as a duly appointed managing member of Buhrley South Fork Ranch, LLC, A Utah Limited Liability Company.

Notary Public

Beckki Endicott

From: Beckki Endicott
Sent: Monday, August 3, 2020 4:49 PM
To: Blake Bingham; Ramona Clapperton
Subject: RE: Louis Buhrley Water Connection

I've got the application and the letter that was provided to the Buhrley's written by Mayor McKay. I am putting it on the agenda for TC Meeting on Thursday. I haven't received any drawings with regards to the connection and where that will be. I would like to attach that to the file. I also need the signature on the application.

I believe that we need to bill for the connection and make those arrangements. I am not familiar with how we do that. I am hoping that Ramona can fill us in.

Beckki Endicott
Huntsville Town Clerk
PO Box 267
Huntsville, UT 84317
(801) 745-3420



From: Blake Bingham <bbingham@huntsvilletown.com>
Sent: Monday, August 3, 2020 10:29 AM
To: Beckki Endicott <bendicott@huntsvilletown.com>; Ramona Clapperton <rclapperton@huntsvilletown.com>
Subject: Fw: Louis Buhrley Water Connection

Beckki and Ramona,

Did we receive the application for the Buhrley culinary line connection (see email thread below)? If so, did it make it to the TC agenda for this Thursday? Let me know. Thanks.

Blake W. Bingham
Huntsville Town Council



From: Jason Peterson <jason@petersonbuilders.com>
Sent: Monday, August 3, 2020 10:25 AM
To: Blake Bingham <bbingham@huntsvilletown.com>
Subject: Re: Louis Buhrley Water Connection

Hi Blake

I am just checking to see if you received our application for Lou Buhrley to connect to the town water and if we are on the next meeting agenda?

If there is something you need from me please let me know.

Also can you please let me know when that will be?

I reached out to Ramona but she referred me to you?

Thanks

Jason

On Wed, Jul 22, 2020 at 11:16 AM Blake Bingham <bbingham@huntsvilletown.com> wrote:

Jason,

The application will need to be signed and submitted to the Town Clerk for processing. As for the fire hydrant, the expectation is that you will show the proposed fire hydrant on your plans and will be responsible for the cost of its installation (since Huntsville Town has already satisfied their contractual obligation with regard to the existing fire hydrant). Let me know if you have any other questions. Thanks.

Blake W. Bingham
Huntsville Town Council



From: Jason Peterson <jason@petersonbuilders.com>
Sent: Tuesday, July 21, 2020 2:57 PM
To: Blake Bingham <bbingham@huntsvilletown.com>
Cc: Scott Richardson <[REDACTED]>, Gary Probasco <[REDACTED]>, Buhrley, Lou Jr. (hm) <[REDACTED]>, Ron Buhrley <[REDACTED]>, Buhrley, Roger <[REDACTED]>, Rex Harris <rhharris@huntsvilletown.com>, Beckki Endicott <bendicott@huntsvilletown.com>
Subject: Re: Louis Buhrley Water Connection

Hi Blake

Here is the application for submission to the town council.

One other thing we may need to meet the fire marshal requirements is a Fire Hydrant.

I know that when we build Ron's home we added one and I believe that we are far enough away from the hydrant by the Milk Barn that he will probably want us to put one in within 500 ft of this new home. Is this possible?

What application or paper work is required for that?

Please let me know if there is anything else you need from us right now.

Thanks

Jason

On Thu, Jul 16, 2020 at 12:42 PM Blake Bingham <bbingham@huntsvilletown.com> wrote:

Jason,

Thanks for providing those documents. Reading over the agreement, it appears that the Town has waived the impact fee for 6 culinary connections in exchange for the ROW.

I think that the best way to move forward is to complete and submitting the application to the Town. On item 5 of the application, simply write, "See attached agreement" next to the Impact Fee line. Then the application can come before the Town Council for final approval.

To answer your other question regarding the conveyance of water rights. The payment of the impact fee is an alternative to conveying water rights, so there should be no need to worry about that. The agreement satisfies that provision as far as I'm concerned.

The connection fees associated with the physical installation of the meters by the Town will still need to be covered prior to connection. Admittedly, I'm not familiar with where this development is physically located or the extent to which additional infrastructure (i.e., water mains) will be required. If you are simply hot-tapping a service lateral into the main, I can't imagine that there will be extensive plan requirements. However, the Town Engineer (Rex Harris, cc'ed) will ultimately determine the extent of any required drawings/plans before a meter is installed.

Hopefully, this provides you with a clear path to proceed... but please let me know if there are any issues along the way. Thanks.

Blake W. Bingham
Huntsville Town Council



From: Jason Peterson <jason@petersonbuilders.com>

Sent: Thursday, July 16, 2020 12:17 PM

To: Blake Bingham <bbingham@huntsvilletown.com>

Cc: Scott Richardson [REDACTED]; Gary Probasco [REDACTED]; Buhrley, Lou Jr. (hm) [REDACTED]; Ron Buhrley [REDACTED]; Buhrley, Roger [REDACTED]

Subject: Re: Louis Buhrley Water Connection

Hi Blake and Scott,

Thanks for your help and timely responses to me regarding the Buhrleys wanting to connect to the Huntsville Town water system.

One point I wanted to clarify is that my understanding is that the Impact or connection fee is to be waived per that agreement, but that they (the Buhrleys) will be required to cover all costs associated with the actual connection which is what I believe was done for Roger and Ron when we did their homes?

I am including the documents that Scott had previously provided us from the town for your reference.

One other question is on the application it lists a request for .45 Acre Ft of water. I believe the intent of the agreement would take care of this also?

Please let me know so we can get this application completed and to you for your review and hopefully get on for your next meeting.

Thanks

Jason

On Thu, Jul 16, 2020 at 11:32 AM Blake Bingham <bbingham@huntsvilletown.com> wrote:

Jason,

Attached is the application that Louis Buhrley (or her designee) will need to complete and submit to the Town. The Town Council will still need to approve the connection as required by our ordinance; however, given the prior arrangement/agreement, I'm confident that this will not be an issue. The impact fee is \$20,000 per culinary connection for connections outside of the Town. Feel free to let me know if you or the Buhrleys have any questions.

Blake W. Bingham

Huntsville Town Council



From: Scott Richardson <Scott.Richardson@imail.org>

Sent: Wednesday, July 15, 2020 5:17 PM

To: Blake Bingham <bbingham@huntsvilletown.com>; Gary Probasco <[REDACTED]>

jason@petersonbuilders.com <jason@petersonbuilders.com>

Subject: Louis Buhrley Water Connection

Blake,

Jason Peterson of Peterson Builders called to let me know that they are getting ready to build a house for Louis Buhrley over on the old Buhrley farm. These Buhrley connections were approved via contract allowing us to put our new water line through their property. They will be subject to the connection fee. They will also need a letter from Huntsville Town to Weber County telling them that they will be connecting to our water system. I've included Jason Peterson on this email in order to connect him with you for other connection details and to coordinate the actual connection. I also included Gary but do not have Steve Benjamin's email address. Please let me know if there is anything else I can do to assist with this request. Thanks,

Scott

Scott Richardson

Imaging Manager

Dixie Regional Medical Center

Office: 435.251.1717 | Cell: 801.698.1867

[REDACTED]

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Jason Peterson

President



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801.745.3573 Office 801.791.3939 Cell

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RESOLUTION NO. 2020-8-6

**A RESOLUTION ESTABLISHING INDIVIDUAL BUILDING
INSPECTION FEES**

WHEREAS, Huntsville Town (hereafter "Town") is a municipal corporation duly organized and existing under the laws of the State of Utah;

WHEREAS, the Huntsville Town Council has contracted with Sunrise Engineering for Plan Review and Inspection services, and;

WHEREAS, The Huntsville Town Council adopts the current International Building Code (IBC), current International Residential Code (IRC), and the current International Existing Building Code (IEBC), and;

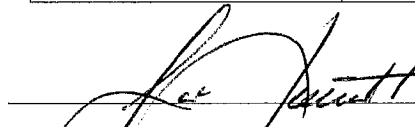
WHEREAS, the Huntsville Town Council has need of one visit inspection services from Sunrise Engineering for minor home repairs such as; roof replacement, electrical upgrades, fuel lines, furnace replacements, water heater replacements, etc., and

WHEREAS, the Huntsville Town Council needs to have inspection services for self-remodel permits;

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF HUNTSVILLE TOWN, the fee for a single inspection be established at the rate of \$200.

PASSED and ADOPTED on this 6th day of August, 2020.

VOTES	AYE	NAY	RECUSED	EXCUSED
Mayor Truett	X			
CM Wendy McKay				X
CM Blake Bingham	X			
CM Max Ferre'	X			
CM Richard Sorensen	X			


James A. Truett, Mayor

ATTEST:


Beckki Endicott, Recorder



**HUNTSVILLE TOWN
ORDINANCE 2020-8-6**

**AN ORDINANCE OF HUNTSVILLE TOWN, UTAH, ENACTING A
TEMPORARY LAND USE REGULATION THAT PLACES A FOUR MONTH
MORATORIUM ON THE ISSUANCE OF CONDITIONAL USE PERMITS.**

- A. WHEREAS**, Huntsville Town (hereafter referred to as “Town”) is a municipal corporation, duly organized and existing under the laws of the State of Utah;
- B. WHEREAS**, Title 10, Chapter 9a, of the *Utah Code Annotated*, 1953, as amended, enables the Town to regulate land use and development;
- C. WHEREAS**, Section 10-9a-504 of the *Utah Code Annotated*, 1953, as amended, enables the Town to enact temporary land use regulations;
- D. WHEREAS**, the Town’s conditional use regulations have been deemed inadequate to appropriately mitigate potential detrimental effects of conditional uses due to the lack of identifiable standards as required by Section 10-9a-507a of the *Utah Code Annotated*, 1953, as amended;
- E. WHEREAS**, certain conditional uses listed in the Town’s Allowable Use Table are vague and potentially inconsistent with the Town’s General Plan;
- F. WHEREAS**, the inadequacy of the Town’s conditional use regulations constitutes a compelling public interest to place a four (4) month moratorium on the issuance of conditional use permits in order to provide the Town with adequate time to cure the defects;

NOW, THEREFORE, be it ordained by the Huntsville Town Council as follows:

Section 1: Repealer. Any word, sentence, paragraph, or phrase inconsistent with this Ordinance is hereby repealed and any reference thereto is hereby vacated.

Section 2: Amendment. The *Huntsville Municipal Code* is hereby temporarily amended as follows:

Temporary Moratorium on the Issuance of Conditional Use Permits

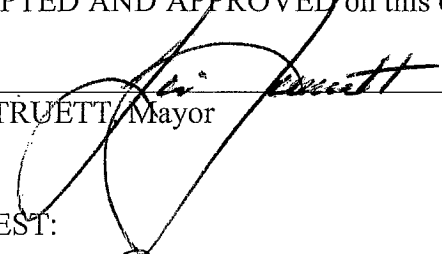
Huntsville Town shall temporarily suspend the issuance of conditional use permits under Title 15.4 of the Huntsville Municipal Code for a period not to exceed four (4) months. During the moratorium, the Town shall not accept conditional use permit applications, but shall return any conditional use permit application(s) to the respective applicant(s) without further action and/or consideration.

Section 3: Severability. If a court of competent jurisdiction determines that any part of this Ordinance is unconstitutional or invalid, then such portion of this Ordinance, or specific application of this Ordinance, shall be severed from the remainder, which remainder shall continue in full force and effect.

Section 4: Effective date. This Ordinance shall be effective immediately upon posting or publication after final passage.

VOTES	AYE	NAY	RECUSED	EXCUSED
Mayor Jim Truett	X			
CM Max Ferre'	X			
CM Wendy McKay	X			
CM Richard Sorensen	X			
CM Blake Bingham	X			

ADOPTED AND APPROVED on this 6th day of AUGUST, 2020.


JIM TRUETT, Mayor

ATTEST:


BECKKI ENDICOTT, Recorder



RECORDED this 6th day of AUGUST, 2020.

**HUNTSVILLE TOWN
ORDINANCE 2020-7-30**

AN ORDINANCE OF HUNTSVILLE TOWN, UTAH, AMENDING TITLE 15.6.2 USE REGULATIONS FURTHER DEFINING AUTHORIZED AND CONDITIONAL USES IN RESIDENTIAL (R-1) ZONE.

RECITALS

- A. **WHEREAS**, Huntsville Town (hereafter “Town”) is a municipal corporation, duly organized and existing under the laws of the State of Utah;
- B. **WHEREAS**, Title 10, Chapter 9a, of the *Utah Code Annotated*, 1953, as amended, enables municipalities to regulate land use and development;
- C. **WHEREAS**, Title 15.6.2 currently does not clearly define limitations associated with the rental of dwelling units and accessory buildings and structures in Residential Zone R-1.
- D. **WHEREAS**, the proposed change to the ordinance specifies the extent that the renting of dwelling units accessory structures or buildings in Residential Zone R-1 is allowed; refers to Appendix One, Table 15-1 Huntsville Town Acceptable Uses by Zone; clarifies language in the Bed and Breakfasts standards; and eliminates redundant references for permitted uses.
- E. **WHEREAS**, after publication of the required notice, the Planning Commission held its public hearing on 30th of JULY to take public comment on the proposed ordinance, after which the Planning Commission gave its recommendation to ADOPT THIS Ordinance on 30th OF JULY.
- F. **WHEREAS**, the Town Council received the recommendation from the Planning Commission and held its public meeting on 6th of AUGUST 2020 and desires to act on this Ordinance;

ORDINANCE

NOW, THEREFORE, be it ordained by the Town Council of Huntsville, Utah as follows:

Section 1: Repealer. Any ordinance or portion of the municipal code inconsistent with this Ordinance is hereby repealed and any reference thereto is hereby vacated.

Section 2: Amendment. The Huntsville Municipal Code is hereby amended to read as follows:

15.6.2 Use Regulations

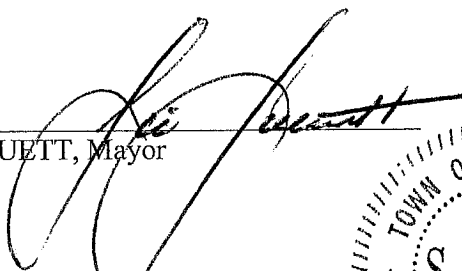
Refer to Appendix One, Table 15.1 (Acceptable Uses by Zone) for all permitted uses in Residential Zone R-1.

In Residential Zone R-1, the following uses are subject to the respective conditions:

- A. Single-family dwellings. Only one single-family dwelling is allowed on an approved R-1 building lot. No single-family dwelling, or portion thereof, shall be rented for a term less than 30 days. No single-family dwelling, or portion thereof, shall be rented while occupied by the respective owner.
- B. Agriculture; nurseries and greenhouse, provided sale of goods is limited to materials produced on the premises and there is no retail shop operated in connection therewith.
- C. A Residential Zone Bed and Breakfast subject to the following standards: (see definition of Bed and Breakfast in Title 0 of the Huntsville Municipal Code)
 - 1. Two parking spaces shall be provided for the family plus one space for each guest room. No parking may be located on the public thoroughfare;
 - 2. Proprietor or owner must occupy the dwelling;
 - 3. Meals may only be served to overnight guests;
 - 4. Not more than three (3) guests sleeping rooms per dwelling;
 - 5. Allowed only in existing dwellings with no exterior additions nor change in residential character;
 - 6. Business license must be obtained;
- D. Signage as regulated under Title 15.21.
- E. Temporary buildings for uses incidental to construction work, which buildings must be removed upon the completion or abandonment of the construction work. If an existing dwelling is used as a temporary dwelling during construction of a new dwelling, upon issuance of the occupation permit for the new dwelling, the old dwelling must be removed within thirty (30) days.
- F. Home occupations as regulated under Title 15.18.
- G. Accessory Structures or Buildings. No accessory structure or building, or portion thereof, shall be rented as a dwelling unit—including in-kind considerations.
- H. No mobile homes or recreational vehicles may be placed on a lot for use as a permanent or temporary (greater than 30 days) dwelling, except as outlined in E. above.

VOTES:	AYES	NAYS	EXCUSED	RECUSED
Mayor Truett	X			
CM Max Ferre'	X			
CM Blake Bingham	X			
CM Wendy McKay			X	
CM Richard Sorenson	X			

PASSED AND ADOPTED by the Town Council on this 6TH day of AUGUST, 2020.


 JIM TRUETT, Mayor

ATTEST:


 BECKKI ENDICOTT, Recorder



RECORDED this <Month/Day/Year>