Minutes of the *Regular* Meeting of the Trenton Town Council held on Tuesday September 1, 2020 at 7:00 p.m., in the Trenton Town Hall, 17 East Main Street, Trenton, Utah.

Present: Mayor Lynn Payne

Councilmember Donny Merrill

Stephanie Merrill

Rachelle Ludwinski Stacey Wangsgard

Clerk Macall Smith

Guests:, Ed Cottle, Janet Cottle, Tom Griffin, Dan Dygert, Town Attorney, Marcus Simmonds, J-U-B, Kyle Kingston, Brittney Kingston, Melissa Merrill, Sheri Newton, Casey Archibald, Craig Merrill, Kathy Merrill, Kyler Olsen, Trevor Egan, Sue Ezola, Dave Ezola, Paige Ezola, Mike Ezola, Richard Allsop, Ken Allsop, John Nelson, Mike Spackman, Bob Williams, Cortney Andrew, Ted Andrew and Syd Munk.

MAYOR PAYNE CALLED THE MEETING TO ORDER AT 7:00 P.M.

Councilmember Wangsgard led those in attendance in the pledge of allegiance.

***Approval of Agenda***

Mayor Payne asked for a motion to approve the agenda as written. COUNCILMEMBER LUDWINSKI MOVED TO APPROVE THE MEETING AGENDA AS OUTLINED. COUNCILMEMBER WANGSGARD SECONDED THE MOTION, WITH ALL COUNCILMEMBERS IN ATTENDANCE VOTING AYE.

***Approval of Minutes***

Mayor Payne asked for a motion to approve the August 10, 2020 meeting minutes. Councilmember Ludwinski noted that on page 2 she proposed that Councilmember Wangsgard write the Flood Plain Ordinance. COUNCILMEMBER WANGSGARD MOVED TO APPROVE THE AUGUST 10, 2020 MEETING MINUTES WITH THE NOTED CORRECTION. COUNCILMEMBER LUDWINSKI SECONDED THE MOTION WITH ALL COUNCILMEMBERS IN ATTENDANCE VOTING AYE.

Public Comment:

Councilmember Ludwinski introduced Kyler Olsen as the new water employee. Tom Griffin discussed the Ezola pipeline project, he shared that he has sent out an email and has 30 -50 people committed to sign a petition in favor of allowing Dave Ezola to install his pipe on the town property. He asked about the costs of the attorney in conjunction with the project. Craig Merrill asked that each Councilmember give their thoughts on the pros and cons of the pipeline. Mayor Payne stated that this would happen later in the meeting. Mike Spackman shared a brief history of the West Cache Canal installation. Mayor Payne asked for the amount of water that would go down the Ezola’s pipe in a 12 inch pipe with 1200 gallons. Ted Andrew stated that he is in favor of the pipeline and shared that he feels this will help keep the town’s agriculture prominence and make it more beautiful. He went on to state that he feels that Planning & Zoning should address future growth and in his opinion needs to have a slow controlled growth, stating that he felt that 3-4 homes a year. He also stated that the town should be careful about too fast and too much growth. Mayor Payne stated that the purpose of the survey that was sent out recently is an opportunity for town citizens to give their input. Mayor Payne asked that all comments take place at the podium.

***Agenda items:***

***Business License- Roelz Frome, Inc., Kurt Frome***

The Council discussed Roelz Frome business application, they discussed the details of the business. COUNCILMEMBER LUDWINSKI MOVED TO APPROVE THE BUSINESS LICENSE OF ROELZ FROME INC. WITH COUNCILMEMBER WANGSGARD SECONDING THE MOTION AND ALL COUNCILMEMBERS IN ATTENDANCE VOTING AYE.

***Discussion regarding the procedure to reclaim cemetery plots***

Councilmember Ludwinski stated that she has looked into this issue in the past and has noted that there are several that have had no burials or contact from the owner in over 60 years. She reviewed the steps required by Utah State code. She stated that she is not prepared with a Resolution to begin this process but asked if the Council would be interested in starting this process next month. They were in favor of this. She will come to the October meeting prepared to move forward.

***Private Infrastructure and Utility Agreement***

Councilmember Ludwinski stated that she is not opposed to the pipe going in but she wants to prevent the town getting into problems. She discussed the three versions of the agreement, one prepared by Mayor Payne, a second prepared by Marcus Simmonds of J-U-B and a third prepared by Dan Dygert. Councilmember Ludwinski asked Syd Munk if West Cache was insured, he stated that they have a 1 million dollar liability policy, Tom Griffin stated that he felt that the amount was 10 million. Mayor Payne asked who would have ownership of Dave Ezola’s line at the end of the project, Mr. Munk replied that West Cache Canal would own the main trunk and Dave Ezola would own his line. Councilmember Ludwinski proposed that the agreement with Dave Ezola be accepted if at the end of the project West Cache Canal take ownership of Mr. Ezola’s line she also asked that the pipe that goes under the road be encased. Councilmember Ludwinski stated that at a previous meeting Mr. Ezola told them that Mike Spackman refused to allow him to put the pipeline on his property, she asked Mr. Spackman why. Dan Dygert suggested that West Cache put the Ezola line under their umbrella policy and take ownership of the pipe line. Councilmember Ludwinski suggested tabling this item until next month in order to have more time to consider the issue. Mr. Griffin stated that he would like to see the general agreement. Councilmember Wangsgard stated that no information has been given to the Council until last month, she expressed frustration at the lack of information. Craig Merrill stated that there should be some studying and discussion on the project. Mayor Payne asked Marcus Simmonds to explain his recommendations on the right of way issue. Marcus Simmonds explained that the easiest way to deal with the issue would be for Mike Spackman to allow Mr. Ezola to put the line on his land. COUNCILMEMBER LUDWINSKI MOVED TO TABLE THE GENERAL AGREEMENT WITH COUNCILMEMBER WANGSGARD SECONDING THE MOTION. COUNCILMEMBER MERRILL MOVED TO APPROVE THE AGREEMENT THAT WAS PASSED LAST MONTH, Councilmember Ludwinski stated that she has concerns with the wording and taking the wording “irrigation” out of the agreement, she suggested adding a paragraph that adds the payment of $250 with a $1.00 per linear foot along with section that requires the as-builts. COUNCILMEMBER LUDWINSKI MOVED TO TABLE THE ISSUE UNTIL NEXT MONTH WITH COUNCILMEMBER WANGSGARD SECONDING THE MOTION, COUNCILMEMBER WANGSGARD AND LUDWINSKI VOTED IN FAVOR OF THE MOTION WITH COUNCILMEMBER’S STEPHANIE AND DONNY MERRILL AND MAYOR PAYNE VOTING AGAINST THE MOTION, THE MOTION FAILED. Bob Williams expressed concern that he may run into the same issue as Dave Ezola and need to put a line in the town right of way. Mr. Dygert recommended requiring bonding and insurance as part of the agreement. Councilmember Ludwinski read the agreement aloud substituting “owner” for West Cache and leaving the road designation blank. Councilmember Ludwinski asked how Mr. Ezola planned on marking the line when a blue stakes line was called. She added a line requiring that the owner be registered with Blue Stakes and mark the line. Councilmember Donny Merrill asked if West Cache would be willing to mark above the buried pipeline. Mayor Payne stated that the $1 per foot fee would go into the road fund. Mr. Simmonds suggest using the wording of “right-of-way” instead of “easement” as well as having an attorney review each agreement. COUNCILMEMBER DONNY MERRILL MOTION TO APPROVE THE GENERAL AGREEMENT WITH THE NOTED CHANGES PARTICULARLY “*WEST CACHE”* IS REPLACED WITH “*OWNER”* AND THAT IT APPLIES TO ANY APPLICANT. COUNCILMEMBER STEPHANIE MERRILL SECONDED THE MOTION WITH ALL COUNCILMEMBERS IN ATTENDANCE VOTING AYE.

The Council clarified the details of the agreement. They determined that the agreement should be turned in 1 month prior to when they would like it to be on the agenda, the $250 would need to be included with the agreement at that time and the $1 per foot would need to be paid before construction begins. COUNCILMEMBER LUDWINSKI MOTIONED THAT THE ABOVEMENTIONED STEPS BE APPROVED AS THE PROCEDURE FOR RIGHT OF WAY AGREEMENTS WITH COUNCILMEMBER WANGSGARD SECONDING THE MOTION AND ALL COUNCILMEMBERS IN ATTENDANCE VOTING AYE.

***Ezola-Hansen project right-of-way discussion***

Councilmember Ludwinski felt that the town should get as builts, she stated that she would like to see the pipe encased if it goes under the road, she also feels that West Cache should have agreements that they will take ownership of the pipeline after the project is complete. COUNCILMEMBER LUDWINSKI MOVED THAT SUNRISE SUBMIT ENGINEERED PLANS, AS BUILTS, REQUIRING BLUE STAKES, NOT CHANGING THE CONTOUR OF THE ROAD ALONG WITH HAVING THE RIGHT TO REVIEW THE RIGHT OF WAY WITH COUNCILMEMBER WANGSGARD SECONDING THE MOTION WITH COUNCILMEMBERS WANGSGARD AND LUDWINSKI VOTING IN FAVOR AND COUNCILMEMBER’S DONNY AND STEPHANIE MERRILL AND MAYOR PAYNE VOTING NAY. Councilmember Wangsgard asked Mayor Payne what his plan was for maintaining the integrity of the road. Mayor Payne explained that he felt that the town already had procedures in place for dealing with this. West Cache agreed to provide the as builts and have Councilmember Donny Merrill review the road crossing.

***Consideration of an agreement with Dave Ezola to allow the installation of a private irrigation pipeline on the Trenton Town road right of way on 800 South***

The Council reviewed the engineering reviews they asked about the encased pipe along with encasing the pipeline at the points where it crosses the drain ditches. Councilmember WANGSGARD MOVED TO CEASE ALL PUBLIC COMMENT WITH COUNCILMEMBER LUDWINSKI SECONDING THE MOTION CLARIFYING THAT ALL COMMENTS NEEDED TO CEASE UNLESS AT THE PODIUM INCLUDING PEOPLE TALKING TO THEIR NEIGHBORS. The Council asked for all comments to be made at the podium, and have no comments in the audience. COUNCILMEMBER LUDWINSKI MOVED THAT ALL PUBLIC COMMENT BE MADE AT THE PODIUM WITH COUNCILMEMBER WANGSGARD SECONDING THE MOTION AND ALL COUNCILMEMBERS VOTING AYE. The Council discussed the Engineering suggestions for Mr. Ezola’s line. They reviewed the 14 requirements. COUNCILMEMBER LUDWINSKI MOVED THAT COUNCILMEMBER DONNY MERRILL BE RESPONSIBLE TO RETURN THE PLANS TO SUNRISE IN ORDER FOR SUNRISE TO ADDRESS THOSE POINT AS WELL AS HAVING THE COUNCILMEMBER OVER ROADS INSPECT THE WORK. COUNCILMEMBER STEPHANIE MERRILL SECONDED THE MOTION WITH ALL COUNCILMEMBERS IN ATTENDANCE VOTING AYE.

***Discussion regarding the costs involved with the Allsop Subdivision***

Councilmember Wangsgard stated that during the May Town Council meeting she shared that the Zoning Ordinance states that the subdivider would be responsible for the costs incurred with the subdivision. She asked how the Council felt about requiring the Allsop’s to pay for all costs incurred after that meeting. The Council discussed the need to know what had been spent from May forward. COUNCILMEMBER WANGSGARD MOVED TO TABLE THE ISSUE UNTIL THE OCTOBER MEETING WHEN MORE INFORMATION WOULD BE AVAILABLE. COUNCILMEMBER LUDWINSKI SECONDED THE MOTION WITH ALL COUNCILMEMBERS IN ATTENDANCE VOTING AYE.

***Parks/cemetery update***

Councilmember Stephanie Merrill had no updates on the park but stated that she is working on getting some prices for a new flag pole at the cemetery.

***Water update***

Councilmember Ludwinski stated she has talked with CDBG and they have extended the deadline to spend the grant from December of 2020 to June of 2021. She stated that the samples from the Sparks spring have all come back with positive results. She also shared that the tanks are dropping about a foot during the day but are refilling at night.

***Planning & Zoning update***

Councilmember Wangsgard had no updates at this time.

Councilmember Ludwinski shared some information that she and the Mayor had recently received about Federal CARES act grant funding. She stated that Trenton Town has been awarded approximately $16,000 to help Municipalities cope with issues related to COVID issues, with the potential for an additional $16,000. She and the Mayor felt that this money would be well spent on updating the technology at the town hall, including computers, microphones, speakers, and other technology that would make electronic meetings run better along with updating the furniture to allow more social distancing.

*Adjournment*

COUNCILMEMBER WANGSGARD MOVED TO ADJOURN THE REGULARLY SCHEDULED TOWN COUNCIL MEETING AT 10:01 P.M. WITH COUNCILMEMBER LUDWINSKI SECONDING THE MOTION AND ALL COUNCILMEMBERS IN ATTENDANCE VOTING AYE.