

**Laketown Town Council
Meeting Minutes
November 4, 2020
10 North 200 East Laketown, Utah**

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ACTIONS

Action to deny M. Williamson's request for variance to build the garage with a new foot print.

In our September 2020 meeting Mayor Weston said he will visit with the superintendent about the cost of moving the hydrant: \$4,200. Then in the November 2020 meeting, Delora said she will visit with the superintendent.

Action to adopt ordinance 2020-07 to amend the code by adding container or such similar enclosure shall not be allowed in residential zone 12-8-1B-7.

In our September meeting the council will request planning commission to form a committee to study the nightly rentals in the residential zone in Laketown and that Tyler Stuart will report how long it takes to complete an impact fee study.

In our November 2020 meeting Mayor Weston said he would research to determine if the B. Weston subdivision road has been physically inspected by our town engineer. Delora will find out if there is a water meter at B. Earley's property. Eldon will check with Lance about locking the arena lights. Invite Mitch Poulson to our January meeting to create accurate zoning maps. The soda machine on the west of the building will be removed and the town code will be posted on the town website.

Minutes of the meeting of the Laketown Town Council convened in regular session on Wednesday, November 4, 2020 at 7:00 p.m. with Mayor Burdette Weston, Councilmembers Eldon Robinson, Dallas Clark, Gary Ogilvie and Delora Wight and Clerk Amber Droesbeke in the Laketown Town Office located at 10 North 200 East Laketown, Utah. Mayor Burdette Weston conducting. Those present in the room: Planning and Zoning Commission Chair Duane Robinson, Auditors Gary Teuscher, James Teuscher, Richard Droesbeke, Tracy Horsley, Mike Williamson.

7:00 p.m. Mayor Burdette Weston welcomed those present.

OPENING CEREMONY: Councilmember Clark offered an invocation and Councilmember Wight led the audience in a pledge.

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

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

QUESTIONS AND COMMENTS FOR MAYOR AND COUNCIL:

Richard Droesbeke said he noticed in the previous town council meeting minutes that water overage charges were waived for other town member's and requested the same privilege. Eldon said it has been a practice in Laketown for years to not charge for stock water usage in the winter and they studied it last winter. There were three or four that had overages and one water user had a broken water line. As we studied that, we know now it can be done without going over. So, the town council allowed them to not pay the overage through the winter months. He said it is a learning process and it is not comparing apples to apples because in the summer time we need to conserve water. There is some thought that in the winter we need some water flow through the system to prevent stagnation and to prevent frost. Delora said she understands if there were a break over the winter the town has given consideration and waived or split overages since we do not read the meters to help identify breaks. She cannot think of an instance when they have waived an overage and she wants to be consistent. Richard said as a water system administrator for the Bear Lake State Park, when the water runs through the system, it is using the system including pumps and chlorinator and has an impact regardless of whether the water is running down the ditch or through someone's pipes, in the winter and the summer. He asked, if you waive water overages in the winter time why not in the summer time? Dallas said they will not waive overages for winter usage again. It was a onetime occurrence. Eldon said they see now that water can be used in the winter to water livestock without going over the allotted amount and pumps here in the winter have hardly any use and should not run much in the winter. Dallas said he respects the request. Richard said he doesn't see a definitive time frame in the meeting minutes or anything that says it was a onetime deal. Mayor Weston said our code says we will collect the overages and we need to be consistent with that. There have been a few over the

years where there has been a break in the water line and whereas we don't check the meters every month, we take into consideration that we could have let them know sooner so we have abated the overage charge. Delora said there is a difference in summer and winter because in winter there is not as much demand. The demand peak season in the summer is dealt with differently. From now on, it won't be treated differently.

Tracy Horsley asked if the amount of water is based on the size of lot you have. She has moved from a smaller lot to a much bigger lot. They have to water more now and asked if that is a consideration because it was mandated that we are required to have an acre of land. Mayor Weston said we allow more water than a lot of towns do because we allow 50 thousand gallons per month. A lot of towns are more than less than half of that for their original fee. We don't have the luxury of having a secondary water system for outside water use. We try to encourage people to be as frugal as they can and to water at night. Most times we get along pretty well. Sometimes we have overages when a hose is forgotten and left on. We are going to try to hold everyone to the same standard. If there is an exception, it will be in an extreme case of a broken line and that will be taken into consideration. Richard said he had an experience with a water overage due to leaks in Garden City where Garden City waived one month of overages but would not waive the second month when overages occurred from new leaks.

OTHER ITEMS OF BUSINESS

Auditor Report FY 2020 – Gary Teuscher, CPA

Gary Teuscher presented the audit report and provided adjusting journal entries, financial statements and the management representation letter which Mayor Weston and the clerk signed. Gary called the state Department of Water Quality to clarify audit requirements and found out that because our loan is state money, not federal money, we did not have to do a single audit and that saved us a bunch of money and work. However, he did complete a full audit and not the compilation report we normally do. Next year we will probably not need to do the additional audit and can return to the compilation. His opinion is that the town is doing well, the records are in excellent order and he did not have any difficulties completing the audit.

COUNCIL BUSINESS

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

The planning and zoning commission met on October 28, 2020. Duane said the town accepted Bryan Weston's road when the mayor signed the final plat. In the future if the town wants to have money set aside to repair the road after the homes are built in a subdivision then we can set that up. Dallas asked if our engineer inspected the physical road to confirm it is built to our standards before the mayor signed the plat. Mayor Weston said he will research that. Duane said the Paradise, Utah subdivision code includes a plan to retain funds for two years, to repair roads after the homes are built. After the two years the remaining funds are returned to the developer. Mayor Weston read aloud an email from the town attorney regarding the town accepting HOA

private roads and said the town council makes the decision to accept roads. We should accept the road after our engineer confirms the road is built to our standards. Gary said our attorney verified every point that he made in the previous meeting.

Brent Earley came to request a building permit but he is not ready with building plans yet. Brent says there is already a water meter installed on his property and knows where there is a meter lid but Duane has not read a meter there and is unaware of a meter there. Duane knew there was water there but assumed it was coming from the neighboring property, Julie Hurd's water meter. Brent does not think he will need to pay for the new water hookup fee. Delora will look into it with Dan and find out what is on the property.

Duane received a call from John Njord who wants to build his septic tank first beginning next spring but Duane recommended that John build his home first.

Request to build new garage – Chair Duane Robinson and Mike Williamson

Mike Williamson appealed a decision made by the planning and zoning commission to build his garage with no set backs on additional foundation adding ten feet. The planning and zoning commission approved to build on the existing foundation with the same setbacks but the commission did not make a motion when Mike requested to change his plan adding ten feet maintaining no setbacks. Discussion took place.

Dallas motioned to approve the setbacks of 10 feet which the planning and zoning had previously approved. Delora seconded. Mayor Weston, Councilmembers Robinson, Clark and Wight approved. Councilmember Ogilvie opposed. The motion carried. After more discussion the council retracted this motion. Duane said the council needs to either grant Mike's request to build a larger building with no setbacks or deny it. The previous motion was struck.

ACTION. Motion by Councilmember Clark seconded by Councilmember Wight to deny the [request for] variance to build the garage with a new foot print. Mayor Weston and Councilmembers Robinson, Clark and Wight approved. Councilmember Ogilvie opposed. Motion carried.

Water Updates – Councilmember Delora Wight

All previously past due water accounts are paid. Duane said the council needs to know the water overflow this time of year is 5 to 10 times more than during the summer and that the availability of water in the winter time increases big time.

Delora said she has not talked to Stan Lamborn and asked if Duane has. Duane said no and said that Stan did a repair. He was over in usage two meter readings ago and Duane told him and Stan said I know; I have a leak. He got in there and started to fix it. It was a part that connected to the water meter. Duane said Stan will probably ask for some assistance on the overage. The leak was

on the meter and on his side of the meter but Stan did not have our town water person look at it. Stan fixed the leak and put in a water turn off valve on his side of the meter going into the house.

UDOT road shed building construction has begun. We installed a new meter this summer and they already have a water connection so will not need to pay a water connection fee. Tony, the shed supervisor called and asked Delora if they need to pay a water impact fee. Delora talked to Dan, Duane and Mayor Weston about this. She would like to not assess a water impact fee since we just replaced their meter and asked if a water impact fee is required. Dan said he does not see any reason to pull the new meter. Mayor Weston said that we do not have a water impact fee. If Dan has to turn the water on or off during construction there would be fees for that. As long as they do not replace the meter no other fees are required. A discussion took place about where the shed is located: either the county or the town. The property is in the county so all building fees will be assessed and paid through the county.

Delora will talk to the Rich School District about paying for the new hydrant at Rich Junior High.

ACTION ITEMS

Action items from previous meeting – Mayor Burdette Weston

Mayor Weston is still doing research with the town attorney on the road near the cemetery and working on understanding what is required for access for roads. He has provided the Dot Bar Communications sample contract to our attorney for review. He has not talked to Tyler about the bike path yet. Delora asked where that bike path is. Mayor Weston said it is from where the old cattle guard was and going south to Dee's.

Eldon purchased the combination padlocks for the arena today. He had approval to put one lock on the pump system and seeks approval to put a lock on the light system at the rodeo arena. Mayor Weston wants to visit with our Rocky Mountain Power worker to see if they agree. Eldon wants some control to know how frequently it is used. Dallas and Eldon think that people should ask to use it. Eldon thinks there will be more use of the arena next summer because we can keep the dust down with the water system now. The council decided to put the lock on the lights after Eldon checks with Lance. The crack in the tee in the irrigation line that was creating a leak was repaired. Valley Implement caused the damage when they hooked into it and were happy to pay for the repair.

PUBLIC HEARING – Consideration of proposed ordinance to amend the mobile home and recreational vehicle park regulations of Laketown Code Title 12 Chapter 8 Section 1B adding paragraph 7 permitted recreational vehicles shall be parked on owner's property – Ordinance 2020-07

Mayor Weston opened the public hearing and read aloud Ordinance 2020-07. Delora said she doesn't think we are all on the same page as to what a recreational vehicle is and the ordinance is

vague as to what a recreational vehicle is and asked if we have a definition of a recreational vehicle? Mayor Weston read aloud Laketown Code:

12-8-1: DEFINITION; REGULATIONS; PENALTIES: Recreational vehicles shall include the following: trailers, motor homes, campers, truck campers, fifth wheels, tents, buses or any vehicle used for camping, sleeping and living quarters.

Delora asked what about a recreational vehicle that is a toy hauler. Dallas and Mayor Weston said it is a trailer. Mayor Weston continued reading the permit and application instructions. Delora asked about town residents storing recreational vehicles on their property and a toy hauler so two recreational vehicles are stored on the same lot. She asked what we are enforcing. Discussion took place. Mayor Weston said this ordinance and permit are addressing camping in the street. If we want to look at the town code and how it addresses storage and quantity we can do that.

Dallas thinks the permit should be printed on a certain color of paper and be posted in the window so the permit is obvious. Eldon said the trend is changing so now a lot of people have a trailer and a fifth wheel and use it when people come up to stay. Most people store it on their own property and stored trailers should be placed on the property and not in the street. When the code was created the commission wanted to make sure Laketown did not turn into a trailer park. Discussion of the contents of the permit took place. Gary said this is mostly applying to city lots and ½ acre lots. For instance if we were to look at Eric Wamsley's property we wouldn't notice if he had three trailers parked there. He asked if Eric is in our city limits and why would we want to regulate it on a ranch. He doesn't see that the permit needs to be changed because we are mainly addressing city streets.

Tracy Horsley asked if this applies to the church or school property when rodeos take place. She loves the idea of a colored permit posted and visible.

Mayor Weston closed the public hearing.

ACTION. Motion by Councilmember Ogilvie seconded by Councilmember Wight to adopt Ordinance 2020-07 Container or such similar enclosure shall not be allowed in residential zone.
Motion carried unanimously.

Delora asked what if a permit request comes in on a Thursday through Saturday. Eldon asked if we can put the permit and application instructions online. The council decided to post the permit and application instructions online along with information on how to email the application for conditional use permit.

COUNCIL BUSINESS

December town council meeting – Mayor Burdette Weston

The first Wednesday of December the council will meet at 7 p.m. in Evanston, Wyoming at Bon Rico. No business will take place. The clerk will send invitations requesting an RSVP.

Delora requested a work meeting to complete ordinances. She wants to work on the recreational vehicle and trailer storage timeline and quantity policies. Duane wants to adjust the town code that is confusing on frontage for one acre and ½ acre lots. The code needs to state the frontage is required on an improved street. The planning and zoning commission will bring the changes they want next month.

Open and Public Meetings Act Training – Mayor Burdette Weston

Annual training on the Open and Public Meetings Act Training is required for council members. We will watch five minutes of David Church's training in each meeting until we complete the training. The clerk will email the link to David's training on YouTube to the council members.

Rodeo Updates – Councilmember Eldon Robinson

Eldon wants to offer the council a list of people that he recommends to serve on a rodeo committee and Sim will do the rodeo. Eldon has ideas on who to ask to do the queen context.

Roads and Streets Updates – Councilmember Gary Ogilvie

Mayor Weston likes the way Post Asphalt repaired the two places in town and recognizes they are an honest company to charge less than their original bid. Gary also liked them.

Park and Recreation Updates – Councilmember Dallas Clark

Dallas said Rocky Mountain Power has a WATT Smart program that will change our park lights to LED. The clerk responded to their email making a request for assessment of the project. We hope to hear back from them.

MAYOR REPORTS

Bear Lake Regional Commission Report – Mayor Burdette Weston

The commission had their audit and both Idaho and Utah gave more money to help cover expenses. The tourism website traffic and visitation is still up. The Wilford Woodruff home visitation is up 30%. Transient room tax and restaurant taxes are higher than they have ever been. Dallas said real estate is at an all-time low. There is a lot of traffic into Bear Lake.

Storage of recreational vehicles in town code – Mayor Burdette Weston

Mayor Weston asked each member of the council to review the storage of recreational vehicles in the town code; we will have a special work meeting to make changes if necessary. Storage of recreational vehicles are creating a trailer problem in town. Delora found every trailer and these were discussed.

UPDATES FROM THE CLERK’S OFFICE

CARES Funding

The money spent so far is included in the invoices. The clerk will send the total spent after buying everything on the list. The council decided not to offer the ACH transactions through the bank.

Christmas lights and decorations

The clerk will talk to Rocky Mountain Power Regional Representative Steve Liechty about hanging the Christmas lights. Delora will put up the carolers. She asked about purchasing a manger scene and Mayor Weston said the carolers are enough.

APPROVAL OF BILLS

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

10:10 P.M. EXECUTIVE SESSION REGARDING POSSIBLE LITIGATION

ACTION. Motion by Councilmember Clark seconded by Councilmember Robinson to go into Executive session to discuss possible litigation. Motion carried unanimously.

Attendance: Mayor Burdette Weston, Councilmembers Eldon Robinson, Dallas Clark, Gary Ogilvie, Delora Wight and Clerk Amber Droesbeke.

10:28 p.m. return to regular session.

Attendance: Mayor Burdette Weston, Councilmembers Eldon Robinson, Dallas Clark, Gary Ogilvie, Delora Wight and Clerk Amber Droesbeke.

10:29 P.M. EXECUTIVE SESSION REGARDING LAND USE

ACTION. Motion by Councilmember Clark seconded by Councilmember Wight to go into Executive session to discuss land use. Motion carried unanimously.

10:38 p.m. return to regular session.

Attendance: Mayor Burdette Weston, Councilmembers Eldon Robinson, Dallas Clark, Gary Ogilvie, Delora Wight and Clerk Amber Droesbeke.

OTHER ITEMS OF BUSINESS

Request for zoning map to include more defined areas – Councilmember Dallas Clark

Dallas asked where half acre lots are on the zoning map and requested that our zoning map clearly designate the half acre lots. He thinks it needs to be clear for everyone to see and understand from the zoning map. A discussion of the zoning regulations took place. The town council has a rule that homes cannot build off of Round Valley Drive but the question was asked where is the rule written down? Mayor Weston said that Gary McKee is moving toward building one home on his 22-acre lot. Dallas said the first phase of new subdivision on Main Street is already spoken for. He wants our zoning regulations and zoning map to be clear. He asked if the one acre standard applies to the field going to the cemetery and if it applies to both sides of the road. The decision was made for the clerk to invite Mitch Poulson to come to January meeting to create accurate zoning maps that we can hang in office including the half acre lots. We can also have a map that overlays the water lines and pressure zone boundaries.

- Eldon requested that we send a letter to Leonhardt distributing to request removal of soda machine from the west side of the building. The clerk will contact M. Leonhardt about this.
- The Visitors Bureau Map does not have our trail on it.
- The town council decided to post our town code online.

Dot Bar Communications tower and contract – Mayor Burdette Weston

Mayor Weston reported that Dot Bar Communications requested permission to get going on this while the weather is still good. He read aloud our attorney's letter stating that CentraCom should get a business license. If they squawk, we need to tell them that Dot Bar has a business license or have their attorney call our attorney. Mayor Weston felt like they should have to put a fence around their tower with their own entrance gate.

11:02 p.m. Motion by Councilmember Ogilvie seconded by Councilmember Wight to adjourn. Motion carried unanimously. Meeting adjourned.

Amber Droesbeke, Clerk