Minutes of the *Regular* Meeting of the Trenton Town Council held on Tuesday February 9, 2021 at 7:00 p.m., in the Trenton Town Hall, 17 East Main Street, Trenton, Utah.

Present: Mayor Lynn Payne

Councilmember Donny Merrill

Rachelle Ludwinski Stacey Wangsgard

Clerk Macall Smith

Excused: Councilmember Stephanie Merrill

Guests: Ed Cottle, Janet Cottle, Pauline Udy, Ken Allsop, Richard Allsop, Sheri Newton, Darin Michaelas, Christina Farnsworth, Scott Richins and Jodi Richins.

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

Councilmember Stacey Wangsgard led the Pledge of Allegiance.

***Approval of Agenda***

The Council discussed changing the order of the agenda items. COUNCILMEMBER WANGSGARD MOVED TO APPROVE THE MEETING AGENDA WITH THE NOTED CHANGE IN ORDER AS DISCUSSED. COUNCILMEMBER LUDWINSKI SECONDED THE MOTION, WITH ALL COUNCILMEMBERS IN ATTENDANCE VOTING AYE.

***Approval of Minutes***

Mayor Payne asked for a motion to approve the January 5, 2021 meeting minutes. Councilmember Ludwinski stated that it should state that both residential and stock watering hook up should have a limit on the number of animals, she also noted that Mr. Haviland’s application should be sketch plan review not subdivision application. COUNCILMEMBER WANGSGARD MOVED TO APPROVE THE DECEMBER 1, 2020 MEETING MINUTES WITH THE NOTED CORRECTION. COUNCILMEMBER LUDWINSKI SECONDED THE MOTION WITH ALL COUNCILMEMBERS IN ATTENDANCE VOTING AYE.

Public Comment:

There was no public comment at this time.

***Agenda items:***

***Update from County Sheriff’s Office regarding parking tickets***

Clerk Smith updated the Council on a phone call from the Sheriff’s office. She stated that they let her know that they are willing to come out and issue parking tickets or violations of the Winter Parking Ordinance. She discussed the options for processing the tickets and getting payment, she stated that they two options would be to have the individual pay their fine at the town hall or a district court. The Council discussed having the issue on the agenda for the March meeting.

***Resolution 2020-01-02 A Resolution to Place Restrictions on the Issuance of New Water Connections***

Councilmember Ludwinski gave an overview of the reasons for adopting the resolution once again. She stated that it had conflicting wording regarding individuals who had received hook-ups in the past and how they are classified as “new and old”. She stated that the Council needed to make the decision regarding what the rules regarding a hook-up that hasn’t been used or put to beneficial use. She asked the Council how they felt about putting in wording that the hook-up must be put to beneficial use. She related how the hook-ups last year were being used as of right now stating that 2 were used for homes that were finished or 90% finished, 1 was used for stock water, 1 was forfeited and two hadn’t had any water run through them at all. Councilmember Ludwinski stated that one of two things could be done they could go with wording that allowed someone to get a water hook-up two years in a row or they could allow a water hook-up only every other year. Mayor Payne expressed concern with requiring a water hook-up to be used within one year, he stated that he felt an individual should be allowed 2 years to use a water hook-up to allow for emergencies. Councilmember Ludwinski expressed concern that this wasn’t being fair to those who wanted a hook-up but didn’t get one that year. Councilmember Ludwinski explained that if one of the applicants who were drawn couldn’t use their water connection two alternates would be drawn and the hook-up would be given to them. Councilmember Ludwinski shared that if they get a hook-up tonight, they have until June to get a Zoning Clearance. Councilmember Ludwinski asked the Councilmembers how they felt, Councilmember Donny Merrill stated that he liked the idea of one per year, he stated he could see what the Mayor was getting at. Councilmember Stephanie Merrill stated that she was thinking about it. Councilmember Wangsgard liked being able to get a hook-up two years in a row but not a third year. Councilmember Donny Merrill liked that idea also. Councilmember Ludwinski noted that the word business would be added to individual, household. COUNCILMEMBER WANGSGARD MOVED THAT TRENTON ALLOW APPLICATIONS TO BE SUBMITTED IN CONSECUTIVE YEARS, REMOVE 5 B AND CHANGE IT TO SAY IF YOU RECEIVE A WATER HOOK-UP TWO YEARS IN A ROW, IF THE FIRST HOOK-UP HAS BEEN PUT TO BENEFICIAL USE, AND ADD A SECTION ALONG WITH ADDING THE WORD BUSINESS TO NUMBER 4. WITH COUNCILMEMBER LUDWINSKI SECONDING THE MOTION. MAYOR PAYNE VOTED NAY AND ALL OTHER ALL COUNCILMEMBERS VOTED AYE.

***Drawing for water connection for 2021***

Councilmember Ludwinski pulled the Allsop name from the drawing, due to their lack of having substantial progress done on their hook-up from last year. Richard Allsop asked for clarification. Councilmember Ludwinski read what had just been passed. She stated that the Council just determined that in order to get a hook-up two years in a row you had to have put your first hook-up to beneficial use, a house should be started or stock watered. She explained that this is the requirement for being put in a drawing two years in a row. Mr. Allsop discussed the timeline of the water hook-up that he received last year. He stated that the hook-up was not installed until just a few weeks ago. He asked Councilmember Ludwinski to review the history of the meter, she stated that the meter was put in around January 4, and a deposit was paid around the 24th of July. Councilmember Ludwinski stated that the town was waiting until the fire hydrant deposit was paid. The Council discussed the reasons for delay in installing a fire hydrant and water meter. AT 7:47 P.M. COUNCILMEMBER WANGSGARD MOVED TO GO INTO EXECUTIVE SESSION FOR TEN MINUTES TO DISCUSS THE ISSUE, WITH COUNCILMEMBER LUDWINSKI SECONDING THE MOTION WITH ALL COUNCILMEMBERS IN ATTENDANCE VOTING AYE. The Council discussed the legal issues regarding Mr. Allsop’s water hook-up being part of the drawing this year. THE COUNCIL INVITED THE AUDIENCE BACK INTO THE MEETING AT 7:55 P.M. Councilmember Ludwinski added the Allsop name back to the drawing and read each applicant as she put their name in the drawing. Councilmember Stephanie Merrill shook the box while Mayor Payne drew the names, Adolfo Silva was the first water hook-up, Councilmember Merrill added the names of individuals who had received a water hook-up last year and Mayor Payne drew for the second hook-up, Richard Allsop was the second hook-up, with Platinum Homes and Scott and Jody Richins being drawn as the alternates. Councilmember Ludwinski read the requirements and timeline for both applicants.

AT 8:01 P.M. MAYOR PAYNE OPENED THE PUBLIC HEARING TO RECEIVE INPUT FROM THE PUBLIC REGARDING AN UPDATE OF THE ZONING ORDINANCE CHAPTERS 15, 16 & 17 AS WELL AS AN UPDATE OF THE SUBDIVISION ORDINANCE.

Pauline Udy, Planning & Zoning Chairperson, presented the Zoning Ordinance. She stated that the Planning and Zoning Commission learned a lot. She shared that they removed section 16.3 supplemental site develop standards until they have more time to look into it and develop the standards in a manner that is more understandable. They made some minor changes to the ordinance. She shared that with the changes proposed the application and Ordinance are now in line with each other. Councilmember Wangsgard stated that changes to the ordinance and application have been in the works since September of 2020. She stated that the name of a Sketch Plan Application has been changed to a Concept Plan Discussion to make the procedure clearer and more clear that it wasn’t an application. Sheri Newton asked if these were proposed changes or if it was a draft of the Subdivision Ordinance, Councilmember Wangsgard stated that it was being presented to the board to see what they want to do with it. She pointed out that this was a public hearing for adoption. Christina Farnsworth asked what items the Ordinance dealt with if it was for people who wanted to do new subdivisions in town, Councilmember Wangsgard replied that this is an ordinance to provide a procedure to do this. Councilmember Wangsgard stated that they are still looking over the proposed changes. She also wanted to have the town’s legal counsel review it. Sheri Newton asked if it was okay to pass the Ordinance without having legal counsel review it and it still being in draft form. Councilmember Wangsgard stated that it is not in draft form and that it could be passed tonight if the Council was ready. Sheri Newton asked if there are provisions for dividing land but not developing. The Mayor stated that he was busy today with medical issues and was unable to read through it. Councilmember Wangsgard asked if there were any other comments. COUNCILMEMBER WANGSGARD MOVED TO CLOSE THE PUBLIC HEARING AT 8:07 P.M.

***Encroachment Permit Discussion***

Councilmember Ludwinski stated that she feels if we are going to have a permit we should require everyone to fill it out. She shared that right now we have required two people to fill out encroachment permits, both of which were Hispanic, and have allowed others who have done work in the roadside to do the work without the permit. She said that if the town was going to require an encroachment permit, they need to be consistent and require it of everyone. Councilmember Donny Merrill stated that West Cache hasn’t been in to fill out an encroachment permit because they took pictures of the entire project and were waiting for them to fill out the paperwork. He has not required West Cache to pay the fee because their project started before the permit was in place. He stated that the project starts when the applicant brings engineered plans to the town or come to the Councilmember over roads to sign off on the project. Councilmember Ludwinski suggested that anyone working in the right of way needs an encroachment permit. Councilmember Donny Merrill clarified that this would affect doing construction within the right of way. Councilmember Ludwinski stated that she felt that anyone doing construction encroaching on the town right of way would need to fill out the encroachment permit. Councilmember Donny Merrill agreed with this.

***Irrigation Pipeline Agreement- Councilmember Ludwinski***

Councilmember Ludwinski stated that Dave Ezola came in September and filled out and signed an agreement with the town and it has since been moved to the field and is no longer in the town right of way. It has been surveyed and pictures taken of the project with the entire project in Mike Spackman’s field. The Council determined to refund Dave Ezola’s fee in conjunction with the Pipeline Agreement. Councilmember Ludwinski stated that West Cache had to go through the road and wondered if they needed to fill out the Encroachment Permit. Councilmember Donny Merrill stated that Dave Ezola, Mike Spackman and West Cache would all need to fill out an Encroachment Permit. West Cache would now own the line and would need to sign the Irrigation Pipeline Agreement. Councilmember Wangsgard asked that next time the project should appoint a spokesperson for the project to communicate with the town. The Mayor asked that some road base be brought in to fill in the cuts in the road.

***Resolution 2021-02-01- A resolution of Trenton Town adopting the 2020 Bear River Region, Utah pre-disaster Mitigation Plan***

Clerk Smith explain that this is a plan that has been put together by BRAG over the past couple of year. She stated that this is a list of potential disasters, with a list of ways that the town can be proactive in dealing with these issues. Clerk Smith stated that for example, there is the possibility of flooding and Trenton put in the plan to adopt an ordinance dealing with flood plains, so that future flooding is taken into consideration. Clerk Smith stated that if you don’t have a plan adopted you wouldn’t get FEMA funding in a natural disaster. COUNCILMEMBER LUDWINSKI READ THE RESOLUTION ALOUD. COUNCILMEMBER WANGSGARD MOVED TO ADOPT RESOLUTION 2020-02-02 WITH COUNCILMEMBER LUDWINSKI SECONDING THE MOTION AND ALL COUNCILMEMBERS IN ATTENDANCE VOTING AYE.

***Follow up on Cemetery Resolution 20-20-01***

Clerk Smith stated that notice has been put in the paper and letter sent according to State Code, the town didn’t hear from anyone. The Mayor asked that the availability of Cemetery plots be put in the newsletter.

***Discussion on new carpet for the town hall***

The Mayor asked if Paul Udy wanted to have carpet put in the town hall. Clerk Smith stated that he has indicated that he did in several conversations that she has had with him. Mayor Payne stated that he was worried about having enough funding to do the projects. The Council asked if they could hold off doing the project until funding was available.

***Ordinance 2021-02-01- Trenton Zoning Ordinance***

COUNCILMEMBER WANGSGARD PROPOSED THAT BECAUSE OF WHAT HAS BEEN MENTION ABOUT NOT HAVING TIME TO LOOK OVER THE ORDINANCE THAT THE COUNCIL CONTINUE THIS ISSUE UNTIL NEXT MONTH WITH COUNCILMEMBER LUDWINSKI SECONDING THE MOTION AND ALL COUNCILMEMBERS IN ATTENDANCE VOTING AYE.

***Planning & Zoning update***

Councilmember Wangsgard stated the Commission discussed with Roger Nelson regarding his potential Zoning Clearance, she stated that a Public Hearing was held for the Zoning Ordinance

***Parks \Cemetery update***

There was no update at this time.

***Water update***

There were no new issues to discuss with the water.

***Roads update***

Councilmember Donny Merrill stated that a new drain was installed on 800 South. He stated that he talked with Joel Merritt about having the County help pay for chipping on 1600 South, Mr. Merritt stated that he would probably be able to chip to the County line. Mayor asked Councilmember Donny Merrill explained why West Cache dug through the road instead of boring under the road. He stated that the town water line was in the way to bore through, Councilmember Donny Merrill stated that boring would have taken much longer and been a hazard on the roadside. Janet Cottle asked who would be responsible to fix the road and Councilmember Donny Merrill stated that West Cache would have to repair the road.

*Adjournment*

COUNCILMEMBER LUDWINSKI MOVED TO ADJOURN THE REGULARLY SCHEDULED TOWN COUNCIL MEETING AT 8:41 P.M. WITH COUNCILMEMBER WANGSGARD SECONDING THE MOTION AND ALL COUNCILMEMBERS IN ATTENDANCE VOTING AYE. They thanked the audience for their attendance.