

Newton Town Council Meeting
August 5, 2021, 7:00 P.M.
Newton Town Hall, 51 South Center, Newton UT
Minutes

Agenda

1. Roll Call
2. Opening Ceremony – Mayor Rhodes
3. Approval of June 2021 Minutes
4. Youth Council Update
5. Town Celebration Update
6. Myron Benson request for clean-up of town right-of-ways and appearance of town
7. Request for variance from construction plans for development of Larsen Farms subdivision by Derek Chambers. Changes requested: water line size for lot 2, elimination of emergency access road and culvert for lot 2 and installation of driveway hammerhead turn-around, and elimination of fire hydrant. Propose a percentage held in escrow for completion of development.
8. Fire Department contract with Smithfield Fire Department for Self-Contained Breathing Apparatus (SCBA). By Greg Jorgensen
9. Report on Mayor/Council Member Assignments

1. Call to Order and Roll Call of Members present.

Members present: Mayor Kevin Rhodes, Gordon Anderson, Kent Fabricius, Kathryn Rigby and Jed Woodward. Karla Ferguson (Recorder)

Others present: Eric Dursteler, Derek Chambers, Linda Chambers, Martin Empey, Myron Benson, May Benson, Jeremy Cooley, Von Brown, Steven Jenkins, Nichole Jenkins and Clair Christiansen.

2. Opening ceremony conducted by Kent Fabricius

3. The Newton Town Council meeting minutes For July 2021 were approved.

4. Youth Council Update – not in attendance.

5. Town Celebration Update – Nichole and Steven Jenkins reported that the celebration had a great turnout and was awesome. Nichole reviewed that a few more bills still needed to come in to see where they stand with the finances. Nichole said Cole and Jenny Richards will be chairpersons next year and need co-chairs. The Jenkins are willing to work with the new committee to review what worked this year. This year they tried to limit water use and did not have foam because the new foam may have a carcinogenic in it. They will look into a different type of foam to see if they can bring it back next year. The band donated their time. Mayor Rhodes wondered if we should give a gift certificate to the band to thank them. Nichole would like to give a gift or certificate to her committee members to thank them. Mayor Rhodes thanked them all for their hard work.

6. Myron Benson request for clean-up of town right-of-ways and appearance of town –

Myron Benson expressed appreciation for the opportunity to express his concerns about what is going on in our community. Myron said that historically Newton had large road right-of-ways because of irrigation ditches that ran along the roads. The ditches were discontinued and leveled in most places and then the town purchased a mower and tractor to maintain the town right-of-ways. Myron feels that things are getting progressively worse with junk, gardens, and permanent fences being moved into the road right-of-ways. Myron said the ordinance is there and should be enforced but is not. Residents have built berms or placed rocks in front of fire hydrants. Myron said when he was Mayor they didn't allow it and sent out letters to those that were in violation to take care of it. The letter explained a time limit to take care of it and if they didn't then the town did

the work and sent them a bill. Myron said he appreciated the work the Town Council is doing but feels that more needs to be done to clean up the town right-of-ways. Myron suggested a beautification committee to give awards and the town should enforce nothing permanent on town right-of-ways without written permission. Myron also expressed concern for the amount of junk that is on private property and that junk yards are not allowed in town. He feels there are too many scrap cars in town. Myron asked that the town council uniformly enforce ordinances and not allow items on town right-of-ways. Von Brown said when he mows the sides of the streets that people put limbs on the town right of way and it stays there. Gordon Anderson asked if we could put it in the town newsletter. Mayor Rhodes said yes it can be in the newsletter and a letter follows up to the problem areas. Mayor Rhodes asked council members and Myron to email him the problems that he can follow up with.

7. Request for variance from construction plans for development of Larsen Farms subdivision by Derek Chambers. Changes requested: water line size for lot 2, elimination of emergency access road and culvert for lot 2 and installation of driveway hammerhead turn-around, and elimination of fire hydrant. Propose a percentage held in escrow for completion of development.— Derek Chambers introduced himself as the developer that has purchase 4 of the 5 lots of Larsen Farms subdivision and will be developing the property. Derek Chambers said he is coming in after things have been approved for the subdivision and he was not part of that process. Mayor Rhodes described the history of the Larsen Farms subdivision and creating of 5 lots. Derek recently met with the town engineer Eric Dursteler, Jed Woodward, and the seller representative, Trent Dagley. They reviewed the development and the changes they would like to make to the construction plan. Mayor Rhodes discussed what had been agreed upon initially. Derek Chambers said that now that he has taken over he would like to make changes to the construction plan. He would like to eliminate the emergency access for lot 2 and just have a shared access with lot 1 and a hammerhead turn around. He said in his experience that the emergency access is not used for the intended purpose because they cut the lock and use it as regular access instead of emergency access. Eric Dursteler said he is okay with the purposed changes and has written a response. Easement and access were discussed. Jed Woodward said it should be noted that if any further development is done to the west then more improvements would need to be made. Eliminating a fire hydrant in front of lot 2 was discussed. The location of the existing fire hydrant for that area is on the north east corner of the intersection. The town engineer's letter was read. Mayor Rhodes asked that because of the 40 foot easement and the pipeline easement if lot 1 is still viable to have a septic system. Mayor Rhodes suggests that a permit be applied for a septic system prior to a building permit for lot 1 to make sure it can be done. Clair Christiansen asked if access had been granted for these lots by UDOT. Yes, access has been permitted by UDOT and the locations of the access. But access for lot 2 on state highway 142 was denied because of its location to the intersection so that is why the access for lot 2 will be shared with lot 1 from state highway 23. Greg Jorgensen, Newton Fire Chief, arrived to the meeting and was asked about his feelings on the fire hydrant and if it could be eliminated. He felt that a fire hydrant would be needed especially if they are going to develop anything to the west of this property. Water lines and locating a fire hydrant on the corner of lot 1 was discussed. Eric Dursteler proposed that the changes accepted by the Town Council will be that a water line be bore under state highway 23 with an 8" water line to the north side of lot one. Then install a fire hydrant at the corner of lot one with a "T" off the service line to run to lots one and two with a smaller water line. No culvert or access from state highway 142 for lot two. A shared access for lots 1 and 2 will be from state highway 23 with a hammerhead turn around installed. Eric Dursteler will write up the agreed changes. Derek Chambers asked if building permits could be issued without the 100 south and other improvements completed and then just hold the certificate of occupancy until the improvements are completed and no bond. Mayor Rhodes read a letter requesting a variance of the bond requirement from Derek Chambers. Derek explained that

because they have begun making improvements to the development they can't get a bond and now they have delays of supplies. Because of the delay Derek would like to begin developing houses while he is waiting to complete the road, access and water lines. Derek Chambers suggests that in lieu of escrow that certificate of occupancy would not be issued unless conditions have been met. Derek would like to begin construction on lot 3 and then lot 4 about a month behind that. Martin Empey expressed concern for flooding on these properties. Derek explained that 10 feet with a 2% grade from the home is code and that these homes will be slab on grade without basements. Derek Chambers asked that he be able to get building permits without completing the roads and water lines first because his supplies are delayed and cannot get asphalt until the end of September. Derek Chambers has begun making improvements but he would like to begin the building permit process before they are completed. He asked that in lieu of a bond that certificate of occupancies be not issued until the road and water lines are completed and inspected. Jeremy Cooley asked isn't this against your subdivision code. Mayor Rhodes explained that yes they are requesting a variance to the subdivision code to not have a bond because they have purchased the property and begun improvements and can't get a bond now. Eric Dursteler said he thinks the City should have something in the bank in case something happens. The Town Council discussed about holding a percentage in escrow of what yet was to be completed. Town Council did not agree to just hold the certificate of occupancy until the improvements are completed. Mayor Rhodes read the letter of the improvements that have been completed. The developer has spent \$110,000 already on making improvements to the development. It is proposed to hold in escrow a percentage of what is left to complete. Mayor Rhodes proposed to hold \$35,000 in escrow from the developer and the certificate of occupancies for the building permits issued until the infrastructure is completed. Kent Fabricius asked to clarify the items that will need to be completed, which are, the extension of 100 South road, bore an 8" water line under highway 23, install water lines and hydrant. Gordon Anderson seconds the motion. Roll Call Vote: Kathryn Rigby – yes, Jed Woodward – yes, Gordon Anderson – yes, Kent Fabricius – yes, Mayor Rhodes – yes.

Jed Woodward would like it placed in the minutes that lot 2 of Larsen Farms subdivision is not a flag lot. It has street frontage on highway 142 but no access from highway 142 but from highway 23.. Kathryn Rigby will talk to the auditor about structuring the escrow account.

8. Fire Department contract with Smithfield Fire Department for Self-Contained Breathing Apparatus (SCBA). By Greg Jorgensen – Greg Jorgensen explained that the Fire Department would like to lease SCBA from the Smithfield Fire Department that they bought one and a half years ago. Smithfield received a grant to purchase new SCBA equipment. Smithfield has agreed to lease 10 SCBA to Newton fire department for no cost to Newton. Smithfield retains ownership of the SCBA. The term is for 10 years and will provide fit testing on an annual basis. Newton fire dept. has already bought 10 new masks that will work with the new SCBA. Mayor Rhodes proposed to enter into said agreement with Smithfield and Newton for 10 SCBA. Gordon Anderson seconds the motion and all in favor.

9. Report on Mayor/Council Member Assignments – Mayor Rhodes reported that the CCCOG application has been submitted. Jed Woodward reported that water is working but we will see the lag from the drought next year in our springs if the drought keeps up. Mayor Rhodes and Jed Woodward met with Chad Godfrey about the Loosle Buttars spring overflow to Newton Dam. They met to see what happens to the overflow water. They cannot determine that it goes anywhere. Chad Godfrey gave permission to continue the line 600 feet to the ditch that runs to Newton dam. Jed Woodward asked Eric Dursteler about an open ended pipe in the winter to keep it from freezing. Eric said it will freeze if not flowing. The flow of water was discussed. Mayor Rhodes discussed his idea of installing a 2 mile water line to dump inflow water from Birch Springs when

the tank is full to the reservoir instead of into the slough. The 2 mile line would also provide more water storage. Eric Dursteler discussed the CCCOG application for rebuilding the intersection of 200 East 200 North for an estimated cost of \$168,000. A letter of support from the County engineer was also included with the application. Eric reviewed the design proposed for the intersection with grade and culvert. We will hear in October if we receive the funding. Clair Christiansen discussed the agreement from 1984 regarding the springs and providing water for the Young livestock corporation. Jed Woodward reported that a water line was dug and provided water to their lot but the problem is the elevation of their property is higher and they must put in a pump.

Kathryn Rigby reported that we have received the first payment of \$40,000 of the total \$96,000 from the state what we will receive for the COVID relief funding. This money can be used for infrastructure. Mayor Rhodes would like to use the money on water line replacement. Gordon Anderson reported that the Planning Commission has moved its August meeting to August 19. They will also have a subdivision code workshop before the meeting. Gordon Anderson asked about the lights being left on at the ball diamond and if there is a way to lock access. Mayor Rhodes discussed the power panel at the tennis courts. Kent Fabricius reported that the outside town hall lights have been shut off because the photo cell is bad and needs to be replaced. Kent is wondering about having the low spots on the town hall roof fixed because they are getting brittle. The farm land still has water standing on it and Kent hasn't been able to determine why it is flooding. When it dries out he plans to do some more inspecting.

Mayor Rhodes plans to look into issues with nuisance inspections. The county wide day of service is September 11. Mayor Rhodes would like to see if there are projects like cleaning up road right-of-ways that we can promote. Karla Ferguson will contact the clerk's office about the ballot box because the cement has been installed. Mayor Rhodes reported that Governor Cox has said that his objective is to get all secondary water metered. Mayor Rhodes reported that because the land in the spring source protection area cannot be put into CRP there is no longer a lease agreement. The cutler hydro study public workshop will be held on August 31 and Gordon Anderson will attend the meeting. Declaration of candidacy starts August 10 and runs through August 17. Please encourage residents to run for office.

Minutes prepared by: _____

Karla R. Ferguson, Newton Town Clerk

Approval Date