

MINUTES OF THE HUNTSVILLE TOWN COUNCIL MEETING
Thursday, August 10, 2023, 4:30 p.m.
Huntsville Town Maintenance Building, 165 South 7500 East, Huntsville

Name	Title	Status
Richard L. Sorensen	Mayor	Present
Bruce Ahlstrom	Council Member	Present
Kevin Anderson	Council Member	Present
Sandy Hunter	Council Member	Present
Artie Powell	Council Member	Present
William Morris	Legal Counsel	Excused
Nikki Wolthuis	Clerk	Present

Citizens: Ron Gault, Rex Harris, Chase Freebairn,

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

2-Pledge of Allegiance led by Rex Harris

3-Opening Ceremony given by TCM Kevin Anderson.

4-Public Comments: A comment from Brent Ahlstrom was read by TCM Bruce Ahlstrom later in the meeting. **See Attachment #1**

5-Sheriff's Report: No report today. Lt. Cowley was not able to attend.

6-Sage Development Presentation. Chase Freebairn gave an update on the Sage Development project. The plat for the subdivision is recorded and the bond in place. The restoration plan that took some time is now complete. The excavator will start working on the road Monday, August 14th. The lots will be open for a presale at the end of August and be under contract by mid-September. The TC asked Chase for a copy of the permit from the Army Corps.

Wendy Mckay joined on a phone call and was put on speaker.

7- Discussion and/or action on approval of RFP for Huntsville Town Hall/Community Center

Rex Harris, Construction Project Manager for the Huntsville Town Hall/Community Center, began the discussion with the following questions: How do we want to utilize the funds that have been raised? Are we comfortable going forward and getting bids? What's the plan if the bids are too high? **See Attachment #2 for building details.**

The first question was discussed at length. Part of the money raised is the CDBG grant monies from the federal government. When using federal money there are certain requirements for contractors that include following Davis Bacon Wages, using American made materials, and carefully documenting how the CDBG funds are being used. Using federal money on part of the

project will cause headaches in separating out materials and payroll. The project will likely be more expensive and time-consuming. It could also become difficult to get bids as not all contractors are familiar with the building requirements when using federal dollars. Rex has personally spoken with contractors who do not like doing projects funded with federal money.

The estimated cost of the building is between \$150 to \$250 per square foot. That's an average of about 200 million dollars. If you add the extra costs of using federal money which is estimated at 20 percent, you get \$400,000 or the amount of the CDBG. We could go ahead without the funds, and it would cost the same as using the funds but with all the headaches.

Rex understands that a lot of work went into applying for the grant, but from a business stance it makes more sense to build without it.

The TC asked Rex many questions. TCM Anderson asked if we could build the Town Hall separate from the Community Center and use the CDBG for just one of those buildings to solve some of the problems. Rex said it would cost more to do it that way and the federal government would see that we are trying to bypass their process.

Mayor Sorensen asked if we can just use the CDBG funds for the excavation and be done with it? Rex explained that when the funds are used for any part of the project, the requirements affect it.

Wendy, who helped secure the CDBG was asked by Mayor Sorensen to give her opinion on the issues. She also had a chance to talk to several builders and is convinced that we should go forward without the federal funds. But a concern she has is if the CDBG is turned down, would it be harder for us to get federal funding in the future?

TCM Anderson asked if they could use the funding for something else. Wendy explained that the funds must be used for what was specified in the application. What about amending the application? It's possible, but the town barely got the funding in the first place because the average income in the Town- which includes 2nd homeowners- has gone up. The director of the funds is also strict and might be hard to convince.

Ron Gault was asked his feelings on the project. He stated that he would hate to give up the money without real hard data, but he believes Rex and Wendy who have talked to contractors.

TCM Powell wondered if they could use the funds for improvements in the park like a new bowery and playground equipment?

The TC discussed other concerns. One was if the CDBG application is amended and funds are used for the park or playground instead of the building, others who applied but weren't awarded the funds might complain that the Town did a "bait and switch."

TCM Sandy Hunter asked if they could make up the federal funds with private donations? Mayor Sorensen gave a breakdown of all the funds raised and where they came from. The TC realized there might be a shortage and a need to do more fundraising especially considering incidentals and landscaping costs. TCM Powell worried about financing that extra money.

TCM Anderson discussed other funding sources like a committee in the legislature that deals with funding for cities and towns. Town resident Jason Kyle is on that committee and could help secure extra funds. The fact that the town is celebrating its centennial year might garner interest in the project and help earn money. TCM Anderson will talk to Jason Kyle soon.

TCM Powell suggested another source of funding was the Ogden Valley Park Board. If a committee put together a proposal the Town could ask for between \$10,000-50,000.

TCM Ahlstrom had a concern about following the constitution. They took an oath to follow it. These grants are not a delegated power granted to the federal government under Article I section 8 of the constitution and the 10th amendment further makes these grants unconstitutional. He then read a message from his brother Brent Ahlstrom, town resident and member of the Appeals Committee, who could not be at the meeting. **See Attachment #1**

TCM Anderson motioned to send out an RFP for bid on construction of both buildings with no federal money involved. Bruce seconded the motion. Roll Call Vote. Votes reflected below. All votes Aye. Motion passed.

VOTES	AYE	NAY	ABSTAIN	EXCUSED
Mayor Richard L. Sorensen	X			
CM Bruce Ahlstrom	X			
CM Kevin Anderson	X			
CM Sandy Hunter	X			
CM Artie Powell	X			

TCM Anderson made a second motion to not use the CDBG for the new Town Hall but amend the grant to use the money to develop other recreational facilities. TCM Powell seconded it. Roll Call Vote. Votes reflected below. Motion passed 4-1.

VOTES	AYE	NAY	ABSTAIN	EXCUSED
Mayor Richard L. Sorensen	X			
CM Bruce Ahlstrom		X		
CM Kevin Anderson	X			
CM Sandy Hunter	X			

CM Artie Powell	X			
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The discussion continued and it was suggested that they get together soon to finalize ideas for using the CDBG funds. The TC discussed the importance of waiting until the bids come in to make a final decision.

8. Discussion and/or action on TC Meeting Minutes 7-20-23

TCM Sandy Hunter motioned to table the TC Minutes. TCM Anderson seconded it. All votes Aye. Motion passed.

9. Discussion and/or action on the Work Session Minutes 7-20-23

(Attachment #3) TCM Ahlstrom motioned to approve the minutes. TCM Hunter seconded the Motion. All votes Aye. Motion passed.

10. Discussion and/or action on approving the CDL Class for Mack Devries. Gary Probasco has said that Mack is doing an excellent job and could help the town this winter if he had his CDL license. **Ahlstrom motioned to approve up to \$3,500 towards the CDL License and all other associated fees. TCM Anderson seconded the motion. All votes Aye. Motion passed.**

11. Discussion and/or action on the Huntsville Town Ordinance 2022-5-22 Land Use Administrative Amendments- After a brief discussion about some of the changes in the ordinance, (See attachment #4), **TCM Hunter motioned to table the ordinance. Ahlstrom seconded the motion. All votes Aye. Motion passed.**

12. Department Updates

TCM Powell and Mayor Sorensen talked about the success of the Symphony concert in the park. Mayor Sorensen hopes they will consider coming again in the coming years. There were ruts in the park left from the semitruck and stage that will need to be fixed.

Mayor Sorensen talked to UDOT about a runaway truck lane off Trappers Loop. It could look like the one in Garden City with a separate lane containing gates to slow down the trucks if needed.

TCM Ahlstrom got a bid for the repaving of two blocks and the Town Maintenance Shed parking lot of approximately \$40,000. He was happy with the bid because he thought it would be higher.

There was a discussion about the two town lots on the northwest corner of the Park Subdivision that were recently for sale. There have been some interested parties, but the property is now off the market. The TC would consider ideas but would not put the properties back on the market soon.

TCM Anderson motioned to adjourn the meeting. TCM Ahlstrom seconded the motion. All votes Aye.

Meeting Adjourned at 6:48 p.m.



Nikki Wolthuis
Nikki Wolthuis, Town Clerk

"My thoughts on the new town hall are based on my experience building, growing and running a large business for many years. One of the key requirements for long term success was to be able to balance investing in the business and being fiscally responsible. It is often difficult to turn down an investment that will provide some level of value to the business but may not be justified by the necessary investment. With limited funds, investments need to be critical to the success of the business, or in this case the long term security of Huntsville town.

As we look to make a significant investment in our community we need to make sure we stay focused on what the town needs to be successful long term and avoid using critical funds to add features or options that really aren't necessary.

There has been a lot of talk about having a community center and/or indoor pickle ball courts. While either or both of these would be nice to have, they are not critical to our town's long term success. We have other options available for both and leveraging the town for either would be irresponsible given our limited resources.

While we need a new town hall to support the needs of our town, we need to make sure we stay focused on building a center that is focused on meeting our needs and not being a building envied by others.

I would be happy to provide further thoughts or help support the process if needed.

Thank you for all you do for us and for making Huntsville such a great community. "

-Brent Ahlstrom

Bidding Requirements/Project Controls/Schedule

- Substantial completion of the project is to be completed by EOD June 30, 2024. Project completion is to be completed 60 days following substantial completion. Substantial completion is defined as having owner occupancy issued by the building official. Project completion is defined as having completed all punch list items issued at substantial completion.
- An early completion bonus will be issued to the contractor in the amount of \$1,000 per day for each full day that substantial completion is achieved ahead of June 30, 2024, in an amount not to exceed \$30,000.
- A late penalty will be assessed to the contractor in the amount of \$1,000 per day for any part of a day that substantial completion is achieved after August 31, 2024. There is no cap to this penalty.
- Payments for the project will be conducted monthly on a consistent date of the month agreed upon by the contractor and owner.
- This project is being bid as a unit bid price contract with only a small number of unit priced bid items. These items are described below:
 - **Mobilization** – This item includes all work necessary to mobilize on site and begin the progression of work. 50% of this item will be paid under the first pay request. The next 25% can only be paid on or after the 3rd pay request. The remaining 25% can only be paid on or after the 4th pay request. This bid item cannot exceed 20% of the entire contract amount.
 - **Site Work** – This item includes all work associated with grade preparation, earthwork, grade finishing, environmental controls, seeding, and final site restoration. The contractor can request payment for this item in four parts: 25%, 50%, 75%, and 100% completion. The engineer will verify each request and make payment based on these completion rates.
 - **Foundation/Concrete Work** – This item includes all concrete work associated with foundations, floors, sidewalks, and any other concrete flatwork. The contractor can request payment for this item in four parts: 25%, 50%, 75%, and 100% completion. The engineer will verify each request and make payment based on these completion rates.
 - **Framing** – This item includes all work associated with erecting the superstructure of the building. This includes all framing, roofing, doors, windows, and enclosing the structure in a manner to leave the interior protected from the outside elements. The contractor can request payment for this item in four parts: 25%, 50%, 75%, and 100% completion. The engineer will verify each request and make payment based on these completion rates.
 - **Finish Work** – This item includes all work associated with covering the framing which includes drywalling, insulation, trim, painting, Kitchen furnishings, etc. The contractor can request payment for this item in four parts: 25%, 50%, 75%, and 100% completion. The engineer will verify each request and make payment based on these completion rates.
 - **Plumbing** – This item includes all work to install all piping, drains, bathroom fixtures, interior pumps, etc. associated with culinary water and interior wastewater. The contractor can request payment for this item in four parts: 25%, 50%, 75%, and 100% completion. The engineer will verify each request and make payment based on these completion rates.

- **Electrical** – This work includes all electrical work associated with electrical lines, conduit, lighting, safety/security features, etc. interior and exterior. The contractor can request payment for this item in four parts: 25%, 50%, 75%, and 100% completion. The engineer will verify each request and make payment based on these completion rates.
 - **Heating/Cooling** - This item includes all work to install all heating and cooling systems for the building. The contractor can request payment for this item in four parts: 25%, 50%, 75%, and 100% completion. The engineer will verify each request and make payment based on these completion rates.
 - **Septic System** –This item includes all work associated with the construction of the exterior septic system. The contractor can request payment for this item in four parts: 25%, 50%, 75%, and 100% completion. The engineer will verify each request and make payment based on these completion rates.
 - **Siding** – This item includes all work associated with the sheathing of the exterior of the building which includes as rock work, siding, architectural features, etc. The contractor can request payment for this item in four parts: 25%, 50%, 75%, and 100% completion. The engineer will verify each request and make payment based on these completion rates.
 - **Fire Suppression** – This item includes all work associated with installing a fire suppression system as approved by the Weber County Fire Marshall. The contractor can request payment for this item in four parts: 25%, 50%, 75%, and 100% completion. The engineer will verify each request and make payment based on these completion rates.
- The bidders are required to list these 11 bid items individually in their bid. The low bid will be based on the total sum of each of these items. All other work is incidental and should be included as part of these 11 bid items. It is understood that mobilization will include items that could be associated with the other bid items. It is assumed that whatever is included in mobilization will be reflected in a reduction in the overall pricing of other bid items.
 - When the contractor is within 30 days of achieving substantial completion, a request can be made to reduce the remaining contract amount to 5% of the contract value. 5% will be retained on the contract until project completion is achieved.
 - The contractor will submit at the start of the project a schedule that represents how the work will be progressed from start to project completion. This schedule will be updated each month by the contractor at time of monthly payment submittal. This project will track critical path work along with all major items of work and milestones. The schedule will track how well the contractor is meeting schedule. If the contractor falls behind schedule they will be required to provide a narrative each month detailing how they will mitigate to complete the project on time.
 - There will be a prequalification process to bid on this project. At the time of bid submittal the contractor will submit two separate sealed documents clearly marked to identify its contents. The first document will contain the following information: A lists of three projects that the contractor has completed in the last 10 years that are similar in size and scope to this construction project. The projects must be commercial buildings. The second item to be included is the list and contact information for the owners of these buildings. This information will be used to prequalify the bidder. Success qualifiers must show that they have experience to do the work as outlined in this solicitation, and they must receive a favorable reference from each of the owners of these past projects. If the contractor does not meet the qualifications they will be eliminated from consideration to bid on this project. Their bid will not be opened and will be shredded. Those bids that meet this initial requirement will then have their bids

opened. An apparent low bidder will be identified and if all requirements are met for completeness and accuracy are met, the project will be awarded to that low bid. If the low bid does not meet the established requirements it will be removed from consideration and then the next low bid will be considered for award.

- The solicitation will be run for 3 weeks. Exactly 1 week prior to bid opening there will be a pre-bid meeting held at the Huntsville Library on that established date at 4 p.m. The contractor will be able to ask any clarifying questions of the owner in preparation of submitting a bid.

Septic System

- Follow the requirements as outlined in the onsite wastewater treatment permit issued by the County
- Build the system so that it does not impact the existing drainfield system for the Town maintenance shed.
- Electrical controls for the system will be located in a convenient location in the building as approved by the Engineer.
- Changes to the septic system must be approved by the Engineer and the Weber/Morgan Health Department.

Mechanical Design

- All heating and cooling systems will be commercial grade. The systems must be designed to maintain temperature control for each of the respective environmental zones within the system. These systems must be approved by the Engineer.
- Build two separate heating/cooling systems, one for the office building and one for the community center. It is anticipated that there will be two furnaces for the office and two furnaces for the community center. Both Systems will be a forced air system, with the furnace system for the office space located in the northwestern part of the basement or as otherwise approved by the engineer. This area will be walled off with door access into the room. The furnace system for the community center will be built in the ceiling or as otherwise approved by the engineer. This area will be accessed from the back of the stage area with a built wall ladder and secured hinged manway trapdoor. This will require that floor trusses be built to accommodate for construction of the environmental systems.
- Heat will be provided to each individual room via floor vents in the office building. In the community building heating will be provided via the ceiling vents
- The office space will be provided with a cooling system utilizing the appurtenances of the heating system (HVAC). This system will be approved by the engineer.
- The community building will be provided with an exhaust mechanical venting system through the roof. These exhaust fans will be 'Quiet Cool' fans or equivalent as approved by the engineer.
- Each of the cooling and heating systems will be designed to provide adequate mixing of air so each space has consistent air temperature throughout with no fluctuations greater than 2 degrees Fahrenheit measured at a height four feet above the floor. Special consideration must be given to design these systems that they do not create an obstruction or are vulnerable to damage caused by the intended normal use within any given space in the building. These

systems will be reviewed and approved by the engineer to verify that it meets the criteria as outlined by these specifications

- Controls for each of these systems will be located in a convenient location in each of the respective buildings.
- The controls for each of these systems will also be controlled through handheld and desktop smart devices using remote technology.

Electrical Design

- Provide single phase 240 V 600 amp service to the building. Work with Rocky Mountain Power to locate the meter service in a location that is effective, efficient, and compatible with the project design. Final location will be approved by the Engineer.
- Locate the main distribution panel in the basement of the office that is walled off with an access door to the space.
- Divide the power source into three segments with 200 amp dedicated to the office space, 200 amp to the community center, and 200 amp outside uses.
- Provide expansion capabilities for the main distribution panel
- Provide subpanels for the following locations: Stage, kitchen, council chambers
- Provide 240 V outlets to the following areas: stage, kitchen, office basement, outside power.
- Provide an outside power distribution box on the north side of the building that is secured and lockable. This box is to provide 110 V and 240 V service to accommodate up to 150 amp.
- Provide outlet services throughout the building as recommended by commercial code.
- Provide outside outlets on the building that are secured and lockable at locations adjacent to egress locations.
- Provide emergency lighting and signing as approved by the fire marshal.
- Provide LED lighting for all interior and exterior lighting as approved by the Engineer.
- Provide manual controls for all lighting in efficient locations as approved by the Engineer. All main lighting features should also be able to be controlled remotely using smart devices.
- Wattage and lighting colors should all be installed based on standard practice for each intended area use i.e. outdoor lighting, office space, community gathering space, council chambers, kitchen, pickleball/athletic space, stage, etc. Each of these lighting areas should have the ability to dim lighting. Work with the Engineer for approval of final lighting configurations.
- Outdoor lighting should be fully shielded and provide adequate spacing and light for walkways and egress locations as approved by the Engineer.

Plumbing Design

- Meet all criteria and standards for commercial buildings.

- Main water service will enter into the basement area of the office and will have shut off controls located in an efficient and appropriate location as approved by the Engineer.
- Provide outside sewage cleanouts at locations not impeding walking traffic and landscaping maintenance.
- Provide a manifold shutoff system to control water flow to each room that is provided water
- Provide floor drains in each bathroom.
- Provide a floor drain in the Kitchen.
- The bathrooms that have outside access will be finished with stainless steel appurtenances as approved by the engineer.
- Electrical hand drying fixtures will be installed in the outside access bathrooms as approved by the engineer. All other hand drying features will be approved by the engineer.
- Water line shutoffs for the exterior access bathrooms will be installed in a location controlled from within the heated structure. The piping will be installed in a manner that when the exterior bathroom water is shut off that the water can drain in the drainage collection system to prevent the freezing of the pipes.
- Provide a sump pump system in the basement that will collect all gray water that cannot efficiently be collected in the sanitary sewer system. This may include but not limited to the following sources: floor drains, Furnace/HVAC drainage, etc. This sump will have a pump that pumps into the septic system.
- Hot and Cold water will be provided to each bathroom (except the two outside bathrooms where only cold water will be provided), and the warming area. Provide hot water tank(s) for these facilities in the office basement except for the two bathrooms in the community center where individual tanks are to be installed under the bathroom sinks.
- Install fire suppression system as provided in the bid package.

Culinary and Secondary Water Systems

- Do not impact the existing lawn irrigation system in areas not designated for construction. Work with the Huntsville Waterworks Company to locate all irrigation and secondary water lines on the project site. Avoid damage to these systems and reroute all lines that need to be kept in operation.
- Cap of all existing sprinkler lines that impact the work zone for the construction of the building.
- Repair immediately all sprinkler lines that are damaged that are outside of the designated construction limits.
- Work with the Town of Huntsville to locate all Culinary water lines within the project limits. Avoid damage to existing culinary lines. Reroute any culinary lines that conflict with the construction of the building.
- Install a new 8" fire hydrant within 100 feet of the building in an unobstructed location as directed by the engineer. If a new hydrant is constructed by the Compass Rose Hotel that meets

this criteria before issued occupancy this requirement may be waived. If this requirement is waived the contractor will credit back to the owner the costs for this installation included in the contractor's bid.

Concrete Flooring/Flatwork

- The concrete floor in the community center will be finished with a smooth surface with expansion joints saw cut at the locations as provided in the planned drawings.
- The thickness of the concrete in the community center will be 5" with wire mesh reinforcement not to exceed a 6" pattern spacing.
- The concrete floor in the basement of the office will be finished with a smooth surface and will have a 4" thickness with expansion joints saw cut spacing not to exceed a 1:30 (thickness to width) ratio.
- All saw cuts will be cut to a minimum of 25% of the concrete thickness.
- Seal all concrete floors with a curing compound as approved by the Engineer.
- Follow all standard practices for commercial concrete floor pours and as directed by the Engineer.
- All driveways and sidewalks are to meet all ADA requirements
- All sidewalks constructed from street access to the building should be a minimum of 8' wide and have a 4" thickness as approved by the engineer.
- A concrete drive way access from the street to the 16'x10' access opening on the southern side of the community center should be 12' wide and have a 6" thickness.
- All areas that are under the wrap around porch of the building should have 4" thick concrete for the walking surface as directed by the engineer.
- All doors should have a minimum of a 6' wide concrete apron as directed by the engineer.
- All other locations around the building that does not have a concrete walk, driveway, or apron that would have water that drips off of the roof will have a concrete splash pad that extends from the building out 3' as directed by the engineer.

Mobilization/Site Preparation

- Staging and equipment can only be placed in the following locations: Field area northwest of the pickleball courts, the area south of the pickleball courts and west of the building.

- Avoid any damage to the lawn area north of the building.
- In the event that the large evergreen tree on the south side of the building is not removed prior to issuance of the contract, the contractor will be responsible to remove this tree and root system. The cost of this work will be included as incidental in the unit bid price for site work.
- Avoid placing any equipment or materials in areas that are part of the septic system to be constructed.
- Temporary delivery and staging can be utilized in the asphalt shoulder area immediately in front of the building footprint and the north side of the road. Care should be taken to keep the site in a clean and presentable condition.
- It is anticipated that some construction rubble may be encountered from the remains of the removed elementary school. Attached with the plans is the footprint location of this building. Site investigation has shown that crushed concrete and asphalt not exceeding 6" in diameter to a depth of 3.5' may be encountered within this footprint location. Work with the Engineer to determine the suitability of subgrade materials for all footing and foundation locations.

Architectural, Aesthetic, and Appurtenance Features

- Provide color samples for all painting color choices to be approved by the Engineer.
- As shown on the plans, construct exterior siding materials such as GenStone G2 faux stone veneer and Fiber Cement Cedarmill siding or equivalent as approved by the Engineer. Provide color samples for approval by the Engineer.
- Provide commercial grade double paned windows as shown on the plans. All windows that can be opened must only have the ability to be locked from the interior. All colors and special features must be approved by the Engineer.
- Provide commercial grade insulated exterior doors with window panes. All door styles and colors must be approved by the Engineer.
- The large 16'x10' opening for the southern doors for the community center will be commercial grade glass framing with a 72"x80" (two 36"x80") double door construction centered in this opening space. The doors and opening spacing will be double paned commercial grade construction. The exterior of the building of this 16'x10' opening will have a false door hung on mounted railing that slide open in a split configuration each direction. This door should meet the barn style look as shown on the architectural drawings and approved by the engineer. This door system will have an attractive secure locking mechanism as approved by the engineer.
- Exterior Bathroom doors must be commercial grade metal doors.
- Work closely with the Engineer for all other architectural and aesthetic appurtenance choices including but not limited to plumbing fixtures, lighting fixtures, etc.

Kitchen/Warming Area

- Construct the kitchen with the following features and appurtenances:
 - Commercial grade refrigerator
 - Commercial grade oven/range
 - Commercial grade microwave
 - Commercial Grade Deep 3 place stainless steel sink with disposal
 - Separate hand washing sink
 - Commercial grade counter service that is impervious to heat damage
- All features and configurations within the Kitchen must be approved by the engineer.

Audio Visual and Information Technology/Security

- All A/V and IT systems will be built by a third party after construction. To accommodate for this provide 4 - 1" conduit banks in the council chambers as directed by the Engineer. These conduits should run from ceiling access to basement access with an access port opening at standard electrical outlet height.
- Provide 1" conduits above all exterior doors (including between community center and office) from ceiling access to above the door with port access openings to the interior and exterior of the building 1' above the door.
- Provide Door locking security system to all exterior doors including between the community center and offices, the warming room, and all offices. Locks should have remote technology. The locks to the community center will have the ability to have keyless code technology that allows for time sensitive changing codes. Work with the Engineer to provide a system that meets the Town's needs.

WORK SESSION – Thursday, July 20, 2023

Minutes of the Huntsville Town Council work session held at the Ogden Valley Library, 131 South 7400 East, 4 p.m.

The work session was scheduled to discuss the Hyde's Development Agreement for Phase II of the Compass Rose Hotel .

Attending: TC Members Sandy Hunter, Bruce Ahlstrom, Artie Powell, Mayor Sorensen, Nikki Wolthuis – Clerk, Dakota Hyde, Jeff Hyde, and Mishael Ochu

Mayor Sorensen called the meeting to order. Before he turned the time over to the Hydies he gave Mishael Ochu time to explain his business that he was seeking a license for. It was to be voted on in the Town Council Meeting being held later in the evening.

Mishael explained that he has a business called Nokware LLC Not Medical Advice. He is located in the old Detours house south of I.D.K BBQ. Nokware already exists as a software development company. He sells shaved ice made from flower petals, and also sells soaps, and bread. The bread he will sell is made by Camelot bakery. He is working on health department permits but has been operating since July 4th selling Shaved Ice and soaps.

Mayor Sorensen turned the time over to the Hydies to make their presentation. Dakota Hyde began by reviewing the reason for the work session. He referenced the Development Agreement from 2014 (**See Attachment #1**) that stated the Hydies had 8 years to complete the development which would end on March 22, 2024. They had asked for a 12-month extension in a previous meeting (**See Attachment #2**) but now are asking for a 24-month extension. They are optimistic that they can complete it within the new time period.

Dakota presented the updated architectural drawings for the project (**See Attachment #6**) on the big screen and explained the features. It will be a 3-story building facing west and will be set just north of the existing Compass Rose Hotel. The ground level will have an open area with a spa, retail space, and an ADA approved condo.

The condos operate like hotel rooms, but they are owned by individuals. The owners cannot stay more than 30 days at one time. The hotel rents out the rooms. They are not meant to be stayed in for more than two weeks. TCM Sandy Hunter wondered if it's in the legal paperwork that the owners can't stay more than 30 days.

Mayor Sorensen asked the Hydies what would happen in the future if they decided to sell out and leave. Could the hotel become an assisted living facility like the hotel in Eden became? The Hydies said they don't plan to leave and there are no elevators in the building to accommodate that change. Sandy looked up what Huntsville allows and they do allow assisted living in their commercial zones.

The TC asked the Hydes what would be in their retail space. Some ideas include a bakery or art or some other food establishment.

The TC spoke in favor of the 24-month extension and commented about the high quality of their projects.

TCM Powell had some questions about the lot subdivision that was created after the Development Agreement in 2016. He also wondered if the size of the footprints of the buildings were within the correct percentages that is allowed on that land. The Hydes assured him that they are.

Next Dakota showed the Council a timeline of the project. **(Attachment #5)** As soon as the subdivision plat is recorded with the county they can begin the presale of the condos. Over a dozen people have already expressed interest in buying one. They estimated a completion date of April 2025.

TCM Powell wanted new language added to the Development Agreement **(Attachment #4)** to ensure that both lots were subject to the same terms as the one lot was in the original agreement.

The Hydes welcomed the adjustment to the language in the Development Agreement and Nikki was asked to make the changes before the next Town Council Meeting. The next meeting for approval of the amended DA would be in August.

The conversation turned to the other lots in the park subdivision. Liquor licensing in that location was discussed, a boundary line adjustment of the pickleball lot was mentioned as well as a consolidation of lots.

The Hydes explained that water from the pickleball courts drains into their parking lot rather than off to the northwest corner of the block where it should go. Another issue they see is the parking for the courts doesn't meet regulations. When pulling out of a stall one goes off the pavement onto the road base.

TCM Powell asked when the New Town Hall construction would begin. Mayor Sorensen hoped it could start in early fall. He said he had a meeting earlier in the day to discuss the feasibility of using the CDBG funds for the project.

Before the meeting ended Dakota and Jeff showed us amazing long exposure pictures taken from their telescope using EAA just outside their building. Huntsville Town has even darker skies than at Stansbury Park observatory. They would like to use this technology at their observatory in the future.

Meeting paused at 5:15

Meeting resumed at 5:40

The Town Council used this additional time before the Town Council Meeting to discuss Town business.

The meeting began by talking about the Ogden Valley Parks. TCM Powell went on a tour of parks along the Wasatch Front and explained how great the facilities were in Salt Lake. He mentioned a rec center in Bountiful was built on only ten acres.

On busy weekends visitors might be using Huntsville Park more than Town residents. TCM Hunter began discussing how to capitalize on these visits with more businesses close by, possibly on the town lots across from the library. They could build a building and do triple leasing. TCM Ahlstrom wondered about government involvement in commercial business enterprises.

The Council discussed the possibility of a restaurant on the lot across from the library but admitted the ability of restaurants to survive in town was low. They would love to see what is happening at the log cabins in Eden in Huntsville Town; a central gathering area surrounded by food vendors and music. It could be temporary like a food truck court.

TCM Powell talked about the possibility of the Tree Committee becoming the Park Committee. Some new playground equipment is needed as well as a bigger bowery. The 100th anniversary committee needs to be formed soon as well as a committee for the Fourth of July.

The town fireworks technician is ready to retire, and they need to find a new one. A person would need an FFL license and an explosive ordinance to put on a fireworks show. In Liberty they hire someone to do their shows and the TC wondered if they should also do that in the future. TCM Powell will do some research in the next several weeks and report back.

The discussion turned to items on the TC Meeting agenda. The water connection application by Tom Freeman was discussed. TCM Hunter wondered why both of his parcels were listed on the application and suggested they don't accept the application with both. The issue of water rights vs. source capacity for that lot was also discussed.

TCM Hunter motioned to adjourn the Work Session. TCM Powell seconded the motion. All votes Aye. Motion passed.

Meeting adjourned at 6:17 P.M.

Nikki Wolthuis, Huntsville Town Clerk



NOTICE OF ACTION

TO: Huntsville Town Council
FROM: Huntsville Town Planning Commission
DATE: July 26th 2023
RE: Ordinance 2022.5.22-Land Use Administrative Amendments

The Huntsville Town Planning Commission held a public hearing on July 26th 2023 to review and discuss Ordinance 2022.5.22- Land Use Administrative Amendments. The Planning Commission made its recommendation of approval to the Town Council with the changes as notated in the edited document attached.

Shannon, Clerk

A handwritten signature in blue ink is written over a dashed horizontal line. The signature is cursive and appears to be "Shannon".

HUNTSVILLE TOWN
ORDINANCE NO. ~~2022.5.22~~

LAND USE ADMINISTRATIVE AMENDMENTS

AN ORDINANCE OF HUNTSVILLE TOWN, REPEALING, RE-ENACTING AND AMENDING THE LAND USE AUTHORITY AND PLANNING COMMISSION ADMINISTRATIVE STRUCTURE; LAND USE DUTIES AND POWERS; LAND USE APPEALS; SEVERABILITY; AND EFFECTIVE DATE.

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

WHEREAS, *Utah Code Annotated* §§ 10-8-84 and 10-8-60 allow municipalities in the State of Utah to exercise certain police powers and nuisance abatement powers, including but not limited to providing for safety and preservation of health, promotion of prosperity, improve community well-being, peace and good order for the inhabitants of the Town;

WHEREAS, Title 10, Chapter 9a, of the *Utah Code Annotated*, 1953, as amended, enables municipalities to regulate land use and development;

WHEREAS, the Town finds it necessary to update its land use ordinances in order to meet the challenges presented by development and to protect public health, safety, and welfare;

WHEREAS, after publication of the required notice the Planning Commission held its public hearing on July 26th, 2023 to take public comment on the proposed Ordinance, after which the Planning Commission gave its recommendation to approve this Ordinance;

WHEREAS, the Town Council received the recommendation from the Planning Commission and held its public meeting on _____;

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

Section 1: **Repealer.** Section 15.3.4 of the *Huntsville Municipal Code* entitled “Planning Commission” is repealed. Chapter 15.5 of the *Huntsville Municipal Code* entitled “Appeal Authority” is repealed and re-enacted as Land Use Authorities and Appeals. Any other ordinance or portion of the *Huntsville Municipal Code* inconsistent with this Ordinance is hereby repealed and any reference thereto is hereby vacated.

Section 2: Administrative Actions. The *Huntsville Municipal Code* is amended to repeal all instances requiring administrative action, or non-legislative action, on a land use application by the Town Council, excepting subdivisions over ten (10) lots.

Section 3: Adoption. The following portions of the *Huntsville Municipal Code* are hereby adopted to read as follows:

15.5.010 Planning Commission.

1. Establishment. In accordance with Utah Code Annotated §10-9a-301, Town hereby establishes the Planning Commission subject to this Section.
2. Membership. The Planning Commission is composed of five (5) members and one alternate who shall be residents, and registered voters, of the Town duly appointed by the Mayor, subject to the advice and consent of the Town Council. The alternate will be invited to all meetings and in the event of one of the five (5) members being absent, the alternate is eligible to vote.
3. Term. Each member of the Planning Commission shall serve a term of two three (3) years. Terms may be staggered. Members may be reappointed.
4. Vacancy. Any vacancy in the Planning Commission is filled for a two (2) three (3) year term by appointment of the Mayor, subject to the advice and consent of the Town Council.
5. Removal. A member may be removed for missing sixty (60) percent of the meeting in a during a calendar year, or by majority vote of the Town Council.
6. Powers and Duties. The Planning Commission shall only exercise the powers and duties set forth in Utah Code §10-9a-302, and as follows:
 - a. Recommendation. Review and make a recommendation to the legislative body for:
 - i. A general plan and amendments to the general plan.
 - ii. Land use regulations, including:
 1. Ordinances regarding the subdivision of land.
 2. Amendments to existing land use regulations;
 - b. Decision. The Planning Commission shall hear and decide all land use applications, subject to review by the Town Council.
 - c. Review. The Mayor or any member of the Town Council may request to review a decision by the Planning Commission by filing a written request with the Town Clerk within ten (10) days of any decision. The Town Council by majority vote may amend, modify, approve, or deny a land use application under review by the Town Council.
7. Presiding Officer. One member will be appointed by the Mayor with the advice and consent of the Town Council to serve as the Chairman. The Planning Commission shall, at its first meeting each year, elect a Chair and Vice chair from its membership. Each member shall rotate serving as chair for a period of one year commencing the first meeting of each year.
8. Quorum. A quorum of the Planning Commission consists of three (3) members present at a public meeting. A decision of the Planning Commission based upon the majority vote

- of the quorum present and voting at a public meeting. Each member present at a meeting shall vote on an issue, yea or nay, except when a member declares a conflict of interest. A tie vote fails, or is deemed to be a negative recommendation, as the case may be.
9. Rules. The Planning Commission shall follow the Rules of Procedure and Order adopted by the Town Council.
 10. Compensation. The Mayor may fix per diem and compensation as established by the Town Council.

15.5.020 Land Use Authority.

1. Appointment. In accordance with Utah Code §10-9a-302(1)(c), the Mayor, subject to the advice and consent of the Town Council may appoint an Administrative Hearing Officer as the Land Use Authority to review and approve routine and uncontested land use applications, including:
 - a. Land Use Permits (including **proper and accurate** site plans).
 - b. Conditional Use Permits.
 - c. Subdivisions of three (3) lots or less in accordance with Utah Code §10-9a-605, notwithstanding a plat and compliance with Chapter 15.25 is required.
2. Qualification. The individual appointed should have qualified experience in land use as a professional surveyor, attorney, civil engineer, educator, or other land use related field.
3. Applicability. The Administrative Hearing Officer shall serve until removed by the Town Council or a successor is appointed. In the event that an Administrative Hearing Officer is not appointed, or in the event an application is contested, the Planning Commission is hereby designated as the Land Use Authority.
4. Standard. A land use decision is an administrative act and shall be made in accordance with Utah Code §10-9a-306.
- 4.5. All decisions made by the Administrative Hearing Officer will be presented to the Planning Commission at the next available meeting by report
- 5.6. Contested. A land use application is only deemed contested if an adversely affected party files a written contest with the Town Clerk on a complete land use application duly filed with the Town regarding a land use application under this Section prior to action by the Administrative Hearing Officer or within fifteen (15) days of ~~decision by the Administrative Hearing Officer.~~ of the presentation to the Planning Commission
- 6.7. Compensation. The Mayor may fix per diem and compensation as established by the Town Council.

15.5.030 Appeal Authority.

1. Establishment. In accordance with Utah Code §10-9a-701, the Mayor, subject to the advice and consent of the Town Council may appoint an Appeal Authority to hear and decide the appeal of any land use applications decided by the Planning Commission or Town Council.
2. Appointment. The Mayor shall appoint an individual, including alternates, as the Appeal Authority subject to the advice and consent of the Town Council.
3. Qualification. The individual appointed should have qualified experience in land use as a professional surveyor, attorney, civil engineer, educator, or other land use related field.

4. Compensation. The Mayor may fix per diem and compensation as established by the Town Council.
5. Authority. The Appeal Authority is quasi-judicial and serves as the final arbiter of issues involving the interpretation or application of the municipal code in the course of hearing and deciding all appeals, including:
 - a. Appeals set forth in Utah Code 10-9a-701(1)(b).
 - b. Variances in accordance with Utah Code §10-9a-702.
 - c. Appeals regarding geological hazards shall be administered in accordance with Utah Code §10-9a-703.
 - d. Any other appeal specified in the municipal code.
6. Time. In accordance with Utah Code §10-9a-704, a written appeal of any land use decision shall be filed with the Town Clerk within ten (10) calendar days of the decision issued by the land use authority. An applicant present at a meeting where a decision is made is presumed to have actual notice of the decision which shall be deemed as the commencement of the ten (10) calendar day appeal period.
7. Burden. In accordance with Utah Code §10-9a-705, the appellant has the burden of proving error.
8. Due Process. Due process is afforded in accordance with Utah Code §10-9a-706.
9. Scope. Subject to the scope set forth in Utah Code §10-9a-707, the standard of review for the appeal authority is as follows:
 - a. For factual matters, the Appeal Authority may review the matter de novo.
 - b. The Appeal Authority shall determine the correctness of a decision of the Land Use Authority in its interpretation and application.
 - c. An appeal may be made where a Land Use Authority has applied a land use regulation to a particular application, person, or parcel.
 - d. All other standards for making a decision shall be based upon the preponderance of the evidence.
 - e. The appealing party is limited in raising claims only to those claims that were initially raised at the time the decision was made upon the land use application.
10. Final Decision. The Appeal Authority shall issue a final decision in accordance with Utah Code §10-9a-708.
11. District Court. No person may challenge in district court any land use decision of the Town until that person has complied with Utah Code §10-9a-801, and otherwise exhausted all administrative remedies and in accordance with Utah Code §10-9a-701(2). The following limitations apply:
 - a. No adversely affected parties shall present a theory of relief in district court that was not first presented to the appeal authority.
 - b. Adversely affected parties are precluded from pursuing duplicate or successive appeals before the same or separate appeal authorities as a condition of the adversely affected party's duty to exhaust administrative remedies.
 - c. The Appeal Authority may provide that a matter be appealed directly to the district court.

PASSED AND ADOPTED by the Town Council on this ____ day of _____, 2023.

Richard L. Sorensen, Mayor

ATTEST:

Town Clerk

RECORDED this ____ day of _____, 2023.

PUBLISHED OR POSTED this ____ day of _____, 2023.

CERTIFICATE OF PASSAGE AND PUBLICATION OR POSTING

In accordance with Utah Code Annotated §10-3-713, 1953 as amended, I, the Town Clerk of Huntsville Town, hereby certify that foregoing Ordinance was duly passed and published or posted at: 1) Town Hall, 2) www.huntsvilletown.com and 3) the Utah Public Noticing Website.

DATE: _____

Beckki Endicott

Huntsville Town Clerk