

MINUTES OF THE HUNTSVILLE TOWN COUNCIL MEETING

Thursday, August 24th, 2017

7:00 p.m.

Huntsville Town Hall

Name	Title	Status
James A. Truett	Mayor	Present
Doug Allen	Council Member	Present
Michael Engstrom	Council Member	Present
Bill Wangsgard	Council Member	Present
Bill White	Council Member	Present
Gail Ahlstrom	Recording	Present
William Morris	Legal Counsel	Excused

Citizens:

Jeff Hyde	Bonnie Hyde	River Hyde
Rex Harris	Dawson Hedges	Lowell Gunderson
Sonya Hartmann	Craig Peterson	Laurie Van Zandt
Steve Songer	Peter Beinick	Wayne Hadley
Abraham Fraijo	Jake Songer	Monte Stuart

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

2-The Pledge of Allegiance was led by Rex Harris.

3-Opening Ceremony was led by CM Doug Allen.

4-Citizen Comments:

Laurie Van Zandt said she and her husband were attacked by a dog yesterday close to Club Rec's storage sheds. A dog darted aggressively into the street, knocking her husband off his bike, she swerved and hit her husband's back wheel and also went down. Laurie called the paramedics and her husband has a concussion, three broken ribs and road rash. Laurie said she knocked on a couple of home owners doors, and no one is fessing up to owning the dog. It happened so quickly but she is sure it was a shepherding dog. The dog came across the street and then turned back in the same direction. There is a dog at that home; Laurie believes that is the dog. Unless she can positively identify the dog, which she can't, because it happened so quickly there is nothing they can do. Mayor Truett said the Weber County Police Report has this incident on it. Mayor Truett said he will reach out to the sheriff's department to see what's happening. There are people riding their bikes on town roads every day, some without helmets. This is not acceptable.

Abraham Fraijo said he is working as a cook for the Huntsville BBQ. He and his Uncle Luis have been making small changes to the menu but not too big because it's a BBQ restaurant. They are incorporating a little Mexican infusion with briquette tacos, mango salsa, and coleslaw. They are going to advertise Taco Tuesday. Abraham is glad to be back in the Valley.

Abraham stated that they plan to open for breakfast and coffee, they figured since they were up smoking the meat, they might as well serve breakfast as well. CM White said the owners were going to apply for a beer license. The Council will probably need to write a letter of support for the BBQ in order for them to obtain a beer license. The Council wants them to be successful.

Mayor Truett presented a plaque to Scout Leader Peter Beneick. Peter continues to bring the Town amazing Eagle Scout projects. "Recognition of Excellence; The Citizens of Huntsville Town and the Huntsville Town Council would like to express their deepest appreciation to Peter as a Scout Master for guiding young men with such wonderful Eagle Scout Projects. The projects are well thought out and rewarding for the Town. Peter is a leader in the community and his efforts don't go unrecognized." Peter has helped 13 boys earn their Eagle Scout award.

Mayor Truett:

5-Discussion and/or action on Notice to Award Contract to Contractor for CDBG 2016 Project:
(See Attachment #1) Mayor Truett said this Notice of Award is for the 2016 CDBG, 7450 E. Replacement Waterline Project. CDBG requires the Town to take the lowest bid. Seven bids were turned in. Flare Construction out of Coleville, Utah, was the lowest bidder at \$170,813.

CM White expressed his opinion that the Council accepts this bid; it is a couple thousand dollars less than the next bidder. Gail will be assigned as the Project Manager and Mayor Truett asked CM Allen to be the liaison on this project even though his term in office will expire. CM Allen said he would be willing to do this. CM Allen will need to make sure things aren't signed and paid until approved by him.

Mayor Truett motioned to accept Flare Construction project bid for the waterline replacement project through the Jefferson Hunt Campground, with CM Allen serving as a liaison. CM Engstrom asked CM Allen to encourage Flare Construction to minimize damage. All votes aye. Motion passed.

VOTES: APPROVED	
AYES:	Mayor Jim Truett Council Member Doug Allen Council Member Mike Engstrom Council Member Bill Wangsgard Council Member Bill White
NAYS:	
EXCUSED:	

6-Department Reports:

Wayne Hadley said there is a big leak on Hwy 39 by Jefferson Hunt Campground; Thurgood is lined up to do the work on Tuesday. Wayne mentioned that there have been four breaks to the water line up by the treatment plant this summer, those connections are failing.

Mayor Truett said he has not yet signed the Weber County Animal Control service contract. The Mayor has received multiple complains about dogs. The Mayor would like to facilitate a meeting with the TC and the Animal Control.

The Animal Control guy usually drives through town about 11:00, parks under the trees and sits there. Mayor Truett doesn't want to sign a contract for services the residents aren't getting. CM White and CM Allen both agreed. CM Allen would like to see the Town issue its own dog tags, residents aren't licensing their dogs.

Mayor Truett said the Town held its Truth in Taxation last month. Mayor Truett reported that Lt. Talbot has done a wonderful job for the Town; there were 134 calls for service in July. The deputies wrote over 100 citations, most were for speeding.

Council Member White:

7-Department Reports:

CM White reported that the Town will be on the CIB agenda again to repurpose the funding to go towards another well. Richard Bay, CM White, and Gail will go to this meeting to ask the Board to release the remaining \$100,000 to be spent on well drilling.

CM Allen said he spoke with Well Driller Adam Keller. In Adam's opinion he has drilled enough wells in that end of the valley, that he thought there would be a better location than what the Town's engineers identified. CM White said he would be alright with trading locations for a well. CM White received an email today from another hydro-geologist who had been going through the valley's well logs. He questioned if the Town was serious about integrating a well that produced 38 gpm into its system. The Water Committee made the decision to drill another well in the same formation as the Nugget Well. CM White would like to talk to the committee one more time to make sure the Town is doing the right thing. Adam is having success with wells in different strata. We need to make sure we don't come up with another low producer. CM White said the location of the well is still in flux. CM Allen said that he has heard that before the Monastery bought their land, it was full of cattails. The Monks worked hard to draining the land. The Water Committee hired a Hydro-geologist to do a study, and they picked the most likely place to hit a good quality of water, and we didn't hit the seam. Now the committee is back to the drawing board. CM White said CM Allen is correct, the Monks dug a drainage channel 10' deep and installed tile drains to drain water away from their farm land.

Council Member Engstrom:

8-Department Reports:

CM Engstrom reported that Jeff Burbach met with the PC; he has asked to install a swimming pool and was given permission. The pool will be on the east side of his basketball court. Jeff has indicated that he intends to abide by the ordinances and will install a lockable safety cover. The TC mailed Jeff a letter addressing noise complaints about his property, Jeff was asked to hold down the noise.

CM Engstrom reported that Todd and Jolene Bass, the Hedges, and John Pierotti spoke up against the idea of the Parkinson subdivision. The Bass' and Carolan's also expressed their concern that 6700 E. might be made into a road, they don't want to see this happen.

9-Discussion and/or action on proposed amendments to: (See Attachment #2)

- Title 0: Definitions; clarify verbiage for major, minor, cul-de-sac, and private streets to match proposed amendments to Title 15.25.2.2.
- Title 4.2: Land Use and Building Permits Required; clarification of Land Use Permits, Building Permits, Remodel Permits, and Self-Performed Remodel Permits.
- Title 15-1: Acceptable Use in a Zone Table; to allow storage, indoor, commercial as Conditional Use in a Residential Zone.
- Title 15.25.2.2: Street and Alley Widths, Cul-de-sacs, and Easements; to better clarify verbiage for major, minor, cul-de-sac, and private streets.

CM Engstrom went through the proposed amendments to the Ordinances. Title 0: Definitions: Streets: B.: Street, Collector: was changed to Street Minor. The sentence reads: “A street, existing or proposed, which serves or is intended to serve as a localized traffic-way within a subdivision and not a through street, and which is the main means of access to the major street system. A minor street shall be not less than 66’ wide.” C.: “Street, Private: A thoroughfare which has not been reserved by dedication or abandonment to the public.” The amendment is to strike the last sentence. If it’s a private street the Town doesn’t have authority over it. And, D: “Cul-de-sac: A minor terminal street provided with a turnaround of a 100’ diameter right of way and a paved surface of no less than 80 foot diameter.”

CM Engstrom motioned to accept the changes to the definitions as proposed by the Planning Commission. CM White seconded. All votes aye. Motion passed.

VOTES: APPROVED	
AYES:	Mayor Jim Truett Council Member Doug Allen Council Member Mike Engstrom Council Member Bill Wangsgard Council Member Bill White
NAYS:	
EXCUSED:	

(See Attachment #3) CM Engstrom reviewed the proposed change to Title 15.25.2.2.B: “streets shall be a minimum width of 99 feet for major streets and 66’ for minor streets.” Until now there has been a definition of a minor street as 66’ wide but this wasn’t in the ordinances.

Title 15.25.2.2.D: “Terminal streets (cul-de-sacs) shall be used only where unusual conditions exist which make other designs impossible.” The second sentence was struck and will be included in the definition section of the ordinances. Title 15.25.2.2 F: the proposed amendment was to strike the word “private and add public.”

CM Engstrom motioned to adopt the proposed changes to Title 15.25.2.2 as presented. CM White seconded. All votes aye. Motion passed.

AYES:	Mayor Jim Truett Council Member Doug Allen Council Member Mike Engstrom Council Member Bill Wangsgard Council Member Bill White
NAYS:	
EXCUSED:	

Mayor Truett asked about Larel Parkinson’s subdivision and what is happening there. Mayor Truett would like to see a street built off of 100 S. to connect 6700 E. to the new subdivision. Rex said the general rule of thumb is to try to limit access points to collector streets, every intersection creates conflict points. Rex did not believe there would be enough traffic to warrant building a new road. If Larel could connect his subdivision with a block system the PC would have required that. The Town can’t force a developer to build a road on Town’s property. Rex personally wouldn’t recommend this. CM Allen mentioned that the Irrigation Trustees told Larel he would need to hook onto the secondary water line on 100 S. and run an 8” line to this subdivision along 6700 E. Rex clarified that there are water pressures problems at this end of town currently and the irrigation company wants Larel to solve this problem? Rex remarked that we need to be careful with this. The secondary water board needs to know how to solve that problem. When the system was built it wasn’t built to hook up the subdivision north of 100 S. A few years ago they put in a loop. Larel has one connection and the Davis’ property has never been watered. The Irrigation Board passed an ordinance that says any alteration to the system required a minimum \$5,000 impact fee, per hook-up. Larel can pay for the connections himself, or the irrigation company can hire it done and send Larel the bill. If an impact fee is charged then the company would do the connections.

Mayor Truett asked about the Parkinson Subdivision. CM Engstrom stated that until the PC receives “Will Serve” letters from the irrigation company, electric, fuel companies, and the health department, the PC will not sign off on the subdivision. The PC is still waiting to receive those.

Title 4.2: Land Use Permits. (See Attachment #4) CM Engstrom mentioned that he asked the PC to look at this ordinance. There was so much information contained under Title 4.2 that he asked for it to be broken up into different paragraphs, so it can be more easily read. The information in Title 4.2.1, 4.2.2, 4.2.3, and 4.3.4 used to be all together. This is better formatting, verbiage was not changed. Title 4.2; Land Use and Building Permits Required; includes; Title 4.2.1 Land Use Permits, Title 4.2.2 Building permits-New structures greater than 200 sq. ft. Title 4.2.3 Remodel Permits: 4.2.4: Self Performed Remodel Permit.

Mayor Truett asked about Title 4.2.4: Self-Performed Building Permits, this code does not apply to commercial remodels. CM Engstrom said, that is correct, it is for residential projects only. A Self-Performed Permit was filed this past week and it does not qualify. The standard is if it’s an auxiliary building over 200 sq. ft. it will require a building permit. That regulation is in the ordinances prior to any amendments being made to night.

Rex stated that even if the remodel is less than 200 sq. ft. it is signed verifying that you will abide by all state building codes, it doesn't mean you can do anything you want. Using the Self Perform Permit doesn't mean you can do anything you want. With the Sorensen's old granary, it will still require stamped engineered plans, certifying that he will do it. No Self-Performed Permit has been issued.

CM Engstrom motioned to adopt the proposed amendments to Title 4.2: Land Use and Building Permits Required, as presented. CM White seconded. All votes aye. Motion passed.

VOTES: APPROVED	
AYES:	Mayor Jim Truett Council Member Doug Allen Council Member Mike Engstrom Council Member Bill Wangsgard Council Member Bill White
NAYS:	
EXCUSED:	

Title 15-1 Acceptable Use Table: (See Attachment #5) CM Engstrom recused himself from taking action on this item, but will explain it. In the Acceptable Use Table defines it defines what Conditional Use are or are not. The PC has proposed adding "Storage, Indoor, Commercial" use in a residential and commercial zone but not in any other zones. The PC created a Condition Uses Defined Table which will be attached to this use. All condition uses will be met before usage will be allowed. CM Engstrom read from the definitions: "Storage, Indoor, Commercial; 1-Allowable only as a means to re-purpose a historic building (built pre-1950). The building must be greater than 1000 sq. ft. footprint. The exterior of the historic building must be substantially restored to its original condition. 2-Number of units=maximum of 30 or 3000 sq. ft. total. 3-No outdoor storage of any sort for commercial purposes allowed. 4-Distance from residential homes=175 feet or greater. 5-Hours of operation=8 AM to 9 PM. 6-Sign-age, minor or none. No internally lit signs, no LED variable message signs. Acceptable signage to follow Huntsville Sign Ordinance. 7- Parking=One stall per 10 units, no fewer than two stalls. Must not be on town property. 9-Storage units shall be accessed through interior, only through a main access."

CM Engstrom reported that the PC held a public hearing on this, and it is ready for adoption. Currently the Town allows "Storage, RV, boat or vehicle" in the C-1 zone. CM White stated that he also has a building that fits this description, he recused himself from this discussion and vote as well. CM White stated that he has no plans to utilize this use

CM Allen asked about the doors, there won't be 10 doors around the barn will there? Any lighting added to the barn would need to meet dark sky restrictions and town ordinances. CM Allen said normal storage units have doors for each unit with pavement. If there is only one single door would gravel be ok for the floor. The barn would need to be snow plowed and maintained so people can have access. CM Allen suggested allowing only one access door.

If the stipulation says “storage is accessed through one main door”, that would work better. Mayor Truett suggested adding another sentence adding this verbiage. Storage units shall be accessed from the interior only. **Mayor Truett motioned to adopt this amendment to Title 15-1 as discussed.** CM Allen seconded. All votes aye. Motion passed.

VOTES: APPROVED	
AYES:	Mayor Truett Council Member Allen Council Member Wangsgard
NAYS:	
RECUSED:	Council Member Engstrom Council Member White

Council Member Wangsgard:

10- Discussion and/or action on Pickle Ball location: (See Attachment #6)

CM Wangsgard reported that the TC held a work session at the park tonight about the location for the pickle ball courts. CM White would like to appoint Rex Harris to be in charge of this, Rex has put a lot of time into this project and he also plays pickle ball. CM White likes the idea of using one basketball courts for one pickle ball court and a second court would be in the middle of the trees south of the tennis courts. CM Engstrom said he likes the idea of placing the courts on the old school property. CM Engstrom is in favor of having Rex in charge. CM Wangsgard said he would like to stay involved. CM Engstrom invited Monte Stuart, a resident tree expert to come give his opinion on taking trees out of the park.

Monte stated that spruce trees are a community tree that is shallow rooted and blow over easily. When they are in a group, like they are in our park, they are stronger and help support each other. Monte looked at the proposed pickle ball lines saw that a number of trees would need to be removed. When you build something in a park, like a tree, you will bear some liability for when that tree falls. The tree will come down either by cutting or when it falls. When you excavate in a root zone it increases the probability of the tree falling. Jake asked about pouring cement above the grade and not disrupting the roots. Monte replied that all roots add girth each year, if buried with soil or cement it will at some point lift the concrete. Roots do this all the time to driveways, sidewalks and curbs. If the courts are built under the trees there will be stuff continually in the courts. This also creates a target. The probability of a tree falling on someone is higher because with a court or sidewalk you draw people into a fall zone. Monte does this every day in his job; he asks what the target is. Putting a court in a grove of mature trees poses some liability. Monte asked if there was a better place for them. Do pickle ball courts really need to be by the tennis courts? Do people play pickle ball and then go play tennis? The answer is no.

Lowell Gunderson thought artificial shade outside of the courts would be great. Regarding the comment that spruce trees are community trees, and by removing a couple of the trees it would increase the possibility of other trees failing. Monte said yes.

CM Engstrom said some trees are too close together. Steve Songer said 20 years ago he took out 30 trees in the park and topped other trees that were infected with Epsbore disease. The disease is gone and has never come back.

Wayne Hadley commented that the trees in the park were planted for the veterans. Why take out more trees if there are other solutions. Wayne said move the pickle ball courts not the trees.

Mayor Truett said he would like to see somebody come back to the TC and rank two or three pickle ball locations, stating the pros and cons of each location. The council would like two pickle courts. We are not trying to build a complex that would create an attraction. The site should be selected to accommodate two courts. Lowell said if there is a site for multiple courts it would be easy to add courts as needed as long as there is a plan for expansion. CM White said Wadman Corp. offered to donate the cement for one court. There is no rush to get the courts built. We need to raise all the money prior to any construction. If the town makes the effort to build the courts they should be built right.

VOTES: APPROVED	
AYES:	Mayor Truett Council Member Allen Council Member Engstrom Council Member Wangsgard Council Member White
NAYS:	
EXCUSED:	

11-Department Reports:

CM Wangsgard reported that they are making headway with the CERT trailer. CM Wangsgard got a quote from Grizzly Graphics to put the Town stickers on the trailer. Gail asked where the trailer would be parked. This will still need to be figured out.

CM Wangsgard reported that a situation came up with the cemetery. A family wanted someone who lived in Huntsville to buy several burial plots at the residential rate and then sell them to their kids who lived outside of town for the same price. CM Wangsgard and Cathy Stoker both agreed that you need to live in Huntsville Town to pay the residential fee. CM Allen said there is only one way around this and that is that after you die, you can leave plots to your children, but you can't sale them. Mayor Truett would like to re-evaluate plot fees and policies; the Town needs to stop selling plots to out of towners, or raise the rate to a very high amount. CM Wangsgard will look into this further.

Council Member Allen:

12-Department Reports:

CM Allen reported that there have been quite a few water leaks.

CM Allen asked if people know Cliff the UPS delivery guy. He is retiring the end of September and CM Allen would like to hold an open house for him. CM Engstrom expressed concern about using town funds for a retirement party. CM Allen replied that he will pay for the open house.

Wayne Hadley said Jefferson Hunt Campground will be closed down; there have been too many problems with water over the years.

CM Allen brought up the self-performed permit. (See Attachment #7) CM Engstrom said there was a request for a self-performed remodel permit to install a granary. CM Engstrom replied that he plans to deny this permit because the permit is for residential remodels not commercial.

13-Citizen Comments:

Jeff Hyde brought up the subject of the self-performed remodel permit. He wanted to point out that demolition permits to demo the inside of a building have federal and state laws attached. It requires checking for asbestos in plaster, brick, insulation, piping, taping, walls and floors. Jeff said he got a demo permit when they took down part of Woods Market and for the fire station. A company from SLC came and tented off the work site and used hazmat suits. This is very expensive and has to be removed piece by piece, if not; you have air born asbestos which is a huge health problem. The Clean Air Act states it is illegal to dump this type of garbage at the regular landfills, because it endangers employees. Jeff asked if the Town required demo permits. Gail says she generally sends people to Weber County to get a demolition permit. Jeff is here tonight as a concerned citizen, this is something that should be watched.

Craig Peterson said Kerry Wangsgard came to the TC to complain about the condition of his property. Craig said he has been dealing with these two brothers for 25 years. Craig feels that Kerry and Clark have cost him a couple of divorces and money. Craig said he has been working hard to clean up his place. Craig said he burns wood to heat his home with. Clark stated that Kerry's trailer is falling apart. He feels that the fireman left him with such a mess, and he has been working hard to clean this up. Craig's expressed his sorry in having his house burn up, his daughter and son have been kid napped, and he was hit by a car. He is having such a hard time. Mayor Truett said the Council has to follow the ordinances, if someone makes a complaint the Council has to send an inspector to the property to determine if it's a viable complaint or not. In this case, it is. The Council knows he is working on this, but there is only 30 days to clean-up the property. The Mayor asked if there are resources that the Town could help with. What can the Town do to help him clean this up? Craig feels he has come a long way.

Mayor Truett offered the Town's help. The Mayor restated that if someone files a nuisance complaint, an inspector is sent out; if it's true, the owner has 30 days to improve the property. The Council understands that Craig is not the only resident violating the nuisance ordinance. Craig remarked that this same thing was started a few years ago. CM White cautioned that the Council is not accepting this as a Town's project. Craig has received a letter and he needs to conform to the ordinances or this will end up before a judge. If Craig wants help, volunteers could be rounded up, but the Town is not accepting liability to clean up this mess. The order has been issued, Craig needs to comply or face legal consequences. If the Council doesn't follow the law, Kerry will force the judge to do so, the Council is bound to follow the law.

Craig said Kerry has told him they aren't going to let him build again; they are going to stalk him. The big argument is who really owns the lane. There are numerous people here tonight who would be willing to help, not as a Council but as neighbors. CM White stressed that this is not something the Council is willing to continue discussing, he made it clear that Craig has 30 days to clean his property, if nothing happens, under the ordinances, Craig would be mailed another letter with an addition 30 days, and at the end of that time limit fines will be imposed. A lean could be placed against the property. Kerry is going to force the Council to follow the law.

CM White said he wants Craig to understand the hard truth, which is, if the council goes before the judge, and the judge says Craig is not in violation then the Council will obey the judge's order, but, if the judge agrees with Kerry's letter that Craig is in violation then the judge will impose an ongoing fine. This could be serious. CM White encouraged Craig to address the problem, which is to clean up his property. CM White said he went over to Craig's property in the office of Nuisance Inspector and Craig's property is definitely in violation of the nuisance ordinance. There are huge stacks of garbage covering almost the entire property. It may not look like garbage to Craig, but it does to everyone else. Craig argued that there are other violators in town, the Council agreed.

CM Allen clarified that a written complaints is required for the Council to take action. It is really hard for a neighbor to file a complaint. CM Allen agreed that there are other violators, but no one has made a written complaint about them yet, and no one's yard is as bad as Craig's. Steve Songer said this same thing happened about 15 years ago and at that time it was proposed that a nuisance complaint shouldn't be based upon your neighbor making the complaint or being turned in. When someone is in violation the Town should send them a notice that they are in violation. The Town can take unilateral action, but the Town can't ignore a formal complaint. Steve said the Town won't have a strong case because it doesn't treat everyone equally. Mayor Truett said it used to take three complaint letters before the Town got involved with a nuisance complaint. The Council should look at hiring someone from out of town, to be the town's enforcement officer. They could bring problems to the Council and then a letter is mailed out. Craig's yard is on a magnitude beyond any other property in town. CM White reiterated that Craig should obey the law and clean his yard up.

Craig asked why the Council is picking on him. CM Engstrom asked if Craig feels that the situation is the same as last time, where Craig feels there no junk. Craig made complaints about the Town's old maintenance sheds. CM Engstrom remarked that this isn't applicable to today's discussion. We are talking about today and what the situation is.

CM Allen asked if Craig received copies of the pictures of his property. CM Allen said five people have called him this week, asking if the council is going to enforce property owners to clean up their yards. As a parent you make your kids clean their room or they can't play. This situation is similar, we are elected officials and there are some residents who aren't cleaning their rooms. The Council's job is to protect the citizens. CM Allen said Craig needs to do this.

14-Council Presentations:

Mayor Truett said Danny Walton passed away this past month from a motorcycle accident. Glen Deem had a stroke last week and is recovering. Kerry Wangsgard is pursuing additional storage units with Weber County.

Kerry will be going before the Ogden Valley Planning Commission soon. The OVPC has agreed to put a lot of stipulations on this project. The Town Council would like to see the property at least cleaned-up and landscaped.

CM Engstrom reported that all of the stuff that was relocated to the White's Barn while the bathrooms were restored has been moved back into the playground restroom storage area.

15-Approval of Town Council minutes for meeting held August 3rd, 2017:

CM Wangsgard motioned to approve the Town Council minutes for meeting held August 3rd, 2017, as prepared. CM Allen seconded. All votes aye. Minutes were approved.

16-Approval of Bills for June, 2017:

CM Engstrom motioned to approve the Bills for June, 2017, as prepared. CM Allen seconded. All votes aye. Bills were approved.

CM Wangsgard made a motion to adjourn the meeting. All votes aye.

Meeting adjourned at 9:25 p.m.

Gail Ahlstrom, Clerk/Recorder