

MINUTES OF THE HUNTSVILLE TOWN COUNCIL MEETING

Thursday, March 16th, 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	Clerk/Recorder	Present
William Morris	Legal Counsel	Excused

Citizens: Col. Colleen Clarke WCSO Laurie Allen Alicia Harris
Richard Sorensen Regen Sorensen Gage Froerer
Megan Harris Brian Cornell River Hyde
Dakota Hyde Jeff Hyde Bonnie Hyde
Ron Gault Will Southwick Christian Wolthuis
Henry Ashton Dave Robinson Leslie Sutter
Britain Sorensen Rex Harris Artie Powell
Matt Ashton Ian Shields Eric Shields

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

The Pledge of Allegiance was led by Boy Scout Troop 31, from Eden.

Opening Ceremony was led by CM Wangsgard.

Gage Froerer: Update on Landfill regulations: (See Attachments #1)

Gage commented that he enjoys small municipality meetings. Gage stated that it's a pleasure to serve District 8; he feels it is the best district in the State. Gage said he is always identified as being from Huntsville, and he is proud of that distinction. Gage mentioned that he and the Council visited about burning at the landfill last fall. At that time Department of Environmental Quality (DEQ) was threatening a \$10,000 fine if the Town continued to burn yard waste at the Town's landfill. Gage also found out that North Ogden City and Pleasant View have the same situation. Both cities have received similar letters from DEQ. Individuals can burn in their own yard during specific time periods. The problem occurred when the Town decided to gather yard waste to a facility off-site, that's when it became illegal in DEQ's opinion.

Gage reported that he opened a Bill file. There are two reasons you open a bill file, 1-to pass a bill, and 2-to get an agencies attention. After he opened the bill file, Gage got their attention.

Within 24 hours the head of DEQ was in Gage's office. There are two ways to solve a problem in the State, you can create statute or get an agency to create a rule. The Feds have air quality standards across the Wasatch Front; this doesn't apply to the Wasatch Back. To make a long story short, DEQ agreed to a rule change, the new Rule number is 307-202-8; burning and special conditions. This basically states that municipalities will have the ability to do open burning under certain situations. Which are, the town will need to ask for a permit, and burns can only occur during specified times; March 15- May 30 and September 15-October 30. The permit is not yet completed, but if the Town wants to burn this spring it can mail a letter asking to burn.

The burn cannot create a nuisance or affect the health, safety or welfare of the public. The air quality index must be 500 or above and only clean yard waste. Clean auxiliary fuel must be used, and the fire must be supervised by a responsible person. Mayor Truett said typically the Council asks the fire department to come over and check things out. Gage doesn't think this should become an issue for the town in the future.

Mayor Truett thanked Gage for his efforts on behalf of the Council; the Town was almost going to lose an asset, which was our green waste facility. The Council Members have done such a great job with the landfill. The biggest problem is that homes have been built too close to the landfill and now they are complaining. Gage said the state doesn't want 800 individual fires burning every night with no regulation on what is being burned. CM Allen also thanked Gage and he explained to the Boy Scouts that Gage Froerer is a State Representative for the House of Representatives. The Council had a matter we needed help with and Gage is the Town's representative. Gage took this matter back to the legislature and really helped the Town out. This shows how the process works and how things get done.

***Mayor Truett:**

Discussion on RAMP Grant 2017 List and 2018 Update:

Mayor Truett reported that the Town did receive a RAMP grant. There were over 100 applications and 67 projects were funded. There was 3M in funds, and Huntsville was awarded \$31,000 to revitalize the old restrooms, thanks to Star Primm and CM Engstrom. There will be a RAMP grant training in October and points will be given for attending the training, these points will help with the success of future RAMP applications. Only 5 municipalities went to the training last year.

Update on Weber County Sheriff's Department Contract:

Mayor Truett mentioned that this is a touchy subject for a lot of municipalities who are part of the sheriff's department contract. Not every Weber County municipality contracts with the county for Sheriff Services. North Ogden, South Ogden, Pleasant View, and Roy have their own police departments, with W.C. backing them up. The Sheriff's Department is losing great deputies due to low wages. Salt Lake and Utah Counties are paying higher wages. A tax increase was put in place to help fund their salaries. The participating municipalities, Huntsville being one, are holding meetings on how fees will be divided up. Such as; calls to population, property tax, or the number of service calls. Each municipality will be entering into a one year contract with W.C. Sheriff's Department, with the fees being split 50/50—50% on calls vs 50% population.

Each municipality's fee will go up. Huntsville's fee was \$52,000 and will go up to \$67,000 this year, that's a \$15,000 increase for next year. Participating municipalities will be meeting quarterly to help get control of the numbers, and try to figure out what is fair. Mayor Truett's concern was

that Deputies are writing down Huntsville as the location for a service call and they were really in un-incorporated Huntsville. The accountant is going to go through the calls and verify them. Some of the calls to The Point are being reported as Huntsville calls and The Point is not in Town boundaries. This is calls for service not traffic tickets.

Department Reports:

Corporal Clarke gave a report for service calls for January. Total calls for service were 31. Col. Clarke went through the calls: One breach of trust, a couple community policing, one cruelty to animals, one dead animal, two extra patrols, two follow ups, two found properties, one keep the peace, one smell of gas, two motor assists, five premise checks, two private tows, one psychiatric call, one sex offender check, one suspicious circumstance in progress, one suspicious circumstance, two suspicious vehicles, one traffic hazard, one welfare check, and one wildlife problem. Mayor Truett thanked Col. Clarke for sharing this information.

***Council Member Wangsgard:**

Department Reports:

CM Wangsgard reported that there were a couple of people who expressed interest in the maintenance job at the cemetery. CM Wangsgard will meet with them and report back to the Council.

CM Wangsgard reported that shelves are being built in the CERT trailer and it is coming together nicely. CM Wangsgard spoke with CERT Director Vicky McKinney and she is very impressed with the trailer. She has supplies from the old trailer and money available to purchase supplies to fill the trailer when it's ready.

***Council Member Allen:**

Department Reports:

CM Allen said the winter has not been kind to Huntsville. There are a few road signs that need to be repaired. The old town building on 200 S. is damaged. CM Allen inspected the building today; and repairing the building could be quite costly. CM Allen is estimating repairs at \$10,000. The chimney has completely fallen off the roof, so the heater was turned way down and the pipes froze. CM Allen asked the Council what they thought should be done with the building. Mayor Truett wondered if the Town's insurance would cover some of the repairs. Wendy McKay brought up the idea of asking for a grant from the Historical Society, they like to see old buildings preserved.

***Council Member Engstrom:**

Discussion and/or action on proposed Ordinance 2017-03-16: to adopt Title 15.8A: to add a Commercial Hotel Zone: (See Attachment #2) Mayor Truett recognized that most of the residents here tonight also attended the Planning Commission meeting last night. The Mayor opened the meeting up for public comment.

CM White read an email he received today from Jake Songer who asked him to read it during the TC meeting. "Jake wanted to thank the Planning Commission and other government volunteers who make our Huntsville daily life possible.

The Huntsville Square Project is bringing 14 hotel rooms into Huntsville. Citizens of the town have been overwhelmingly opposed to this new hotel. Shortly after the hotel was announced the Planning Commission wisely removed hotels and motels from the list of approved uses for

commercial property. This means it is now illegal to put a new hotel on commercial property in our town. CH-1 provides a defined avenue for new hotels rooms to be approved on a case by case basis. This puts our Planning Commission in a tough spot, because it means saying no to friends and neighbors who might propose new hotel rooms on their commercial property. Don't put our government volunteers in this position. Vote no to CH-1 zoning. Jake Songer.

CM Engstrom wanted to give some history behind this new zone. Up until last year, hotels were conditionally approved in commercial zones, which meant the town could set conditions on how the hotel was put together but not if they were allowed or not. The State views the word conditional to mean allowed. The PC decided it wanted more control, so they held a public hearing and changed the ordinance so hotels were not allowed. But at the same time the PC didn't want to shut the door and never make that possible again. So the PC came up with the idea of creating a commercial hotel zone. If someone wanted to build a hotel in a commercial zone they would need to apply for a re-zone to move into a commercial hotel zone or CH-1. That would allow the PC to hold a public hearing, receive input, and attach conditions. With a re-zone a Concept Development Plan (CDP) is required. The PC would then work with the developer to make sure the town government was comfortable with the CDP. If the PC decided to move ahead with a re-zone, and the CDP would get recorded with the re-zone. If the applicant fails to meet the standards of the CDP that were agreed upon by the applicant and the town, the re-zone could be revoked.

The Council is looking at whether the town should create this new zone. CM Engstrom reported that the PC held a public hearing last night and recommended to the TC to move forward and create a new CH-1 zone. The PC still needs to flush out what would be allowed in a CH-1 zone. The PC tabled any discussion on the Allowable Use Table last night. The purpose of the CH-1 zone is to designate regulations on areas in the C-1 zone, to be used for Hotels/Motels or Inns. Use Regulations, all uses allowed in the CH-1 zone are designated either as permitted in Table 15-1, or as conditional and approved pursuant to a Conditional Use Permit by the Town Council. The proposed Ordinance 2017-03-16 addresses front, side, and rear yard regulations, height and coverage regulations, architectural, landscape, screening standards, and parking. This ordinance mirrors the Commercial zone ordinance. CM Engstrom mentioned that one of the suggestions from last night's meeting was to set a maximum number of units that would be allowed for a hotel.

CM White said one of the comments brought up last night was the issue of whether there would be dedicated off streets parking for these overnight units. Typically during the winter months, people are supposed to have their cars off the street for the plows. Will these units have dedicated off-street parking for each unit? CM Engstrom said parking will be as permitted in the Huntsville Town Vehicle Parking and Loading Title. CM White said the commercial zone doesn't require dedicated off-site parking for customers. CM White doesn't think this is a good idea. Businesses in the commercial zone close at night so cars are off the street, but if they are at a hotel, the cars will be on the street overnight. The parking matter will need to be addressed one way or another. Gail asked if this discussion is about a particular property or any of the commercial properties in town. CM White said we are talking about any of the commercial properties; legislation should not be passed for one specific project.

There are other people who have expressed some interest in having hotel units as well. CM White agree with the comment that CM Engstrom made, the way the ordinance is written, there isn't a

specific number of rooms that could be built, this is something the council might want to think about. There should be a cap on the number of units.

CM Engstrom read from Title 15.23.3: Parking Space for Non-Dwelling Buildings and Uses. For new buildings and uses or for any enlargement or increase in seating capacity, floor area or guest rooms of any existing building there shall be provided. Hotel: One space per two sleeping units, Motel: One space per sleeping or living unit. CM White asked why these numbers are different, they should be the same.

Jeff Hyde commented that they have allowed for one parking stall per unit plus two additional stalls for their development.

Mayor Truett agreed that if the TC decides to move forward with adopting this new CH-1 zone there should come up with a cap on the number of rooms to one or two. CM White commented that he looked at the properties currently in the commercial zone and there are 10. The potential could be that 10 property owners request this. Some of them are well situated to make money doing this. That could mean 10, plus the number of units allowed, the Council needs to think hard about that. CM White believes they could be profitable. Mayor Truett said the PC vote was unanimous. The Mayor asked Ron Gault to explain how this decision was made.

Ron Gault stated that the majority of the public comments were opposed to this new zone. Ron's opinion was that the citizens don't want any hotel in town regardless of how many restrictions there are. The PC wanted to take out the reference to the number of rooms allowed in the hotel/motel or inn zone because it might encourage people to have more rooms instead less. The PC thought they could control the number of units with the CDP. CM White complimented the PC drafting of this ordinance; he felt that it is a clever way to allow the public to have input each time a project is proposed. CM White felt that the majority of the comments he heard last night were that the citizens don't like the idea of having these hotel units in town. Ron said he was reviewing the State's requirements on Conditional Use, Conditional Use means the town has to approve the use unless there is some significant impact. The PC decided allowing Conditional Use was not a good idea. CM White said the PC drafted this is the only way the town could potentially allow the use, but still say no if its deemed not appropriate. CM White asked Ron if the PC discuss how this new ordinance would relate to the nightly rental issue. The town doesn't want people doing nightly rentals. The Town's commercial zone is small enough and nestled in the middle of the residential zone, so there would be effects to both zones. This issue is similar because there is the potential of a transitory nature where people come to sleep but no one is on-site to monitor their behavior, how will this affect the neighbors. Ron replied that the PC didn't discuss this last night but has in past meetings.

CM Wangsgard commented that when he was promoted Sinclair sent him to Ely Nevada. He decided to purchase two hotels and made a lot of money. He wanted his kids to go to college, so he sold his motels and moved back to Huntsville. He then purchased the old white barn by Chris' Gas Station, remodeled it and opened a restaurant that was very successful. So he proceeded to remodel the upstairs into motel rooms, and he was very busy. CM Wangsgard remarked that when you talk about building a new facility, to make it financially successful there

needs to be more than two rooms. He feels that limiting it to two units will hurt the hotel and make it difficult financially. CM Wangsgard likes the idea of motel vs hotel.

Brian Cornell: Appreciated the PC meeting last night and the forum where people can express their opinions. He believes there are two factions in town: One doesn't want any hotels at all, which is where he falls, and the other one who owns commercial property and they are looking to make some improvements to their property and rent out one or two units. How is there a way to make the one group worrying about bringing in hotels happy and still allow people to expand their businesses and rent a couple of units. Brian thought the only way this would work would be to limit the room size. That could satisfy both thoughts, and help people feel protected.

Wendy McKay: said she is concerned about the added stress on the septic systems. Pineview is on a list as one of three dirtiest lakes in Utah. Does this include more bathrooms, and larger septic. CM Engstrom replied that they would have to meet the health department requirements. Wendy wanted to address the issue of unattended guests and the possibility of vandalism to the units and violations of town ordinances. Wendy commented that she likes the idea of a new zone to control the units and establish checks and balances and more public input. Wendy stated that she is supporting the CH-1 zone, but would like to see the number of units capped. Wendy feels that the majority of the citizens are opposed to hotels inside the town.

Dave Robinson: A year ago, the citizens got upset about the idea of condos. Six months ago if someone would have said there was going to be a hotel in Huntsville, no one would have believed it. Now we're not talking about one hotel, but creating a hotel zone! Dave remarked that the town has changed. If the Council doesn't think a hotel chain could come in a force the town to allow a big hotel, they are wrong. He doesn't understand the checks and balances. He would like to see zero hotels. Dave said he lives two blocks from two B&B's, for some reason the citizens can't rent rooms out, but hotels can rent nightly rooms and no one has to be there. Dave thinks this is wrong. He would love to capitalize on this as well.

CM Engstrom clarified again. There is no zone that is hotel, after this is passed no land anywhere will be in a hotel zone. No one can build another hotel. A property owner would need to come to the town and ask for a re-zone. B&B's are currently allowed with conditional use in a residential zone.

CM White said the town has changed the law so conditional means no. Right now it is illegal to have a hotel. The Hyde's have been grandfathered in. CM White encouraged the public to express their thoughts, the Council doesn't know what their thinking unless they say something.

Leslie Sutter: said last night people clearly told the PC what they were thinking but the PC recommended the new zone to the Council anyway, they weren't listening.

CM Engstrom said Leslie has confused him. Last night Leslie monopolized a large amount of town arguing for the opportunity to have hotel units and tonight it sounds like she doesn't want any.

Leslie replied that it seems to her that the Council wants to make everyone happy. A hotel was approved, people don't like it, and so be it. The Sorensen's want a hotel, she likes them. But the

Commissioners heard the citizens say, don't do it. Is the Council afraid of saying no, own it. CM Engstrom remarked that the council is only hearing a vocal minority. If people were asked if they would be ok with allowing the Sorensen's to remodel two units that already exist, into motels that would help them restore the old store, would they be in favor of it. CM Engstrom would like to create a vehicle that would allow them to do this.

Laurie Allen: said she was told last night that this new zone had nothing to do with an individual person. CM Engstrom refuted this by saying he told everyone during the PC meeting last night that it was for the Sorensen's.

CM White said this process started before the Sorensen's made their request. CM White said the PC is trying to set a proper regulation on how the Town is going to work with hotels. Hotels have never really been discussed until the Hyde's development was proposed. Laurie stated that Jon Herring wants to rent his rooms as well. CM White said he keeps thinking that these two units are in some ways like Airbnb's. They will be nightly rentals, booked on the internet. The Town has told other people who want to make money that they can't do it. The reason for this was because the neighbors didn't like it. Maybe the commercial zone is where this could happen. This is a difficult decision.

Dakota Hyde: wanted to add his two cents. Dakota stated that he appreciates the TC and difficult task set before them. Last night Brian Cornell mentioned the numbers of what the Inn will bring into the town. Brian's numbers were on par with reality. However, he neglected to mention the overall taxes. Brian only mentioned what would be coming directly to the Town's coffers. Dakota mentioned that their development will be paying into the school district funds. Their taxes will also go into state highways, plowing, and fire department. So really you are looking at \$100,000 in taxes for this phase of their project coming into the community. Huntsville will directly or indirectly profit from the taxes. Dakota stated that Brian only mentioned taxes from the Inn, this will be a mixed-use development and what taxes those future business will bring into town. Dakota said in reality, their Inn, will not have any significant impact on most residents on a daily basis. They plan to create a nice, safe environment, void of nuisance. More businesses will create a stronger economic base. Dakota said when they signed their CUP, residential mixed use was allowed in the town's ordinances. Dakota said he is in favor of CH-1 zone with a set number of units. Dakota mentioned that when submitted their CUP they asked for for the lower amount of units rather than the higher amount. Dakota encouraged the Town Government that when projects are proposed that they require a full set site plans produced by qualified professionals. Dakota supports the Town not allowing VRBO's.

Dave Robinson: said the reason he signed the referendum was because he didn't like what was going on in town. He signed it was so the town citizens could vote on the project instead of the Council taking all the heat.

CM Engstrom proposed to add a sentence to Title 15.8A.2, under Use Regulations: "Limited to ___ number of units maximum number for hotel/motel or inn per lot.

CM White remarked that he is not in favor of this CH-1 zone after listening to the citizen comments, but if it's adopted he would like to see the number of units limited to two. Clearly the

public doesn't want hotel rooms in town. If you times 10 commercial units by whatever number is approved that's the number of hotel rooms the town will end up with. CM Engstrom doesn't see this zone being used for someone to come in and build a huge hotel or motel. The town, through the public hearing process, would not allow it. He only sees this new zone being used by someone like the Sorensen's.

CM White motioned to NOT adopt the CH-1 zone as presented; the law will remain “no hotel/motel’s allowed. CM Allen seconded. CM Allen said he missed two meetings, where these items were discussed. CM Allen feels that he missed out on a lot of information and apologized for that. Last he heard about this was when Regen said they didn't want to compete with their son with his B&B. CM Allen doesn't feel prepared to vote on this matter tonight. CM Allen also expressed his opinion that the Allowable Use Table should be amended before voting on a new zone. He agrees that parking will become an issue. CM Allen said has served with the Town Government for 7 years and it has taken that long to finally come up with plan for that property. He doesn't want the residents to think the Council takes these things lightly. The Town Government agonized, studied, and did research, to come to an agreement with the Hyde's. CM Allen is uncomfortable about the speed this change is coming. The Town Government denied an annexation request from a lifelong resident, the Council turned him down, and the Council doesn't discriminate. Is this discussion about new construction or existing rooms?

CM White withdrew his motion.

CM Engstrom made a motion to table this proposal and refer it to the PC to address parking, limits on size, the Allowable Use Table, and to give the TC more time to study this and seek additional input. CM White seconded. All votes aye. Motion passed.

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

Discussion and/or action on proposed Ordinance 2017-03-16-1: to adopt amendments to Title 0, Title 15.6.9, and Title 15-1: (See Attachment #3) CM Engstrom said the PC recommended moving the definition of Building Height into Title 15.6.9: Height Regulations, as paragraph D. Building, Height of, will remain in the definition section as well. This will make it easier to locate.

The PC also recommended adding the word “natural” to this definition. This amendment will affect both the definition of Building, Height of; and Title 15.6.9.D.

The sentence will read: “the vertical distance from the average of the highest natural grade and the lowest natural grade to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or to the highest point of the ridge of a pitch or hip roof.”

CM Engstrom made a motion to adopt the changes to Title 15.6.9 and the Definition of Building, Height of as presented. CM Allen seconded. All votes aye. Motion passed.

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

CM Engstrom stated that the PC would like to update the definition of a hotel a motel and Inn: “Hotel: a building consisting of sleeping units designed for temporary lodging for compensation. Motel and Inn: “a building containing lodging rooms having adjoining individual bathrooms and where the lodging rooms are not entered from a common entrance lobby.”

CM Engstrom motioned that the Council adopts the amendments to Title 15.0: Definitions to reflect what was related. CM White seconded.

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

CM Engstrom said these amendments are all listed in proposed Ordinance 2017-03-17-1. **CM Engstrom made a motion to adopt Ordinance 2017-03-17-1 as amended.** CM Wangsgard seconded. All votes aye. Motion passed.

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

***Council Member White:**

Discussion and/or action on Landfill:

CM White said his only item of discussion was the landfill. If Gage Froerer would not have been able to change the law, the town would have been forced to close the landfill. However, Gage was successful in getting the rules changes and the town will be allowed to burn at the landfill twice a year.

Citizen Comments:

Britain Sorensen thanked the Council for everything they have done. Britain stated that the only thing they are trying to do is find some way to help fund some of the expense of remodeling the old store. Britain thanked CM Engstrom specifically for his support and help in trying to make this possible.

Council Presentations:

CM Engstrom reported that the Town was successful in procuring the RAMP grant to remodel the old bathrooms by the playground area. He is asking for volunteers to help with this project. The application showed that the town will meet 50% of the cost with volunteerism. Carl Shupe is lined up to help with the septic system. There is a need for help with the demo and removal of the floor, Lee Primm has offered to do cement work. CM Engstrom will help with the electrical. It would be great to find someone who can help with the plumbing. CM Engstrom asked the public if they are willing to help or know of someone with resources who could help to please let him know.

Approval of Town Council minutes for meeting held February 9th, 2017:

CM Allen made a motion to approve the Town Council minutes for February 9th, 2017, as prepared. CM White seconded. All votes aye. Minutes were approved.

Approval of Work Session minutes for meeting held February 9th, 2017:

CM Engstrom made a motion to approve the Work Session minutes for February 9th, 2017, as prepared. CM Allen seconded. All votes aye. Minutes were approved.

Approval of Bills for meeting held December, 2016:

CM Wangsgard made a motion to approve the Bills for December, 2016, as prepared. CM Engstrom seconded. All votes aye. Bills were approved.

Approval of Bills for meeting held January, 2017:

CM Wangsgard made a motion to approve the Bills for January, 2017, as prepared. CM Engstrom seconded. All votes aye. Bills were approved.

Approval of Bills for February, 2017:

CM White made a motion to approve the Bills for February, 2017, as prepared. CM Engstrom seconded. All votes aye. Bills were approved.

CM White made a motion to adjourn. CM Allen seconded. All votes aye.

Meeting adjourned at 8:50 p.m.

Gail Ahlstrom, Clerk/Recorder