

MINUTES OF THE HUNTSVILLE TOWN COUNCIL MEETING

Thursday, May 17th, 2018

7:00 p.m.

Huntsville Town Hall, 7309 East 200 South, Huntsville, UT

Name	Title	Status
James A. Truett	Mayor	Present
Bill White	Council Member	Excused
Bill Wangsgard	Council Member	Present
Max Ferre'	Council Member	Present
Wendy McKay	Council Member	Present
Beckki Endicott	Recorder	Present
William Morris	Legal Counsel	Excused

Citizens: Angel Truett, Artie Powell, Doug Allen, Zaxton Butcher, Dave Allen, Harrison Endicott, Noah Endicott, Andrew Harris, Lt. Pledger, Steve Johnson, Jennifer Sorenson, Thomas Price, Ron Gault

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

2-The Pledge of Allegiance was led by Harrison Endicott.

3-Opening Ceremony was led by Bill Wangsgard.

4- Citizen Comments:

There were none.

5- Eagle Scout Presentation: Andrew Harris: Andrew is an active member of Troop 30. This is a troop that is over 100 years old. Andrew states becoming an Eagle Scout is a lot of hard work. Huntsville has a long-standing tradition of having a lot of Eagle Scouts from our Town which has benefited the Town leadership and our citizens. Andrew states he would like to present his idea for an Eagle Scout Project for the Town. He has an idea to enhance Huntsville Park. At the Northeast corner of the park there is a playground surrounded by a fence that has deteriorated over time. Andrew is purposing to repair and enhance the fence that surrounds the playground. He is purposing to start the project on June 1st and finish by June 30th. He is purposing to town to fund the project up to \$500. Mayor Truett signed Andrew's paperwork.

6-Eagle Scout Presentation: Harrison Endicott: Harrison is a 15-year-old member of Troop 30. He expressed how much his life has benefitted from Scouting. Some of the recent events he has participated in which has influenced him was his attendance to a National Jamboree last summer in West Virginia. He also enjoys participating in the Scouting Honor Society called Order of the Arrow. He stated another name for the Order of the Arrow is "the brotherhood of cheerful service" Harrison would like to offer some cheerful service in the form of an Eagle Scout Project. He showed a couple of the crosses that have traditionally placed at the graves in the Huntsville Cemetery. Some of them are in disrepair. He states there are not enough crosses for the Veterans at the Cemetery. He plans on building 30 crosses. Harrison states he has a long line of family that have served and continue to serve in the military. This project would be especially

of family that have served and continue to serve in the military. This project would be especially meaningful because his great-grandfather is buried in the Huntsville Cemetery and needs a cross his grave as well. He would appreciate being able to build the cross for his great grandfather's grave. Mayor Truett signed Harrison's paperwork.

7- Eagle Scout Report: Zaxon Butcher. Zaxon Butcher is here to report on his Eagle Project. He has constructed 4 backboards for the C.E.R.T trailer. He is delivering the backboards to the Town Council tonight. Mayor Truett added his signature to Zaxon's Eagle Scout Paperwork.

8-Sheriff Department Report: Lt. Jeff Pledger.

Lt. Pledger presented some highlights in the monthly stats.

*Lt. Pledger wanted to explain a call labeled "escape." Lt. Pledger stated there were a couple of teenagers that sped down First Street passed the Sheriff and thought they might hide out at Cemetery Point. It was apparent they didn't know their geography and the Sheriff was waiting as they came out of Cemetery Point. There wasn't any real threat to the community.

*Calls for service and traffic stops. There were 49 for this month. Traffic is increasing over last year. He anticipates it getting busier as we go into summer. Lt. Pledger stated the department does not intend to back off on actively ticketing. Most of the activity is for speeding. He stated if they fail to enforce the laws then it will become a safety issue.

*The Ogden Marathon will be coming through this Saturday.

*Ragnar Wasatch Back will be coming through on June 1st.

*Schools gets out on May 25th. There will be an increased presence from the department on the boats. The department was out looking at the water today and spent 3-4 hours on boats. They will be patrolling on boats this summer as well.

*The parking signs came down today. The new signs are being installed. They removed about 60 signs and they will be replaced with 12 3X3 signs. There will not be any off-site parking anywhere west of 7300 East. The ticketing will start when the new signs go up. An email was sent to all officers that will be working here this summer.

*Animal Control is driving around today. He believes that the department has been more responsive. Lt Pledger is continuing to communicate with Animal Control.

*Ron Gault gave Lt. Pledger a copy of his own summary of Huntsville's ordinances. He tried to consolidate the 100 pages of ordinances. He believes that it is reasonably current. Ron will email a digital copy to Lt. Pledger and the members of the Town Council.

*Life Flight was just in the area this last weekend. This was DUI related crash.

*CM McKay asked Lt. Pledger about the mass gathering permit for the 4th of July. Lt. Pledger said he knows about the permit and will take care of that right away.

*Lt. Pledger asked if there was information about the new parking ordinance sent to the Huntsville Residents. Mayor Truett stated the home owners should have passes they have used from the last year. In addition, there are passes available at Town Hall for temporary gatherings. Mayor Truett advised this new information to be sent in a blast email to residents.

9- Approval of Minutes from Town Council Meeting April 19th, 2018. **Bill Wangsgard** motioned to approve the minutes from April 19th, 2018. Max Ferre' seconded the motion. All votes Aye. Motion passes.

Mayor Truett:

10. Discussion and/or action on Ordinance relating to the applications and Planning Commission recommendation for an amendment to the Zoning Map (rezone) from A-3 to R-1 for Parcel Numbers: 24-014-0007 and 24-014-0001.

Doug Allen addressed the Town Council. He stated Huntsville has a water issue in the Town and reviewed the historical need for an additional well for Huntsville. Doug stated there have been 50 homes built since 1985. This was the year that a water line was run to Anderson Cove Campground. In addition, since that time there have been an additional 52 outside water hook ups including the Monastery Cove Subdivision. There are additional lots at that location that still need water hook ups. He believes this is an important issue and urged the current Town Council to remember that this is an important issue for the Town.

Doug stated he was part of the Planning Commission who reviewed the Rezone Application for the Johnson's and the Davis'. The Planning Commission was sympathetic to both the Johnson and Davis applications. Therefore, the Planning Commission requested a culinary status updated from the Water Board. The Water Committee met and wrote a letter to the Planning Commission dated March 18, 2018 stating a secondary source for water was still needed and the culinary water ordinances are appropriate for this time. The Water Commission did not recommend a change in the requirement for land owners to bring their own culinary water source for a new Annexation or Rezone. The Planning Commission reviewed this letter. The Commission recommended Rezone with the understanding that land owners uphold current water ordinances and bring source capacity. He believes the Commissioners on the Planning Commission are very educated and capable. Doug wanted the Town Council to know, he and the other members of the Commission believe the current water ordinances are good and appropriate.

Mayor Truett thanked Doug for his work and the work of the Planning Commission. Mayor Truett reviewed some of the history regarding the Annexation of the Johnson, Davis, Carter and Bennion properties. Some years back, Mayor Truett invited Stuart Reed to come and talk to the Town Council and Planning Commission when Huntsville received news from Weber County that there would be an influx of homes in the Valley, up to 21,000 new homes. One of the first things Stuart Reed recommended was to sure up the borders of Huntsville, create a buffer and annex properties into town. The Town Council sent out letters to the surrounding land owners

inviting them to annex their properties into town. They didn't perceive a shortage of water at that time. Out of all the letters the Town Council sent out, they received 5 requests to annex: Steve Johnson, Jack Davis, Marvin Carter, Kristie Bennion and Jeff Burton. Jeff Burton backed out because of the cost of running a water line to his property. There is a signed intent to annex with the balance of the land owners. Mayor Truett explained there were mistakes made by the Town at the time of Annexation. Although the letter of intent to Annex is signed by the property owners, the Annexation Applications are not signed. Mayor Truett showed the documentation to the audience in attendance. Jack Davis has a signed Application, but the other Applications are missing signatures and pages. The properties were recorded by the Clerk at the County and the State.

The Mayor went on to say that two of the land owners have passed. Marvin Carter's property has been sold and there is a house being built there today. Mayor Truett emphasized the Town can't go back. He stated he had been the Mayor for nine years and on the Town Council for six years. He respects the Planning Commission and the decision they made. He believes that the Planning Commission did their job. Mayor Truett met with the Town Attorney, Bill Morris. Bill White also attended that meeting. Steve Johnson was also attended the meeting and gave his input. Bill Morris drafted Ordinance #05-17-2018. Mayor Truett read in Ordinance 05-17-2018. **(See Attachment #1)** Mayor Truett stated that in all his years of service of the Town Council he has never gone against nor disagreed with what the Planning Commission has said. Mayor Truett also read from the Town Attorney, Bill Morris. **(See Attachment #2) Mayor Truett made a motion to adopt Ordinance #05-17-2018 The New Zoning Map Amendment and work with the Sorenson's or Jack Davis Properties and Steve Johnson in working towards a settlement agreement.**

There was discussion on the motion. CM McKay stated her inclination is to approve the motion because the land owners were invited by the Town to Annex. This was not something the land owners pursued in the beginning until they were invited in. She expressed the invitation was made and shouldn't be retracted. Mayor Truett commented he was one of the people who invited the land owners to come and annex. He stated that he doesn't like going against the recommendation of the Planning Commission but recognizes the Commission did their job. He commented the Planning Commission spent a lot of time on this issue. They conducted and attended many meetings. The Johnson's and Sorenson's also attended many meetings.

Of the four land owners who signed the petition to annex, Kristie Bennion has not been heard from to this day. Mayor Truett stated she is welcome to come and get on the Planning Commission Agenda. He stated she needed to come up with a Concept Development Plan and go through the procedure as the other land owners have done.

CM Wangsgard and CM Ferre' both stated they agreed with Mayor Truett.

Dawson Hedges asked if the land owners were promised a zoning change at the invitation to annex. Mayor Truett responded that a verbal promise was made but not in writing. Dawson asked if the annexation went through the Town Council discussions and the Mayor responded that it did go through Town Council discussions.

Davis Properties to Rezone based on the estoppel argument without allowing Kristie Bennion the same opportunity. He is asking the Town Council provide a way to include Kristie Bennion. He states the Town Council's attempts at avoiding legal contest would be thrown out the window if Kristie Bennion is not included. He referred to the example in the discussions of being invited to dinner but not being allowed to sit at the table. He states all the arguments are the same. Thomas Price states it is true Kristie Bennion hasn't been active in Huntsville and that she doesn't live here. He stated there were representations to her that others have been doing things for her. Mr. Price stated he recently has recently been added to this case full time. He wants to assure the Town Council that they will be seeing more of him or others representing Kristie Bennion. He is asking that any vote made for the Johnson and Davis Property, also include Kristie Bennion.

CM McKay asked Mr. Price where the Bennion Property was. He stated it was behind the Clawson property and between the Johnson and Davis Property. Mayor Truett stated some of the property is in wetlands. CM McKay asked if she had access to the property. Mr. Price stated she was granted an 8-foot easement that was granted by the Clawson's. Mayor Truett stated he had never heard that. Mr. Price stated the easement is Recorded. Steve Johnson stated this access is basically his driveway. CM McKay asked if this was a legal access and Steve Johnson replied that it was an access.

Mayor Truett stated he would amend his motion based on the information just provided. He stated that Kristie Bennion would have to go through all the same steps the Johnson's and the Davis Properties have gone through. Mr. Price responded Kristie would absolutely go through the same process. Mayor Truett stated up until this discussion, he believed Kristie Bennion's property was land locked. He confirmed with Mr. Price that Kristie could go from A to Z on her own. Mr. Price stated he would go through the same process as the other land owner's but he wanted to make sure Kristie Bennion not be precluded from the estoppel argument. Mayor Truett made it known to Mr. Price the only thing he has ever known about Kristie Bennion through his 12 years on the Town Council was the signature on the Intent to Annex Letter signed by the original four property owners. CM McKay was willing to recommend to the Mayor that he amend his original motion.

Mayor Truett stated to the Town Council to keep in mind the result of the settlement negotiation is currently unknown.

Mayor Truett made a motion to adopt Ordinance #05-17-2018 The New Zoning Map Amendment and work with the Sorenson's or Jack Davis Properties, Steve Johnson, in working towards a settlement agreement. Kristie Bennion's Property #240140003 and #210080008 may also work towards a settlement agreement when a Rezone Application is processed. CM Ferre' seconded the motion.

Mayor Truett stated he believed this was the right thing to do. He called for a roll call vote. All votes Aye. Motion passes.

VOTES: APPROVED	
AYES:	Mayor Jim Truett Council Member Max Ferre'

AYES:	Mayor Jim Truett Council Member Max Ferre' Council Member Wendy McKay Council Member Bill Wangsgard
NAYS:	
RECUSED:	Council Member Bill White
EXCUSED:	

Mayor Truett stated he wanted the property owners to know the Planning Commission was doing their job by upholding the Town Ordinances. The Town Council is only overriding the Planning Commission for the reasons stated today. The Town Council will work with the Johnson's and Sorenson's/Davis property owners towards a settlement agreement from now on. The zoning is approved from A-3 to R-1. Jennifer Sorenson asked what the next step was in going forward. Mayor Truett stated the property owners needed to sit down with the Mayor, Town Council and Town Council Attorney to work out a settlement agreement. Jennifer asked when that would happen and the Mayor responded they needed to get it on the calendar. Steve Johnson stated the ordinance gave them 18 months to make it happen, so he will make that happen. Mayor Truett responded the sooner the better, within the next month would be ideal. He also admonished Mr. Price to have Kristie start working on the Rezone right away. Mr. Price wanted her included in the settlement agreement. Mayor Truett responded she needed to work through the Rezone process. He stated she needed a site plan or Concept Development Plan. Beckki Endicott stated currently, there was not an application for Rezone on file for Kristie Bennion. Mayor Truett directed Mr. Price to get on the Planning Commission Agenda.

Jennifer Sorenson confirmed the next step would be for them to get with the members of the Town Council. Mayor Truett confirmed they needed to set up a meeting with he and the Town Attorney to work out a settlement agreement. Jennifer expressed her thanks to the Town Council Members. Steve Johnson thanked the Planning Commission for being ambitious in doing their job. Mayor Truett confirmed that Huntsville had an outstanding Planning Commission.

11. Discussion and/or action on Resolution 2018-05-17-1: A Resolution of Huntsville Town, Utah, to enter into an agreement with Huntsville Abbey Farm, LLC., for the development and operation of the Wishing Well Project. (See Attachment #3)

Mayor Truett stated he sent a copy of the Wishing Well Contract out to all the Town Council Members for their review. He stated Huntsville Abbey has been very generous to the Town. He recognized this would be the third attempt for a redundant water source for the Town. The drilling site is on the Monastery Property and Huntsville Abbey is allowing Huntsville to use their property. The well will be drilled to 1,000 feet. In this contract, Huntsville Town will receive the first 100 gallons per minute, thereafter the water will go to the property owners. This will satisfy the State's requirement for a redundant water source. Mayor Truett read from the contract on page 7, #13. b. (See Attachment#4) Currently, the Town has a moratorium on Annexation due to the Town's current water situation. This section of the contract states the Town will be able to purchase water above 100 gallons per minute rate for additional source capacity needed for residential development. The Mayor recognized CM Bill White. He stated the reason Bill is not here tonight is because of his recusal on this contract as a property owner of Huntsville Abbey. The Mayor explained Huntsville Town hired a Water Attorney not affiliated

with Bill White to draw up this contract. This contract was also reviewed by Chad McKay and Scott Richardson. CM McKay commented it is a good plan. Mayor Truett stated Huntsville Abbey is hoping that we do hit a “honey hole” and they will also get water. The geologist’s hired to look at this project think the Town will be successful at this location.

Mayor Truett made a motion to adopt Resolution 2018-05-17-1 and enter into an agreement with Huntsville Abbey Farm, LLC., for the development and operation of the Wishing Well Project. CM Ferre’ seconded the motion. Mayor Truett called for a roll call vote. All votes Aye. Motion passes.

VOTES: APPROVED	
AYES:	Mayor Jim Truett Council Member Max Ferre’ Council Member Wendy McKay Council Member Bill Wangsgard
NAYS:	
RECUSED:	Council Member Bill White
EXCUSED:	

12. Discussion and/or action to award CDBG wishing Well Contract to High Plains Drilling. (See Attachment #5) Mayor Truett stated six individuals from five drilling companies signed up for a mandatory pre-bid meeting and four individuals showed up. Prior to bid, we received notice two of the drilling companies were unable to do the work based on their work load schedule. This left us with two companies, and only one showed up at the bid opening on April 19, 2018. Despite the lack of turn out, Huntsville Town received a competitive bid and the contractor was unaware his company was the only bidder. High Plains Drilling from Rexburg, Idaho bid \$334,530.00 for drilling up to a depth of 1000 feet. CM McKay wanted to know how much of the bid would be covered by grants. Mayor Truett replied almost all the cost will be covered by grants. The Town has a CBG and CIB grants. **Mayor Truett made a motion to move forward and allow High Plains Drilling of Rexburg, Idaho to be our Wishing Well Drilling Company.** CM McKay seconded the motion. All votes Aye. Motion passes.

VOTES: APPROVED	
AYES:	Mayor Jim Truett Council Member Max Ferre’ Council Member Wendy McKay Council Member Bill Wangsgard
NAYS:	
RECUSED:	Council Member Bill White
EXCUSED:	

12. Discussion and/or action to award Pathways Project to Post Construction Company. Mayor Truett sits on the transportation committee for WACOG. They invited six contractors to bid on this project. Two bids were turned in. One of the bids was \$190,000 and the other was \$60,000 higher than the other. Mayor Truett is going back to WACOG for another \$50,000. CM

and she is researching whether the land owner would donate a portion of the corner to help defray the costs for this project. Mayor Truett believes contracting costs are high right now. There are several cities coming back to WACOG for additional funding. He will continue to seek additional funding from WACOG while they investigate the possibility of a land donation.

Mayor Truett motioned to award the Pathways Project located at 100 S. and 7800 E. to Post Construction Company. CM McKay seconded. All votes aye. Motion passed.

VOTES: APPROVED	
AYES:	Mayor Jim Truett Council Member Max Ferre' Council Member Wendy McKay Council Member Bill Wangsgard
NAYS:	
EXCUSED:	Council Member Bill White
RECUSED:	

13. Discussion and/or action on Resolution 2018-05-17: A Resolution of Huntsville Town, Utah to appoint Enforcement Officer Jesse Evans. (See Attachment #6)

Bill White has been serving as the temporary enforcement officer. Mayor Truett met with Jesse Evans to see if they could hire him to work about 8-16 hours a month to enforce the nuisance ordinances. At first, he will be very busy since there are several outstanding issues. Mayor Truett would like him to work on weeds, trash, ally-ways, abandon cars, and anything in the nuisance ordinance. He would also like him to handle setbacks.

Ron Gault asked if the new officer would be available to handle the nuisance in a timely manner.

Mayor Truett stated he has met with Jesse Evans and feels that he will communicate with us and be very timely. Mayor Truett states he feels this will take the pressure off the Town Council Members. **Mayor Truett made a motion to adopt Resolution #2018-05-17: A Resolution of Huntsville Town, Utah to appoint an Enforcement Officer.** Mayor Truett read in Resolution #2018-05-17.

CM McKay wanted to know if the officer would be able to go on private property. Mayor Truett stated we should let the citizens know by email blast and newsletter. Lt. Pledger recommended that if Huntsville Town wanted a background check, the officer could pull his own background and submit it to the Town.

Artie Powell asked the Town Council if there was a dispute resolution process for those residents that didn't agree with a nuisance violation. Mayor Truett asked Beckki to add an amendment to the end of the resolution stating if the property owner is in dispute of the violation, they can address their dispute to the Town Council. Ron Gault suggested putting the ordinance summary on the website. Ron will email the summary to Wendy to add to the website.

Council Member Ferre’:

14. Department Reports:

The new resolution on the cemetery is in effect. Recently, they have denied a recent request for a cemetery plot from a non-resident. CM Ferre’ thanked everyone for working on this new resolution. The new resolution will be very beneficial to the Town.

Council Member Wangsgard:

15. Department Reports:

The Town clean up went well. Two part-time families showed up to help the effort. CM Wangsgard thought this was such a great show of support for the Town. CM McKay stated one of the families donated \$1000 toward the pickle ball courts.

CM Wangsgard stated they have been working on the CERT trailer. The backboards donated today will be a good addition. There were two emergency backpacks that were donated and will be a good resource. Mayor Truett stated he and CM Wangsgard had a good meeting with the OV CERT.

The restrooms at the playground are nearly finished. They are waiting to lay the sod so that the sod could be watered. There are a few little items, but they will finish soon.

Council Member Wendy McKay:

16. Discussion and/or action on selection of Grand Marshall for the 4th of July Parade.

CM McKay sent out some suggestions for the Grand Marshall’s. The most popular suggestion was Preston and Shirley Jackson. **CM Wendy McKay made a motion to invite Preston and Shirley Jackson as Grand Marshall for the 4th of July Parade 2018.** Motion seconded by CM Ferre’. All votes Aye. Motion passes.

VOTES: APPROVED	
AYES:	Mayor Jim Truett Council Member Max Ferre’ Council Member Wendy McKay Council Member Bill Wangsgard
NAYS:	
RECUSED:	
EXCUSED:	Council Member Bill White

17. Parking fees for the 4th of July.

CM McKay states her committee would like to charge for parking. She stated anyone who lives in the 84317 zip-code could come and pick up a temporary voucher for parking in Huntsville. They would like to charge everyone else. There was discussion on the price and a consensus was \$5 should be the fee. CM McKay stated they are only charging in the morning, not for the evening and the pay points will be the two entrances into Town. CM McKay had a volunteer to pay the parking attendants. Artie Powell states there are some special cases for parking. CM McKay states they will be aware of these cases. Richard Sorenson asked how the family members coming in the

morning will be handled. CM McKay stated the family could pick up the voucher ahead of time, but encouraged the family members to pay the fees to help fund the 4th of July.

18. Discussion and /or action on Specialized Home Theater Package.

CM McKay explained she received bids for the Home Theater Package for the Town Hall. The bid for the electrical, remote and the projector is \$1723.00 (See Attachment #7). Town will need an electrician to see if they can wire a plug in the attic. **CM McKay made a motion to accept a bid from Specialized Home Theater to install media system and HDMI accessibility.** CM Ferre' seconded. Mayor Truett called for a roll call votes. All votes Aye. Motion passes.

VOTES: APPROVED	
AYES:	Mayor Jim Truett Council Member Max Ferre' Council Member Wendy McKay Council Member Bill Wangsgard
NAYS:	
RECUSED:	
EXCUSED:	Council Member Bill White

19. Council Member Presentations:

CM Ferre' asked if the Town had a speaker system to use for the Memorial Day Presentation. Mayor Truett stated the Town has borrowed systems from others in Town in years passed. CM McKay will give some suggestions to CM Ferre' after the meeting.

20. Citizen Comments.

Richard Sorenson commented the projector is a great idea, but thought the Town Council should also include a speaker system. The room is not that big and it shouldn't incur a lot of cost. Mayor Truett suggested CM McKay amend her motion to include expenses up to \$2500 for the projector system. **CM McKay made a motion to amend her previous her motion regarding the Specialized Theater System to spend up to \$2500.00 for the projector, installation, the electrician and speakers.** CM Ferre' seconded the motion. All vote Ayes. Motion passes.

VOTES: APPROVED	
AYES:	Mayor Jim Truett Council Member Max Ferre' Council Member Wendy McKay Council Member Bill Wangsgard
NAYS:	
RECUSED:	
EXCUSED:	Council Member Bill White

21. Approval of Bills, March 2018. **CM Wangsgard motioned to approve Bills for March 2018.** CM Ferre' seconded. All votes Aye. Motion passes.

22. Approval of Bills, April 2018. **CM Ferre' motioned to approve Bills for April 2018.** Seconded by CM Wangsgard. All votes Aye. Motion passes.

23. Adjournment of Meeting. CM McKay motioned to adjourn the meeting. Seconded by CM Ferre'. All votes Aye. Motion passes.

Meeting adjourned at 9:34 p.m.


Becki Endicott, Recorder



P.O. Box 267
Huntsville, UT 84317

Phone 801.745.3420
Fax 801.745.1792
Web HuntsvilleTown.com

Mayor
James A. Truett

Town Council
Max Ferre'
Wendy McKay
Bill Wangsgard
Bill White

Town Clerk/Recorder
Gail Ahlstrom

Treasurer
Linda Laws

Attorney
Bill Morris

**HUNTSVILLE TOWN
ORDINANCE 05-17-2018**

ZONING MAP AMENDMENTS

AN ORDINANCE OF HUNTSVILLE TOWN, UTAH, AMENDING THE ZONING MAP FOR A CERTAIN PARCEL WHERE AN ZONING AMENDMENT APPLICATION WAS FILED; SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

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

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

WHEREAS, the Town received an Application to Amend the Zoning Map from Jack J. Davis Family Trust (Jennifer Sorenson) and Steve Johnson (collectively the "Applicants") and said proposed amendment is consistent with the Town's General Plan;

WHEREAS, Applicants previously filed on or about January 7, 2014, applications with Town to annex Weber County Parcels 24-014-0001, 21-008-0007, and 24-014-0007 ("Property") into the municipal boundaries of Huntsville Town

WHEREAS, the Huntsville Municipal Code 15.27.C requires any person annexing property into Town to provide Town with adequate water rights and water source capacity to serve the anticipated uses of the annexed property;

WHEREAS, notice of the requirement to provide Town with adequate water rights and water source capacity is stated on the annexation application;

WHEREAS, the Property annexed into Town was zoned in Weber County as AV-3 or A-3 (hereafter AV-3) for agricultural uses only and Applicants represented to Town that Applicants owned irrigation water rights sufficient to provide water to the Property in the event of a change of use;

WHEREAS, at the Property was annexed into the Town with the same zoning as under Weber County, and Applicants did not request another zoning designation or change of use at that time;

WHEREAS, the official annexation occurred on or about February 6, 2014;

WHEREAS, the Town desires to enter a Development Agreement to satisfy the requirement for a change in use of the Property to residential which requires Applicants to convey water rights and source capacity to Town sufficient to provide culinary water service for the new residential uses or that Applicants will acquire its own water rights and drill its own culinary water well(s) to provide culinary water service to the Property;

WHEREAS, the Town has agreed to allow the amendment of the Zoning Map of the Property



P.O. Box 267
Huntsville, UT 84317

Phone 801.745.3420
Fax 801.745.1792
Web HuntsvilleTown.com

Mayor
James A. Truett

Town Council
Max Ferre'
Wendy McKay
Bill Wangsgard
Bill White

Town Clerk/Recorder
Gail Ahlstrom

Treasurer
Linda Laws

Attorney
Bill Morris

subject to the terms of the Development Agreement;

WHEREAS, after publication of the required notice the Planning Commission held its public hearing on February 22, 2018, to take public comment on the proposed ordinance, after which the Planning Commission gave its recommendation to deny the Applications;

WHEREAS, the Town Council received the recommendation from the Planning Commission and held its public meeting on May 17, 2018;

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

- Section 1: Repealer.** Any ordinance or portion of the municipal code inconsistent with this Ordinance is hereby repealed and any reference thereto is hereby vacated.
- Section 2: Zoning Map Amendment.** The Official Zoning Map of Huntsville Town, Utah is hereby amended for Weber County Parcel Numbers 24-014-0001, 21-008-0007, and 24-014-0007 from AV-3 to R-1.
- Section 3: Concept Plan.** The Concept Plans associated with this Zoning Map Amendment is attached hereto as Exhibit "A" and incorporated herein by this reference. Any subdivision and site construction shall be substantially similar to the Concept Plan adopted in this Section. Any subdivision with less density than the Concept Plans is presumed to be substantially similar.
- Section 4: Development Agreement and Reversion.** That this Zoning Map amendment is subject to the Town and Applicants entering a Development Agreement that provides that Applicant will not subdivide or develop on any lot until Applicant and Town have settled the outstanding matters relating to the culinary water requirements. If the Parties fail to enter the Development Agreement within eighteen (18) months, unless extended by the Town, then the zoning shall automatically revert to the prior zoning. Nothing in this section preclude the parties from seeking mediation with the Utah Private Property Ombudsman.
- Section 5: Severability.** If a court of competent jurisdiction determines that any part of this Ordinance is unconstitutional or invalid, then such portion of this Ordinance, or specific application of this Ordinance, shall be severed from the remainder, which shall continue in full force and effect.
- Section 6: Effective date.** This Ordinance take effect immediately upon mayoral approval and posting.

PASSED AND ADOPTED by the Town Council on this 17th day of May, 2018.

AYES:	Mayor Jim Truett Council Member Max Ferre' Council Member Wendy McKay Council Member Bill Wangsgard Council Member Bill White
NAYS:	
EXCUSED:	

Recused:

Council Member Bill White

This Resolution was passed and adopted on the 17th day of May, 2018 and will become effective upon adoption.

JIM TRUETT, Mayor

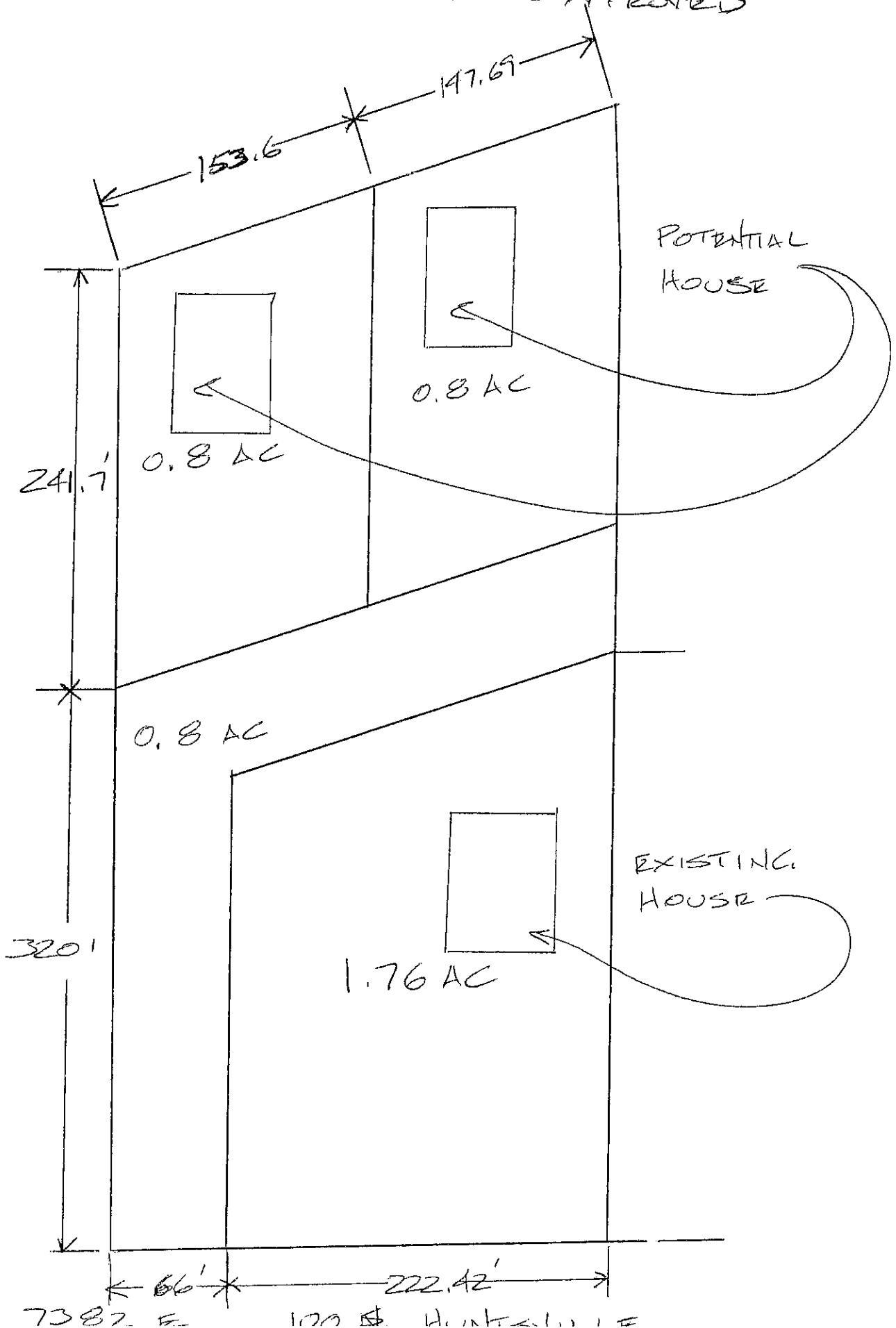
ATTEST:

Town Clerk

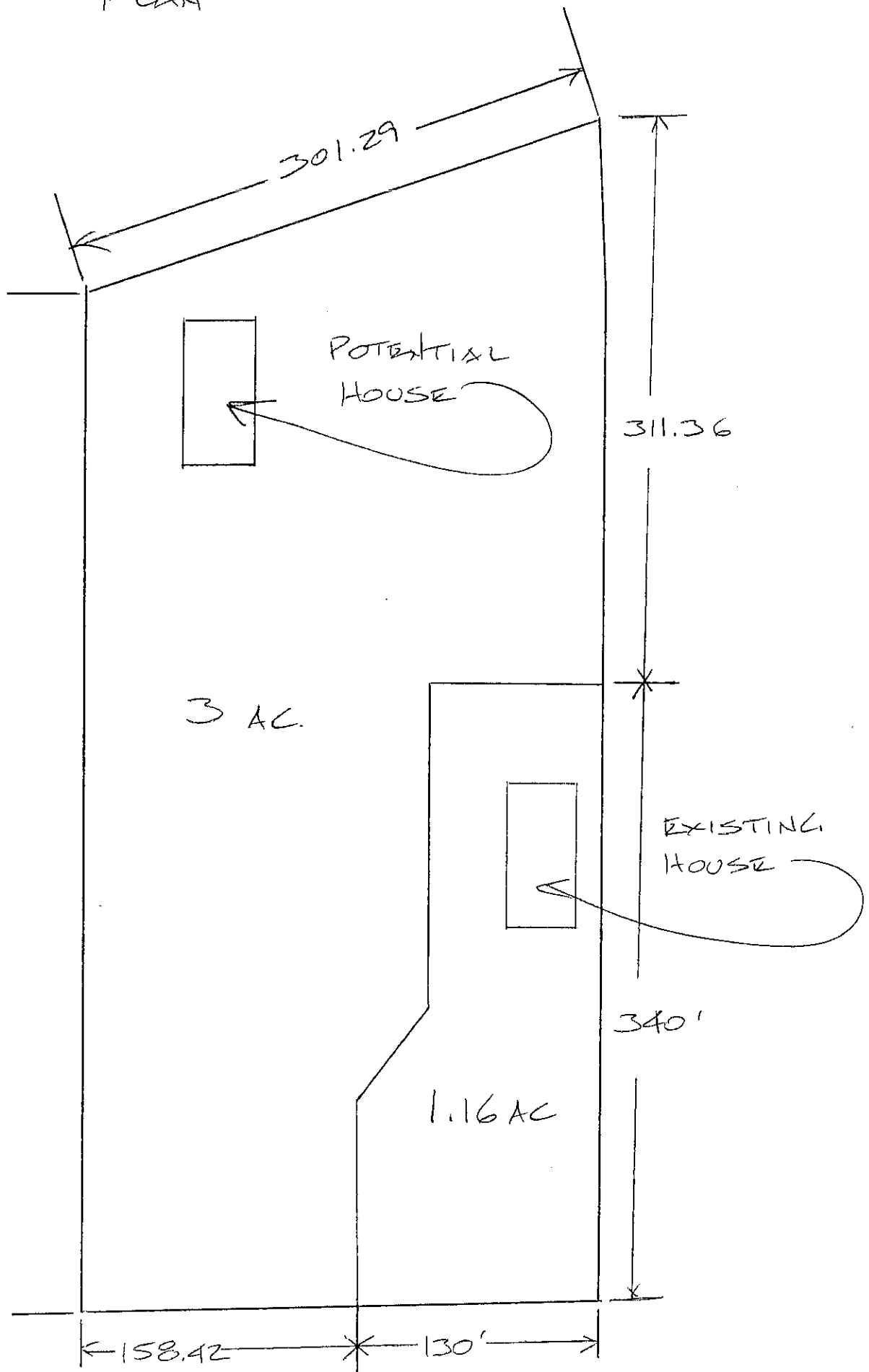
RECORDED this 17th day of May, 2018

MOST LIKELY PLAN

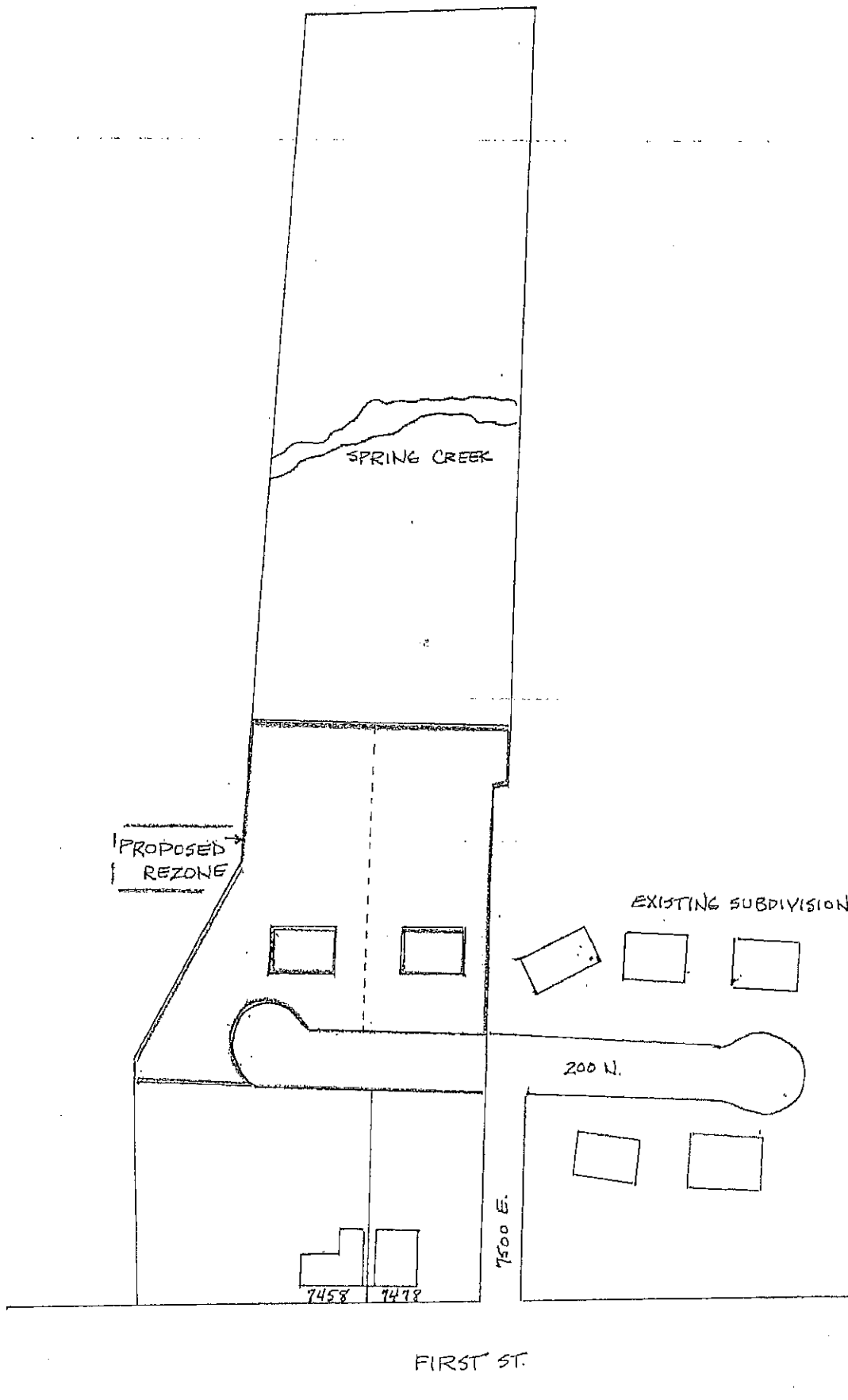
ROAD HAS BEEN PER APPROVED



OPTIONAL
PLAN



JACK J DAVIS FAMILY TRUST



*From: Bill Morris Sent: Tuesday, May 15, 2018 10:12 AM
To: Jim Truett ; Gail Ahlstrom*

Subject: Re: Zoning Change Ordinance Jim and Gail;

I have adapted the attached ordinance based upon our meeting yesterday with you, Gail, Mr. White and Mr. Johnson. In review of the documents in this matter that extend back prior to annexation, it appears that there was the intent by the applicant to one-day develop the property annexed for residential use under the Town's General Plan. With the town extending an invitation to annex and then denying the zoning change to R-1 could present a "zoning estoppel" argument for the Applicants. A similar situation occurred in Riverdale several years ago where Riverdale invited an applicant to annex to develop a commercial site then denied the applicant site plan. Applicant sued and the Second District Court found zoning estoppel applied and granted the Applicant's site plan approval.

"Zoning Estoppel" is a legal doctrine that allows a developer, based on the developer's reasonable and substantial reliance on the government's original position, in this case an invitation to annex, to proceed with development despite a change in government position that would make the development illegal, in this case the faulty annexation documents that are unsigned and possibly the town's culinary water regulations. The planning commission was not presented with this legal argument or the ability to enter a development agreement to settle this matter or mediate with the private property ombudsman when the planning commission made its recommendation. The ordinance has been written to account for these detail which still providing for a zoning change and putting a time limit in place so that the parties can work quickly for a resolution. I consider that with all the faults in the annexation agreement paperwork that reference the water requirement and the possibility of zoning estoppel that if this were to go to court it may be a 50/50 case wither the Town would prevail. Zoning amendments are legislative function and afforded a high level of deference.

However this this case there are arguments that the applicants were induced to annex then denied the zoning change that is consistent with the General Plan for what I have been told it presently is. This presents a potential challenge as does the unsigned annexation agreement. By requiring a Development Agreement the Town and applicant can reach a proper settlement without setting a precedent in other differing cases where annexation was not invited and agreements were left unsigned.

*William M. Morris, Attorney at Law William M. Morris, P.C.
3293 Harrison Boulevard, Suite 240
Ogden, Utah 84403*



RESOLUTION 2018-05-17-1

P.O. Box 267
Huntsville, UT 84317

Phone 801.745.3420
Fax 801.745.1792
Web HuntsvilleTown.com

Mayor
James A. Truett

Town Council
Max Ferre'
Wendy McKay
Bill Wangsgard
Bill White

Town Clerk/Recorder
Gail Ahlstrom

Treasurer
Linda Laws

Attorney
Bill Morris

A RESOLUTION OF HUNTSVILLE TOWN, UTAH, TO ENTER INTO AN AGREEMENT WITH HUNTSVILLE ABBEY FARM, LLC., FOR THE DEVELOPMENT AND OPERATION OF THE WISHING WELL PROJECT.

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

WHEREAS, the Town Council is the municipal legislative body;

WHEREAS, the Town is in need of the Wishing Well Project for the development and sustainability of the Town's culinary water system and for the benefit of the health, safety, and welfare of the public;

WHEREAS, the Mayor has entered an Agreement with Huntsville Abbey Farm, LLC, for the development and operation of the Wishing Well Project and the Town Council desires to ratify that Agreement;

NOW, THEREFORE, BE IT RESOLVED by the Huntsville Town Council as follows;

Section 1. Ratification. That the Agreement between Huntsville Town and Huntsville Abbey Farm, LLC, attached hereto as Exhibit "A" and incorporated herein by this reference is hereby ratified by the Town Council and shall continue in full force and effect according to the terms of the Agreement.

Section 2. Effective Date. This Resolution is effective immediately upon adoption by the Town Council.

PASSED and ADOPTED on this 17th day of May, 2018.

James A. Truett, Mayor

ATTEST:

Gail Ahlstrom, Clerk

b. If the Safe Yield is less than 100 gpm, Town will determine whether it desires to abandon the Wishing Well and pursue drilling a well at one or more of the three sites granted to it under the Original Agreement, as set forth in Exhibit H (excluding exhibits), or keep the Wishing Well and abandon the original three well sites. Town will notify Abbey in writing of its determination within 60 days after the Safe Yield is agreed to as described in Section 8.a. above. If Town decides to proceed with the Wishing Well, it will convey back to Abbey the easements and property interests related to those well sites as described in this Section 10.a.

11. Well Equipping, Ownership, and Operation. Town shall own, operate, maintain and repair the Wishing Well and all related property interests. Town shall have the right to maintain the well, including operating it periodically to keep it in good repair; such periodic maintenance activities shall not be considered to cause interference with Abbey's water rights and not subject to Paragraph 9.c replacement water. Town will bear all costs associated with the Wishing Well, including but not limited to, developing and equipping the well to deliver water at a volume equal to its full Safe Yield, and all costs for operating and maintaining the well.

12. Use of Town's Redundant Capacity. The Redundant Capacity in the Wishing Well is not to be used to support or add new water connections to Town's water system outside of Town municipal boundary, as such municipal boundary exists as of the date of this Agreement. If Town's municipal boundary is expanded at a future date, for example by annexing property, the Redundant Capacity will not be used to support or add new connections located in any area annexed into Town.

13. New Connections to Town and Use of Abbey's New Connection Capacity.

a. Town Code section 10.9 requires that Town may add new connections to its system from an area outside of Town's existing municipal boundary if the party seeking a connection dedicates to Town both a water source and water rights acceptable to Town and approved by the Utah State Division of Drinking Water to meet the anticipated culinary water demand of the new connection. Town may amend section 10.9 to allow those seeking to annex into Town or to rezone their property from agricultural uses to residential or commercial uses to pay a fee in lieu of conveying water rights and water source capacity to Town.

b. For a period of five years, beginning with the execution of this Agreement, Town shall have the option to purchase any of Abbey's New Connection Capacity that Abbey has not dedicated to Town for development of its own property ("Option Period"). The purchase price for Abbey's New Connection Capacity shall be \$5,000 for each one-half gallon per minute of source capacity, which is roughly equivalent to the amount of culinary water source capacity necessary for each new residential connection. Town may purchase any amount of Abbey's New Connection Capacity at any time during the Option Period. Only at the end of the Option Period, Abbey may sell its New Connection Capacity directly to property owners outside of Town boundaries who receive permission

Bidding of Huntsville Wishing Well

Van King

Tue 4/24/2018, 5:04 PM

o:Jim Truett <[REDACTED]>
Cc:Gail Ahlstrom <[REDACTED]>; Scott Richardson <[REDACTED]>; Bill White <[REDACTED]>;
Richard Bay <[REDACTED]>
Mayor Jim Truett-

Starting mid-March 2018 we commenced advertisement for drilling, construction and testing of the proposed Wishing Well and on March 29, 2018 we held a mandatory pre-bid meeting and site inspection. We issued one addendum during the bidding to accommodate the uncertainty of steel pricing following recently proposed tariffs on imported steel.

We had six individuals from five drilling companies signed up for the mandatory pre-bid meeting, but only four drilling contractors showed. Prior to the bid opening we received notice that two of the drilling companies were not able to perform the work due to their current work-load. This left us two drilling companies, only one of which showed to the bid opening on April 19, 2018. Despite the turnout at the bid opening, the project was competitively bid and the successful contractor was not aware of the decline in competition before submitting his bid.

High Plains Drilling of Rexburg, Idaho submitted a bid for \$334,530 to drill, construct and test the proposed Wishing Well to a proposed depth of 1,000 feet. We provide a bid tabulation summarizing the High Plains submittal and perform a comparison of these recent bid prices to the 2016 bidding of the Nugget Well. The construction diameters of the two wells are similar, but the bid depths are different so the best comparison are the unit prices. As shown in the attached High Plains Bid Tabulation, some line items show a decrease in unit pricing, while others have increased price. The items with multiple quantities that are of note include Item 5 which shows a 4% (\$5 per foot) **decrease** in drilling rate, and the grout seal and gravel packing operations which show an **increased** cost.

We believe that the increases in individual items are in-line with industry standards and current cost of materials. We may need to adjust for the cost of steel when we construct the well in accordance with the conditions of Addendum No. 1.

We recommend accepting the Bid submitted by Marcus Frandsen of High Plains Drilling. I have attached the Bid Tabulation and the formal award document for your consideration. **Please execute the agreement form at your earliest convenience** and we will attach the appropriate documentation, including bonding documents before awarding the contract.

Recall that the Utah Division of Drinking Water has approved our source protection and technical specifications for the well, but before scheduling drilling we will need to secure a Start Card from the Division of Water Rights. The card will be provided when the water right change application that was filed by Bill is approved. The bid will be good for 45 days from April 19, 2018.

I would be pleased to provide you additional information regarding our assessment of the bid or the technical considerations for the drilling project if you would like. Regards,

Van F. King, P.G.
Loughlin Water Associates, LLC
3100 W. Pinebrook Rd. Ste 1100
Park City, UT 84098

[REDACTED]
[REDACTED]

RESOLUTION NO: 2018-05-17

**A RESOLUTION TO
APPOINT A NUISANCE & CODE ENFORCEMENT OFFICER**

WHEREAS, Huntsville Town, Utah, (hereafter referred to as “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, 1053, as amended, allows the Town 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, *Utah Code Annotated* §10-11-1. Et seq. authorizes the Town to conduct inspection and cleaning of certain property and nuisances;

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

Section 1: Title 2 of the Huntsville Municipal Code reads as follows:

2.1 Purpose. The purpose of this Title is to provide for the declaration and elimination of declared nuisances, protect property values, neighborhood aesthetics, public health and safety, as well as to prevent the over growth of grass, weeds, and brush that could pose fire, safety or health hazards.

2.3 Ordinance Inspector Appointment: The Huntsville Town Council will appoint an Ordinance Inspector by resolution, to perform inspections and to examine real property situated within the corporate limits of Huntsville Town for the purpose of determining whether, in their opinion, the property contains objects or conditions of the kind in nature described above and for the purpose of determining whether the existence of the objects or conditions create or constitute a public safety hazard or nuisance as defined in this section and the Fire Code Title. Huntsville Town may appoint such other assistant inspectors and delegate to them such powers and duties as it may from time to time, to be determined by resolution. The powers and duties of the assistants shall be the same as those of the Ordinance Inspector unless otherwise so specified by resolution.

WHEREAS, a resident who receives a nuisance and/or code violation from appointed enforcement officer and disputes the violation, the resident may come before the Town Council to state their dispute. At that time, the Town Council will make a final determination.

BE IT RESOLVED THAT, the Huntsville Town Council will appoint by resolution a Nuisance and Code Enforcement Officer during their regular Council meeting.

VOTES: APPROVED	
AYES:	Mayor Jim Truett Council Member Max Ferre' Council Member Wendy McKay Council Member Bill Wangsgard
NAYS:	
EXCUSED:	Council Member Bill White

This Resolution was passed and adopted on the 17th day of May, 2018 and will become effective upon adoption.

ATTEST:

Gail Ahlstrom, Clerk

James A. Truett, Mayor

Estimate

SPECIALIZED HOME THEATER
 5553 S. 575 W.
 RIVERDALE, UT. 84405
 801-510-3777



spclizdht@gmail.com

www.specializedhometheater.com

Name/Address
HUNTSVILLE TOWN HALL PER. WENDY McKAY 801-791-3001

Date	Project
04/20/18	

Quantity	Description	Price Each	Total
1	BENQ DLP 1080P 16 X 9 RATIO 4500 LUMENS BRIGHT VIDEO PROJECTOR	999.00	999.00T
1	BENQ VIDEO PROJECTOR CEILING MOUNT	99.99	99.99T
2	2-EACH 1080P RATED 50' HDMI CABLES	120.00	120.00T
1	BOX & DUAL HDMI CONNECTORS WALL PLATE, HDMI WALL PLATE IN COUNTERTOP	90.00	90.00T
1	INSTALL CEILING MOUNT, PROJECTOR, FISH HDMI CABLES THROUGH ATTIC DOWN TO BASEMENT & THROUGH FLOOR, CALIBRATE PROJECTOR	300.00	300.00T
	OPTIONAL 4-HDMI CABLE SEITCH BOX, 3-EACH HDMI CABLES TO 3-EACH COUNTERTOP WALL PLATES WITH HDMI CONNECTORS INSTALLED \$200. EXTRA	0.00	
	Sales Tax		114.24

	Total	\$1,723.23
--	--------------	-------------------

NOTICE OF PUBLIC HEARINGS OF THE TOWN COUNCIL
OF HUNTSVILLE TOWN, JUNE 7TH, 2018

Public notice is hereby given that the Town Council of Huntsville Town, Weber County, Utah, will hold Public Hearings on June 7th, 2018, at 7:00 p.m. at the Huntsville Town Hall located at 7309 E. 200 S.

To discuss the following items:

- 1) Adoption of proposed amended budget for the 2017-2018 fiscal years.
- 2) Adoption of proposed budget for the 2018-2019 fiscal years.

Copies of the proposed budgets are available for review at the Huntsville Town Hall.

All interested parties are invited to attend.

Dated this 24th day of May, 2018.

Posted: Town Hall
Post Office
huntsvilletown.com
www.pmn.utah.gov



Beckki Endicott, Recorder

In compliance with the Americans with Disabilities Act, persons needing assistance with attendance to these meetings should call Beckki Endicott @ 745-3420, giving at least a 48 hour advance notice.