

MINUTES OF THE HUNTSVILLE TOWN COUNCIL MEETING

Thursday, April 18th, 2019

7:00 p.m.

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

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

Citizens: Lt. Jeff Pledger

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

2-The Pledge of Allegiance was led by Jennifer Sorenson.

3-Opening Ceremony was led by CM Bill Wangsgard

4-Citizen Comments. There were none.

5-Sheriff Department Report: Lt. Jeff Pledger. There were only 8 calls for service in March. Things are going well in Huntsville. There are a couple of events that are coming up. Their office is looking to restructure. They are increasing corporal and deputy ranks and less sergeants. This restructuring will be discussed at length on the 30th of April at 6 p.m. Mayor Truett stated the County Commission meeting is here in Huntsville at the library at 6 p.m. Lt. Pledger will bring a report to the Council the next week.

Huntsville will start writing parking tickets, May 1st.

6-Approval of Minutes from Work Session with Summer Day, February 28th, 2019, CM McKay made the motion to approve the minutes from the February 28th meeting with Summer Day. CM Ferre' seconded the motion. All votes aye. Minutes are approved.

7-Approval of Minutes from Work Session March 7th, 2019, CM McKay made a motion to approve the amended minutes (with the addition of the full name for Max Ferre' attending) from the meeting on March 7th. CM Wangsgard seconded the motion. All votes aye. Minutes were approved.

8-Approval of Minutes from Town Council Meeting, March 7th, 2019, CM Ferre' made a motion to approve the minutes from the TC Meeting on March 7th, 2019. CM Wangsgard seconded the motion. All votes aye. Minutes are approved.

9-Discussion and/or action on park rental for Iron Lung Ride on July 20, 2019. Michelle Lyman representing. Michelle made a presentation to the Town Council regarding a bike event that is the third part of a biking series in the State of Utah, the Triple Crank. The ride is about 150-200 riders. They would like to start and end at Huntsville Park. They have been granted permission from Weber County to go up old Snowbasin Road to Big Mountain and back. She states this is a small race. It is a hard race and they will never let more than 400 participants race. She thinks there will be 150 participants this year. Michelle stated the sign-ups are at 40 right now. They do a mass start very early in the morning. They start at 6 a.m. because it is a July and a hot ride. They will ask permission to park at the LDS Church. She is aware that the start time of the race might be an issue. She is willing to work with a start time. Lunch is served at the end of the ride. Michelle has been working with Scott Mendoza on permitting. The Iron Lung ride is a for profit ride, but they have not made a profit yet.

Mayor Truett wanted to know what the benefit was to Huntsville Town. Michelle explained it would be her hope that it would bring some economic development for the town. She also believed the people that would come for this race would be a different population than the population that comes to the lake. She believes this to be a quality race and will bring people that will be respectful of the area.

CM Ferre' made a motion to allow the Iron Lung Ride to reserve the park for July 20th. CM McKay expressed concern about the impact on a Town that was comprised of so many second homes. Mayor Truett stated his concern is that the large events are not matching the financial contributions for the park. CM McKay seconded the motion. Mayor Truett called for a roll call vote. Three votes aye. One vote nay. Motion passes.

VOTES	AYE	NAY	RECUSED	EXCUSED
Mayor Jim Truett		X		
CM Max Ferre'	X			
CM McKay	X			
CM Bill Wangsgard	X			

10-Discussion and/or action for payment on Kubota Tractor. Mayor Truett pointed out that the Kubota Tractor purchase was for the ice rink. Beckki and Wendy applied for a RAMP grant to cover the costs of the \$17,205 to purchase the tractor minus the trade in for the old tractor. The RAMP grant was approved. **CM McKay made a motion to approve the purchase of the Kubota Tractor.** CM Wangsgard seconded the motion. Motion passes.

VOTES	AYE	NAY	RECUSED	EXCUSED
Mayor Jim Truett	X			
CM Max Ferre'	X			
CM McKay	X			
CM Bill Wangsgard	X			
CM Bill White	X			

11-Discussion and/or action on Maintenance Shop Repairs – CM Ferre. **CM Ferre’ made a motion to approve the repairs for the maintenance shop.** CM McKay seconded the motion. All votes aye. Motion passes.

VOTES	AYE	NAY	RECUSED	EXCUSED
Mayor Jim Truett	X			
CM Max Ferre’	X			
CM McKay	X			
CM Bill Wangsgard	X			

12-Discussion and/or action on Plow Truck and Sander Repair. CM Ferre’ reported that \$9,384.09 was spent on the sander. The repair of the outside and inside of the plow truck was a total of \$3,425.00. **CM Ferre’ made a motion to approve the expenditure of \$9,384.09 and \$3,425.00.** CM McKay seconded the motion. All votes aye. Motion passes.

VOTES	AYE	NAY	RECUSED	EXCUSED
Mayor Jim Truett	X			
CM Max Ferre’	X			
CM McKay	X			
CM Bill Wangsgard	X			

13-Discussion and/or action on contract for Cemetery Fertilization – CM Ferre. CM Ferre’ made a presentation of the bids to fertilize the cemetery. This will not include mowing and edging. **CM Ferre’ made a motion to approve the Pack Attack contract. (See Attachment #1)** CM Wangsgard seconded the motion. All votes aye. Motion passes.

VOTES	AYE	NAY	RECUSED	EXCUSED
Mayor Jim Truett	X			
CM Max Ferre’	X			
CM McKay	X			
CM Bill Wangsgard	X			

14-Discussion and/or action on bids for road repair – CM Ferre’. CM Ferre’ stated today he was with a company that was getting their bid ready. He doesn’t have all the numbers yet, but the bids should be back within the next two weeks.

15 – Presentation of Candidates for consideration to fill Council Member vacancy. **Blake Bingham** wanted to express thanks to Bill White for all his service to the Town. He wanted to make sure that the Town Council was aware that there would no bad feelings on his part if he, Blake, wasn’t selected for the open Town Council position. He enjoys his work on the Planning Commission, but also would consider it an honor to serve on the Town Council if selected. He wanted to go over some of his qualifications. **(See Attachment #3).**

CM McKay wanted to ask Blake what his style of governance. He subscribes to a libertarian philosophy and believes that self-governance is the best kind of governance.

Richard Sorenson – Richard wanted to make a power point presentation. He talked about the letter submitted to the Town Council (**See Attachment #4**).³ His presentation centered around what the traits would be for a person to serve the remainder 8 months of an elected term. He showed several slides of his accomplishments on his last term on the Town Council.

Mayor Truett wanted to thank both Blake and Richard for applying for the vacancy.

CM McKay wanted to know when Richard was looking to retire as a pilot. She also wanted to know what the governing style is. He stated he is a strong property rights advocate and believed that most people should be able to do with their property what they want as long as it didn't infringe on safety.

Attorney Morris entered the meeting at 8:49 p.m.

Mayor Truett thanked the candidates for their presentations. He instructed the TC members to write down the name of the candidate they would like to see fill Bill White's position. Beckki collected and tallied the votes. The vote was confirmed by Attorney Morris. Beckki announced Blake Bingham as the majority vote.

CM Ferre' made a motion to appoint Blake Bingham to finish the remainder of the term ending in January 2019. CM McKay seconded the motion. Mayor Truett called for a roll call vote. All votes aye. Motion passes. Blake Bingham will be sworn in at the next Town Council Meeting.

VOTES	AYE	NAY	RECUSED	EXCUSED
Mayor Jim Truett	X			
CM Max Ferre'	X			
CM McKay	X			
CM Bill Wangsgard	X			

16. Consideration for Adoption:

a) Discussion and/or action on Ordinance 2019-3-28 Side Yard Regulations. Chairman Allen explained to the Town Council that the requirement of being 20 feet between two structures on different properties was removed. In essence, this protects the land owner from a neighbor who has encroached on the 10-foot set-back, allowing the land owner to use his land up to the 10-foot set-back, regardless of where the neighbor has built.

CM Ferre' made a motion to adopt Ordinance #2019-3-28. CM McKay seconded the motion. All votes aye. Motion passes.

VOTES	AYE	NAY	RECUSED	EXCUSED
Mayor Jim Truett	X			
CM Max Ferre'	X			
CM McKay	X			

CM Bill Wangsgard	X			
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b) Discussion and/or action on Ordinance 2019-4-18 Repealing Temporary Land Use Regulation. Mayor Truett made a motion to adopt #2019-4-18 repealing the temporary Land Use Regulation more specifically, repealing the ban on fractured ownership. CM McKay seconded the motion. Mayor Truett called for a roll call vote. All votes aye. Motion passes.

VOTES	AYE	NAY	RECUSED	EXCUSED
Mayor Jim Truett	X			
CM Max Ferre'	X			
CM McKay	X			
CM Bill Wangsgard	X			

17. Review and Approval of the Following Action Items/Council Member Presentations:

a) IT Services for Huntsville Town - Mayor Truett discussed the idea of having an IT plan for Huntsville Town. He is on the Weber Fire Board and received a reference for a company that may be able to help us with emails, firewalls and networking services.

b) Grants - Mayor Truett advised the Town Council that they needed to advise Kay of any grants that are written so that she can be aware of any money that may be coming in.

c) Capital Projects Plan – Mayor Truett advised the Town Council members to think about the projects that need capitol funds for the next couple of years. There needs to be an update of the plan. As soon as they get their lists together, they can meet to put together a new plan.

c) Pineview Committee - Mayor Truett stated there was a meeting at the Town Hall today with the new concessionaire for the Forrest Service. It is Mike Haun. They are taking over for American Land and Leisure. Mayor Truett states the contract will be finalized in the next couple of weeks. They plan on opening Pineview on May 1st.

d) Dave Booth Property – Chairman Allen wanted to make the TC aware that there were many Land Use permits that have been obtained and expired. One example is the Dave Booth property. Chairman Allen stated that the property had been zoned commercial a couple of years ago, but nothing had been developed. Attorney Morris stated the Council needed to look at the ordinance to see if it had a reversion clause. Beckki will pull the ordinance. She stated that Dave Booth was invited by Sandy to be on the Planning Commission agenda for the next meeting.

e) Boundary Line Adjustment – Jennifer Sorenson was here tonight to see her Boundary Line Adjustment ratified. Beckki didn't add it to the agenda. Attorney Morris stated that it needs to be on the agenda for the council to act on it. Later in the meeting, Beckki pointed out that the Boundary Line Adjustment had not been through a public hearing. That hearing was set for the Planning Commission Meeting this month. The

meeting will be held April 25th, 2019. The TC could take action on her Boundary Line Adjustment at the May 2nd meeting.

f) Discussion and/or action on the digitizing of the Library for the Huntsville History Department. CM McKay stated she is applying for a grant, but Huntsville Town will have to match funds up to \$7500. She stated the cost to digitalize the library, it will cost about \$30,000. She wanted to make sure the Town Council was okay with preserving Huntsville’s records in a digital form. Both CM Ferre’ and Mayor Truett stated Huntsville needed to preserve it’s heritage. CM McKay commented that next year she would like to see a RAMP grant to cover the costs of some of the repairs to the history building. **CM McKay made a motion to approve a dollar amount up to \$7500 to guarantee the grant they are going to apply for by April 26th.** CM Ferre’ seconded the motion. Mayor Truett called for a roll call vote. All votes aye. Motion passes.

VOTES	AYE	NAY	RECUSED	EXCUSED
Mayor Jim Truett	X			
CM Max Ferre’	X			
CM McKay	X			
CM Bill Wangsgard	X			

g) Backhoe – CM Ferre’ explained the large backhoe that is used for digging the graves at the cemetery is inadvertently causing damage to some of the headstones that are so close together. He would like to find a way to rent a smaller backhoe for this job. It costs about \$200 a day to rent one from the South Fork Mercantile. Chairman Allen stated that he believed it was hard to use the smaller backhoe because it isn’t big enough to be able to dump the dirt into the dump trunks. Mayor Truett stated he thought it was a good item for a capital projects list.

h) Pickleball Court lighting – CM McKay stated they have a little money left for the Pickleball Court grants. She said that lighting would be great. She had been working with the Hyde’s on the type of rating that would be appropriate. Jennifer Sorenson stated she isn’t opposed to the lighting but the sound of the Pickleball courts are loud. She thought the noise after 10 p.m. would be a problem. CM McKay stated that she thought they could put in a sound barrier that would help. Some of the extra money could be used to soften the sound. CM Ferre’ suggested landscaping would be nice for the Pickleball Courts.

i) Huntsville Water Works Board - CM Wangsgard reported Lewis Johnson is the new Water Board President. Gary Probasco is the vice president. Scott Richardson, CM Wangsgard and Mark Evan were voted in as members.

j) The Huntsville Town Clean-up will be on May 11th.

k) The Mosquito Abatement District has a new director, Keith Hill. Keith has written a letter (See Attachment #5). CM Ferre’ suggested that this should go in the water bills.

l) Huntsville Entry Sign on 1st Street - CM Wangsgard reported that the Eagle Scout project of expanding the sign into Huntsville Town is underway. The Council should have a report at the next meeting.

18-Approval of the Bills, February 2019. **CM Ferre' made the motion to approve the February, 2019 bills.** CM Wangsgard seconded the motion. Roll Call votes. All votes aye. Bills for January 2019 are approved.

19-Approval of the Bills, March 2019. CM Wangsgard made the motion to approve the March 2019 bills. CM McKay seconded the motion. Roll call vote. All votes aye. Motion is approved.

20-Citizen Comments-

Blake Bingham made comments regarding the water rights. There is a provision in the Utah State Statues that allow public water suppliers to be immune from accusations of forfeiture. The demand for water rights in the valley and in Utah is beginning to grow. Blake states that there could be some large water companies in Weber Basin or Ogden City who are looking to challenge the rights and corps of smaller companies. Huntsville Town Water Works falls into one of those small companies that may be easy to prey upon and the bigger companies would like nothing more than for our water to go into Pineview or stay in Causey. The Water Board is exploring a situation, so the Town could actually take ownership of the water rights, but the Huntsville Water Works could operate independently. The water rights would then be protected from bigger companies in Weber Basin. Currently the Water Works is making the adjustments and doing the work that would facilitate this relationship. They will need to meet with the Town Attorney at some point to formalize this relationship. Attorney Morris responded that he would be willing to meet.

Bill White wanted to thank Blake for stepping up to the plate and filling his Town Council Seat. He believes Blake will do an excellent job representing his interests in the Town.

21-Adjournment of the meeting. **CM Ferre' motioned to adjourn the meeting.** CM Wangsgard seconded the motion.

Meeting is adjourned at 9:30 p.m.

Beckki Endicott, Recorder

SERVICE CONTRACT AND FEE AGREEMENT

I, THE UNDERSIGNED, Mayor, acting for and in behalf of Huntsville Town, Utah, (hereafter "Town"), does hereby employ and retain Pack Attack Lawn, LLC, (hereafter "Contractor") for certain serviced described herein.

The Parties hereby agree to this Service Contract and Fee Agreement (hereafter "Agreement"), with the following terms and conditions:

1. **Contractual Relationship.** The Town and Contractor enter this Agreement effective on the date indicated below. Contractor and Town agree and understand that the Contractor will remain an "Independent Contractor" during the course of this Agreement. As such, Contractor is not entitled to any employment benefits, including but not limited to, unemployment, sick leave, worker's compensation, or similar benefit. Town shall provide Contractor with an IRS Form 1099 for similar earning statement for tax purposes, and Contractor is responsible to pay all income and other employment related taxes for services performed under this agreement.
2. **Appointment and Services.** Contractor, including its employees, associates, providers, and agents, are hereby retained for the by the Town to provide the services outlined herein in Paragraph 4 below.
3. **Duration.** This Agreement valid and legally enforceable until terminated by either Party. Either Party may terminate this Agreement by giving sixty (60) days' notice to the other.
4. **Scope and Compensation.** Compensation for services rendered by the Contractor under this Agreement shall be paid as follows:
 - a. **Park and Soccer Field**
 - i. Mow and trim per time, includes sprinkler adjustment \$465.00
 - ii. Fertilize/weed and feed four (4) times per year \$6,560.00
 - iii. Spring start up/winterize \$1,140.00
 - iv. Aerate one (1) time \$805.00
 - v. **Total for Park and Soccer Field (21) week season: \$20,125.00**
 - b. **Town Hall**
 - i. Mow and trim once per week, twenty-five (25) weeks \$47.00
 - ii. Fertilize/weed feed four (4) times per year \$296.00
 - iii. Spring start-up/winterize \$140.00
 - iv. Aerate \$72.00
 - v. **Total based for season: \$1,683.00**
 - c. **Aldous Cabin, and History Building**
 - i. Weekly mow, edge, trim, and blow (25) weeks \$55.00
 - ii. Fertilize lawn with weed control (4) times \$88.00
 - iii. Aerate lawn \$87.00
 - iv. System start up, run through system, head adjustment \$65.00

- v. Sprinkler winterization blow out lines, turn off main \$75.00
- vi. Sprinkler system repair, at \$55.00 per hour, plus parts \$0.00
- vii. **Total based for season: \$1,954.00**

d. Huntsville Cemetery

- i. Fertilize lawn with weed control (4) times \$6,788.56

5. **Compensation Increases.** Contractor understands that any compensation modifications other than those in this Agreement must be made in writing signed by both Parties before taking effect.
6. **Liability.** Contractor shall maintain general liability insurance policy with a minimum coverage of \$1,000,000.00, and shall annually provide to Town a copy of the Contractor’s policy coverage showing the Town as an additional insured.
7. **Employment.** Contractor is responsible for the acts and omission of Contractor’s employees, providers, and agents, and shall hold the Town harmless for the same.
8. **Modification and Entirety.** Any amendment, modification, or clarification to this Agreement shall be made in writing between the Town and Contractor.
9. **Rules of Construction, Conflict, and Severability.** This Agreement shall be construed as follows:
 - a. This Agreement shall be governed by the laws of the State of Utah.
 - b. Standard rules of construction for contracts, as well as the context of this Agreement, shall be used to determine the meaning of the provisions herein.
 - c. Headings are used for conveniences purposes.
 - d. If any provision (article, sentence, clause, phrase, or portion) of this Agreement, including but not limited to any written amendments, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Agreement. It is thus the intention of the parties that each provision of this Agreement shall be deemed independent of all other provisions herein.

FOR HUNTSVILLE TOWN:

FOR CONTRACTOR:

JIM TRUETT, Mayor

Pack Attack Lawn, LLC, Contractor

Date: _____

Date: _____

ATTEST:

Town Clerk

Blake W. Bingham
581 S 7700 E
Huntsville, UT 84317

April 3, 2019

Huntsville Town
Attn: Mayor James A. Truett
P.O. Box 267
Huntsville Town, UT 84317
mayor@huntsvilletown.com

Re: Letter of Interest for Interim Appointment to the Huntsville Town Council

Dear Mayor Truett:

The resignation of Bill White from the Town Council is an unfortunate—but understandable—turn of events for the Town. Bill was a capable, competent, and dedicated Councilmember who served with great distinction. Obviously, the attempt to replace his unique skill set and keen insights will inevitably fall short of the mark—regardless of who is selected as an interim appointee.

With that understanding, I humbly submit this letter of interest for your consideration. Although my limited tenure as a Town resident may cause some to question my suitability for the appointment (including myself), I feel that my service on the Planning Commission and Water Committee—coupled with my love for this Town—help to bridge some of that gap.

I also want to reiterate that regardless of the outcome of the selection process, I remain willing to serve in any capacity needed by the Town—whether or not it's under any official designation or title. Thank you for your consideration.

Respectfully,



Blake W. Bingham

Attachment: Professional Resume
By e-mail
Cc: Beckki Endicott

Richard L Sorensen

rsor@msn.com

Mayor Jim Truett and Town Council Members
Huntsville Town
Huntsville, UT 84317

April 1, 2019

Mayor Truett and Council Members,

I am formerly submitting this letter of application for the vacant town council position. With just over 8 months left in Councilman White's term, it is important to have someone who can step up on day one and begin doing the work of the town. I regularly attend town council/planning commission meetings, listen to many of the meetings that I cannot attend, and feel that I am generally up to speed on many of the issues currently facing the town.

After serving for eight years on the council, I took a few years off and am ready to get back to work in assisting you and the other council members in keeping Huntsville a great place to live and visit.

As you know, there is a steep learning curve with town government. The Utah League of Cities and Towns offers a great training program; unfortunately, it is held biennially and at the first of the year. Absent this training, a new council person will be severely handicapped.

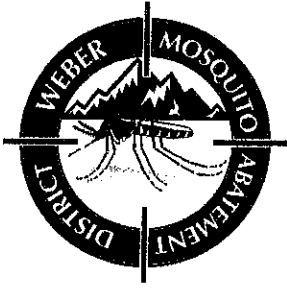
We accomplished great things together and I look forward to accomplishing even more. Here are just a few of the many things we accomplished:

- Valley School Property purchase
- New town shed
- Extensive RAMP grant funding for parks and recreation along with subsequent improvements
 - Baseball diamonds and backstops, park leveling and reseeding, ice rink improvements, tractor and implements, Ice Shack building, etc.
- Governmental transparency improvements
- And much, much more.

I can provide you with a resume or more of my work experience and education if you need it.

Sincerely,

Richard L. Sorensen



Weber Mosquito Abatement District

Keith Hill, Director

505 West 12th Street, Ogden, Utah 84404

Office (801) 392-1630 Fax (801)393-9399

www.webermad.org

With the mosquito season in full swing the Weber Mosquito Abatement District would like to remind you to do your part and keep family, neighbors and yourself safe, inspect your yard often and change or drain any sources of water. Sources of water may include bird baths or fountains, rain gutters, plant sources, tree holes and stumps, open trash or recycling bins, ponds, kiddie pools, pet dishes, old tires, buckets, wheel barrows & wagons, toys, neglected swimming pools or overwatered lawns and gardens. If you need additional help, contact the Weber Mosquito Abatement at mosquito@webermad.org or by phone at (801) 392-1630. Thank you.